

STATE OF ILLINOIS  
83RD GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

122nd Legislative Day

May 22, 1984

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend John C. Martin. Would the unauthorized personnel please leave the floor? We shall be led in prayer today by Reverend John C. Martin, Pastor of the Island Grove United Methodist Church in Berlin, Illinois. Reverend Martin is a guest of Representative Josephine Oblinger. Would the guests in the gallery please rise to join us in the invocation?"

Reverend Martin: "Mighty and ever present God, once again, we ask Your divine blessings upon this Assembly. As we begin our work together, grant us of Your wisdom and help us to have the courage to act with integrity in the fulfilling of our obligations and responsibilities to represent those we have been honored to serve. May our actions ever reflect our best efforts as we seek to continue to govern well and justly. May we work together this day with dignity and respectful cooperation, strengthening our democratic form of representative government that has made our land a model of freedom and opportunity. May we continue to share Your blessings. Amen."

Speaker Madigan: "We will be led in the Pledge of Allegiance by Representative Ropp."

Ropp - 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 Madigan: "Roll Call for Attendance. Mr. Greiman, are there any excused absences?"

Greiman: "Yes. Mr. Speaker, Representative Taylor should be noted as excused."

Speaker Madigan: "Let the record reflect that excused absence."

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Mr. Vinson, are there any excused absences?"

Piel: "Mr. Speaker, there are no excused absences at the present time."

Speaker Madigan: "Have all recorded themselves who wish to be recorded? Is there some reason why we should not take the Roll Call? Oh, are there keys missing from desks? I see. Certain keys are missing from desks. Have all recorded themselves who wish to be recorded? Does everyone have their voting key? The Clerk shall take the record. There being 113 Members responding to the Roll Call, there is a quorum present. Mr. Clerk. Agreed Resolutions. For what purpose does Mr. Vinson seek recognition?"

Vinson: "Representative Harris should be excused today."

Speaker Madigan: "Let the record reflect the excused absence of Representative Harris. Agreed Resolutions."

Clerk O'Brien: "House Resolution 963, by Speaker Madigan, and House Resolution 964, Matijevich - et al."

Speaker Madigan: "Mr. Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, House Resolution 963, Madigan, recognizes the year 1984 as the 250th Anniversary of the birthday of Major-General Arthur St. Clair and recognizes his important contributions to this country. House Resolution 964, Matijevich, recognizes Cecil and Gertrude Miller for their...being recipients of an award by the Waukegan Exchange Club. I move for the adoption of the Agreed Resolutions."

Speaker Madigan: "Is there any discussion? Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Mr. Clerk. On page 23 of the Calendar on the Order of Motions appears Senate Joint Resolution 82, Mr. Terzich."

Terzich: "Yes, Mr. Speaker, I'd like to waive the necessary rules to have immediate consideration to hear House Resolution

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82, so that may... it may... and waive the posting requirements, so it may be heard in the Executive Committee tomorrow morning."

Speaker Madigan: "Mr. Terzich has moved to suspend the posting requirements to permit the House Executive Committee to hear SJR 82 tomorrow at 8:00 a.m., and on that question, the Chair recognizes Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think it's perhaps unfortunate that we would open this week with a Motion of this nature. In the first place, if you look at your Calendars, we have a great number of truly pressing issues that we ought to be dealing with. What this Motion is is an effort to bring another issue to the House floor quickly. Now the substance of the Gentleman's concern, the need for studying the high school dropout issue among hispanics, is a very legitimate issue. It is something the Superintendent of Education - it is something the Education Committees of the House and the Senate ought to be legitimately concerned with and ought to be working on. But Mr. Speaker and Ladies and Gentlemen of the House, we have demonstrated, time and time again, that commissions are not the right format for dealing with these issues. Time and time again, we have discovered reports not being filed by commissions. We have discovered abuses in the commission structure. Mr. Speaker, Ladies and Gentlemen of the House, we need not create a new commission for this purpose. Now, I would support the Gentleman, and I believe most people here would support the Gentleman if he chose to change his approach and to create a Joint Committee. If he's chose to change his approach and have the committees of the two Houses study the problem, or if he's chose to change his approach and to have the Superintendent of Education conduct a special study of the

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problem. But the voters - the taxpayers back home know that commissions are bad, and this is a proposal for special treatment for a new commission. And for those reasons, I rise in opposition to this Motion at this time."

Speaker Madigan: "Mr. Davis."

Davis: "Well, Thank you, Mr. Speaker. I rise to echo Representative Vinson's remarks. The Republican party is interested in the same efforts that the Speaker has shown during the Latino community's visit to Springfield some weeks ago, when the Speaker stood in that rostrum and discussed it. I listened to everything that he had to say. I endorse Representative Terzich's idea, and Representative Berrios' ideas, and I think it's a subject dear to all of our hearts, particularly, my own coming from Will County which has a large Latino community. I'm as interested as anybody is in the subject, but we had ought not do this. I think Representative Vinson was absolutely correct. We will support and be delighted to support Representative Terzich or anyone else who brings forth the Resolution for a Committee study of the House or to direct the State Board of Education to this very important topic of dropouts in the school areas by the minority communities. But it just appears to us that we're embarked on a course in this House of strengthening good government in the commission area and finally doing something about this abuse to the system. And this - just simply, we're going to have leave to hear a Resolution that creates another commission, with public members, with legislative Members and it's just absolutely the wrong approach. I would recommend to the Sponsor he take this out of the record hurriedly and can be done quickly - draft another Resolution for a Joint Committee of the House and Senate or for a Resolution to direct the State Board of Education to conduct this study under our

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auspices, whatever he may choose to do, and we can happily support it. But our posture on the Republican side is not to support the creation of new commissions at this point in time, while the debate rages on whether to do away with the old. So, I would recommend a 'no' vote on the Gentleman's Motion, because we think the approach is wrong, but the idea is right."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes. Thank you, Mr. Speaker and ladies and gentlemen of the House. Mr. Speaker, apparently the Republicans are practicing their speech against the commissions. And it's nice to have a practice speech every once in a while - work out the kinks. Unfortunately, they have chosen the wrong Bill to give the speech on. They should, I think, realize that, as far as I can tell, this is a task force on hispanic student dropouts. They're going to investigate the problem and report back to the General Assembly. And I think that although it's nice to hear those speeches, there will be a time they'll be more appropriate, and perhaps, we can all on this side join in on those speeches, but this is not the appropriate Resolution to give that speech. I think that the Members of the House should approve the Motion."

Speaker Madigan: "Mr. Berrios."

Berrios: "I rise in support of Representative Terzich's Motion because of the fact that what we are doing is setting up a state task force to study the hispanic student dropout problem, which some of you may or may not know by a report filed by Father 'Kyle', showed that the hispanic dropout in the city was over fifty percent. Now, if you want to keep spending state money on education and have it go down the drain, vote against this Bill. The other thing is that this task force is suppose to report back to the

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Legislature by November 15, 1984. There is no money involved in this. There is no appropriation, as everybody knows. So what we're trying to do is set up the task force to study the hispanic dropout problem, quit wasting state money and put it to its use to educate our kids. Thank you."

Speaker Madigan: "Mr. Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I think across this state, the efforts of the Republican Policy Committee and the comments of this Speaker - yes, you Mr. Speaker, have been heralded by the press in regard to doing away with commissions. This state and its citizens and its taxpayers are ready to have us reform the system. And now, Mr. Speaker, we have a Motion here to set up a task force, which we all know is just another name for a commission, to continue the same expansion that we have had here for years. This is not going to play well with your press. It's not going to play well with your taxpayers because there are many other ways to achieve the same end. We have Committees on Education. They can conduct such a study. You, Mr. Speaker, have created task forces on hazardous waste, workmen compensation, unemployment compensation and on small business and many other things without ever coming to this House for support or for a Resolution, then do it yourself. Let's stay with our reform efforts. Let's don't adopt this Motion to create another commission or, if you will, a task force."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in order to compliment the Sponsor of this worthy undertaking, but I do wish to rise in the criticism of the form that he's taking. If we're going to suddenly change our means and start talking about commissions as

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task forces or by any other name, the people of the State of Illinois made very clear that they want us to clean up our own house. It's a very serious matter - the dropouts of these people. Education is the most important matter for our young people. It is far too serious to be dealt in the kind of political atmosphere that creating a task force or a commission would create. The goal is worthy. The means of getting there is not. I rise and ask folks to vote 'no' on this Motion."

Speaker Madigan: "Mr. Terzich. Mr. Terzich to close."

Terzich: "Well, Mr. Speaker, again, as I said, knowledge is no burden, I mean what the heaven, that all we're asking for is simply to suspend a rule to hear the Bill in Committee. We're not voting on this Resolution. It may not even get out of the Executive Committee because we really and truly scrutinize all of these pieces of legislation and only put out good stuff out of the Executive Committee. So I would appreciate support to suspend the rules so that we may hear this type of legislation in the Executive Committee tomorrow morning at 8:00 a.m."

Speaker Madigan: "The question is, 'Shall the House adopt Mr. Terzich's Motion to suspend the posting requirements to permit the House Executive Committee to hear SJR 82 in Committee tomorrow morning at 8:00 a.m.?' Those in favor of Mr. Terzich's Motion shall vote 'aye', those opposed shall vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? This Motion shall require 70 votes. It is a suspension of the posting requirements. Have all voted who wish? The Clerk shall take the record. On this question, there are 56 'ayes', 44 'nos'. The Motion fails. On page 22 of the Calendar on the Order of Motions, there appears a Motion relative to House Bill 91, Mr. McAuliffe."

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McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, I make a Motion to move to take from the table and place on the Order of Second Reading, House Bill 91."

Speaker Madigan: "Mr. McAuliffe, would you repeat your Motion?"

McAuliffe: "Take from the table and place on the Order of Second Reading, House Bill 91."

Speaker Madigan: "Fine. Mr. McAuliffe has moved that House Bill 91 be taken from the table and placed on the Order of Second Reading. Mr. Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor indicates that he will yield."

Cullerton: "Is this another commission Bill?"

McAuliffe: "No."

Cullerton: "Okay. Thank you."

Speaker Madigan: "The question is, 'Shall the Gentleman's Motion to take from the table and place on the Order of Second Reading be adopted?' Is there a leave? Leave is granted. The Motion is adopted. And let the record reflect that that is leave to use the Attendance Roll Call. Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 1474, a Bill for an Act to amend Sections of an Act making appropriations for certain officers and agencies. First Reading of the Bill."

Speaker Madigan: "On page two of the Calendar on the Order of House Bills Second Reading Short Debate Calendar, there appears House Bill 968, Mr. Stuffle. Is Mr. Stuffle in the chamber? Mr. Stuffle. House Bill 1726. Mr. Terzich, we shall take this out of the record temporarily because the Bill is on a Special Order of Call for the day. We shall return it at the time of the Special Order. So this Bill shall be taken out of the record. House Bill 2736, Mr. Richmond. The Gentleman indicates he does wish to call his Bill. House Bill 2858, Mr. Homer. 2858, Mr. Homer."



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It's an Amendment to the Retailers' Occupation Tax Act. Let me point out to you, Mr. Homer, we now have four days left to consider these Bills, which means that this Bill must move off the Order of Second Reading sometime before Thursday, or on Thursday. Thank you. House Bill 3091, Mr. Ryder. Mr. Ryder, do you wish to call 3091? House Bill 3091. It's an Act concerning business assistance. The Gentleman indicates he does not wish to call his Bill. House Bill 3141, Mr. Kirkland. The Gentleman indicates he does not wish to call his Bill. House Bill 713. The Gentleman indicates he does not wish to call his Bill. House Bill 1004, Representative Younger. The Lady indicates she does not wish to call her Bill. House Bill 1211, Mr. LeFlore. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1211, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. Amendment #1 and 2 were adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #3, Vinson, amends House Bill 1211 as amended."

Speaker Madigan: "Mr. Vinson. Mr. Vinson on Amendment #... Mr. Clerk, is this Amendment #2 or Amendment #3?"

Speaker Madigan: "Yes, Mr. Vinson on Amendment #3."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. The purpose of this Amendment is to put the General Assembly in a posture where we are not, and I repeat, not saying that there should be pension credit for time in which the Chicago Teachers were on strike last year. I do not believe that this Assembly ought to take the posture that we are going to protect public employees who are striking from the results of that striking, when

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that striking involves a loss of pension benefits. And what this does is to amend the Pension Code and the School Code to require that the Board of Education of a school district decide whether state aid and pension credits would be provided during the time of a labor strike. I would urge the adoption of the Amendment. It is a necessary tool of discipline for the Chicago Board of Education."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor of the Amendment indicates he will yield. Mr. LeFlore. Would you turn on Mr. LeFlore?"

Cullerton: "Well, the Sponsor of the Amendment is Representative Vinson."

Speaker Madigan: "You're correct, Mr. Cullerton. Mr. Vinson."

Cullerton: "Representative Vinson, this Amendment also amends the School Code. Does it not?"

Vinson: "Yes, Sir."

Cullerton: "And it provides that school boards who approve such lost time would forego a part of certain state aid."

Vinson: "Yes. That's correct."

Cullerton: "What's the purpose of that?"

Vinson: "To suggest to them that they ought not do that."

Cullerton: "And why..."

Vinson: "It's a carrot for good behavior."

Cullerton: "Why do you want to penalize the children who live and go to school in a particular school district because of the action taken by the Board of Education relative to labor disputes? Why you want to penalize the children?"

Vinson: "I would not... I would not want to do that. I think the existence of that provision in the law would mean that the credits would not be advanced. That would mean that more tax resources were available for the legitimate problem, and it would discourage the kind of labor activity

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that was involved last year."

Cullerton: "Well then, you are opposed to the Bill if this Amendment doesn't get on. Is that Correct?"

Vinson: "Yes, I believe that would be my posture."

Cullerton: "Well, I assume..."

Vinson: "Of course, there might be other Amendments go on later that would change my posture on that."

Cullerton: "I would assume, Mr. Speaker and Ladies and Gentlemen of the House, that Representative LeFlore would be opposed to this Amendment if, whatever your position is on this Bill as amended, if you're in favor of the Bill, you would have to be opposed to this Amendment because it, in effect, means that the... in effect, guts the Bill. If you are oppose to the Bill, I would suggest you vote against the Bill on Third Reading and not even support the Gentleman's Amendment."

Speaker Madigan: "Mr. Levin."

Levin: "Would the Gentleman yield?"

Speaker Madigan: "The Sponsor indicates he will yield."

Levin: "Okay. Representative Vinson, this Amendment would only apply to the Chicago Board of Education and to this specific situation. Is that correct?"

Vinson: "Yes, Sir, that is correct. That's all the Bill applies to."

Levin: "Okay. So, it would... Is there a similar provision in effect now in terms of school strikes elsewhere in the state?"

Vinson: "No. Would you like to broaden it?"

Levin: "No. I wouldn't like to broaden it, but why are you singling out one particular school district for one particular event in the past, not even in the future? And, you know, not including everybody."

Vinson: "Well, I'm glad you asked that question, Representative,

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I think that's an important question that goes to the core of the issue. I believe you might recall that approximately four years ago, the Chicago school system went through a very severe financial crisis that resulted from a lack of fiscal self-discipline and managerial self-discipline. Now, this year, the controls necessary...that the legislature found necessary to straighten out the school board substantially, are sunsetted under state law. Members of this Assembly introduced legislation to retain those carrots for good management and fiscal discipline, and those Bills have been defeated at this stage in the process. Now, Representative Levin, I'm sure that you care about the fiscal stability and the managerial effectiveness of the Chicago school system. And I'm sure that you recognize that the past record of that system has not been very good. I... I suspect that you recognize the need, particularly given the current fiscal situation of that Board, to try to resolve their problems, and I would suggest to you that this is a carrot for good management that will help them do that. We ought to continue to concern ourselves with the entire school sys... the Chicago school system problem because at this stage, we don't know where the money is to operate that system for next year, given the agreements they have enter into. And yet, we're in a position where the fiscal constraints and the managerial constraints largely disappear this year. This is an attempt to try to make it clear that that problem continues - that that problem persists, and that this Assembly ought to address itself to that problem rather than just to leave the Board to go on its way with profligate habits and with a failure to address the need for fiscal constraint in the system."

Levin: "One further question, and just please answer yes or no.

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Does this affect Title I funding, your Amendment?"

Vinson: "Representative, I do not know."

Levin: "I believe it does. To the Bill. To the Amendment, Mr Speaker. Last year we passed, overwhelmingly, collective bargaining legislation for the schools in this state, and I would guess that probably the Sponsor of this Amendment did not vote for that legislation, but we've put ourselves on record in favor of collective bargaining. This... You know, this Amendment flies in the face of everything we've done - we've set up in terms of procedures. It singles out a particular situation that occurred in the past, which I don't think you can constitutionally do. It's just a slap at the labor union movement, generally, and I urge a 'no' vote."

Speaker Madigan: "Mr. Kulas."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wish the Sponsor of this Amendment would care as much about the schools in his district then he does about the City of Chicago. This is obviously a blatant attempt to gut the Bill. And I would urge everyone to vote 'no' against this Amendment."

Speaker Madigan: "Mr. LeFlore."

LeFlore: "Mr. Speaker, will the Sponsor of the Amendment yield to a question?"

Speaker Madigan: "The Sponsor indicates that he will yield."

LeFlore: "Mr. Vinson, what affect will this have on the school formula?"

Vinson: "It won't affect the formula. It would affect whether the amounts payable under the formula would be paid, but it does not affect the formula."

LeFlore: "Would it have any affect on the Title I Formula?"

Vinson: "Representative, I responded to Mr. Levin on that. I... The answer... My answer is, I don't know. My recollection

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of the situation is that the Title I funding comes from the Federal Government, and that the Amendment deals with state funding. Now there is a factor in the state formula that relates to Title I students, and in that respect, it would affect that kind of Title I funding, but I don't believe it would affect the Federal Title I funding, but again, I'm speculating."

LeFlore: "Why would you want to put such a penalty on the retirees, people who are due to retire in '64 and '65, in the City of Chicago? They wasn't responsible for not having enough money funded from the state in order to curtail the strike. Now, we're only asking fourteen days to be made up during this period of 1963-64 funding. Now, what is your position on that?"

Vinson: "Well, Representative, my position is simply this, my position is that public employees ought not get public benefits unless they have done public service, and during those fourteen days when they were on strike, they weren't doing public service. And for that reason, they ought not be entitled to public benefits. And what your Bill does, absent my Amendment, is to give them public benefit. I don't believe we ought to do that."

LeFlore: "To the Bill... To the Amendment, Mr. Speaker. I will recommend to the Members of the House to oppose the Representative's Amendment, because I feel that it's unfair to the teachers of the City of Chicago, especially those who is ready for retirement at this time. Thank you."

Speaker Madigan: "Mr. Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Gentleman from DeWitt yield for a question?"

Speaker Madigan: "The Gentleman indicates he will yield."

Bullock: "Representative Vinson, could you cite for me a

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precedent for the proposition you're advancing on the floor here today?"

Vinson: "That people shouldn't get paid unless they do work. I think that John... wasn't it John Smith who said, 'No work - no food'?"

Bullock: "Mr. Vinson, you're being very glib and you avoided my question. We're addressing the Amendment which is before the Body. And the Amendment, quite frankly, Mr. Vinson, is unprecedented. You know it's unprecedented. You couch it in some extremist, far right language when, in fact, you know this is an anti teacher Amendment. This is an anti taxpayer Amendment. It's a destructive Amendment and I'm surprised, Representative Vinson, that you don't come up and bring the truth to this Body. Ladies and Gentlemen of the House, I'd like to address the Amendment, which Representative Vinson is offering to House Bill 1211. We've had strikes throughout the State of Illinois in education on many occasions, and we, in this Body, have never seen fit to come forth and retroactively punish the entire school system in the State of Illinois in a manner in which Representative Vinson is proposing to do. If you support your local school system - if you support public education - if you support employees in the school system, and especially the teachers in our school system, you'll vote 'no' on this Amendment. If you are against the teachers, and if you want to do harm and damage to the public school system in the State of Illinois, you'll vote 'aye' on this Amendment. There is no way of defining it any better. It's very clear. Representative Vinson is attempting to destroy legitimate bargaining in the State of Illinois for public employees - is attempting to do harm to the public school children. He's attempting to do harm to public school teachers with this Amendment. No more, no

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less. It's a bad Amendment. We ought to vote it down. Representative Vinson should withdraw it, at the very least out of the dignity and respect for public school employees, teachers and children. Mr. Speaker, I urge a 'no' vote."

Speaker Madigan: "Is there any further discussion? Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Vinson, and without being personal about this, there are some Members who don't have an awful lot of legislation which they are interested. Representative LeFlore is interested in this Bill. It is an important issue for him. If you oppose the Bill, then vote against it on Third Reading. But this Amendment, Representative Vinson, it seems to me, it's no more and no less than some more of your devilment. To use the term, you have been a whirling dervish in this regard on this floor. You come up with an imagination that seems to have no bounds, and this Bill, it seems to me, is a product of a fertile imagination, but one which does not relate to this legislation, which is destructive and which ought to be defeated. It is not serious, and you know it's not a serious Amendment. It is not intended... Oh, straight face now. It's not a serious Amendment. I would strongly urge a negative vote on this Amendment. In the meantime, Mr. Speaker, I would ask for a ruling whether or not this Amendment is germane."

Speaker Madigan: "There is a question of germaneness of the Amendment to the Bill. The Parliamentarian will examine the Amendment relative to that question. In the meantime, the Chair recognizes Mr. Stuffle. Mr. Stuffle."

Stuffle: "Will the Sponsor yield to a question?"

Speaker Madigan: "The Sponsor indicates that he will yield."

Stuffle: "Representative, I'm confused, which isn't the first



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time, but I been off the floor. I want to ask you, I've heard no one speak to the issue, but what change does the language change you make do to the Title I Section of the school aid formula, which I note it is amended in the Bill, aside from what you're trying to do between the relationship of pension payments and school aid payments?"

Speaker Madigan: "Mr. Van Dwyne."

Van Dwyne: "I move the previous question, Mr. Speaker."

Speaker Madigan: "Mr. Stuffle, did you ask a question to Mr. Vinson? Mr. Vinson, do you wish to respond to Mr. Stuffle?"

Vinson: "I wonder if we could go on to another question, because I want to get the precise answer to this question. I believe I know what it is, but I want to be precise on it."

Stuffle: "Oh, of course, we know you want to be precise."

Speaker Madigan: "So, we shall defer your answer. Representative Braun, the Parliamentarian has ruled that the Amendment is germane. And, since no one else is seeking recognition, we can all wait for Mr. Vinson to develop his precise answer. For what purpose does Mr. Stuffle seek recognition?"

Stuffle: "Perhaps, I can elaborate on my question and make his answer rather easier for the body. The question I ask, Representative, specifically, is with regard to the changes in Subsection N of 18-8 on page four and at the top of page five, wherein you strike existing language that we put in the law last year with regard to the '82-'83 Chapter 1, Education Consolidation Language Improvement Act, you put in the next year's Act, and you strike other language, and you make reference to the old hold harmless language that we had, but you used different years. What's the affect of that? I see Representative Hoffman there, studying it, because he's one of the two fathers of the existing law along with myself, and I think that there may be something

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more significant here than meets the eye."

Speaker Madigan: "Mr. Vinson."

Vinson: "Representative, I am advised, and you are a much better student of the School Code and the formula than I, but I am advised by other Members of this chamber who were also equally astute students of that subject, that that is just clarifying language - that the affect of the Amendment is to deny general distributive aid in the event that the Board authorizes pension credit for time off during strike. And that the specific language that you're referring to, which I believe, is at the bottom of page four and five, is just general clarifying language with that intent in mind."

Speaker Madigan: "For what purpose does Mr. Stuffle seek recognition?"

Stuffle: "I have another question or two of the Sponsor. It's concern... I understand the underlining purpose of what you're trying to do. If that's clarifying language, why do we change the date from '80 to '81? And does that fit the language of the Bill that we passed out of here, and I don't think it does, but it may, that Representative Bullock sponsored, House Bill 2600?"

Vinson: "I am advised that the key is that we want to deny the pension credit in the strike situation, that this is simply the Reference Bureau's conformance of the Amendment to the current statute."

Stuffle: "To the Amendment. I think that I can concur with you in part on the pension portion of the Bill. The problem is that number one, if you're trying to conform it to existing law, the existing law needn't be change. The existing law is there. I can't understand why we would change that unless we were trying to conform that part on Title I and Chapter I students to what we've already passed out of here. I can't recall the precise language, but I think it

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differs from House Bill 2600, which we sent to the Senate to clarify what happens this year with Title I's. Accordingly, I can't very well vote for this, unless I can be assured that they're the same, and we haven't been given that assurance. Even if that is merely a technical mistake it still is a mistake. It could be of major proportions, because we shifted millions of dollars last year and will this year by changes in the definitions of Title I and Chapter I students."

Speaker Madigan: "Gentlemen, are we prepared to go to Roll Call? So, Mr. Vinson has offered Amendment #3. Those in favor will vote 'aye', those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 42 'ayes', 55 'nos'. The Amendment fails. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Have the procedural requirements been satisfied?"

Clerk O'Brien: "State Mandates Act is filed and the pension impact note is filed."

Speaker Madigan: "Third Reading. House Bill 1302, Mr. Hannig. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1302, a Bill for an Act to amend Sections of the Coal Mining Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Hannig and Rea."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. This Amendment will delete everything after the enacting clause

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and basically, provide that when there is an inspection of the coal mine, that one member... one person representing the United Mine Workers may accompany the inspector and receive pay. Basically, this will parallel the federal law which is now in existence. It is agreed to by the United Mine Workers and by the co-operators. And I'm not aware of any opposition to the Bill, and I would move for its adoption."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 1663, Representative Currie. The Lady indicates that she does not wish to call the Bill. House Bill 2215, Mr. Bowman. This Bill shall be taken out of the record. For what purpose does Mr. Greiman seek recognition?"

Greiman: "Yes. Mr. Speaker, on 2211, which I know is on a Special Call, I did want to indicate for the record that the Secretary of State has not yet returned the request for a fiscal note, which I have asked for, and I just wanted that to be of record."

Speaker Madigan: "Thank you. House Bill 2279, Mr. Greiman. The Gentleman indicates he does not wish to call the Bill. House Bill 2321, Representative Topinka. Representative Topinka. Lady indicates she does not wish to call her Bill. House Bill 2323, Representative Braun. This Bill shall not be called. House Bill 2334. Mr. Cullerton, are we prepared with this Bill? Mr. Cullerton."

Cullerton: "Yes, Mr. Speaker, the Amendment is ready, but I would ask that we take it out of the record and come back to it, so that I can familiarize myself with the Amendment which

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was just distributed."

Speaker Madigan: "This shall be taken out of the record. House Bill 2350, Representative, Currie. Representative Currie. The Lady indicates she does not wish to call the Bill. House Bill 2386, Mr. DiPrima. The Gentleman indicates he does not wish to call the Bill. House Bill 2401, Mr. Vinson. The Gentleman indicates he does not wish to call the Bill. House Bill 2443, Mr. Woodyard. The Gentleman indicates he would like to call the Bill. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2443, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Madigan: "Mr. Clerk, are there any Committee Amendments?"

Clerk O'Brien: "Amendment #1 was adopted previously."

Speaker Madigan: "Is there a Motion?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any further Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Have the procedural requirements been complied with?"

Clerk O'Brien: "State mandates and the pension impact notes are filed."

Speaker Madigan: "Third Reading. House Bill 2671, Mr. Greiman. The Gentleman indicates he does not wish to call the Bill. House Bill 2674, Mr. Greiman. The Gentleman indicates he does not wish to call the Bill. House Bill 2713, Mr. Giorgi. The Gentleman indicates he does not wish to call the Bill. House Bill 2743, Mr. Richmond. You wish to call the Bill? The Gentleman indicates he does not wish to call the Bill. House Bill 2747, Mr. McAuliffe. The Gentleman indicates he does not wish to call the Bill. House Bill 2762, Mr. Mautino. Is Mr. Mautino in the chamber? House Bill 2763, Mr. Cullerton. Mr. Clerk, read the Bill."

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Clerk O'Brien: "House Bill 2763, a Bill for an Act to amend Sections of the State's Attorneys' Appellate Service Commission Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Breslin."

Speaker Madigan: "Representative Breslin on Amendment #1."

Breslin: "Withdraw Amendment #1, please. Withdraw Amendment #1."

Speaker Madigan: "The Lady requests leave to withdraw Amendment #1. Is there leave? Leave is granted. The Amendment is withdrawn. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 2906, Mr. Jaffe. Gentleman indicates he does not wish to call the Bill. Page four of the Calendar, there appears House Bill 2381, Mr. Hannig. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2381, a Bill for an Act to amend an Act concerning public utilities. Second Reading of the Bill. This Bill has been read a second time previously. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Hannig, amends House Bill 2381."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes. Thank you, Mr. Speaker, Members of the House. This is the Amendment that we were debating last Friday, and there seem to be some questions as to where and may or may not apply. I've spoken with Mr. Vinson, and his staff has advised me that they now have no problem with the Bill. I know of no other opposition to it, and I would now move for its adoption."

Speaker Madigan: "The Gentleman moves for the adoption of Amendment #1. Those in favor say 'aye', those opposed say

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'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 2797. The Gentleman indicates he does not wish to call his Bill. House Bill 3038, Representative Barnes. Representative Barnes. Lady indicates she does not wish to call her Bill. House Bill 3060, Mr. Marzuki. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3060, a Bill for an Act to add Sections to an Act ratifying and approving the Midwest Interstate Compact on Low Level Radiation Waste providing for administration thereof. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 3062, Mr. Ewing. Mr. Ewing. Is Mr. Ewing in the chamber? House Bill 3100, Mr. Tate. Do you wish to call your Bill? Mr. Tate."

Tate: "Mr. Speaker, I'm just waiting to have the Amendment that your staff is preparing, so I guess I'll take it out of the record again."

Speaker Madigan: "Fine. Thank you. Okay. Mr. Vinscn, I'm going to go back on the Order of Second Reading and pick up some Bills that were not called. So that the first one will be on page two of Calendar, House Bill 1726. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1726, a Bill for an Act concerning the cost of hospital services provided to public aid recipients. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Vinscn, amends House Bill 1726 on page one by deleting line 17 through 20 and so

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forth."

Speaker Madigan: "Who is the Amendment Sponsor? Mr. Vinson."

Vinson: "Mr. Speaker, I would ask leave to withdraw Amendment #1."

Speaker Madigan: "The Gentleman requests leave to withdraw Amendment #1. Is there leave? Leave is granted. The Amendment is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Terzich, amends House Bill 1726."

Speaker Madigan: "Representative Terzich on Amendment #2."

Terzich: "Amendment #2 is a technical Amendment which simply updates the statutory basis by changing the dates, and I would move for its adoption."

Speaker Madigan: "The Gentleman moves for the adoption of Amendment #2. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Vinson, amends House Bill 1726 on page one."

Speaker Madigan: "Mr. Vinson on Amendment #3."

Vinson: "Mr. Speaker, I would ask leave to withdraw Amendment #3."

Speaker Madigan: "The Gentleman requests leave to withdraw Amendment #3. Is there leave? Leave is granted. The Amendment is withdrawn. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Has the fiscal note been filed, Mr. Clerk?"

Clerk O'Brien: "The fiscal note is filed."

Speaker Madigan: "Third Reading. Okay. Fine. On the Order of House Bills Second Reading. Is there a leave that House Bill 1726 remain on the Order of the Short Debate? Leave is granted. On page three of the Calendar, there appears House Bill 2211, Mr. Greiman. Mr. Clerk, read the Bill."



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Clerk O'Brien: "House Bill 2214, a Bill for an Act regulating transactions involving rebuilt, restored and salvaged vehicles or vehicle parts. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Has the fiscal note been filed?"

Clerk O'Brien: "A pension impact and a mandates note have been filed."

Speaker Madigan: "Are there any other procedural requirements?"

Clerk O'Brien: "No further requirements."

Speaker Madigan: "Third Reading. On page four of the Calendar, there appears House Bill 2424. Mr. Nash, do you wish to call your Bill? Mr. Nash. Mr. Nash, 2424. It's an Amendment to the Election Code. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2424, a Bill for an Act to amend the Election Code. Second Reading of the Bill."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Nash - Bonan and Taylor."

Speaker Madigan: "Mr. Nash."

Nash: "Mr. Speaker, Ladies and Gentlemen of the House, I ask leave to withdraw Amendment #1."

Speaker Madigan: "Is there leave? Leave is granted. Amendment #1 is withdrawn. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Nash - Taylor and Bonan."

Speaker Madigan: "Mr. Nash."

Nash: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 simply says no public employer should refuse to allow an employee absent himself from his services or employment on

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the date of an election if he gives a thirty day notice prior to the election and he wants to take his own time or vacation time. I move for its adoption."

Speaker Madigan: "Mr. Piel."

Piel: "A question of the Clerk, Mr. Speaker."

Speaker Madigan: "The Sponsor indicates that he will yield."

Piel: "A question of the Clerk, Mr. Speaker. Has this Amendment been printed and distributed?"

Speaker Madigan: "Mr. Nash, this Amendment was just filed, and the Page indicates that it has not yet been distributed, therefore, we will not be able to consider the Amendment at this time, but we'll return to it. On page four of the Calendar, there appears House Bill 2951, Mr. Steczo. Mr. Steczo. The Gentleman is not in the chamber. On page five of the Calendar, there appears House Bill 3073. Mr. Hicks, do you wish to call this Bill? 3073. It's an Amendment to the Coal Mining Act. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3073, a Bill for an Act to amend Sections of the Coal Mining Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Madigan, amends House Bill 3073 on page one and so forth."

Speaker Madigan: "Mr. Cullerton on Amendment #1. House Bill 3083, Mr. Vinson. Do you wish to call the Bill? It deals with the Lottery Act. 3083. The Gentleman indicates he does not wish to call the Bill. House Bill 3084, Mr. Vinson. The Gentleman indicates he does not wish to call the Bill. House Bill 3085, Mr. Vinson. The Gentleman indicates he does not wish to call the Bill. House Bill 3108, Mr. Cullerton, are we prepared on that Bill? 3108, which is an Amendment to the Illinois Development Finance Authority. The Bill shall not be called. House Bill 3130,

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Mr. Giorgi. Do you wish to call the Bill? It's an Amendment to the Counties Act. The Gentleman indicates he does not wish to call the Bill. House Bill 3136, Representative Currie. Lady indicates she does not wish to call the Bill. House Bill 3146, Mr. Kirkland. Do you wish to call your Bill? 3146. It amends the Uniform Commercial Code. The Gentleman indicates he does not wish to call the Bill. House Bill 3162, Mr. Bullock. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3162, a Bill for an Act to amend Sections of the Illinois Public Aid Code and the Illinois Lottery Law. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Madigan: "Is there a Motion?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Bullock - White - Braun and Bowman, amends House Bill 3162."

Speaker Madigan: "Mr. Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I offer Amendment #2 to House Bill 3162. The language in Amendment #2 is rather clear and self-explanatory. I'm suggesting that this Amendment, Ladies and Gentlemen of the House, that commencing July 1 of this year, that recipients of public aid be entitled to a six percent cost of living increase over the amount that is originally set in the year prior to that. And I'm suggesting that for the funding for the..."

Speaker Madigan: "For what... Mr. Bullock, excuse me. For what purpose does Mr. Johnson seek recognition?"

Johnson: "We don't have the Amendment distributed. I don't know whether it's been distributed... or not."

Speaker Madigan: "The Page indicates the Amendment has not been

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distributed, therefore, the Bill shall be taken out of the record, and we shall return to the Bill at a later time. House Bill 3174, Mr. Hower. Is Mr. Hower in the chamber? House Bill 3177, Mr. Keane. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3177, a Bill for an Act to add Sections to the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "Amendment #1 was adopted in Committee."

Speaker Madigan: "Is there a Motion?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Keane, amends House Bill 3177."

Speaker Madigan: "Mr. Keane."

Keane: "Thank you, Mr. Speaker. Amendment #2 to House Bill 3177 is a technical Amendment. It changes the word 'facility' to the word 'site', and it also puts in the... it defines the term 'hazardous waste disposal site' as having the meaning set forth in Section 3 of the Environmental Protection Act just so that there is no doubt about the definition. I would ask for a favorable adoption."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 3193, Representative Currie. Lady indicates she does not wish to call the Bill. House Bill 3194, Representative Currie. Lady indicates she does not wish to call the Bill. 3195, shall not be called. House Bill 3218, Mr. Greiman. Mr. Greiman. The Gentleman indicates he does not wish to call the Bill."

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House Bill 3221, Mr. Hoffman. Is Mr. Hoffman in the chamber? House Bill 3229, Mr. Bullock. The Gentleman indicates he does not wish to call the Bill. House Bill 3231, Mr. Cullerton. The Gentleman indicates he does not wish to call the Bill. House Bill 3253, Mr. White. Mr. White in the chamber? Mr. Matijevich, would you come to the podium?"

Speaker Matijevich: "On page three of the Calendar appears House Bill 1663, on the Order of Second Reading. Representative Currie, the Lady from Cook. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 1663, a Bill for an Act to repeal Sections of the Illinois Public Aid Code. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Currie, amends House Bill 1663 by deleting the title and so forth."

Speaker Matijevich: "The Lady from Cook, Representative Currie, on Amendment #1."

Currie: "Thank you, Mr. Speaker and Members of the House. Amendment 1 to House Bill 1663 substantially redrafts the Bill in conjunction with the Department of Public Aid. The proposal before you in Amendment 1 would expand the Emergency Assistance Program so that Illinois can take advantage of federal dollars in certain kinds of categories, for example, people who are victims of domestic violence; for example, people who are about to be evicted for reasons other than nonpayment of rent. I would appreciate your support for the Amendment, and I'm happy to answer any questions."

Speaker Matijevich: "Representative Currie has moved for the adoption of Amendment #1. The Lady from Cook, Representative Judy Topinka."

Topinka: "Yes, may I ask a question of the Sponsor please?"

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Speaker Matijevich: "Proceed."

Topinka: "Is it my understanding, now, that this is no longer an entitlement program? It does have a three million dollar cap, and it does all sorts of wonderful things because it looks like such a good Amendment."

Currie: "Absolutely right, Representative Topinka. You got it in one."

Topinka: "Very fine. I would have to agree. It does look like a very good Amendment."

Speaker Matijevich: "Representative Currie has moved for the adoption of Amendment #1. All in favor say 'aye', opposed 'nay', and Amendment #1 is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Has the fiscal note request been met? This Bill will remain... One moment, the Lady from Cook, Representative Currie."

Currie: "Yes. Thank you very much, Mr. Speaker and Members of the House. The fiscal note was requested before the Amendment, and if you will look at the Amendment, you will see that there is no reason to ask for a fiscal note because the fiscal responsibility, the cap, the maximum amount that can come from the treasury for this Bill is identified precisely in the language of Amendment #1. So I move that the Fiscal Note Act does not apply."

Speaker Matijevich: "The request is not as amended; therefore, the request is not applicable. Third Reading. House Bill 2334, Cullerton. The Clerk will read the Bill. 2334."

Clerk O'Brien: "House Bill 2334, a Bill for an Act in relation to municipal mental health and developmental disability programs and services. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Matijevich: "Are there any Motions filed?"

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Clerk O'Brien: "No Motions filed."

Speaker Matijevich: "Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #2, Radigan, amends House Bill 2334."

Speaker Matijevich: "Gentleman from Cook, Representative Cullerton, on Amendment #2."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Amendment deals with the grants and aid program to community clinics and agencies for psychiatric or clinical services. And it says that, in addition to other standards and procedures governing disbursements of this money, the director shall require that each application for such a... be submitted for review and comment by a community mental health board. And that this portion includes persons who are professionals in the field of mental health and consumers of services or representative of the general public. I move for the adoption of the Amendment."

Speaker Matijevich: "Representative Cullerton has moved for the adoption of Amendment 2. On that, the Lady from Kane, Representative Sue Deuchler. Deuchler."

Deuchler: "Will the Sponsor yield?"

Speaker Matijevich: "He indicates he will. Proceed."

Deuchler: "Representative, in looking at Amendment 2 to House Bill 2334, I certainly have some questions as to how this would impact our community mental health centers in Kane County. Do you feel that... that this is the time that we should use a major shift when we are deinstitutionalizing in many areas and going to community living facilities? I would certainly feel that our community could not really deal with the stress and many different opinions that would be brought about by this new structure. And in checking with the Department of Mental Health, I do find that the

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Department is opposed to this change. What... How do you feel that the communities can deal with this review and comment by possibly several competing agencies?"

Cullerton: "Well, I think you raise some... You have read some very good comments there, and I would like to take the Bill out of the record, so we can address it."

Deuchler: "Thank you."

Speaker Matijevich: "Representative Cullerton has moved for the adoption of Amendment #2. Cops. Representative Cullerton to close. Out of the record. I'm sorry. We were in a conversation over here. I'm sorry. Out of the record. House Bill 3073, Rea. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 3073, a Bill for an Act to amend Sections of the Coal Mining Act. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Madigan, amends House Bill 3073."

Speaker Matijevich: "Representative Cullerton on Amendment #1 to House Bill 307... Jim Rea is going to handle it. Representative Rea."

Rea: "Thank you, Mr. Speaker, Members of the House. Amendment 1 is one that was developed jointly by the United Mine Workers and by the Coal Association. And what it does, it requires that the Department of Mines and Minerals shall not issue any new permits allowing the use of diesel powered equipment or explosives for the breaking down of coal in any underground coal mine...and at the... for a period of time up until January 1st of '86. And in the meantime, the Department of Public Health shall conduct a study of underground coal mines which use diesel powered equipment and explosives during the shift work and will report back. And by that time, no action actually needs to



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be taken. So I would ask for the adoption of this Amendment."

Speaker Matijevich: "Representative Rea has moved for the adoption of Amendment #1 to Recuse Bill 3073. Representative Ropp."

Ropp: "Mr. Speaker, will the Sponsor yield?"

Speaker Matijevich: "He indicates he will."

Ropp: "Representative, can you tell me why this Amendment is being offered?"

Rea: "Yes. There has been some controversial in terms of use of diesel underground, and there has been some permits issued, and this will give a chance to study it in terms of the health and safety of the miners and the co-operators as well as UMWA are in agreement that... to this. This will not discontinue the ones that are already operating with the diesel engines."

Ropp: "Okay. Is there any comparison as to the amount of coal that can be mined versus diesel equipments - versus, let's say, other conventional means of mining coal?"

Rea: "It's pretty early to determine that, but by the time that this study is made on health and safety, we should have much more data on the cost and the amounts of coal that can be mined as compared to the conventional method."

Ropp: "Okay. If this is approved and the study finds out that diesel does not cause any harm and that people can mine more coal and it could be more efficient than this would, in effect, allow those mines that do not use diesel equipment to be permitted to use diesel equipment, is that the general understanding?"

Rea: "At that time, we will have the report back where then we can take whatever the appropriate action is that would be necessary as it relates to the regulations of diesel engines."

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Ropp: "Okay. Thank you."

Speaker Matijevich: "Representative Friedrich. Winchester. I'm  
sorry."

Winchester: "Would the Gentlemen yield for a question?"

Speaker Matijevich: "He indicates he will. Proceed."

Winchester: "Representative Rea, in this legislation, which I  
have got a copy around here some place, but does it... does  
it relate to all mining operations in the State of  
Illinois? And you know why I'm asking the question,  
because for twenty-five years or so, the fluorspar mining  
industry, which is a dying industry, as you are well  
aware, uses the diesel engines. They've been using diesel  
engines fatality free and no accidents and no problems at  
all for at least twenty-five years. Is this going to  
restrict them from the use of diesel engines?"

Rea: "No. It will not. And not only the fluorspar mine that you  
are referring to, but also, the underground mines that  
presently are operating with a permit to utilize diesel."

Winchester: "Okay. So those... then those mines that are using  
diesel engines now, can continue to use those engines up  
until that report is made available."

Rea: "That is correct."

Winchester: "Thank you."

Speaker Matijevich: "The Gentleman from Kendall, Representative  
Hastert. Dennis Hastert."

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

Speaker Matijevich: "He indicates he will. Proceed."

Hastert: "Representative, just a couple of questions. This, I  
understand, is only a study. Is that correct?"

Rea: "That's correct."

Hastert: "And it's for the Department of Public Health to make  
that study. Is that correct?"

Rea: "That's correct."

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Hastert: "Are they proficient to do studies on diesel engines and do they have a department to do that or...?"

Rea: "Yes. The Coal Association, the Governor's Office, UMWA have all indicated they are, and they will do this in conjunction with those people and as well as the Department of Mines and Minerals."

Hastert: "Alright. In the studies that will be done then, will they be done in mines that already have diesel equipment?"

Rea: "Yes."

Hastert: "Determine the health effects on miners and that type of thing."

Rea: "That's correct."

Hastert: "Is anybody doing studies at least, you know, by any department in the state, doing studies, as was mentioned before on a productivity aspect?"

Rea: "The coal companies certainly are. They are beginning their studies, and it's so new in Illinois that, you know, they haven't... they don't have too much data, but they will have that by... enough data to indicate that determination by then."

Hastert: "What enclosed mines in Illinois already use diesel? Do we have any?"

Rea: "Yes, we do have."

Hastert: "Coal mines?"

Rea: "Yes. We have two coal mines and a fluor spar mine."

Hastert: "And a what? Oh fluor spar. And these are just underground mines, not open-pit mines. Is that correct?"

Rea: "These are underground mines. Correct."

Hastert: "And this study, would it have anything to do on the use of diesel engines in pit minings - script mining operations?"

Rea: "No. None whatsoever."

Hastert: "And finally, Well, that's all. Thank you."

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Speaker Matijevich: "Representative Bruce Richmond."

Richmond: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Amendment. We have a controversial issue here that's been threshed around quite a bit down in our part of the country for the last several months. And when both sides of the controversy are in agreement to this sort of settlement, I would urge that we allow this Amendment to go on and proceed in that direction."

Speaker Matijevich: "The Lady from Marshall, Representative Koehler. Judy Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Would the Spncsor yield for a question please?"

Speaker Matijevich: "He indicates he will. Proceed."

Koehler: "Thank you, Representative Rea. I can tell that you have worked very hard to work out agreements with the coal operators in the United Mine Workers. I was going to ask you, I know that Caterpillar Tractor Company was originally opposed to this legislation. Can you tell me if they have changed their position?"

Rea: "I don't know what their position was earlier, or why they would necessarily be opposed to it. So I cannot respond to it."

Koehler: "It is my understanding that they still remain some what opposed to the legislation, but I thought that perhaps that had been worked out, but to your knowledge it has not."

Rea: "I can't really answer it one way or the other because I don't know, you know, if we have met their objections with this agreement or not."

Koehler: "Well, thank you very much."

Speaker Matijevich: "Jim Rea to close."

Rea: "Thank you, Mr. Speaker, Members of the House. As Representative Richmond indicated, this has been an issue

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where many people have come together. This is agreed upon. And all this does is go ahead and let the underground mines continue to operate with the diesel powered equipment until January 1, 1986, while a study is made to determine how this will affect the health and safety of the coal miners. And during that period of time, it will also give us some other indications as to the economics of utilizing diesel versus the conventional equipment that's been used there today. So I would ask for an 'aye' vote."

Speaker Matijevich: "Representative Rea has moved for the adoption of Amendment #1 to House Bill 3073. Those in favor say 'aye', opposed say 'no'. The 'ayes' have it, and the Amendment #1 is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Representative Piel, for what purpose do you rise?"

Piel: "Thank you, Mr. Speaker. According to Rule 36(d), I would ask that this be put back to Second Reading, 1st Legislative Day."

Speaker Matijevich: "One moment while we look at the Bill. On the parliamentary inquiry, unless there is action by this Body, the Bill does return back to the Order of Second Reading, 1st Legislative Day. And on that, the Gentleman from Franklin, Representative Rea."

Rea: "Thank you, Mr. Speaker. I would now move to suspend Rule 36(d) to... so move on to Third Reading."

Speaker Matijevich: "Representative Rea moves to suspend Rule 36(d). And on that..."

Rea: "On that Motion."

Speaker Matijevich: "And on that, the Gentleman from Cook, Representative Piel. This will take 60 votes. Representative Piel."

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Piel: "I would ask the Parliamentarian why we take 60 votes, because according to 36(d), anyone Member can request that this goes back to Second Reading, 1st Legislative Day, and I would think that it would take two-thirds. Three-fifths. I'm sorry."

Speaker Matijevich: "60 votes. One Member can request it, but 60 can suspend that Rule according to the Parliamentarian. Representative Bea has moved to suspend Rule 6... 36... Alright. Representative Piel, for what purpose do you rise?"

Piel: "Then on the Motion, Mr. Speaker."

Speaker Matijevich: "Proceed."

Piel: "Ladies and Gentlemen of the House, I think the Rule that he wants to suspend was put into our House Rules for a very good reason. Basically, for those of you who don't know what 36(d) is, is that anyone Member can request that a Bill be sent back to Second Reading, 1st Legislative Day when an Amendment changes the title. This Amendment has changed the Bill. And I think it's a situation to where both staffs, both sides of the aisle should have time to analyze what this new Bill does. I don't think it's something that we have to just jump into. We have got time. It's not a situation that where we're near a deadline or anything. I would ask the Gentleman to remove his Motion, let it go through a normal process. It can be heard on Third Reading on Wednesday. And I think it's a situation as far as the Motion - I would ask the Gentleman to retrack his Motion. It's... I think 36(d) was put in here for the Member... for the sake of the Members of the House. And I think... I would ask people to vote 'no' on the Motion."

Speaker Matijevich: "The Gentleman from Franklin, Representative Bea."

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Rea: "Mr. Speaker, I would move to table Amendment 1."

Speaker Matijevich: "Representative Rea. One moment. Representative Rea, first you have to withdraw your Motion to suspend Rule 36(d). Does the Gentleman..."

Rea: "I withdraw my Motion."

Speaker Matijevich: "The Gentleman withdraws his Motion to suspend 36(d). Now the Gentleman asks leave to table Amendment #1. Does he have leave? The Gentleman from Cook, Representative Piel. Representative Piel."

Piel: "My light's not on. I'm sorry."

Speaker Matijevich: "Oh. Representative Vinson, I'm sorry, the Gentleman from DeWitt."

Vinson: "Inquiry of the Chair, Mr. Speaker."

Speaker Matijevich: "Proceed."

Vinson: "Is the issue... Is the question before the House a Motion to table Amendment #1, or a Motion to advance to Third Reading?"

Speaker Matijevich: "To table Amendment #1."

Vinson: "Inquiry. Will the... Will the Sponsor of the Motion yield for a question?"

Speaker Matijevich: "He indicates he will. Proceed."

Vinson: "Representative, why is it that you want to table this Amendment that you just adopted?"

Rea: "That is my Motion, yes."

Vinson: "I know, and I'm asking why it is you want to table it? Weren't you the Sponsor of the Amendment?"

Rea: "I want to move the Bill to Third Reading."

Vinson: "Well, I have... I certainly have no objection to the Motion."

Speaker Matijevich: "Are there any other... The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Well, I had a Sponsor... or a question of the Sponsor, also."

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Speaker Matijevich: "Proceed."

Tuerk: "By tabling the Amendment, Representative Rea, you are actually advancing the Bill or about to advance the Bill in the posture prior to the Amendment adoption, which is not any agreement among the parties. Is that correct?"

Rea: "At this point, all I'm doing is tabling the Amendment."

Tuerk: "Well yeah, but if you don't mind responding to my question. By tabling the Amendment, then you have a Bill... Well, my understanding of the Amendment was that it was an agreed Amendment among the parties. Is that correct?"

Rea: "Basically that's... that is correct. There are still some things that are not completely in agreement, so that's the reason I want to just go ahead and advance it."

Tuerk: "Thank you."

Speaker Matijevich: "Gentleman asks leave to amend... to table Amendment #1. Does he have leave? Leave and Amendment #1 is tabled. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Representative Vinson, for what purpose do you rise?"

Vinson: "Mr. Speaker, I believe a fiscal note has been filed on that Bill and that until the fiscal note has... a fiscal note request has been filed on that Bill."

Speaker Matijevich: "It's been filed as amended."

Vinson: "I beg your pardon?"

Speaker Matijevich: "It's been filed as amended. There is..."

Vinson: "I... Well, I believe you have just had another one filed that doesn't have the words as amended."

Speaker Matijevich: "Alright. The fiscal note request is filed. We'll hold the Bill until that request has been granted. 3073 is on Second Reading for the fiscal note. We are going to revert back to House Bill 1663. We inadvertently



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moved that to Third Reading. There was an improper ruling from the Chair on a fiscal note request. Leave to return House Bill 1663 back to the Order of Second Reading. The Bill is on Second Reading. Representative Vinson filed a fiscal note request, and the Bill had been amended, and the Chair improperly ruled that the fiscal note request was not in order. The Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, I would withdraw the fiscal note request."

Speaker Matijevich: "The Gentleman withdraws the fiscal note request. Now the Bill can properly be moved. Third Reading. Thank you. The hour of 2:00 having been... now arrived, we go to the Order of Special Order of Business for Tuesday, May 22 at 2:00 p.m., and now the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would move that we take up the Special Order of Business, Subject Matter - Public Utility Reform at the hour of 5:00 p.m. today."

Speaker Matijevich: "Gentleman asks leave that the Special Order of Business, Public Utility Reform, be postponed until 5:00 p.m. this afternoon. Does he have leave? Leave, and that Special Order will be called at 5:00 p.m. We are now on the Order of House Bills Third Reading Short Debate Calendar. The Chair will call on the Bills in rotation. When a Bill is on Special Order, we will skip by that Bill. House Bill 1546 is on a Special Order. House Bill 2481, Mautino. Is Representative Mautino ready? The Clerk will read the Bill."

Clerk O'Brien: "House Bill 2481, a Bill for an Act to amend Sections of an Act in relation to state finance. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Bureau, Representative

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Mautino, Richard Mautino, on House Bill 2481."

Mautino: "Mr. Speaker, an Amendment is being prepared. I do not believe it's been given to the Membership. I'd like to take it out of the record just at this time."

Speaker Matijevich: "Out of the record with leave to return to this Bill. Leave. House Bill 2567, Representative Younger. Is Representative Younger in the chamber? I don't see her. Out of the record. House Bill 2657, Barnes. Are you ready to pursue? 2657... 2567. 25... No, 2657, right. Read the Bill."

Clerk O'Brien: "House Bill 2657, a Bill for an Act to amend Sections of the Capital Development Bond Act. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Cook, Representative Jane Barnes, on House Bill 2657."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2657 amends the Capital Development Board bond authorization levels, increases the total bond authorization by 69.8 million, and it has to do with purposes of; education, corrections, conservation, public health, state facilities, port districts, water resources, private health education, food product research and library grants."

Speaker Matijevich: "Representative Barnes has moved for the passage of House Bill 2657. The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, will the Lady yield?"

Speaker Matijevich: "She indicates she will. Proceed."

Cullerton: "Representative Barnes, as I recall, this Bill... every time this Bill has been called, you agreed to take it out of the record so that Representative Leverenz could talk to you about it. Now, Representative Leverenz is not on the floor now. Have you spoken to Representative

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Leverenz concerning this Bill?"

Barnes: "Well, Representative Cullerton, I'm always on the House floor, and I don't recall his talking to me recently about this."

Cullerton: "Well, wasn't there a plan to hold the Bill towards the end of the week so that we could see what... whether or not some of these levels had to be adjusted. As I recall..."

Barnes: "Representative Cullerton, would you like me to take the Bill out of the record?"

Cullerton: "If you could, just so we can locate Representative Leverenz."

Barnes: "I'd be very happy to accommodate you."

Cullerton: "Thank you."

Speaker Matijevich: "Out of the record with leave to return to the Bill. Leave, and we will return to the Bill later. House Bill 2837 is on a Special Order for tomorrow. Out of the record. 2892 Special Order tomorrow. Out of the record. House Bill 2900, Kulas. Clerk, read the Bill. Out of the record. House Bill 2911, Representative Ryder. Is Representative Ryder ready with that Bill? I don't see him. Out of the record. House Bill 3029, Representative Rea. Clerk... out of the record. House Bill 3067, Representative Olson. Read the Bill."

Clerk Leone: "House Bill 3067, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Lee County, Representative Myron Olson, on House Bill 3067."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3067 creates the Surplus Lines Association of Illinois. Surplus lines are extraordinary risks, and require surplus lines producers to maintain membership in the Association as a condition of holding

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licenses as surplus lines' producers. The Amendment which was offered in Committee was scrubbed. Amendment #2 cleaned up the technical language. It provides for the formation of an Association first appointed by the Director, and then subsequently elected. We move for the passage of House Bill 3067 and would accept questions."

Speaker Matijevich: "Representative Olson has moved for the passage of House Bill 3067. On that, the Gentleman from Cook, Representative Cullerton. Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Matijevich: "He indicates he will. Proceed."

Cullerton: "Representative Olson, could you tell us what this Bill has to do with a trade association? Does this create a trade association in effect?"

Olson: "Not in effect as such. It creates a Surplus Lines Association, which would replace the white list which the Insurance Department ordinarily used to advise people of agencies that you could purchase these extraordinary risks from."

Cullerton: "It's not a state agency in any way, is it?"

Olson: "This is a part of the Insurance Department, and as such, it would merely establish an association through which the people seeking to purchase surplus insurance would have to make their application and register."

Cullerton: "I see. Fine. Thank you very much."

Olson: "Thank you very much."

Speaker Matijevich: "There being no further discussion, the question is, 'Shall House Bill 3067 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 110 'ayes', no 'nays'. House Bill 3067, having received a Constitutional Majority, is hereby declared passed. House Bill 3092, Representative

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Mays. Out of the record. House Bill 3106, Hoffman. Out of the record. House Bill 3110 is Special Order tomorrow. 3127, Special Order tomorrow. 3167, Special Order tomorrow. House Bill 3192, Representative Curran. Out of the record. House Bill 3212, Special Order tomorrow. Out of the record. The next procedure of the Chair will be to go to House Bills Third Reading, next Bill... call those Bills that are not on a Special Order. House Bill 1573, Stuffle. Clerk will read the Bill."

Clerk Lecne: "House Bill 1573, a Bill for an Act in relationship to ownership of agricultural land. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Versillion, Representative Larry Stuffle, on House Bill 1573."

Stuffle: "Mr. Speaker and Members of the House, House Bill 1573 has the joint principal sponsorship of both Republicans and Democrats. It came out of the Committee on Agriculture after nearly two years of study, and it covers now as amended the reporting of ownership of non-family farm land to the Secretary of State so that we can get a handle on those corporate foreign entities that are buying up farmland at a rapidly increasing rate in the state. I believe with the Amendments that the Bill is now in the shape that it ought to be supported by all of us. We have redefined the provisions of the Bill to limit the number of partners and shareholders that are covered by the Bill and exempt from the reporting requirements. As it stands now, the Bill would provide for reporting on an annualized basis to the Secretary of State and that reporting would be backed up by the confirmation of ownership, names and addresses that would be sent there, as well by the supervisors of assessments. By Amendment we have reduced the penalties in the Bill as to their maximums for willful

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violations. We have provided that the violations have to be willful as well, and we have provided new reporting dates and new effective dates to make it consistent with being passed this year. It has the overwhelming support of the farm groups of the state, the Farmers Union, the Farm Bureau, the Farm Alliance and virtually every other labor entity, consumer entity in the state. I would be glad to answer questions. I would ask for your affirmative Roll Call on this Bill, which as I said I believe has been amended to satisfy most of the objections raised to it in Committee over the last two years."

Speaker Matijevich: "Representative Stuffle has moved for the passage of House Bill 1573. The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Matijevich: "He indicates he will. Proceed."

Cullerton: "With regard to the fines for failure to file, what is the state of the Bill as amended?"

Stuffle: "The Bill originally had fines that went up to \$100,000 for subsequent violations over a year period. Those are reduced so that the first fine is \$1,000. The maximum fine is \$25,000. Has to be a willful violation. If there is a violation, Secretary of State has to notify the violator by certified mail and they have 60 days to comply."

Cullerton: "Thank you."

Speaker Matijevich: "Gentleman... Representative Gordon Ropp."

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

Speaker Matijevich: "He indicates he will. Proceed."

Ropp: "Yeah, Representative, this penalty now, is that \$25,000?"

Stuffle: "That would be the maximum penalty, Representative, if they willfully failed to file for an entire year after being noticed by the Secretary of State. I believe there are three tiers in the Bill as amended as to the amount of

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the fines within how many days those violations would occur with regard to page ten, Section 11, lines nine through 24 as amended."

Ropp: "In other words, it could start what, as low as a thousand and up to a maximum if it was willfully..."

Stuffle: "That's correct, Representative. That would be the first offense, a business offense, punishable by a fine of not less than a thousand or more than five, if they were 90 days out of compliance after receiving certified mail."

Ropp: "Okay, thank you. To the Bill, Mr. Speaker. I think..."

Speaker Matijevich: "Proceed."

Ropp: "I think this is a good approach. We have had a lot of study on this. A lot of people have said that there are too many foreigners buying Illinois property. I think this will give us an attempt to begin to determine how many in actual count, and I think this is a good Bill and ought to be supported."

Speaker Matijevich: "Gentleman from Edgar, Representative Woodyard."

Woodyard: "Thank you, Mr. Speaker. I also rise in support of this Bill. This is in response to sanctions that have been imposed in the past or Bills that have been introduced in the past that would impose sanctions on farmland ownership. How can we impose those sanctions unless we know who actually owns that farmland at this time? That's what this Bill would do. It mandates the reporting. The reporting that is now required by foreign ownership to Department of Agriculture we find, as a practicality, is not working. This particular Bill would certainly mandate that that reporting would be done. At three or four or five years down the road, if we... if this General Assembly should decide to impose sanctions on farmland ownership, they at least will have the information to base that decision, that

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logical decision on. And I urge your support for the Bill."

Speaker Matijevich: "Question is, 'Shall House Bill 1573 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? The clerk will take the record. On this question there are 108 'ayes', 3 'nays', 1 answering 'present'. House Bill 1573, having received the Constitutional Majority, is hereby declared passed. House Bill 1591 is on a Special Order tomorrow. Out of the record. House Bill 1658, Carol Braun. Out of the record. House Bill 1742, Levin. Clerk will read the Bill."

Clerk Leone: "House Bill 1742, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Ellis Levin, on House Bill 1742."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1742 does two things. First of all, it provides that in the annual report that the State Board of Education does, they set out the total amounts expended from all sources on pupils who are regularly enrolled in public schools for less than a full... full school day of attendance. The purpose of this is to begin to get some information as to how we are spending public funds. I think the... this is something which I think everybody would be interested in knowing, and we need to know what we are talking about here, are children who are duly enrolled who are receiving services, be they under Chapter I, vocational education, special education, driver education and so on. And there has been a big dialogue over the years, whether or not there is too much money being spent on children who are in private schools, not enough money, whether they are getting their fair share. And the purpose



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of this Amendment... of this Bill is to get some hard and fast data so that we can, as we make decisions in the future, have a better idea. It was developed in conjunction with the school boards and with the State Board of Education, the unions and so on. It does not impose any great burdens. This is information that the local schools say they can provide. And it's... I see this as a reasonable first step in terms of getting some hard and fast information with respect to this... this issue. We have attempted to negotiate the best language possible to come up with the most objective standards and I stand ready to continue to negotiate if this Bill gets out of the House so that we come up with a set of standards which everybody can be satisfied with. There is a second Amendment on the Bill that Representative Stuffle had put on which if... I would yield to him if he can explain his Amendment because I don't understand it."

Speaker Matijevich: "Representative Levin has moved for the passage of House Bill 1742. The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, on behalf of Representative Stuffle, I would point out that Amendment #2, which was adopted, was also adopted on another Bill, and that Bill passed the House and is over in the Senate. So if you are voting for this Bill because of Amendment #2, you don't have to worry about it. Representative Levin, would you yield for a question?"

Speaker Matijevich: "He indicates he will. Proceed."

Cullerton: "As I recall, this Bill had an Amendment that you offered, Amendment #3, and we were engaged in some debate about Amendment #3, and I believe you withdrew that Amendment, is that correct?"

Levin: "That is correct."

Cullerton: "Now, are you sure that you are ready to try to pass

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this Bill at this stage without Amendment #3 on the Bill?"

Levin: "Representative, I'm not sure we are going to get back to this Bill again. So my choice is between going with this Bill right now or not having it proceed at all."

Cullerton: "Well, maybe you could describe the defect in the Bill that... that you wanted to correct with Amendment #3."

Levin: "What we were attempting to do with Amendment #3 is to go with something which was... hopefully represented a consensus between the various parties with respect to the kind of data that should be provided so, that everybody can feel confident that the information is fair and is not biased and can be relied upon. And that was the intent of Amendment #3, and we have... you know, we have been negotiating on this issue and it is my intention at this point to continue to negotiate because, you know, obviously, this is a controversial issue. It is not an issue that I, personally, have been that much involved in the past, but I think that both the proponents of the public schools and the proponents of the non-public schools are interested in obtaining information to find out what the real facts and figures are."

Cullerton: "Would you mind telling me who the people are from the non-public schools that you are negotiating with?"

Levin: "Okay. Representative, we have been working with Dr. Charles Brady."

Cullerton: "And who is that person?"

Levin: "I have his card in front of me. He is the Secretary of Educational Affairs of the Illinois Catholic Conference."

Cullerton: "And is the Illinois Catholic Conference in favor of the Bill as it sits on Third Reading right now?"

Levin: "No."

Cullerton: "Okay, thank you. No further questions, Mr. Speaker."

Levin: "Representative Ropp. The Gentleman from McLean,

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Representative Ropp."

Ropp: "Mr. Speaker, would the Sponsor yield?"

Speaker Matijevich: "He indicates he will. Proceed."

Ropp: "I guess, Representative, after hearing your explanation, I was a bit confused as to know exactly what this did other than to possibly add a little more red tape and bookkeeping and record-keeping, which, as I talked to every administrator up and down the state, is saying we have had enough record-keeping that the state requires. I'm wondering if this Bill, if it passes, can you tell me what will it do to improve the quality of education in the State of Illinois?"

Levin: "Representative, the information that this Bill requires is information which the school districts indicate is currently available. This Amendment was worked out with Ron 'Cardoni' from the School Board Association. They say they do these computations. What would happen is that the report they would file with this State Board, would contain simply an additional line for this information. And then the... the individual reports would be available to anybody that wanted to look at them, and the compilation of the overall figures would be included in the annual report that the State Board does. So the... you know, the School Board Association feels this does not impose any undue burden on them. It simply makes available information on how public monies are spent for certain... certain students where that money... that information is currently not available."

Ropp: "Is it not true that the State Superintendent might not already request this without having to go through statutory procedure?"

Levin: "Okay. It is... Representative, it is, at this point, not done and it's not done in any systematic way of... you know... trying to work with the various groups, both the

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advocates of the public school and the advocates of the private schools, there is a feeling that there is a need for data that people can rely upon, that they can have confidence in, and that is the purpose of this... of this Bill. The information that is currently available, if at all, is very limited. I know it is not available to everybody and this provides for information that comes right from the school districts that can be relied upon."

Ropp: "Yeah, my question though is is it not permissible for the State Superintendent of Public Instruction to already request this information now for the best interest of all concerned without having to pass a law to do it?"

Levin: "Okay. I... Representative, I cannot give you an answer to that question. I'm not sure how tightly controlled the reporting forms are in terms of whether they are totally set out by statute or not."

Speaker Matijevich: "Representative Jim Keane. Gentleman from Cook, Representative James Keane."

Keane: "Thank you, Mr... Thank you, Mr. Speaker. I also rise in opposition to this Bill. The Illinois Conference of Bishops opposes the Bill. They attempted to work out a number of things with the Sponsor, and without those additions and agreements, they stand in opposition to it. The Illinois Conference and others said that they asked that the report should list the type of services furnished and the amount of services provided. For instance, something to the effect that 20 students receive an hour a week of speech therapy, rather than saying something to the effect of there was \$500 worth of special education. Another major thing that the Conference of Bishops wanted was they wanted the schools, the private schools to have the ability to signoff on the report. As I mentioned when this... the Amendment to this Bill, Amendment #3 was

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proposed, in the audit process the Auditor General or Auditors send in a bunch of auditors, they make their findings, and then they give their findings to the person that they have audited and then that person has a right to put in his comments. It's the same kind of a thing we were looking for on this Bill, but the Sponsor again refused to allow us to have that kind of an Amendment put on. And for that reason, the Conference of Bishops... the Illinois Conference of Bishops felt they couldn't live with this, and I would ask that you vote against House Bill 1742."

Speaker Matijevich: "Representative Levin, to close."

Levin: "Thank you, Mr. Speaker. I just suggest that this... you know, obviously, this is a controversial area, but we need to begin to get some information so we can know how much money is being spent. The public schools feel that the private schools are getting too much money. The private schools feel that they are not getting their fair share. But we don't have the information. This legislation would begin to provide the information and, you know, we have negotiated. In terms of information, I don't think there was any major disagreement. I think the stumbling block was whether or not the private school administrator should, in effect, have a veto over what information the public school is providing. It is over that issue that we stumbled. I continue to remain open if this Bill does pass the House, to try to work out the details because I think it's only going to be effective if the information is information that everybody can rely upon. So I think we need to be able to get this information. This legislation would provide it, and I urge your 'aye' vote."

Speaker Matijevich: "Representative Levin has moved for the passage of House Bill 1742. The question is, 'Shall House Bill 1742 pass?' Those in favor signify by voting 'aye',

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those opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 46 'ayes', 51 'nays', 2 answering 'present'. House Bill 1742, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 1800, out of the record. Special Order tomorrow. 1839 is Special Order tomorrow. Out of the record. House Bill 1859, Braun. I don't see her here. Out of the record. House Bill 2175, Pullen. Is Penny Pullen here? Out of the record. House Bill 2186, Fraun. Out of the record. 2192, out of the record. 2208, Younge. I don't see her. Out of the record. 2213, Alexander. 2213. Out of the record. House Bill 2278, Doug Huff. Out of the record. 2332, Bowman. Read the Bill."

Clerk Leone: "House Bill 2332, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Woods Bowman, on House Bill 2332. 32...2332. Proceed. Woods Bowman. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think we all know that there is a critical problem of people on the streets without any shelter, without a roof over their head. These are the homeless. This is a problem that is truly statewide. I attended a meeting last week in Chicago where people from Kankakee and from Knox County and from Franklin County and Pecria County and Champaign County and the Quad-Cities area all were there, all for one purpose - to help draft the Amendment to this Bill, which we put on the Bill last week. And it is indeed, a statewide problem. The Department of Public Aid is currently offering some assistance with this problem. However, the assistance was not offered readily or gladly. We had to prod them into it. We put the money into their

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appropriation in the Veto Override Session through a supplemental, and then the Governor of the state appeared before a United Way breakfast in Chicago and expressed pride in that, the accomplishments of his administration in spending that money and then suggested that they do more this year. But the budget, alas, didn't contain anything more this year. And so what we need, I believe, is this Bill to build a fire under the Department of Public Aid and to make sure that they live up to their own public relations. I think it's a fine thing that they are doing now, but I think they really need to take a hard critical look at the problem and make sure that they are meeting the need. Now, the Amendment that we adopted does provide this prod to the Department and it, at the same time, puts a cap on the finances so that we do not get into deep water on this. I do not want the state to get into deep water. I do not see this as a - I hope that it will not be a permanent on-going thing. I hope this is a product only of our times and that the times will improve. So, in order to keep the state from getting into deep water, I put on the Amendment to put a cap on the Bill. So it is a Bill that its time has come. These people are without homes. They are without shelter, and we need to adopt this Bill. As I left my hotel last week very early in the morning, I saw a woman, a bag lady, if you will, sleeping in a corner because she had no place to go, and this Bill is for her. I ask a favorable vote."

Speaker Matijevich: "Representative Bowman has moved for the passage of House Bill 33...2332. On that, the Gentleman from Cook, Representative McAuliffe. Roger McAuliffe."

McAuliffe: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I would rise in support of Representative Bowman's Bill because, as I said in Committee, I have encountered

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these people in the area I work in Chicago. It's a tragedy that people in the civilized world have to live outside in cardboard boxes in the winter time and try and sleep next to a fifty-five gallon barrel to keep warm. They pick up food off the streets. They sleep in cardboard boxes with newspapers shoved in their coats and their pants for insulation. And I think that in these days and times it's a disgrace that we have people living under these conditions. And I would support Representative Bowman's Bill."

Speaker Matijevich: "The Lady from Cook, Representative Topinka."

Topinka: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, with all due respect to the Sponsor, whom I think is trying to counteract a problem here that is going on, and I think the private initiatives on that front have been reasonably successful, as well as with money that is currently sitting in the City of Chicago coffers, roughly around \$650,000 worth, which has still not been spent because of organized confusion on the City Council floors. So, I mean, there is money already there that is not being used. I think, you know, at this moment in time, we should look at this twice because we're getting in to almost a new entitlement program here. Although it has a ten million dollar cap, I still see in the discussion of this Bill, both in Committee and on the floor, that the ten million dollars has not been justified nor have the numbers that have been presented justified of how many homeless here we are dealing with. There never has been any type of a definition of what is temporary housing. Is it a week? Is it a month? Is it half the year? Is it a year? Is it three years, five years and so on down the road? There is really no attention in this Bill paid to local zoning matters, which to my way of thinking, would indicate that any time a place



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like this came up and settled local zoning would have quite a problem to deal with. You are talking about not only the basic zoning. You are talking about the sanitation because we are also talking in here of the amenities, which would go with this kind of a junior Hilton Hill. I don't know if this includes room service, but something that's close to it. I think really we ought to look twice at this Bill. Already there are \$300,000 in the Department of Public Aid's budget, looking how to solve this problem, how to go after it. We have a new Director there. The Governor is interested. The Director is interested. They are both... in Committee hearings have... in Commission hearings have gone forth on the record that they are supportive of an initiative on this front. But I don't think that this is the way to go. It is too expensive. The state can't afford it."

Speaker Matijevich: "The Gentleman from Cook, Representative Woods Bowman, to close."

Bowman: "Thank you. Mr. Speaker, Ladies and Gentlemen of the House, we have heard two persons from the other side of the aisle, one in support and one in opposition. I think we should give more heed to the Gentleman from Cook who in his role as a police officer sees these poor people on the street every day and knows exactly the scope and extent of the problem. The Lady from Cook in opposition to the Bill attempted to trivialize the problem. There is a report from the Department of Housing and Urban Development which was just issued by the Reagan administration which acknowledges that the problem is at least 20,000 persons in the State of Illinois. It is, indeed, a statewide problem, so her references to the Chicago City Council are really beside the point. This is a statewide problem. We have support for this legislation in many downstate communities,

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Franklin County, Knox County, Kankakee County, Peoria, Rockford, Rock Island. It is a statewide problem and it requires a statewide solution and that's what this Bill does. And I ask an affirmative vote."

Speaker Matijevich: "Representative Bowman has moved for the passage of House Bill 2332. The question is, 'Shall House Bill 2332 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. The Gentleman from DeWitt, Representative Vinson, one minute to explain his vote."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House, I would urge a 'no' vote on this. We don't need to be engaging in new programs, costly programs that we do not have the revenue available for at this point. We need to meet essential needs, and that's all we can afford at this point. And I would urge a 'no' vote."

Speaker Matijevich: "Have all voted? Have all voted who wish? Clerk will take the record. The record... The Gentleman from Cook, Representative Woods Bowman."

Bowman: "Would you poll the absentees, please?"

Speaker Matijevich: "Gentleman asks for a Poll of the Absentees. White 'aye'. White 'aye'."

Clerk Leone: "Poll of the Absentees. Capparelli. Christensen. DiPrima. John Dunn. Farley. Harris. Hicks. Huff. Keane. Krska. Kulas. Mautino. Roman. Taylor and no further."

Speaker Matijevich: "What's the count, Mr... 50 voting 'aye', 50 voting 'no'. Gentleman from Cook, Representative Bowman. Representative Van Duyn 'aye'. O'Connell 'aye'... or Christensen rather, 'aye'. No, Christensen. Representative Bowman, do you want leave to place this on Postponed, is that what you are motioning? The Gentleman asks leave that House Bill 2332 be placed on the Order of Postponed Consideration. Does he have leave? Leave and the Bill

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will be ordered on Postponed Consideration. The hour of 3:00 having arrived, the House will now go to the Order of Special Order of Business - Criminal Law. On page... House Bill 1546, Jaffe, appears on page six of your Calendar. House Bill 1546, the Clerk will read the Bill."

Clerk Leone: "House Bill 1546, a Bill for an Act to amend the Child Care Act. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Aaron Jaffe, on House Bill 1546."

Jaffe: "Mr. Speaker, I would ask leave to take this Bill back to Second Reading for the purpose of an Amendment."

Speaker Matijevich: "The Gentleman asks leave that 1546 be returned... House Bill 1546 be returned to the Order of Second Reading for the purpose of an Amendment. Does he have leave? The Bill is now on Second Reading. Clerk will read the Bill."

Clerk Leone: "Amendment #1, Jaffe - Bowman, amends House Bill 1546 by deleting the title and inserting in lieu thereof the following."

Speaker Matijevich: "Representative Jaffe on Amendment #1."

Jaffe: "Yes, Mr. Speaker and Members of the House, this Amendment has been prepared partially in conjunction with the Department of Children and Family Services and others to respond to recent incidents of child sexual abuse in child care facilities. It does a number of things. One thing that it does is it expands the existing authority of the Department of Children and Family Services to develop programs to prevent child sexual abuse and exploitation and to respond to victims of such abuse, to educate the DCFS staff and other professionals who may have had contact with children about detection reporting and response to abuse. In addition to that, it requires DCFS licensure personnel to interview parents and consumers in the conduct of

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inspections and review of facilities and to assess the quality of care. Thirdly, it requires DCFS to prepare a consumer guide brochure to center care which includes information about the detection and reporting of child abuse and neglect, and the guide must be distributed to all child care facilities even if they are specifically exempted from licensure. And it permits that disclosure of identifying information to child care facilities with respect to employees who are subject of indicated abuse and neglect. In addition thereto, it requires a criminal background check of convictions with regard to the center personnel, and it adds to grounds for revocation or refusal to renew license of child care facilities, one, failure to prohibit employees who are subjects of indicated child abuse or neglect to report from being on site at the facilities. Secondly, a failure to exercise reasonable care in hiring, training, supervision of personnel who are the subject of indicated abuse or neglect report. And third, failure to report abuse or neglect of children within a licensed facility. In essence, the Amendment becomes the Bill, and I would move its adoption."

Speaker Matijevich: "Representative Jaffe moves for the adoption of Amendment #1. The Gentleman from Cook, Representative Cullerton. Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Matijevich: "Indicates he will."

Jaffe: "My pleasure."

Cullerton: "Representative Jaffe, on page four of the Amendment, you added paragraph eleven. I wonder if you could explain what that paragraph purports to do."

Jaffe: "Okay, I think that the law... the present law... current law requires facilities to discharge employees who are

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subject of indicated abuse reports if they have direct contact with children. This may not include administrative or administrative staff whose duties do not involve direct contact. And basically what eleven does is address that particular subject matter, and it says that child care licensing agencies which require information with respect to a child care license application of an employee of a child care facility that has been identified as the person responsible for a child's welfare in a previous report, you know, including any criminal prosecution, if it be known to the Department."

Cullerton: "That's the part I wanted to ask you more specifically about. It just says including any criminal prosecution resulting therefrom. What if a person was prosecuted and found not guilty? Would that be..."

Jaffe: "That's one of the problems we have with the present law, and I think we ought to address that in possibly a different Bill. As a matter of fact, what happens in this Bill is we have narrowed that, and we have taken it only conviction."

Cullerton: "This Bill is limited only to convictions?"

Jaffe: "To conviction records, right. But at that particular portion, portion eleven, just enhances the law in that particular category. I'm not particularly happy with it, but that's what the law is."

Cullerton: "Oh, but... but this then, this number eleven does... is not limited to convictions? That specific... that specific paragraph..."

Jaffe: "That... that one is not, you see, but that's within the powers of the Department, I guess, at the present time. I think we ought... basically ought to curb them, but that's what the law is now. So, I think we are sort of hamstrung."

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Cullerton: "I see. Okay, fine. Thank you."

Speaker Matijeich: "The Gentleman from DeWitt, Representative Vinson. Sam Vinson."

Vinson: "Mr. Speaker, I rise in opposition to the Gentleman's Amendment. At this particular point in the Legislative Session, to take a Bill back from Second for a sudden Amendment of this nature provides absolutely no sense of notice to the affected public on a matter of this nature. Beyond that, we are dealing with an Amendment which... where the cost could run in excess of a million dollars, and I do not believe that this Amendment is required at this time and would urge a 'no' vote on the Amendment."

Speaker Matijeich: "Representative Jaffe, to close."

Jaffe: "Yes, Mr. Speaker, I would urge the adoption of Amendment #1. As you know, there are all sorts of problems with regard to day care centers and day care homes. And we have worked on this Amendment very long and hard, and where the Representative from DeWitt indicates that he has no knowledge on it, the Gentleman who is standing to his right has been in on those negotiations and knows very well about this particular Bill. It doesn't come as a surprise to anybody and I would urge the adoption of Amendment #1."

Speaker Matijeich: "Representative Jaffe has moved for the adoption of Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 74 'ayes', 28 'nays', 2 answering 'present'. Amendment #1 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijeich: "No further Amendments. The Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, pursuant to Rule 36(d), I would ask that

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the Bill be returned to Second Reading, First Legislative Day, insofar as the Amendment changed the title of the Bill substantially and that's what that rule provides for."

Speaker Matijevich: "We'll be at ease. The Parliamentarian will read the Bill and the Amendment. Representative Jaffe, the Gentleman from Cook."

Jaffe: "Well, Mr. Speaker, I was going to make a substantive Motion that we hear the Bill immediately."

Speaker Matijevich: "Well, you'll have to do some suspending first."

Jaffe: "Yeah, well, I would move that we suspend 36(d) and hear the Bill immediately, Mr. Speaker."

Speaker Matijevich: "Representative Jaffe moves that House... the Rule 36(d) be suspended. On that, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the Gentleman's Motion. We're not up against a deadline today. We can deal with this Bill in a fashion which lets the public become aware of the contents of the Amendment that was just adopted. That's the purpose of Rule 36(d), and so I would urge a 'no' vote on the Gentleman's Motion and request a Roll Call vote."

Speaker Matijevich: "Representative Jaffe has moved the suspension of Rule 36(d). Those in favor will signify by voting 'aye', opposed by voting 'no'. This takes 60 votes. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 68 'ayes', 42 'nays', and Representative Jaffe's Motion prevails, and 36(d) is suspended, and there is a request for a fiscal note. Has the fiscal note request been complied with, Mr. Clerk?"

Clerk Leone: "Fiscal note dated May 22nd, 1984, from the Department of Children and Family Services."

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Speaker Matijevich: "Representative Vinson, the Gentleman from DeWitt. Proceed."

Vinson: "Has that fiscal note been signed?"

Speaker Matijevich: "Have to take a look. I haven't seen it yet. One moment. One moment. Gentleman from Cook, Representative Jaffe, for what purpose do you rise?"

Jaffe: "Well, Mr. Speaker, I was just going to make... just tell you... the Chair, I just wanted you to know that we asked the Department for a fiscal note. They send us the letter. The letter is signed. That is what they have given us."

Speaker Matijevich: "He wrote his signature with invisible ink. Representative Vinson, for what purpose do you rise?"

Vinson: "Well, given the fact that it has not been signed, I would call to the Chair's attention Chapter 63, Section 4235 of the Fiscal Note Act, which says that the fiscal note shall be signed by the head of the board, commission, department, agency or other entity or by a responsible representative designated by him for the purpose. So we would be dealing not simply with a violation of the rules here, if we were to proceed to consider this Bill. We would be dealing with a violation of the statute, something I'm sure the Speaker would not want to engage in."

Speaker Matijevich: "The Parliamentarian is going over with that Section of the statute right now. We'll come back to you. The Gentleman from Cook, Representative Aaron Jaffe."

Jaffe: "Well, on a Parliamentary point, Mr. Speaker."

Speaker Matijevich: "Proceed."

Jaffe: "I would suggest to you that if you check out the statutes, I think that where a Bill has been amended just the opposite occurs and the Amendment... the fiscal note is only required if a majority of the Body actually requests that note, not the other way around. So, I would suggest to the Gentleman from DeWitt that if he wants a



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fiscal note, he's going to have to be able to get a majority of the Body. I think that's what the law is and it's pretty clear that's what the law is."

Speaker Matijeich: "We'll be at ease for one moment. The Parliamentarian will rule on that question. And he's... Representative Vinson, for what purpose do you rise?"

Vinson: "Mr. Speaker, I rise to call to the Chair's attention the provisions of Chapter 63, Section 42.33, which would...statute again, which would require the Gentleman to get a suspension of the rules to move ahead in this case. And, Mr. Speaker, I would also point out that that is precisely how Mr. Madigan, in the Chair, last week on House Bill 1535 ruled."

Speaker Matijeich: "I was hoping that we wouldn't go in that direction. Representative Jaffe now moves that the Fiscal Note Act is not applicable under this situation. Those in favor signify by voting 'aye', those opposed by voting 'no'. This takes a majority of those voting. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 57 'ayes', 44 'nays', 1 answering 'present', and Representative Jaffe's Motion prevails. Third Reading. Now, Representative Jaffe asks leave for the immediate consideration of House Bill 1546. Does he have leave? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, I object."

Speaker Matijeich: "The Gentleman objects, and Representative Jaffe moves for the immediate consideration of House Bill 1546 on Third Reading. Those in favor signify by voting 'aye', those opposed by voting 'no'. Takes 71 votes. Takes 71 votes. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 65 'ayes', 46 'nays'. Representative

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Jaffe asks for a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Flinn. Harris. Huff.  
Krska. McCracken..."

Speaker Matijevich: "Krska 'aye'."

Clerk Leone: "Taylor. No further."

Speaker Matijevich: "On this question there are 66 'ayes', 46  
'nays', 1 answering 'present', and the Motion fails, and  
the Bill will be heard on Third Reading. Get to you  
tomorrow, Aaron. House Bill 20... Does the Gentleman have  
leave to keep the Bill on Third Reading Short Debate? No,  
it doesn't look like it. There's been objection. House  
Bill 2211, Representative Greiman. Oh, that was moved to  
Third today. House Bill 2369, Brockins. Clerk will read  
the Bill. This is on page 21 of your Calendar on the Order  
of Postponed Consideration. Representative Vinson, for  
what purpose do you rise?"

Vinson: "Do I understand that you are not... you are moving the  
Bills that are not on the Order of Third Reading on the  
Calendar as part of the Special Orders? How can you even  
list those Bills?"

Speaker Matijevich: "I'm just doing them in the Order of the  
Call."

Vinson: "Well, Mr. Speaker, it would seem to me that that's  
clearly a violation of the rules. There is no place in the  
rules... the rule restricts you on Special Orders to Bills  
on the same Order."

Speaker Matijevich: "I have never known that it did that, Sam.  
There's a lot of power up here, Sam. The Clerk will read  
the Bill."

Clerk Leone: "House Bill 2369, a Bill for an Act to create the  
Probation Challenge Program. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative  
Brockins, on House Bill 2369. Brockins."

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Brookins: "Hello. Yes, Mr. Chairman. This is probation challenge. This Bill here will enable persons placed on probation to have... a second chance, whereby they will be able to receive a GED, training and education so that they may be better equipped to face life and have another chance. We have reached and got the support of numerous organizations such as the state's attorney's office, such as... where is my list? The Howard... John Howard Association and with that, we are asking for your passage. What happened to it?"

Speaker Matijevich: "Representative Brookins has moved for the passage of House Bill 2369. The Gentleman from Champaign, Representative Jim Johnson."

Johnson: "Before I address the Bill, I thought this was on Third Reading. The board has this on Second. Now, we are on Third."

Speaker Matijevich: "We're on Third."

Johnson: "This Bill has been debated and addressed, and I don't want to belabor the House its time any more than I have to except to say this Bill isn't materially different than it was to begin with except that it's worse. For those of you downstate who are concerned by the continual effort of Cook County, City of Chicago, to take our resources for their projects, it's going to happen again and it's happened many time before, whether it's RTA, or Cook County Hospital, or the World's Fair. Here is another example. This is a program that may or may not be advantageous. It really hasn't been tested to any extent, but in any event it may be. But downstate is again being asked to pay for Cook County's experiments. If Cook County wants this program, then Cook County ought to pay for it. If it's such a good program, then it ought to be expanded statewide. This is a hybrid approach. It doesn't meet anybody's objectives

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except perhaps the Sponsor's and I urge a 'no' vote."

Speaker Matijevich: "The Gentleman from Cook, Representative Jaffe."

Jaffe: "Yes, Mr. Speaker and Members of the House, I rise in support of this program. This is a program that has, indeed, been tested. It has been tested and been working in Cook County for a long period of time. The problem that we have in Cook County, unfortunately, is that we have run out of funds because in Cook County we have been operating this program with volunteers. And, as you know, volunteers only stay around just so long. The program has been extremely successful. In the Judiciary Committee, Judge 'Pincham' who is probably one of the most outstanding jurists with regard to the criminal law came in to tell us how this was being used in Cook County. The program is only for Cook County, that's correct. But we spend tens of millions of dollars on prisons in this particular state and for the first time, we have an opportunity to vote for a program that will really reduce the amount that we appropriate to prison. This program is really cost effective. It's a very good program. We are asking, I think, somewhere in the neighborhood of about \$700,000. That's all that we are asking. And it's an experimental program, but it's a program that has been tested. I think that we would be dollar wise and... you know, pound wise and penny foolish if we did not vote for this particular program. It's a good program. It deserves the support of all the Members of the House. Whereas the money is being spent in Cook County, it doesn't mean that downstate is not being served by this particular program. Downstate is being served by really saving money in the prison system that would otherwise be expended and much more money. So I would urge everyone to vote 'aye' on this particular

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Bill."

Speaker Matijevich: "One moment for an introduction. Former Representative Jim Carey, a former Member and now a member of the Metropolitan Sanitary District. Jim Carey. Jim Carey. Used to call him the Greek God. The Gentleman from Kendall, Representative Hastert."

Hastert: "Would the Sponsor yield, please?"

Speaker Matijevich: "He indicates he will."

Hastert: "Representative, this Bill... approximate cost of about \$800,000, couple questions on that. Contractual services is a hundred... almost \$120,000. Who does that go to? What kind of contractual services? Who are you going to contract with?"

Speaker Matijevich: "Representative Brookins."

Brookins: "I'm sorry, Mr. Has... hey, ask that question again."

Hastert: "I said is this... as the Bill breaks out dollar wise, I see you have appropriated in the appropriations thing that it's going to cost, oh, about \$120,000, \$116,800 to be exact, contractual services. What kind of contractual services are there?"

Brookins: "The Circuit Court of Cook County."

Hastert: "Contracting with the Circuit Court, which is a tax supported... How do you contract with the court?"

Brookins: "I'm being told that would be for legal fees and whatever contractual costs that will have to be made."

Hastert: "Alright. So you are hiring lawyers and things like this, right? Is that correct?"

Brookins: "No, no lawyers. No lawyers would be involved."

Hastert: "And these gentlemen are... you are hiring lawyers but these guys are already convicted, right?"

Brookins: "You are not hiring any lawyers."

Hastert: "Oh, you said legal fees, legal contracts. That's what you said."

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Brookins: "I'm being told teachers, staffs, those type of things."

Hastert: "Oh, so it's not legal contracts?"

Brookins: "Not legal contracts."

Hastert: "And it's teachers outside of the public school system?"

Brookins: "Outside of the public school system."

Hastert: "Okay, and also is this exclusively in Cook County?"

Brookins: "So far, Cook County."

Hastert: "Yeah, and on this..."

Brookins: "Now, let me just explain that."

Hastert: "Well, let me ask you a question and then you can explain it. But it is in Cook County and you..."

Brookins: "It is in Cook County."

Hastert: "... have \$30,000 in traveling expenses here listed. In Cook County?"

Brookins: "Seminars, workshops and et cetera."

Hastert: "Traveling to seminars and workshops."

Brookins: "Springfield."

Hastert: "Springfield... Well, okay. And equipment, almost \$50,000."

Brookins: "Representative Hastert, let me remind you that this is not the appropriation Bill. This is the..."

Hastert: "I understand that, but really the substantive Bill, it really is the program. I'm just saying how do we run a program and what does it do? But, you know, then you also filed a fiscal note, which is part of this Bill, and it also has this in here too."

Brookins: "Okay."

Hastert: "What is... What is that equipment? What equipment do you purchase?"

Brookins: "Typewriters, dictaphones..."

Hastert: "What?"

Brookins: "Typewriters, wordpacs, computers, equipment,

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teaching... for teaching."

Hastert: "Alright. Thank you. Mr. Speaker, to the Bill, if I may."

Speaker Matijevich: "Proceed, proceed."

Hastert: "You know, I think maybe the Representative might have a good idea, and an idea that certainly is an experimental situation and a stage, a stage that he wants to set in Cook County. We have just passed a very expensive Bill last year, and I think maybe the Gentleman in the Chair was the Sponsor of that Bill that took care of this type of situation. And now we are bringing in almost another million dollars to have an experiment. Ladies and Gentlemen, I would ask that you would vote 'no' on this proposal, and let's go with what we put in place last year, and let's see how that works."

Speaker Matijevich: "Gentleman from Cook, Representative Larry Bullock. Bullock."

Bullock: "Thank you. Representative Brockins, would you answer a couple of questions for me?"

Speaker Matijevich: "Yes, proceed."

Bullock: "Representative, this legislation you are proposing today, someone asked you for the exact amount of the appropriation, and I think you said \$800,000?"

Brookins: "\$782,000."

Bullock: "Now, is it your understanding that in the State of Illinois we have about 20,000 inmates in our institutions?"

Brookins: "That is my understanding."

Bullock: "Is it your understanding that the alternative to incarceration in some instances can be provided for approximately 2,000 to \$3,000 a year in alternative facilities?"

Brookins: "That is correct."

Bullock: "And this program in and of itself would be even less

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than that amount?"

Brookins: "Yes."

Bullock: "Mr. Speaker and Ladies and Gentlemen of the House, to the Bill."

Speaker Matijevich: "Proceed."

Bullock: "We had several speakers get up on this floor and pontificate as they usually do and salivate over the myths and fiction that they have attempted to attach to this legislation. The Representative from Champaign County knows full well that this is a cost saving measure. It is intended to reduce the total expenditure in Illinois for incarceration. It is supported by one of the distinguished jurists in Cook County. Several other jurists in Cook County have endorsed the concept, of all political persuasion and philosophical persuasions. The John Howard Association, a distinguished group noted for research in the area of prisons and prison reform, supports the proposition. I dare say, Mr. Speaker and Ladies and Gentlemen of the House, Representative Brookins and the Probation Challenge Group deserve to be commended for coming to the State Legislature and offering to us a reasonable and economical alternative to exorbitant expenditure on prison construction and incarceration. The myths that have been perpetuated on this concept are exactly that, they are myths. The facts speak for themselves. Probation challenge works. The Circuit Courts of Cook County respect it, will make it work even better. The cost per person in the program is reasonable and I suggest to you, Ladies and Gentlemen of the House, especially those of you of a conservative persuasion, we need to support this economic savings proposition for it may be the last chance we have before we are presented with a large bondboggle for more prison construction. And I



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would urge an 'aye' vote on House Bill 2369."

Speaker Matijevich: "Gentleman from Cook, Representative Woods Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We shouldn't even call it the Department of Corrections. We should call it the Department of Prisons. People go in the prisons and they don't get corrected. They don't get changed. They don't get turned around, but we do have here a program which offers the hope of turning some people around. If we... If we keep sending our young people into prisons where they can learn from the older, more experienced people, we are just going to multiply the problem. We need programs like this to begin the correction's process in this state, so that maybe we can once again hold our heads high and call it the Department of Corrections instead of the Department of Prisons which is the title it now deserves. This Bill deserves an 'aye' vote."

Speaker Matijevich: "Gentleman from Cook, Representative McGann."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. The basic concept of Probation Challenge Program is good. I had concerns about this Bill. I had concerns about the expenditures of so many hundreds of thousands of dollars into another program. I've done a little research on this program, and I have found out that this program has been productive in its earlier stages and the stages it's in now on a volunteer basis. But it's hamstrung because it needs the funds to work the program as it should be worked. The City College of Chicago through their Urban Skill Institute has been playing a large role in this program, and they will continue to do so. And I have the assurances of the Sponsor that we will amend the Bill in the Senate that will provide for a joint venture with the City Colleges of

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Chicago in regards to the educational components that are needed to have this a successful program. We do have problems in our county jails. We have problems with the product. Let's try and help. I'm going to ask your support for this House Bill 2369. Thank you."

Speaker Matijevich: "Gentleman from DuPage, Representative Gene Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill, although I believe it is noble in concept and that the Sponsor is, without question, well-intentioned and it is modeled after a program which has had it... at least a modicum of success. I rise in opposition to the Bill not only because, as the previous Sponsor said, it costs in excess of \$700,000, but also to point out that this particular piece of legislation is outside the administrative structure and control of the judicial system which currently operates probation programs. Which, of course, points out the fact that this can very easily lead to a fragmentation of the probation system if we made a scheme where ever probation program was to be set up and have independent boards and independent organizations. And for that reason, Mr. Speaker and Ladies and Gentlemen of the House, I must rise in opposition to House Bill 2369."

Speaker Matijevich: "Gentleman from Cook, Representative Nelson Rice."

Rice: "Mr. Speaker, to the Members of this House. We have sat here a little less than a year and a half now and listened to all kinds of Bills in relations to the correctional system, the prison system, how we going to build buildings, house more criminal, and when we get a chance to go into the street, what we would like as social workers to refer to as grass roots, we run away from it. We can name the

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organizations outside of the criminal justice system, Catholic Charities, Salvation Army, 'Ida McKinley'. Those organizations that have these kinds of programs and reduce the recidivism of people going back into the jail. Those are human beings. We spend millions of dollars with teachers, various other kinds of inhouse programs in the prison systems that's not working. Allow this Bill to have a chance. Allow 700 or \$800,000 to be invested wisely with some people who have some personal convictions about rendering a service and not about filling their pockets. I certainly recommend an 'aye' vote on this Bill."

Speaker Matijevich: "Representative Brockins, to close."

Brookins: "Mr. Speaker, let me just point out that this Bill is under the jurisdiction of the courts, that the only way that a person can go into probation is to be sent there by a Judge. Once there, he reports back to probation officers and the probation department. So, I will point out to you that it is under the judicial... of the judiciary system. I also point out that this is a cost saving Bill. Instead of looking at the glass as half empty, let's say the glass is half full. We are here to save money and this is what this Bill will do for us in the long run. And with that, I ask you to give me a favorable vote. Funch 'aye'."

Speaker Matijevich: "Representative Brockins has moved for the passage of House Bill 2369. The question is, 'Shall House Bill 2369 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted? Have all voted who wish? Clerk will take the record. Gentleman... 59 'ayes' and 45 'nays', and Representative Brookins asks for a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Brockins."

Speaker Matijevich: "How about that. No wonder you wanted a poll. Are you sure? Yeah, you are positive. Brookins

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'aye'. You could have voted 'present' you know."

Clerk Leone: "Domico. Harris. Huff. Keane. Preston. Stuffle.  
Taylor and Wait. No further."

Speaker Matijevid: "On this question there are 60 'ayes', 45  
'nays', 5 answering 'present', and the Gentleman from  
Kendall, Representative Hastert, asks for a verification of  
the vote. And the Clerk will call out the affirmative  
vote, and when your name is called be in your seat and  
raise your arm."

Clerk Leone: "Poll of the Affirmative. Alexander. Ferrios.  
Bowman. Braun. Breslin. Brookins. Erummer. Brunsvold.  
Bullock. Capparelli. Cullerton. Curran. Currie.  
DiPrima. Doyle. John Dunn. Farley. Flinn. Giglio.  
Giorgi. Greiman. Hannig. Hicks. Jaffe. Kirkland.  
Krska. Kulas."

Speaker Matijevid: "One moment. Representative Braun asks leave  
to be verified. Leave, and Representative Braun is  
verified. Keane 'aye'. James Keane 'aye'."

Clerk Leone: "Continuing with the Poll of the Affirmative.  
Laurino. LeFlore. Leverenz. Levin. Markette. Marzuki.  
Matijevid. Mautino. McAuliffe. McGann. McPike.  
Nelson. O'Connell. Panayotovich. Pierce. Bea. Bhez.  
Rice. Richmond."

Speaker Matijevid: "Rice asks leave to be verified. Leave. And  
Kulas, Kulas asks leave to be verified. And Ferrios asks  
leave to be verified. One moment. Capparelli asks leave  
to be verified. Leave. And Krska. Krska, Capparelli,  
Ferrios."

Clerk Leone: "Continuing with the Poll of the Affirmative.  
Ronan. Saltsman. Satterthwaite. Shaw. Slape. Stecz.  
Terzich. Turner. Van Dyne. White. Wolf. Younge.  
McNamara and Mr. Speaker."

Speaker Matijevid: "I think we started... one moment."

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Representative Vitek 'aye'. Vitek 'aye'. I think that's 62, but we'll check... check it out with the Clerk. 62 'ayes', 45 'nos', and Representative Jessie White asks leave to be verified. Leave. Jessie White. Representative Hastert on questions of the Affirmative Vote."

Hastert: "Representative Alexander."

Speaker Matijevich: "One moment. Steczo, leave to be verified. Alexander is in the aisle. Pierce asks leave to be verified. Leave."

Hastert: "Representative Braun."

Speaker Matijevich: "Carol Braun had leave to be verified. And Laurino asks leave here to be verified."

Hastert: "Well, wait a minute."

Speaker Matijevich: "Braun did have leave and... Now, one moment. Vitek and Laurino ask leave. Leave to be verified."

Hastert: "Is Laurino here to ask leave?"

Speaker Matijevich: "Sure was. As the old saying goes, 'Would I lie to you?'"

Hastert: "Representative Bob Farley."

Speaker Matijevich: "Farley. I don't see Representative Farley. How is Representative Farley..."

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

Speaker Matijevich: "Remove him."

Hastert: "Representative Flinn."

Speaker Matijevich: "Representative Flinn. How is the Gentleman recorded?"

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

Speaker Matijevich: "Remove him from the Roll Call."

Hastert: "Representative Giglio."

Speaker Matijevich: "He's here."

Hastert: "Representative Laurino. We verified him?"

Speaker Matijevich: "He had leave. Uh-huh."

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Hastert: "Representative Levin."

Speaker Matijevich: "Levin. He's... He's here."

Hastert: "Beg your pardon?"

Speaker Matijevich: "He's on the phone in his seat."

Hastert: "Representative McAuliffe."

Speaker Matijevich: "McAuliffe. How is Representative McAuliffe recorded?"

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

Speaker Matijevich: "Remove him."

Hastert: "Representative Panayotovich."

Speaker Matijevich: "Panayotovich is in the aisle right here."

Hastert: "Representative Reem...Ehem."

Speaker Matijevich: "Representative Ehem. Yeah, he's is in his seat. There he is."

Hastert: "Representative Richmond."

Speaker Matijevich: "Representative Richmond. Is Representative Richmond back there? I don't see him back there. How is Representative Richmond recorded?"

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

Speaker Matijevich: "Remove him."

Hastert: "Representative Ronan."

Speaker Matijevich: "Ronan is in his seat."

Hastert: "Representative Saltzman."

Speaker Matijevich: "I don't see Representative Saltzman. How is he recorded?"

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

Speaker Matijevich: "Remove him from the Roll Call. Leave for McFike to be verified. Leave, Jim McFike."

Hastert: "Representative Shaw."

Speaker Matijevich: "Representative Shaw is way in the back."

Hastert: "Representative Slape."

Speaker Matijevich: "I don't see Representative Slape. How is he recorded? Oh, there he is in the middle aisle or the

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aisle..."

Hastert: "Was I correct, did you verify Representative Steczo? I wasn't sure."

Speaker Matijevich: "That's correct."

Hastert: "Representative Van Duyne."

Speaker Matijevich: "Van Duyne is in his chair."

Hastert: "Representative White."

Speaker Matijevich: "He's been... He had leave to be verified."

Hastert: "Representative Younger."

Speaker Matijevich: "Representative Wyvetter Younger is in her chair."

Hastert: "Representative Nelson."

Speaker Matijevich: "Representative Nelson. I don't see Representative Diana Nelson. How is she recorded?"

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

Speaker Matijevich: "Remove her. Proceed."

Hastert: "No other questions."

Speaker Matijevich: "What's the count? The count is 56 'ayes', 45 'nos', and House Bill 2369, having failed to receive the Constitutional Majority, is hereby declared lost. On page twelve of your Calendar on Third Reading appears House Bill 2558, Cullerton - Madigan. Read the Bill."

Clerk Leone: "House Bill 2558, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative John Cullerton, on House Bill 2558."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill deals with the issue of drunk driving. The first thing that this Bill does is to change and increase the penalty of reckless homicide from a Class 4 Felony to a Class 3 Felony. It makes it the same penalty as involuntary man slaughter because, indeed, that's what reckless homicide is. It is the same as involuntary man

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slaughter only it uses an automobile as its weapon. The second portion of the Bill addresses a concern that originally came to me from a Republican state's attorney down in Coles County, Nancy Owen, who told me that there is a gap in the present Illinois law dealing with the conviction of a person for a felony offense, who in the operation of a motor vehicle while intoxicated kills someone. The problem is that the state has to prove recklessness, and recklessness is a mental state that includes willful and wanton misconduct. Now courts have said that the fact that someone is just intoxicated, and they kill someone, that is not enough to convict someone of a felony offense of reckless homicide. So even though a drunk driver kills someone, they are not found guilty of a felony, and the most they can be found guilty of is a Class A Misdemeanor. And what the Bill does after it has been amended is to say that evidence of intoxication, evidence that someone is under the influence of alcohol or any other drug or drugs at the time of the violation, shall be prima facie evidence of a reckless act. The affect of this will be that when an defendant who drove a car while he was or she was intoxicated and killed someone, during their trial when they try to get the case thrown out at the end of the state's case because there hasn't been enough showing of recklessness, what we say with this Bill is, that won't happen. That this case shall go to the Judge or to a jury because evidence that someone was intoxicated or under the influence of a drug shall be sufficient to get that issue before a jury. I feel that we have dealt with the subject of drunk driving in past Sessions, and in many cases we've improved the law. We've got tough on drunk drivers, but really most of those Bills dealt with increase in penalties. And, indeed, on occasion increasing penalties



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is appropriate, as in this Bill where we increase the penalty from reckless homicide to a Class 3 Felony. But this Bill goes to the very heart of a problem of convicting drunk drivers who kill people. This idea was debated thoroughly in Committee, and I spoke with a number of state's attorneys from throughout the state, who said that this would be a tremendous help to them in obtaining convictions for reckless homicide. I'd be happy to answer any questions. I would appreciate your support for this Bill."

Speaker Matijevich: "Representative Cullerton has moved for the passage of House Bill 2558. On that, the Gentleman from Champaign, Representative Johnson. Tim Johnson."

Johnson: "This Bill is an excellent piece of legislation. And I congratulate Representative Cullerton and the Democratic Leadership for its initiative on this Bill. Representative Celeste Stiehl had this almost identical Bill a couple of years ago, and we didn't get the amount of support that we needed to get it passed. It makes a great deal of sense, and in practicality applies in many, many, many cases. So I congratulate again, Representative Cullerton and the Democratic Leadership. It may be a little late, but they got on a good concept. It's a good Bill, and I urge its passage."

Speaker Matijevich: "The Gentleman from Dupage, Representative McCracken. Tom McCracken."

McCracken: "I just want to echo those remarks. At the risk of supporting Representative Cullerton, I think he's come up with a great Bill. It solves a lot of problems of formulation which we just couldn't solve in the past. I think his adoption of the reckless prima facie case obviates proximate cause problems which have plagued us in the past. So, I also recommend an 'aye' vote. This is

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good for the people."

Speaker Matijevich: "There being no further discussion, the question is, 'Shall House Bill 2558 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 104 'ayes', no 'nays', and House Bill 2558, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading on page fourteen appears House Bill 2702, Nash. Representative Nash in the chamber? Representative Nash here? Clerk will read the Bill."

Clerk Leone: "House Bill 2702, a Bill for an Act in relationship to criminal sentencing. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Steve Nash, on House Bill 2702."

Nash: "Mr. Speaker, Ladies and Gentlemen of the House. This is another one of the Bills...series of Bills that came out of the Gangs Crime Commissions...Gangs Crime Commission. All this Bill does is if a person commits a felony while on probation or on bond, the Judge may add two more years in the sentence."

Speaker Matijevich: "Representative Nash has moved for the passage of House Bill 2702. The Gentleman from Cook, Representative Jaffe."

Jaffe: "Steve, is Amendment #2 still on this Bill?"

Nash: "Can we take this out of the record for a minute?"

Speaker Matijevich: "Out of the record. House Bill 2775. Out of the record. House Bill 2877 appears on page sixteen of the Calendar on the Order of Third Reading, LeFlore. Will the Clerk read the Bill?"

Clerk Leone: "House Bill 2877, a Bill for an Act relating to certain minors under the jurisdiction of the Juvenile Court Act. Third Reading of the Bill."

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Speaker Matijeovich: "The Gentleman from Cook, Representative Robert LeFlore, on House Bill 2877."

LeFlore: "Mr. Speaker, Members of the House. House Bill 2877 as amended - a Section of the Juvenile Court Act to require that the compliance report to be submitted to the courts whenever a disposition order has been entered and required a minor to attend school or participate in a training program or therapy. On this Bill no report will be needed, however, until the juvenile has missed more than ten out of forty days of school, and then the report will go directly to the Judge of this juvenile's absence from school. And I ask for a favorable vote. I don't see anyone...I don't know of anyone who opposes this Bill. I spoke to one of the Representatives from the Republican side, and he said he had a similar Bill last year. And perhaps next year he and I can get together and more or less come up with a better Bill, but I'd just like to see this Bill get a favorable vote today."

Speaker Matijeovich: "Representative LeFlore has moved for the passage of House Bill 2877. Is there any discussion? Seeing none, the question is, 'Shall House Bill 2877 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 110 'ayes', 1 'nay'. House Bill 2877, having received the Constitutional Majority, is hereby declared passed. House Bill 3102 appears on page eighteen of your Calendar on the Order of Third Reading, Representative Hawkinson. The Clerk will read the Bill."

Clerk Leone: "House Bill 3102, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Matijeovich: "The Gentleman from Knox, Representative Hawkinson, on House Bill 3102."

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Hawkinson: "Thank you, Mr. Speaker. I would like leave of the Body to return this Bill to the Order of Second Reading for purposes of an Amendment."

Speaker Matijevich: "The Gentleman asks leave to return House Bill 3102 for the purpose of an Amendment. Does he have leave? Leave. The Bill is on Second Reading. Mr. Clerk, are there any Amendments?"

Clerk Leone: "Floor Amendment #6, Hawkinson, amends House Bill 3102 as amended."

Hawkinson: "Mr....Mr. Speaker..."

Speaker Matijevich: "Representative Hawkinson."

Hawkinson: "I would like to leave to withdraw Amendment #6."

Speaker Matijevich: "Leave to withdraw Amendment #6. Is that... Leave, and Amendment #6 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #7, Hawkinson, amends House Bill 3102."

Speaker Matijevich: "Representative Hawkinson on Amendment #7."

Hawkinson: "I would ask leave to withdraw Amendment #7."

Speaker Matijevich: "Leave to withdraw Amendment #7. Leave, and 7 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #8, Hawkinson, amends House Bill 3102."

Speaker Matijevich: "Hawkinson got one he likes on #8."

Hawkinson: "Thank you, Mr. Speaker. Amendment #8 attempts to clear up the problem raised by Representative Dunn and others when we called this Bill on Third Reading last week. The Amendment provides that before any gambling device may be seized, confiscated or destroyed, there must be an individual with a property interest in the device who knows of the unlawful use of the device. This would also add the same protection to the existing law, and I would ask for the adoption of Amendment #8."

Speaker Matijevich: "Representative Hawkinson moves for the

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adoption of Amendment #8. On that, Representative Van  
Duyne."

Van Duyne: "Will the Sponsor yield for a question, please?"

Speaker Matijevich: "Proceed."

Van Duyne: "Representative Hawkinson, could you please expand  
that just a little bit? I'm reading this and let's create  
a little scenario. Suppose... Supposing that I own a piece  
of property, and somebody is renting this property from me  
and he does have these devices, when you talk about  
devices, I presume you mean the poker and the jack...oh,  
yes, blackjack, that type of a thing. Now, if I have this  
property, and the person is renting the property from me,  
and they have these devices inside the building, am  
I...unless an individual with the property interest has  
said...in said device knows of the unlawful use. What is  
the exception? If I know about the unlawful use, does that  
negate the seizure power?"

Hawkinson: "No, if you know of the unlawful use, that's what  
triggers the seizure power. This is meant to protect an  
owner of property, someone who has a property interest in  
property who does not know that it is being used  
unlawfully. and for example, a couple of customers are  
betting on that property under this Amendment the property  
could not be seized."

Van Duyne: "Thank you."

Speaker Matijevich: "Is there further discussion? Seeing none,  
Representative Hawkinson has moved for the adoption of  
Amendment #8. All those in favor say 'aye', opposed 'no',  
and Amendment #8 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. Representative Hawkinson  
asks leave for the immediate consideration of House Bill  
3102 on Third Reading. Does he have leave? Leave. The

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Clerk will read the Bill."

Clerk Leone: "House Bill 3102, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Matijeovich: "Representative Hawkinson on House Bill 3102."

Hawkinson: "Thank you, Mr. Speaker. House Bill 3102 as amended is a Bill proposed by the Department of Law Enforcement to correct a problem where gambling devices were being seized in raids, which were being used in unlawful gambling primarily by organized crime. And they were not able to seize the device because the existing law defines device only as that device which is incapable of lawful use. We discussed this Bill earlier, and we fully debated it. However, I would note that we have cleared up two of the objections that were raised to the Bill. One of the objections in Committee, and others by Representative Brunner, that we had a double standard and had the word 'contraband', as well as 'being considered a gambling device'. We have removed by Amendment #3 the words 'contraband'. There was much concern raised last week that a person with a property interest in these gambling devices would not be protected, and they might have to go into court after his property was seized by incidental gambling of which he was not aware. By Amendment #8 we have required, not only for these new definitions, but also for the old definition, that unless an individual has a property interest and knows of the unlawful use that there be no seizure of the Bill. I would move for the passage of House Bill 3102, and I would try to answer any questions."

Speaker Matijeovich: "Representative Hawkinson has moved for the passage of House Bill 3102. The Gentleman from Cook, Representative Levin."

Levin: "Will the Gentleman yield for a question?"

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Speaker Matijevich: "He indicates he will, proceed."

Levin: "I am sorry, Representative, I didn't get to ask this question when Amendment #8 was offered. Let me go back to the scenario we were talking about. Let's say, somehow or another, somebody's equipment is being used. They have knowledge, but they're being coerced. They don't want it to be used for gambling purposes, but they're being intimidated. Is there any protection for them under this Bill?"

Hawkinson: "Representative, I think Amendment #8 offers them a protection that does not exist in current law. If you look at the Bill in Subsection (c), under current law when a gambling device is seized, an owner or person having a property interest is forced to go into court within sixty days and to present his case as you have outlined it above. This Amendment would say that unless there was knowledge the seizure couldn't happen in the first place. And in any event this statutory procedure would still exist if there was a seizure to allow that owner or the person with the property interest to go into court and to make that case before the Judge and have the seizure denied."

Levin: "Alright. So, Representative, in other words what you're saying is if the scenario was as I described it and is presented, that would be grounds for the person defending against having this property seized?"

Hawkinson: "Absolutely."

Levin: "Thank you."

Speaker Matijevich: "There being no further discussion, the question is, 'Shall House Bill 3102 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 106 'ayes', no 'nays', 2 answering 'present'. House Bill 3102, having received

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the Constitutional Majority, is hereby declared passed. I understand Steve Nash is ready to return to House Bill 2702. Is that correct? The Clerk will read the Bill. House Bill 2702, it's a Bill we took out of the record moments ago."

Clerk O'Brien: "House Bill 2702, a Bill for an Act in relation to criminal sentencing. Third Reading of the Bill."

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

Nash: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2702 adds a new statutory aggravating factor of sentencing with regard to an offender who has committed a felony while on bail or on probation for a prior crime. That's Amendment #2 to the Bill, and Amendment #3 adds Class 4 Felony to a second offender for damage to criminal property by graffiti. I ask for a favorable Roll Call."

Speaker Matijevich: "Representative Nash has moved for the passage of House Bill 2702. The Gentleman from Cook, Representative Jaffe."

Jaffe: "Mr. Speaker, Members of the House. House Bill 2702 was a good Bill up until it got to the floor of the House. As a matter of fact, it had passed out of Judiciary with a fifteen to nothing vote. However, once it got to the floor of the House, I don't know what possessed Representative Nash, but he put on a ...an Amendment which was soundly defeated in the Judiciary Committee and that was the famous graffiti Amendment. And we have so screwed up the criminal law with our sentencing structures already that to pass this Bill out with House Amendment #2 would further, I think, not do us justice. House Amendment #2 deals with the subject matter of graffiti, and says that if someone commits the crime of graffiti twice it is now...it would now be a Class 4 felon (sic-Felony). And I just think that



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that goes a wee bit far. I don't think that someone who writes on the walls of the washroom two times ought to be put in the penitentiary for a Class 4 Felony. We will soon have probably an entire penitentiary full of people who are guilty of graffiti, who have scribbled something on the washroom wall and now are in the state penitentiary. I wish that Representative Nash, who had a good Bill prior to Amendment #2, would take it back. Take off Amendment #2, and then we could pass what is really a good Bill. But with House Amendment #2 I just think the Bill becomes horrendous and so screws up the...the criminal sentencing system that it would certainly not do the Members of this House any justice to pass it. So I would urge a 'present' or a 'no' vote, and hope that he gets enough to put it on Postponed Consideration so we can take off Amendment #2 and then pass this Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative John Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I initially was opposed to Amendment #2, which the previous speaker addressed himself to. But after looking at the Amendment, I personally have reconsidered. The current law says that if you commit this act of criminal damage to property and the damage exceeds three hundred dollars, it's a Class 4 Felony. This concept of having an enhanced penalty for a second or subsequent offense is also found in the area of theft, where you perform something, perform a theft if it's your second offense, it also can be elevated to a Class 4 Felony. Let me also point out that just because it's a Class 4 Felony doesn't automatically mean that the person goes to the penitentiary. Probation is still available for someone who's found guilty of a Class 4 Felony. I think the thing,

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however, that really convinced me with regard to this particular Amendment, aside from the fact that Madigan was the Sponsor, was that the... What we're talking about is just not criminal damage to property. It's not just someone defacing property, writing on the railroad station and carving their initials. This is directly related to gang activity, and as I drive down my alley, and I see a white garage door one day being white and the next day saying Latin Kings on it, I have come to know that that means much more than just some guy belongs to a social group, and he's really happy to have the publicity. That means that someone is moving in on turf. There are people who have been killed in the City of Chicago, simply because they walk on the wrong side of the street because of the gang activity. And I think that as a result this...this Bill is sending a signal to those people that are going to be found guilty of this type of criminal damage to property, that we recognize that it's serious, and we want to make it a felony offense. For that reason, I would support the Bill."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the chamber. I simply wonder if Representative Cullerton would explain whether he wears a seat belt when he drives down that alley looking at that graffiti."

Speaker Matijevich: "The Lady from Cook, Representative Carol Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I actually feel like it's almost hopeless to even talk to these issues, because we've got here another Bill that is going to put people in jail for one to three years for scribbling graffiti on walls or the sidewalks or

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whatever. Now, Representative Cullerton says this is going to send a signal, and I submit that it probably will. And when the newspapers find out that we have just voted in this Illinois House to send people to jail for one to three years, at a cost of \$20,000 a year per person, for scribbling on the sidewalks, we will have sent a signal about how far we have come in this Illinois General Assembly in dealing with the criminal law and the sentencing in this state. I think this is an absurd proposal, and I ask for a 'no' vote."

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

Johnson: "We really need Representative Panayctovich to discuss this issue, but in his absence, if you'll remember here when we had this issue before... You know the ironic thing about this Bill, Representative Nash, and maybe you can respond to this is that if you use paint or a similar substance to deface someone's property a second time, then it's a felony. But if you used a knife or a club or a hatchet and chopped up their property a second time, it's still only a misdemeanor. If you're going to make an approach that criminal damage to property for a second offense, as long as it's less than \$300, ought to be a felony, it really doesn't make sense to single out what, in at least most cases, is a substantially less severe offense than in a category of offenses it can be listed as a...as a misdemeanor. I think Representative Fraun is absolutely correct in this. All you have to do to pass this Bill is say it's going to cut down on gang activity, and it's going to put people behind bars, and it will automatically get 90 or 100 votes. But the fact of the matter is this Bill; and, with our current approach to our juvenile crime, I think that half the members of my neighborhood, including

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my kids, would probably be felons at some time or another. This Bill is so broad - knowingly damage the property of another without his consent by defacing, deforming or otherwise damaging such property by the use of paint or any other similar substance, a second violation is a Class 4 Felony, would cover an incredible variety of 'offenses'. I don't want to and nobody else in this chamber wants to put their stamp of approval on graffiti and damage to people's property. But when we're talking about putting somebody in the penitentiary for up to three years for that kind of offense, we've absolutely gone bananas in the name of law and order. And I realize my voice isn't going to be any different than it is on any of these other issues that's going to pass. But when you pass these things and then we come in here and ask for \$250 million for a new prison so we can put the fifteen year old kid in the neighborhood in the penitentiary because he wants to put his initials on somebody's attached garage or detached garage that's never seen anyway because somebody wants to use it as a vehicle for getting back at him, then you're going to maybe reconsider. So go ahead and put the 90 votes up, but when you look at it, Amendment #2 what made what we thought in the Judiciary Committee was a responsible Bill into an absolutely totally irresponsible Bill."

Speaker Natijeovich: "The Gentleman from Will, Representative Van Dyne. Your light is on. Oh, no it was on before. I'm sorry, the Gentleman from Cook, Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I really just want to repeat the sentiments that have already been expressed but just to add a bit. Representative Jaffe when he was speaking against this Bill, his concern was primarily the writing on the walls and washrooms. I can understand that concern. My concern

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is even broader than that because this Bill may also make felons out of children who use chalk to play hopscotch on the sidewalk. And I can even go along with that because I think some of those children, if they reside in Representative Nash's district, might in fact be felons. But what really bothers me about this Bill is that during an election campaign there might be people who are actually putting up signs for political candidates and writing with paint or chalk or something else on a wall, saying vote for Smith. And since my name is not Smith, that person should definitely be put in the slammer for one to three years. This Bill is ridiculous with that Amendment. It is probably unconstitutional to start with, and we have a habit of passing things out of the General Assembly in order to let the courts decide whether or not that legislation is unconstitutional. But this is such an opportunity for mischief that it boggles the imagination. And to have a Bill that is as overkill as this Bill is, under the guise of in some way attacking gang activity by making felons out of people who actually write perhaps even the English language and using correct spelling and do it a second time and go to the slammer for one to three years, is insane. That's why this Bill is likely to pass."

Speaker Matijevich: "Representative McAuliffe, the Gentleman from Cook."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, I would rise in support of Senator (sic - Representative) Nash's Bill. There is a problem in the neighborhoods of Chicago. I don't think it's a problem downstate, but in many neighborhoods of Chicago gang members take great delight in painting their names on the sides of brick walls. There's no way to get the paint out of the brick walls. It permanently defaces the building. You see an

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old man and an old lady out with a steel wire brush trying to scrub these names off and scratch them off, and it can't be done. In other cases they will go down the alley and paint every garage door. They don't just put their initials on there. They paint the whole garage door like a mural, and when the neighbors go out and paint their garage white, they'll come back that night and do it again. I had a constituent in my district where they painted his garage door with their gang symbols, and he painted it white. And they called up on the phone and said, 'We're going to come back and paint it again, and if you paint over our gang symbol, we're going to burn the garage down.' And they did burn the garage down. There is a lot of intimidation and a lot of terrorism, and we're not talking about twelve year old kids playing hopscotch. We're talking about gang members who go out purposely and deface people's property to spread their gang influence around and cause nothing but grief in the neighborhoods. Representative Nash should be commended for trying to attack a problem that's in his district more prevalent than in mine, but it's also coming into my district now. And it's in all the inner city districts. If you don't believe, just ride down the streets in the inner city district and take a look, and you'll see every building is defaced."

Speaker Matijevich: "The Gentleman from Pecria, Representative Saltsman. Don Saltsman."

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

Speaker Matijevich: "Representative Saltsman has moved the previous question. All those in favor say 'aye', opposed 'nay', and the main question is put. One moment. Representative Johnson, for what purpose do you rise?"

Johnson: "I guess you need a ruling from the Chair. We had filed, Representative Jaffe and I, filed a request for a

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prison impact note, which is current law that's on file now prior to the time of final action. And I wonder if we could have a ruling on that. I would like to get a prison impact statement from the Spncsor."

Speaker Matijevich: "Could you state the Section of the law?"

Johnson: "I can't quote it. Representative Bullock's Bill is now law that requires, just as pension impact for Bills that can or might have an impact on a prison population, requires the filing of a prison impact note. That's a current law. I filed the form. We had to modify it a little bit, but it's applicable form, and it's current law."

Speaker Matijevich: "Van Duyn has a comment on that. Representative Van Duyn."

Van Duyn: "Yes. Really it's an inquiry, or maybe I'm just a little bit confused, but I'd like to know whether Representative Johnson would like to have that impact note filed - when you're in the State of Texas, as they run their penal institutions now, where there are about 99 or 101 percent selfsustaining - or in our prison. I had my light on, and I wanted to apologize to John because I was going to speak to Representative Fraun's comment, that it cost twenty or twenty-one thousand dollars to keep each prisoner in our penal institution. And I just want to bring to your attention that \$20,000 is not really accurate all over the world. In Texas, as it used to be in Illinois before we got so high and mighty that we used to worry about..."

Johnson: "Mr. Speaker."

Speaker Matijevich: "Will the Gentleman bring his remarks to a close?"

Van Duyn: "...the prisoners more than we do the victim. We used to be... So, my question is, Representative Johnson,

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is..."

Matijevich: "Conclude, alright. The Chair... The Chair... We're going to take that under advisement. The Parliamentarian is getting the current statute, or are you withdrawing it?"

Van Duynes: "No, I'm not withdrawing it."

Speaker Matijevich: "I have a feeling it would have to be done on Second Reading to be in Order, but the..."

Van Duynes: "The problem is the Amendment that made it applicable was added on Second Reading, and it would have been impractical and impossible to file it."

Speaker Matijevich: "We're going to proceed with the close, and then we'll come back on that... on a ruling of the inquiry. Representative Nash to close."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In reference of the graffiti Amendment, it doesn't change existing law. All it does is add Class 4 Felony to fine up to 10,000 for one to three years imprisonment or probation and restitution. That will convene to be available as sentencing alternatives with the second and subsequent offenders if they get caught spray painting your whole building or your whole house or your whole garage or anything that causes damage over \$300. The first part of the Bill, in regard to an offender who has committed a felony while on bail or probation - prior claims, no one seems to have any problems with. The second Amendment, the graffiti Amendment, just seems that all attorneys are opposing it. He must represent some gang members, and that's why... I ask for a favorable Roll Call on this vote. It's a good government Bill. We need it in the Chicago area, especially."

Speaker Matijevich: "The ruling of the Chair, the statute is that it be prior to advancement from Second Reading. So the inquiry is not timely, and Representative Nash has moved



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for the passage of... Representative Johnson, for what purpose do you rise?"

Johnson: "Well, I don't want to get outraged, and I won't. But on a point of personal privilege, I think the Members of this chamber can refrain from personal attacks that don't have anything to do with the merits of this issue at all, are absolutely unfounded in fact and otherwise. And to infer that me or Representative Jaffe or Representative Preston are in league with gang members or represent gang members, as evidence by our opposition of this Bill, is absolutely an insult to all three of us. I think I can speak for Representative Jaffe and Preston, and I think it's an unfair way to discuss issues. I've discussed the merits of this issue as I do on other issues, but for me to infer Representative Nash on a particular issue is in league with a criminal element just because he doesn't agree with me is absolutely ridiculous. The last time I handled a criminal case, it happened to be seven or eight years ago, and I don't represent gangs. I oppose this Bill in good conscience, and I think it's an insult to all of us to get into personal attacks like that."

Speaker Matijeovich: "Thank you, your personal privilege is in order, and, in fact, I was discussing the statute and didn't hear it. You are correct. Personalities should not enter into the matter at all. Representative Nash, let's try to conclude this if we can - not enter into it anymore."

Nash: "Mr. Speaker, if anybody took offense of that remark it wasn't meant to offend anybody in this House, and I apologize. It was made in jest, and if any Member took offense to it, it wasn't meant to berate any Member of this House or any Member of the Legislature."

Speaker Matijeovich: "Alright. The Gentleman has moved for the

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passage of House Bill 2702. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Representative Brummer, one minute to explain his vote. I'm sorry. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 22 'ayes', 71 'nays', 12 answering 'present'. House Bill 2702, having failed to receive the Constitutional Majority, is hereby declared lost. You got to turn your light on when you want to be heard. Representative Nash, for what purpose do you rise?"

Nash: "Mr. Speaker, can we put this on Postponed Consideration - we can take Amendment 2 off?"

Speaker Matijevich: "Representative Preston, for what purpose do you rise? Preston, 'aye'. Alright. The Gentleman asks leave... I was... You need 47 votes to put it on Postponed. The Bill has been declared lost. House... Representative Preston, do you want to return to 'no'?"

Preston: "Yes, Mr. Speaker."

Speaker Matijevich: "We have leave that he be recorded as 'no' on the last Bill. Leave. House Bill 321...3216, Nash. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 3216, a Bill for an Act to amend Sections of the Civil Administrative Code of Illinois and an Act in relation to state finance. Third Reading of the Bill."

Speaker Matijevich: "This is on page 19 of your Calendar. The Gentleman from Cook, Representative Nash, on House Bill 3216."

Nash: "Mr. Speaker, Ladies and Gentlemen of the House, this is another Bill that came up from the Gang Crimes Commission. It creates the Gang Violence Victims and the Enforcement Fund to assist in the relocation of victims and witnesses in the prosecution of gang crimes."

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Speaker Matijevich: "Representative Nash has moved for the passage of House Bill 3216. On that, the Gentleman from Kendall, Representative Hastert."

Hastert: "Would the Sponsor yield, please?"

Speaker Matijevich: "He indicates he will. Proceed."

Hastert: "Representative, is this... Is there a cost to this Bill?"

Speaker Matijevich: "Representative Nash."

Nash: "Funds appropriated continuously for this purpose."

Hastert: "I beg your pardon?"

Nash: "Funds are appropriated continuously for this purpose."

Hastert: "Do you know exactly what that amount is?"

Nash: "That all depends on the needs and how many they have to relocate."

Hastert: "Representative, I have a hard time understanding what you're saying."

Nash: "It depends on the needs and how many people they have to relocate."

Hastert: "Okay, well I have here just an analysis, and I know sometimes analysis aren't that thorough. But it says the cost of \$120,000 plus \$750,000 to a million in program costs. Is that accurate?"

Nash: "We have no way of knowing, staff advises me."

Hastert: "Is it true that Cook County already has a program of this nature that runs about \$225,000 a year with five full-time administrators?"

Nash: "I don't know."

Hastert: "Is this citywide, nationwide, statewide, Cook County?"

Nash: "Statewide."

Hastert: "It is statewide. Do you have a breakdown on how that would be spent across the state?"

Nash: "No, I don't. The state's attorneys have to relocate witnesses. They will make the request."

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Hastert: "Mr. Speaker, to the Bill."

Speaker Matijevich: "Proceed."

Hastert: "Ladies and Gentlemen of the House, certainly, I know the Representative and Sponsor of this Bill has noble intentions on this, but we are talking about a cost that could go well over a million dollars. We already have a program in Cook County where I understand most of the gangs are centered, that has an appropriation each year of \$225,000, has five full-time administrators. And it seems to me that this is just a duplication both in program and in funds. And I would ask a negative vote."

Speaker Matijevich: "Carol Braun, the lady from Cook, Representative Carol Braun."

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

Speaker Matijevich: "Proceed."

Braun: "Representative Nash, again I don't want to pick on your Bills here, but I'm reading the Amendment, and it says the Bill creates the Gang Violence Victims and Witness Fund. But then the Amendment says that the funds cannot be used as compensation to victims and witnesses. So what does that leave? The Speaker gets it. Okay. No..."

Nash: "Representative Braun, that's relocation expenses. When the state's attorney has to relocate the witness because they're afraid because the gangs are intimidating him, they have to relocate him. That's what it means."

Braun: "Well, but we already have a fund for that. Thank you, no further questions."

Speaker Matijevich: "Is there any further discussion? Representative Nash, to close."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. One of the previous speakers asked...had some figures. I don't where they got their figures from on what this fund is going to cost, but if they're not prosecuting any gangs

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there will be no cost. All this Bill does is create the fund to relocate witnesses, because right now we have a problem where people will not testify against any gang members because they intimidate them when they see gangs committing crimes, killing people on the street, raping women, robbing the elderly, beating them up, painting their buildings up and so on and so forth. I ask for a favorable Roll Call."

Speaker Matijeich: "Representative Nash has moved for the passage of House Bill 3216. Those in favor signify by voting 'aye', opposed by voting 'no'. Representative Jesse White, a minute to explain his vote. Representative Jesse White."

White: "Mr. Speaker, Ladies and Gentlemen of the House, first of all, I wanted to ask a question of the Sponsor, but since my question is not timely - I understand the importance of this program. I represent an area called Cabrini Green, and we have a lot of problems with gangs. And we have a lot of people who are reluctant to go to court and testify against an offender. My problem with that program is this that on many occasions when they relocate a person say from Cabrini Green, they throw them out of the frying pan and into the fire into places like Robert Taylor Homes and State Way Gardens. Until they can get a handle on this program, I'm going to change my vote from 'yes' to 'no'."

Speaker Matijeich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 41 'ayes', 47 'nays', 20 answering 'present'. Representative Nash. Representative Nash. The Gentleman from Cook."

Nash: "Roll of the Absentees, please?"

Speaker Matijeich: "The Gentleman asks for a Roll of the Absentees."

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Clerk O'Brien: "Poll of the Absentees. Ferriss. Bowman. Capparelli. Harris. Kraska. Leverenz. Pierce. Taylor. Terzich and Ycunge."

Speaker Matijeovich: "What's the count? 41? 41 'ayes', 47 'nays', and House Bill 3216, having failed to receive the Constitutional Majority, is hereby declared lost. The Gentleman from Cook, Representative John Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would move that we should continue this Special Order of Business, Subject Matter - Criminal Law, until tomorrow at 9:30, it would be May 23...Wednesday, May 23, at the hour of 9:30."

Speaker Matijeovich: "The Gentleman asks leave that, in use of the Attendance Roll Call, that the Special Order of Business, Criminal Law, be extended to the Order of 9:30 in the morning. On that the Gentleman from Dewitt, Representative Vinson."

Vinson: "Mr. Speaker, inquiry. Was the Motion to actually continue it to another day on the Calendar or to another time today?"

Speaker Matijeovich: "To extend it until tomorrow at 9:30 a.m."

Vinson: "Well, I think that's a little bit unusual."

Speaker Matijeovich: "We did it all last year, Sam. Do we have leave? Do you object, Sam, or not?"

Vinson: "No."

Speaker Matijeovich: "Leave, in the use of the Attendance Roll Call, the Special Order, Criminal Law - Subject Matter, will be heard tomorrow at 9:30 a.m. The hour of 4:00 having arrived, we are now on the Order of Sen...Special Order of Business, Subject Matter - Senior Citizens, Disabled Persons. On page eight of the Calendar, on the Order of Third Reading appears, House Bill 338, Stuffle - Curran. The Clerk will read the Bill."

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Clerk O'Brien: "House Bill 338, a Bill for an Act in relation to pensions. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Vermilion, Representative Stuffle, on House Bill 338."

Stuffle: "Mr. Speaker and Members of the House, I would like to begin by taking a point of personal privilege that I think probably should have been taken with regard to this Bill, and some other pension Bills, long ago. Today, the time to take that point has arisen. On this particular Bill, and others like it, and Representative Neff will close on the Bill, and he concurs in my point of personal privilege. We have not received timely reports on pension notices on this House floor. We have not received accurate or timely reports on pension notices on this House floor. We did not receive the pension impact statement on Amendment 4 to this Bill, which was technical, for over a week despite daily requests for that report and even after pointing out in Committee that the original figures on the Bill were wholly in error and that they included people not even covered by the Bill. We once again get those same erroneous figures. Now it's a little ridiculous to pay a pension law system actuary when he doesn't do an adequate job and hasn't done a timely job. I regret having to say this today, but I do so because it needs to be said. And now to the Bill, House Bill 338 is a product of two years of work by Democrats and Republicans to allow a one shot increase to annuitants and survivors in four systems; downstate teachers, Chicago teachers, state employees, university employees. It allows a ten cent per month, per year of service creditable service, increase times the number of years those persons have been on retirement, who retired or became survivors of annuitants prior to 01/01/78. We capped the maximum monthly benefit at \$100 on the Bill. It

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helps really the oldest of the old, the poorest of the poor, who average benefits less than \$400, who average nearly 80 years of age. In fact, there are 7,000 people in this state, 80 or older, and several hundred over 90, that this covers. It does not cover the last group of retirees because they aren't in the same position as these older, poorer people. The pension law's figures, I might add, are an error to the tune of about 15 percent, because they added in all the people that they saw that retired or became survivors in the last five years. They shouldn't have. That's totally in error. It's one of the points I wanted to make. There is a mandates exemption exclusion I would not mislead you, but the only system that effects is the teacher's system in Chicago because they dually get property tax money and stay at payout, and the state makes the payout. Survivors get a one half percent per year that they've been on an annuity increase. Eight percent or, roughly that number of these annuitants, will no longer be in the coverage of this Bill year to year because of attrition and because this is a closed group. I say to you today this is probably the most important Bill to these people out here. It's the last shot for some of them, and it is for the oldest and the poorest. And I ask for your 'aye' vote for those people who have been hit by soaring medical and hospital costs, even in a period when inflation is not dramatically increased for the rest of us. And I'd ask you to vote 'yes' for them and ask you to vote 'yes' for both the Democratic and Republican Sponsors, and ask you to give it an 'aye' 'because you have thousands of people in every district who need this help. And I would ask you to recognize Representative Neff to close."

Speaker Matijevich: "Representative Stuffle has moved for the passage of House Bill 338. The Gentleman from Livingston,



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Representative Ewing."

Ewing: "Would the Sponsor yield for some questions?"

Speaker Matijevich: "He indicates he will."

Ewing: "Representative Stuffle, this is a ten cent per year?"

Stuffle: "Ten cent per month per year of service increase, a person. You take the person's credible service multiply by the dime and multiply by the numbers of years that they have been retired."

Ewing: "And with a maximum of \$100 per month."

Stuffle: "And very few would receive that."

Ewing: "Right, and this is for everybody that's retired. It isn't... There isn't any..."

Stuffle: "No, it's for those who retired before January 1st of 1978. That would exclude the latest and youngest and the highest beneficiary people, and it would include the oldest and the poorest paid, who average 80 years of age."

Ewing: "Okay. Now, at the end of the first of this year the year period, what is the effective date?"

Stuffle: "The effective date would be the first of the coming year, making the payout cost half in the first year of the estimate given to you by the Pension Laws Commission plus about 15 percent less than that."

Ewing: "So, it's effective in July or is it effective January?"

Stuffle: "The payout, the first time the benefit becomes a part of the base is January 1."

Ewing: "Alright, and after one year, 12 calendar months from its effective date, this increase ceases. Is that correct?"

Stuffle: "It becomes the base for those people. There is never again another increase under it. It just stays in place."

Ewing: "But their pensions do not go down, they stay the same?"

Stuffle: "That's right. No, they would not be reduced. They wouldn't be increased subsequently by this same figure either."

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Ewing: "Alright. So it's a one time increase that continues on year after year."

Stuffle: "It stays in place year after year."

Ewing: "But so long as that person is an annuitant he would...he or she would receive the increased amount."

Stuffle: "They would receive the same. That's correct. That would be the base."

Ewing: "Thank you."

Speaker Matijevich: "The Gentleman from Madison, Representative Sam Wolf."

Wolf: "Thank you, Mr. Speaker, would the Sponsor yield to a question?"

Speaker Matijevich: "He indicates he will."

Wolf: "Representative Stuffle, did I understand you to say that you had or had not received a pension impact statement on Amendment #4?"

Stuffle: "We received it after eight consecutive days of asking for it, and the actuary was contacted by phone, by mail and was well aware that the Amendment was a technical rewrite of the first three Amendments. We didn't receive it until then. We pointed out in Committee that the figures were wrong because they used all the annuitants not just those to '78, and this is not the first time this has happened probably won't be the last."

Wolf: "Did you make your request to the actuary or to the Pension Laws Commission?"

Stuffle: "Both."

Wolf: "I think you also indicated that the impact statement of the actuary was off to the extent of how many million dollars?"

Stuffle: "We have figures to show that it's off by 15 percent."

Wolf: "Who do you mean by we, Representative Stuffle?"

Stuffle: "The pension laws... The people with the retirement

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systems provided us with a breakdown of the age of every group of annuitants, how much money they received and when they retired, and the figures reflected in the pension impact statement include five years of people not covered by the Bill."

Wolf: "Who actually wrote the impact statement for the retirees?"

Stuffle: "Who wrote the impact statement for the systems?"

Wolf: "For the systems."

Stuffle: "The systems provided me with...in the case of the Teacher Retirement System provided us with a breakout in the Committee that came from the individuals who work with the Teacher Retirement System here in Springfield."

Wolf: "Thank you."

Stuffle: "The system."

Speaker Matijevich: "The Gentleman from Marion, Representative Dewight Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Matijevich: "Yes, proceed."

Friedrich: "Does this apply to survivors also?"

Stuffle: "The second part does, Representative Friedrich. It applies different base."

Friedrich: "Okay, to the Bill."

Speaker Matijevich: "Proceed."

Friedrich: "This is a group of people who have been neglected through the years, and some of them, I know of some cases in my district where they're trying to exist on less than public aid remuneration. Here's some people who have devoted their lifetime for ... to the field of education, and I think they deserve better. To show you how little this is, if a person is taught 20 years and at ten cents a month, they're talking about \$24 a month. It's not a big deal, but it makes the difference between survival, and these are proud people who don't want to go on public aid."

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So, I think this is a worthy cause. I have supported other similar Bills in the past, and I'm happy to support this one. In response to Representative Ewing's question, it's a vanishing race, and every year some of these people will be gone. So, the actual dollars will go down."

Speaker Matijevich: "The Gentleman from Cook, Representative Robert Terzich."

Terzich: "Yes, with regard to the Bill. Representative Stuffle, how many times has this been increased for these retirees in the last six years?"

Stuffle: "We made an increase a couple, three years ago, that average about twenty-five dollars a piece for the ones who retired as I recall before '77."

Terzich: "Now does this apply to all of the annuitants regardless of the amount of time that they participated in a pension system, or are these only the ones that retired at the normal retirement date with the full credited service, or does this include people that may have only had ten years or twelve years that were short timers in the system?"

Stuffle: "People before those older dates, Representative, would have had to have the longer period of service to qualify in the first place."

Terzich: "What does that mean?"

Stuffle: "Some of them were twenty years."

Terzich: "Some... How about were there a number of them that weren't twenty years?"

Stuffle: "There couldn't have been too many because at the time most of these people retired. You had to have more years of creditable service to receive any benefit at all."

Terzich: "But the Bill does cover people that didn't even necessarily serve the normal twenty or twenty-five years to receive their pension benefits, doesn't it?"

Stuffle: "If they retired before that particular date,

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Representative. But the point still is they had more stringent requirements for creditable service to receive any age retirement to begin with."

Terzich: "But am I correct in my statement that this applies to people that did not serve the normal time requirement to get the full pension?"

Stuffle: "There would be a few, I'm sure, but very few."

Terzich: "Alright. Well, with regard to the Bill this also includes the survivors, which I believe... which is setting another...blazing another trail that, I think, was a similar statement made to the General Assembly survivors. But again with regard to the Bill, this Bill has been up before the Pension Laws Commission and General Assembly for a number of years. It continuously comes back. I'm sure it will still apply to the poor and the poorest of the poor and the poorest of the poor - poor, which is the same statements that are made year after year. I do resent the remarks made about the actuary of the Pension Laws Commission, because we do take pride in the fact that it is a strenuous job. We try to work with the best figures we can get, and get reasonable evaluations of the pension Bills that are put before us. It is not an easy task, and I resent the remark made about the actuary, Senator Goldstein, who I think has done commendable job with tools that he has gotten, because you can always get different figures from different actuaries. But with regard to the Bill, that the Bill has not been approved by... approved by the Pension Laws Commission. We have addressed the problem of the teachers, the poorest of the poor, for a number of years. This Bill also applies to people who did not even contribute to the system for the full twenty years, that they may have only been in the system for three, four, five or ten years, and they did get the benefits that they are

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entitled to. And I would urge a 'no' vote."

Speaker Matijevich: "Representative Ropp, the Gentleman from McLean."

Ropp: "Thank you, Mr. Speaker. On the Bill, very briefly, it does pertain to a lot of people who have retired many, many years ago, and I think for their contribution to this state and to this nation that it's a worthy cause. It will not cost much, and many of these people have even retired twenty-five and thirty years ago. And I support the Bill."

Speaker Matijevich: "The Gentleman from Henderson, Representative Hicks, Larry Eicks."

Hicks: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of a Bill that's some time long overdue in coming. With Representative Friedrich, I agree with his statements earlier. The people that retired out of this system simply are living on a very small income, an income that needs help. These people have spent many years of their lives, dedicated their lives to the future of this fine state, and I think that we ought to be supportive of this Bill and supportive of those people."

Speaker Matijevich: "Representative Stuffle, I guess you're ready. Oh no, that's right. I knew there was somebody else who was going to close. Representative Clarence Neff, to close. The Gentleman from Henderson, Representative Clarence Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As Representative Stuffle brought out, the actuary certainly didn't treat us right on this. I know he's got problems in getting stuff out, but we had a terrible time of getting this information out on this legislation. And I have to back up Representative Stuffle on the comments he made. Now, in regards to the Bill, inflation has subsided for most of us, but for these people on pensions,

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especially those in their seventies, eighties and nineties, people who have retired for a number of years, the rate of inflation is still in double digits. A large percentage of their income, at this age group, has to go for drugs and doctor bills, for gas and electricity and so forth. Now, we're only talking about a few people here that's going to go any amount of time... We're talking about people here that, for example, there's a 103 of these people that are over ninety years old. And you know, they're not going to be able... but we hope they'll live more years, but they're not going to live too much and so they're going to be dropping off pretty fast, but I think we have an obligation to see that these people have a decent living... and... in their last few years. There is six... six... over six thousand of them that are between eighty and ninety years old, then we have a few that's seventy to ninety years old. The fact is we're talking about an age group of teachers here that are averaging about seventy-eight years old. Most of these are unmarried ladies. And back in the depression time when they were teaching, if they would teach... while they were teaching if they got married they would lose their position. We were over crowded with teachers at that time, and many of these teachers were not able to get married because they couldn't... They would have lost their job if they had. They do not have a spouse. They do not have any social security, and if they choose to purchase Medicare and the insurance offered by the retired teachers, the cheapest they can pay for this insurance is \$186 a month. Now, many of these people are drawing \$350 to \$400 a month, and when we get letters, which all of us have, and I've had several of them from retired teachers, that saved their money and had a little income and even had a home. And due to the inflation and

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the small amount they've been receiving, they have had to sell their home. They have spent their savings, and they have called up wanting to know what to do. Well all I could advise them to do was to go on public aid. But these are proud people, they do not wish to go on public aid. And I think this is the least we can do in the General Assembly to give them this small raise, ten cents per month, for the length of time they have been in service. And it isn't going to cost... at the most it will cost \$100 a month and many of them will receive... and most of them will receive a good deal less than that. And I would appreciate your support, thank you."

Speaker Matijevich: "Representative Stuffle and Nash... and Neff have moved for the passage of House Bill 338. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record. On this question there are 107 'ayes', 4 'nays', and House Bill 338, having received the Constitutional Majority, is hereby declared passed. Representative Alan Greiman in the Chair."

Speaker Greiman: "On the Order of Senior Citizens/Disabled Persons - Special Order appears House Bill 1522, Steczo - Oblinger, page nine of the Calendar. The Gentleman from Cook... Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1522, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 1522 is a Bill that requires that the Illinois Department of Public Aid use the maximum income standard permitted under the Federal Medicaid Law in determining income eligibility of elderly and disabled persons and



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families with dependent children for medical benefits under the Illinois Medicaid Spenddown Program. What this Bill would do would be to allow those people eligible to have a few more dollars in their pockets before they... so as to reach the spend down level that's currently required by the Illinois Department of Public Aid. For those of you who may not be familiar, in order to qualify for a Medicaid green card or for the main program one has to spend down a certain amount of dollars to be eligible. What happens in this case is that senior citizens, disabled persons and others have no alternative some months, but just to determine whether they need the medical card or whether they need food to eat. This... Under this... Under House Bill 1522 by using the Federal Medicaid law standard we are allowing senior citizens, for instance, to have another \$29 per month in their pocket to spend for necessities rather than having them make that ultimate choice between food and medicine. This legislation we feel is important. The spend down level has not been changed in the State of Illinois since 1972. It's about time we did, and I would answer any questions and would ask for the support of the House on House Bill 1522."

Speaker Greiman: "The Gentleman from Cook has moved for passage of House Bill 1522. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 99 voting 'aye', 14 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Special Order of Senior Citizens - Disabled Persons appears House Bill 1535. Mr. Clerk,

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read... Out of the record. On the Order of House Bills Special Order of Senior Citizens Disabled Persons appears House Bill 2606. Out of the record. On the Order of House Bills Special Order - Senior Citizens - Disabled Persons appears House Bill 2684. 2684. Mr. Nash. Do you wish to proceed with that, Sir? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2684, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Nash."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the income district card Bill, it's... goes along with the work fare that we passed a couple of years ago. All it does, it permits someone who's on public aid to go out and seek employment, and they will not penalize them if they make the difference between \$144 a month that they receive in public aid and \$286 which is the minimum standard... national minimum standard. Ask any... Answer any questions."

Speaker Greiman: "The Gentleman from Cook has moved for the passage of House Bill 2684. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 112 voting 'aye', 1 voting 'no', none voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Special Order - Senior Citizens Disabled Persons appears House Bill 3152. 3152. Mr. Cullerton. Out of the record. The Chair recognizes the Gentleman from Cook, Mr. Cullerton, for the purpose of a Motion."

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Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would move that we continue the Special Order of Business, Subject Matter - Senior Citizens and Disabled Persons, until tomorrow Wednesday, May 23, at the hour of 11:00 a.m."

Speaker Greiman: "Does the Gentleman... 11:00 a.m., is that correct, Mr. Cullerton?"

Cullerton: "I said a.m. the first time, and I meant it."

Speaker Greiman: "Fine. Does the Gentleman have leave? The Gentleman has leave. Leave is granted. The hour of five having arrived, we are now on the Order of Special Order of Business - Public Utility Reform, and on that Order appears House Bill 2381. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2381, a Bill for an Act to amend an Act concerning public utilities. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Macoupin, Mr. Hannig. Mr. Hannig, do you wish to make the appropriate motion to have this Bill heard today?"

Hannig: "That's correct, Mr. Speaker."

Speaker Greiman: "The Gentleman from Macoupin moves that the appropriate rule be waived to allow the immediate hearing... consideration of House Bill 2381. Does the Gentleman have leave? The Gentleman has leave. Proceed, Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker, fellow Members of the House. In some municipalities in this state, there is what is called a private water utility company. And what has happened in the past in these areas is that they would charge the fire districts or the municipality a certain fee for the rent on fire hydrants. This was a relatively small fee. What has happened in the last couple of years is that the Commerce Commission has started requiring that a much

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greater fee be imposed upon these individuals, upon the fire districts and upon the... upon the municipalities. What this Bill is really saying is that we in the Legislature do not feel that the old method was inappropriate, and we do not feel that there is anything wrong with the old method for these companies of collecting fees. And in effect what we're doing is going back to a system very much similar to that method. It's been worked out with the water companies, and they can live with the Bill. There's no problems with the suburban areas that buy water, and the fire districts and the municipalities, I believe, are in favor of the Bill. They've asked that it be prevented, and I know of no opposition to this Bill. And so today I would ask for your favorable vote on this Bill to help our municipalities and fire districts."

Speaker Greiman: "The Gentleman from Macoupin has moved for the passage of House Bill 2381. Is there any discussion? Yes, the Gentleman from McHenry, Mr. Klemm."

Klemm: "Thank you, Mr. Speaker, will the Sponsor yield for a question?"

Speaker Greiman: "He indicates he will."

Klemm: "Representative Hannig, you had shown me not to long ago, prior to my becoming ill and I wasn't here, an Amendment that you were going to add to it. Has that been added to that Bill?"

Hannig: "Yes, that's correct, Representative. Amendment #1 which I discussed with you has been amended to the Bill and is now the Bill."

Klemm: "Okay. Thank you very much. No further questions."

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

Tuerk: "Would the Sponsor yield, please?"

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

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Tuerk: "Now, as you well know, I had some problems with this Bill originally, and I know what the Amendment does, and I know who drafted the Amendment, and I know all these facts. But I'm still confused about the Bill, and my question is this, right now in my community the city is paying an amount of money for water from the water company. Now, with the Amendment that you adopted on the Bill, made the Bill, does that change or is that cost transferred to all rate payers? And then, in effect, will this mean an increase to the rate payers in general?"

Hannig: "Basically what this Bill would do is that those direct costs that, for putting a fire hydrant in, for example the cost of the fire hydrant amortized over its useful life, would still be billed to the fire district or in your case to the municipality. So that there would be a fee that's imposed upon them so that they would not ask that there be thousands and thousands of fire hydrants imposed. But the indirect costs and the marginal costs, for example of having a water line perhaps a bit bigger and the cost..."

Tuerk: "Excuse me. I really can't hear you because of a Subcommittee meeting going on here."

Hannig: "I'll try to speak a bit louder. Those costs... Those indirect costs would then be put on the bill for the customer and shown as a separate line item. What the utilities would be doing is they would still be able to recover their cost. They would recover their direct cost from the municipality, but a lot of the indirect costs would be recovered not from the municipality or fire district, but rather would be put on the customer's bill and shown as a separate line item, so that those customers would know exactly how much they are subsidizing the water district or the fire protection district and municipality."

Tuerk: "Well, more specifically, the City of Peoria, for example,

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right now is paying the water company about a quarter of a million dollars, and will that cost still be charged to the municipality? It most likely will be, right?"

Hannig: "I don't know the exact numbers, but if the Commerce Commission is allowed to fully implement what they are trying to do in these areas, the cost will be... the municipality will be asked to bear the entire cost and not only just direct cost, but indirect costs as well. What this Bill will do, it will provide that a portion of those costs, the indirect costs, would not be charged directly to the municipality. So between the two approaches this one would cost the city less money. There still would be some charges to the city, so that they would not request that every block have five fire hydrants, if it was free, for example. But it certainly would be a much less and lower and reasonable figure."

Tuerk: "Well, right now we're paying for that cost through tax dollars. There's nothing in the Amendment that would allow for any abatement of taxes as a result of this cost shifting, right?"

Hannig: "Well, the problem is that if we allow this new procedure, not the one I'm proposing but the Commerce Commission's, to be implemented it will cause a great increase in the amount of monies that the municipalities will in effect, have to pay to private water companies. What we're trying to do is simply stay more or less in the same ballpark that they are in now. It will not reduce probably the amount but hopefully will not increase what had been paid in previous years. So hopefully we can stay relatively the same in that respect."

Tuerk: "Thank you."

Speaker Greiman: "Further discussion? There being none the question is, 'Shall this Bill pass?' All those in favor

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signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 112 voting 'aye', none voting 'no', 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Special Order of Business - Public Utility Reform appears House Bill 2553. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2553, a Bill for an Act to amend Sections of the Citizens Utility Board Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Vermilion, Mr. Stuffle."

Stuffle: "Mr. Speaker, I'd ask leave to return the Bill to Second Reading for the purposes of an Amendment."

Speaker Greiman: "The Gentleman from Vermilion requests leave of the House to return this Bill to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? Leave is granted. The Bill is on Second Reading."

Clerk O'Brien: "Amendment #3, Levin, amends House Bill 2553 on page two line nine and so forth."

Speaker Greiman: "The Gentleman from Cook, Mr. Levin."

Levin: "Leave to withdraw Amendment #3."

Speaker Greiman: "Amendment 3 is withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Madigan - Stuffle - Levin, amends House Bill 2553 on page two by deleting line nine through eleven and so forth."

Speaker Greiman: "The Gentleman from Vermilion, Mr. Stuffle."

Stuffle: "Amendment #4 incorporates the intent of #3. The Speaker and I and Representative Levin offer it. It excludes those people in management from membership of the citizens utility board when the candidacies begin for replacing the interim board. I would ask adoption."

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Speaker Greiman: "The Gentleman from Vermilion has moved for the adoption of Amendment 4 to House Bill 2553. Is there any discussion? The Gentleman from DeWitt, Mr. Vinson."

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

Speaker Greiman: "Indicates that he will."

Vinson: "Representative, as I read the Amendment it... it would exclude from club participation any employee in a managerial or supervisory capacity?"

Stuffle: "That's right."

Vinson: "Would that include the foreman of work crews, line crews, for instance?"

Stuffle: "I'm not sure it would exclude them all. It would depend on the nature of their bargaining unit or if there were a bargaining unit, I would think."

Vinson: "Would you elaborate on that?"

Stuffle: "Well, presumably there are units where that person is supervisory, management, by the contract. I'm not sure that would always be the case if there's no union there, and there's no contract there that defines who's in and who's out."

Vinson: "If there is not a contract, how do you determine what this applies to?"

Stuffle: "My opinion is it applies to them all, but I'm saying I think there is room for disagreement where there is no contract."

Vinson: "Would you like to give us what the intent is as to, so we can remove the disagreement?"

Stuffle: "I would say the intent is to exclude those people, and exclude all other people who commonly would be in management positions, and only include those people who generally are in... contractually in a bargaining unit, or those people who if they were in a unit and they are now in a nonunion situation would be in it if there a union and



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there were a bargaining unit."

Vinson: "Okay. Now, if you have a situation where an employee is a supervisor, directs other employees in the performance of their duties, and he is not in the same bargaining unit but is, in fact, in a different bargaining unit, would he be included or excluded?"

Stuffle: "I think supervisors are excluded."

Vinson: "All supervisors are excluded?"

Stuffle: "You're asking me supervisors, my answer is I believe they're excluded. Your other question was about foremen."

Vinson: "Okay. Now, what is the philosophy behind excluding those first level supervisors?"

Stuffle: "The philosophy is that you got to draw the line somewhere, and the philosophy is that those people exercise management duties and are carrying directly out the policies of supervisors or clearly management as opposed to employees who do the rudimentary work, and might be a lineman or something of that nature on a telephone company."

Vinson: "Don't you believe that a lineman has as much of a conflict of interest in this as a supervisor?"

Stuffle: "No."

Vinson: "Why not?"

Stuffle: "Because the lineman is not in the same capacity as the supervisor, and the lineman clearly is not making or exercising policy directly. He is only carrying out the duties of those people who impose activities upon him that are within the scope of his employment. And if he's in a unit for a bargaining purpose within that scope to, he's not making independent judgments with regard to policy. He's not making policy."

Vinson: "Yes, but the problem is... The question is whether there is a conflict of interest between his employment, and his

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participation in the club. Wouldn't his... Wouldn't his participation in the club sometimes affect or enhance his employment?"

Stuffle: "I don't think he would have a direct... direct conflict of interest at all, if even an indirect conflict of interest. Frankly, I think that the current situation such that you got people who could come back and be members of the club already who may have retired from a public utility. And, in fact, we already do have just that. And I think those people are already in the position to... if you want to use your term conflict of interest though, I don't think it fits here. Already would have some bearing on the activities of interim board and probably would reflect the viewpoint of those people who might be out on the line servicing telephone poles or utility poles of the like."

Vinson: "Well, here's my concern. Let's...let's type out the size of situation here. What we're talking about as I understand it, is a member of the club board of directors who is... who is an employee of a utility. Now, isn't he in the situation where a lot of pressure can be brought to bear on him to determine what his actions will be on the club board of directors? Where they'd intervene in a case? How to intervene in a case and so forth?"

Stuffle: "Well, I expect anyone that's on the club has somebody they answer to or somebody that influences them, and I assume that they would reflect the viewpoint of people they've worked with or worked for, but I don't think you can expect the lineman to necessarily, as a labor person, to represent the views of the policymakers in the utility company."

Vinson: "I don't have any other questions."

Speaker Greiman: "Further discussion? There being none, the

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question is 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from Vermilion on a Motion moves that the appropriate rule will be waived in order to allow immediate consideration of House Bill 2553. Does the Gentleman have leave? The Gentleman has leave. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2553, a Bill for an Act to amend Sections of the Citizens Utility Board Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Vermilion, Mr. Stuffle."

Stuffle: "I think we've explained the gist of the Bill by way of Amendment #4. The other provisions of the Bill were Amendments by the Speaker and myself to provide for a petitioning process, and to extend the life of the existing interim club board until such time that we can put together the petitioning and election process for the permanent board. I'd ask your 'aye' vote."

Speaker Greiman: "The Gentleman from Vermilion moves for the passage of House Bill 2553. And on that, is there any discussion? The Gentleman from Macou, Mr. Tate. No. Any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 92 voting 'aye', 16 voting 'no', and none voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Special - Order Public Utility Reform appears House Bill 2951. Out of the record."

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On the Order of Special - Orders, Public Utility Reform appears House Bill 2987. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2987, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Steczc."

Steczko: "Thank you, Mr. Speaker, I would ask leave of the House to bring House Bill 2987 back to the Order of Second Reading for the purposes of an Amendment."

Speaker Greiman: "The Gentleman from Cook asks leave of the House to return the Bill to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? The Gentleman has leave. The Bill is on Second Reading. Mr. Clerk."

Clerk O'Brien: "Amendment #1, Brunner - Levin, amends House Bill 2987."

Speaker Greiman: "The Gentleman from Effingham, Mr. Brunner."

Brunner: "Yes, thank you, Mr. Speaker, Members of the Assembly. Amendment #1 guts the Bill, and does the following five things. It allows the Illinois Commerce Commission to be reimbursed for out-of-state audit expenses when the books and accounts and papers and records of the public utility are kept outside of the State of Illinois. Number two, it allows the utility company greater flexibility with regard to the issuance of securities. Number three, it allows the public utility companies with authorization of the ICC to utilize self registration plans. Number four, it amends the Public Utility Act to increase the initial thirty day review period to forty-five days. It does not extend the overall period of eleven months within which a decision needs to be made. And number five, it amends Section 41 of the Public Utilities Act to allow the Commission to require utilities to submit and implement energy conservation plans

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and demand control and alternate supply programs. This Amendment was worked out with, I think, most parties involved. There was some input with regard to this by both the Republican and Democrat side of the aisle. The Illinois Commerce Commission and the public utility companies were advised of this, and so far as I know there is no opposition to this. The underline Bill sponsorship has been amended so that the sponsorship will reflect as follow: Steczko, Brummer, Levin, Klemm and Hoffman. And if this Amendment becomes the Bill, I will be glad to respond to any questions."

Speaker Greiman: "The Gentleman has...from Effingham has moved for the adoption of Amendment 1 to House Bill 2987. On that, is there any discussion? The Gentleman from DeWitt, Mr. Vinson. The Gentleman from McHenry, Mr. Klemm."

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

Speaker Greiman: "Indicates he will."

Klemm: "Representative Brummer, on page nine on line 17, there appears to be an oversight in the drafting of the change of..."

Brummer: "Yes. I would ask leave to amend that on its face so that it reads 105. On line 17, are you referring to the number 120?"

Klemm: "Yes, I am, and that, I think, should read a 105 days rather than a 120."

Brummer: "That is correct. Mr. Speaker, do I have leave to amend on its face, the Amendment on page nine, line 17 of the number 120 should be 105?"

Speaker Greiman: "Alright. The Gentleman asks leave to amend the Bill on its face in accordance with his Motion. Mr. Clerk, do you have the appropriate request?"

Clerk O'Brien: "Page nine, line 17."

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Speaker Greiman: "Alright. Gentleman has leave. Proceed. Mr. Klemm."

Klemm: "Thank you, Mr. Brummer. If Representative Brummer is absolutely correct, we had discussed all these changes. They are important to the ICC to move some of the legislation or the cases that come before it, but they really are relatively simple changes. They'll modernize, I think, the ICC's procedure, and we certainly on this side do support the Amendment and do join with Representative Brummer in asking for your favorable vote."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Mr. Brun... Yes, Mr. Steczo. The Gentleman from Cook moves for the...move for the...moves to waive the appropriate rule in order that this Bill may be considered at this time. The Gentleman have leave? The Gentleman has leave. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2987, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. As the debate on Amendment #1 indicated the Amendment now becomes the Bill. I think that it's been deliberated, and it's been agreed to. And I would move for the passage of House Bill 2987."

Speaker Greiman: "The Gentleman has moved for the passage of House Bill 2987. On that, is there any discussion? The

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Gentleman from Effingham, Mr. Brunner."

Brunner: "Yes, to simply indicate that particularly the Energy Conservation Program is a legislation that consumer groups across the State of Illinois feel it's particularly important. The other portions of the Bill have been, I think, discussed at the Amendment stage, and I would ask for a favorable consideration."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 110 voting 'aye', none voting 'no', 1 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Special Order of Public Utility Reform appears House Bill 3129, on page 18 of the Calendar. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3129, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Greiman: "Gentleman from Lake, Mr. Pierce."

Pierce: "Mr. Speaker, I would like to ask leave of the House to bring this Bill back to Second Reading. One of the Members wishes to offer an Amendment, and I promised them that opportunity."

Speaker Greiman: "The Gentleman from Lake moves to return the Bill to the Order of Second Reading. Does the Gentleman have leave? Leave is hereby granted. Mr. Clerk."

O'Brien: "Amendment #6, Klemm, amends House Bill 3129."

Speaker Greiman: "Gentleman from McHenry, Mr. Klemm."

Klemm: "Thank you, Mr. Speaker. Amendment #6 to House Bill 3129 actually does two things. It changes two sections of the Bill so that it would require the ICC if they're making

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rate changes to at least have some public notice by having some hearings or some notice of their changes. Presently, the Bill, as it in its present form, would allow the ICC to make some modification, some waiver, some rules, regulation, some changes such as that without any notice - without any finding of cause without doing anything. And it seems to me, in the policy of protection to the consumer in our State of Illinois, that we certainly should allow as much modernization for the ICC to effectively reach their conclusions, but also to give some measure of protection for the consumer irrespective of perhaps having at least the seven day waiting period, and that's what this Bill does...Amendment does. And I do ask for its adoption."

Speaker Greiman: "The Gentleman from McHenry moves for the adoption of Amendment #6 to House Bill 3129. Is there any discussion? The Gentleman from Lake, Mr. Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, the purpose of the Bill was to allow competition in long distance telephone service in Illinois and to allow those competitors to change or lower their rates to meet competition or to attain business without going through the formal hearings of the Public Utilities Act but to be able to act upon notice to reduce rates. Mr. Klerm has one of the seven day notice, and I have no objection to that. However, the Amendment is drafted. The Commission tells me, and I agree with them. It does change the original intent of the Bill to avoid full blown rate cases every time a competitive telephone company wants to reduce rates in the new competitive atmosphere of long distance telephone service. We have that ability between states. They have that ability between states; but within Illinois, they been unable, without this Bill, to offer competitive telephone service. There is no MCI, Sprint or



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any other competitive service within Illinois on intrastate long distance calls. The Amendment, if adopted, would have to be drastically changed in the Senate, because it doesn't really accomplish what we wanted to accomplish. I did promise the Gentleman in Committee that he could offer an Amendment on the floor, and when he was ill, the Bill went to Third Reading. I promised I'd take it back to Second for him so he can offer his Amendment. He's done that now, but apparently, the Amendment does not meet the objectives of the Bill. All the parties had agreed to the Bill as it appears before us prior to this Amendment, and so had the Commission, and so had the competitive, the competitors and the primary long distance carrier. So the Amendment itself, if adopted, will have to be changed in the Senate. The Commerce Commission says, and I agree with them, it doesn't do the job and therefore; I'll leave it up to the House to decide what to do here."

Speaker Greiman: "Further discussion? The Gentleman from Effingham, Mr. Brummer."

Brummer: "Yes, I guess I'm a bit troubled about this Amendment. As this Bill left Committee, it was agreed to by all parties, and this Amendment was not part of that agreement. I'm not sure there is any substantial disagreements regarding this Amendment. Representative Pierce, who's the Sponsor of the Bill, indicates there is some and it does not accomplish its purpose. I guess it'll be my suggestion that if there is further Amendment desired, and this Amendment is not in proper form or does not accomplish the goals that it attempts to achieve, that we ought not to adopt the Amendment and work on it... and instead, work on that problem in the Senate."

Speaker Greiman: "The Gentleman from Cook, Mr. Levin."

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

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Speaker Greiman: "Indicates that he will."

Levin: "Okay. Representative Klemm."

Speaker Greiman: "Mr. Klemm."

Levin: "Mr. Klemm."

Speaker Greiman: "There is a question being propounded to you, Sir. Mr. Levin, perhaps you best repeat the question."

Levin: "Representative, I'm wondering what the position at this point is with the respect to your Amendment of one, the Commerce Commission, and two, the various telephone companies that we can use that term generically that are affected by these procedures?"

Klemm: "Look to the first part of your question, the Commerce Commission supports the second part of the change on Amendment #6, the last half. They do not support the first change. And as you know in Committee, we had some concerns of consumers protection, not protection for the ICC Commissioners as such, not thorough protection necessarily for the utilities as such, but for all aren't involved. I received the Amendment from the ICC this afternoon. We had asked for it sometime ago as you know, and I wanted them to help me draft it. In fact, I asked for the ICC to actually draft this Amendment to meet with you and I, and the other Members of the Committee agreed upon to change. Well, in view that it wasn't really amended, because I didn't want to give up the rights of changing, modifying the rules, regulations and procedures and then, not have to give anybody any notice. I can understand why they wouldn't want to do that. That's pretty heavy power for that group, but obviously then, Representative Pierce said, 'Well, maybe you should, Dick Klemm, make them draft the Amendment'. I did that. So the ICC does not support the first part. They do tend to, I guess, support the second part."

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Levin: "And with respect to the affected telecommunication's companies, MCI's, Sprint and so on, what is their position?"

Klemm: "They have not given me their position, but in all fairness, they may not even know what the Amendment is, because we had to do this very quickly. In talking to AT&T, they had indicated they have supported the original legislation to try to get some changes to do what the ICC is trying to, do which I support. So therefore, they felt that their promises must be kept, and that they won't oppose or suggest or want a change in the legislation, whether it's in their best interest or the industry best interest. They kind of felt they gave a commitment to stay out of this dialogue."

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

Klemm: "Thank you, Mr. Speaker. I just simply feel that we reach a point someplace and time where we got to start thinking about the consumers and start thinking about what's best for the industry as a whole. It seems to me to give the ICC the total authority to be able to make waivers and make Amendments to rules and regulations in order to improve competitive situation in the telecommunication or telegraph industries, so that we get the free and open free enterprise system. This certainly enviable, and I support them and want to do all I can to propose a...meet those requirements and goals, but I also don't feel I want to give the ICC the right to sit there - probably not even in an open meeting, I'm not sure, but to save all this special group of telephone people from New York want to do certain rates and certain things, and they are pretty good guys. Maybe they made some contributions or something, I'm not sure. Maybe they got a lot of friends some place. Well, let's waive this rule and let's modify that rule, and let's

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not tell anybody about it. Let them go ahead and do it in another group, perhaps, in another state. Let's say California comes in and they say the same...want the same thing, and they'll say no we're not. We're going to amend that rule and this rule. We're not going to do this. We're going to not do the same thing in all the name for free competition and open the competitive situation. It seems to me, the whole term of competitiveness is to let everybody know what the rules of the game is, and let everybody play the rules of the game. And it seems to me without this Amendment, even if it must be refine in the Senate then to let this Bill go out without it, would be a disservice to the public and disservice to every consumer group, because we're just giving a tall game to the ICC. I do ask for your support on the Amendment."

Speaker Greiman: "The question is, 'Shall this Amendment be adopted?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Mr. Giorgi, would you turn around and do mine? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Amendment there are 52 voting 'aye', 37 voting 'no', 10 voting 'present', and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from Lake, Mr. Pierce, moves for the appropriate rule to be waived for immediate consideration of House Bill 3129. Does the Gentleman have leave? The Gentleman has leave. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3129, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Lake, Mr. Pierce."

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Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3129 is in the nature of an emergency matter, to give the Commerce Commission the authority to certificate additional long distance carriers in our state under traditional first in the field doctrine in Illinois of national monopoly and utilities. The Commission was prescribed by the court from issuing a certificate to more than one utility for the same service. Telecommunications now, telephone, as we like to call it, is now competitive and, as you know, in interstate long distance calls, there are numerous competitors, AT&T of course, ECI, Sprint, 'AINET' in the satellite business system and others. They do not have the right to offer long distance services in Illinois because of our Public Utilities Act. So one thing the Bill does, is authorize the Commission to certificate additional carriers. The other thing that it does is it authorizes the Commission to allow rate changes without a full hearing, a full rate pays type hearing. Often these competitive long distance carriers cut rates or reduce rates and they are in a competitive situation. They must do it without going through the eleven month process that we have in traditional and national monopolies. Telecommunication is no longer a national monopoly. Long distance telephone service is now competitive. The Sunset Committee, and I Chair at the Telecommunications Committee, has before us a legislation that will deregulate to a certain extent, telephone service in our state and especially, long distance service. That Bill will be ready to present next year in the General Assembly after approval by the full Sunset Committee. This December, hopefully in January, we'll have an entire new Public Utilities Act and Telecommunications Act ready to present to you. However, the Commission felt and convinced me and others, that it

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was important to do this much this year. Under an Amendment offered on the floor, this will sunset December 31 of next year, 1985. So even this Bill will be subject to the sunset process. It's an important Bill. It allows us to have competition of long distance service in our state and to have reduced rates in long distance service. The effect of the utilities are not oppose to the Bill. They're the one to go along with the Bill. It's a Commerce Commission's Bill. And I would urge passage of House Bill 3129."

Speaker Greiman: "The Gentleman from Lake has moved for passage of House Bill 3129. And on that, is there any discussion? The Gentleman from Kendall, Mr. Hastert."

Hastert: "Would the Sponsor yield?"

Speaker Greiman: "Indicates that he will yield for questions."

Hastert: "Representative Pierce, does this deal with what we call L.A.T.A. in the State of Illinois?"

Pierce: "The Bill doesn't deal with L.A.T.A. L.A.T.A.'s are set by the Federal District Court in the antitrust case against AT&T. They've already been established, and the Commerce Commission has...authority to change L.A.T.A."

Hastert: "Doesn't it break the L.A.T.A. in and even gives the Commerce Commission authority to break the L.A.T.A. down even the small areas?"

Pierce: "They can create market service areas, but they cannot create additional L.A.T.A. And the L.A.T.A., as they exist, could only be changed by order of the Federal District Court, I think it's in Philadelphia."

Hastert: "So what it does is actually allow the Commerce Commission to create service areas compete within a L.A.T.A. For instance, between Springfield and Decatur or... I don't think that would be in one L.A.T.A., or maybe between Aurora and Joliet, which would be another L.A.T.A."

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Let me ask another question, Representative."

Pierce: "They have that authority now, but still the local telephone company could serve between those market service area within the L.A.T.A."

Hastert: "Doesn't the green decision actually prohibits Illinois Bell from actually competing with those markets in between the specific L.A.T.A. connections?"

Pierce: "Illinois Bell..."

Hastert: "Without such office as Sprint and those types of things."

Pierce: "Illinois Bell cannot cross L.A.T.A. that was part of the original antitrust decision, that Illinois Bell would operate locally and AT&T would operate long distance. And the creation of new market service areas does not restrict Illinois Bell. They can still operate within the entire L.A.T.A., Springfield to Decatur and until such time, or Chicago Heights to Zion and until such time, as the Federal District Court changes them."

Hastert: "Thank you. To the Bill, Mr. Speaker. Ladies and Gentlemen of the House, I hope you're listening carefully, and if this debate sounds a little bit technical, let me try to simplify it in my own way. What this does is break down...allow other telephone companies to, basically, skim off the cream. If you have a telephone service between city A and city B, and it's already in L.A.T.A. in a service region, then, certain other companies can compete. What happens is that those people who are the rate payers for little towns, downstate users, downstate rate payers pick up the slack. You pay the extra cost, because the very lucrative business of dealing between city A and city B has already skimmed off. And in our case, and at least in my area, and I know downstate is different areas, but Bell Telephone in our area, then, can't compete with that

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process. So what we're doing here is charging people extra cost to subsidize the play between cities in the telephone business. Now, we're talking about a very complicated process. We're talking about some very sophisticated legislation and some very far reaching court decisions that have come down. As a matter of fact, what this does is create a mini divestiture within the State of Illinois. The same kind of divestiture that took place across this country that raise telephone rates on the average in the state, United States of America, seventeen percent last year. We're talking about the same kind of process. You know, there may be some good ideas here, but I think the ideas might be a little premature. What Representative Pierce said a few minutes ago, he's a Chairman of a Subcommittee, on the Sunset Commission. And I've seen and visited with Representative Pierce. He's worked very hard on this issue. But we're hurrying up this issue because somebody wants it now. We are schedule to bring legislation on this House floor next year when the issues are thoroughly studied, when people can look and see how they measure one area against the other. And maybe this is okay for high density areas, but if you're from downstate Illinois and if you want to face the voters and the people that you represent and say that, 'No, I'm trying to hold down your utility bills and your telephone bills, then you better take another look at this law and this proposed regulation by the Illinois Commerce Commission, because what it does is give them the full bag of tricks to deal with and what it does is create a super bureaucracy to cover telephone cost and telephone regulation at the cost to the rate payers for downstate small town out back counties in the State of Illinois. I hope that you will give this a 'no' vote."



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Speaker Greiman: "The Gentleman from Cook, Mr. Levin."

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

Speaker Greiman: "Indicates that he will."

Levin: "Okay. Representative Pierce, as you indicated in your introduction to Bill, Amendment #4 puts a sunset on December 31, 1985. Let's assume for the sake of hypothetical, that there is no continuation of this legislation after it passes, and that in interim, the Commerce Commission allows Sprint, MCI, several other companies to come into the interstate long distance market. Let's further assume they approve certain rates for those companies, and that this legislation self repeals on December 31, 1985, would the authority for these companies of Sprint, MCI, etcetera, attain in the interim period and the rates continue in effect after this Bill sunsets?"

Pierce: "Well, Mr. Levin, I'm sure you're aware it's not just this Bill that sunsets. That Amendment is really redundant. This Bill is an Amendment to the Public Utilities Act, and the entire Public Utilities Act sunsets December 31, 1985. I agreed to that Amendment 4 because of my view was redundant. The very sections of the Public Utilities Act that it amends, sunsets by prior legislation we've passed in this Legislature December 31, '85."

Levin: "I understand that. I'm just looking for a little legislative intent. You know, let's say the..."

Pierce: "The legislative intent is to draw an entire new, at least the intent of the legislative that I know of, is to draw an entire new Public Utilities Act, perhaps with a separate Telecommunications Act, a free standing Telecommunications Act be prior to effective prior to December 31, 1985, because it doesn't do any good to keep this Bill alive. If the section that it amends is

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repealed."

Levin: "Mr. Speaker, to the Bill. I would rise in favor of House Bill 3129. As the previous speaker indicated, this is a complicated area, but I think his analysis suggesting this is going to hurt the consumers, and this is going to hurt the small businesses is wrong. Quite the contrary, we have the problem right now with the change that has occurred in the marketplace, that without legislation like this Bill, we could very quickly end up with the small consumers having to pay all of the overhead costs for the continuation of the operations of the telephone company with all... with the major large corporations able to bypass the system - go to rather advanced technology - not have to use the telephone companies. And therefore, it lead to even greater increases for the consumers in the small businesses. We talk in Committee about the problem of bypass, whereby large corporations that make large volume calls or call a particular location frequently can, if the incentives are negative, totally leave the system - the telephone system and go to microwave and other kinds of communication devices, and therefore, not be paying for the basic overhead costs of long distance communication that you and I as consumers, residential customer and small businesses are going to pay for. So, I suggest that we need to pass this legislation if we are not to see the rates go sky high for the small consumer and for the small business. This does sunset within a one year period, and I urge an affirmative vote."

Speaker Greiman: "Further discussion? The Gentleman from McHenry, Mr. Klemm."

Klemm: "Thank you, Mr. Speaker. To the Bill, if I may. From what I've heard, it seems like it may be somewhat confusing, because one of the previous speakers had said

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this is going to hurt downstate, and very honestly, I don't read that it will necessarily hurt downstate. I do see the Bill is trying to open the competitiveness of a free marketplace in the telecommunication industry, and I think that's commendable. And I think the more we can get the government off our free enterprise businesses, including public utilities, maybe we would end up with lower rates for our consumers by letting them do the best job they can. And by this Bill, with the Amendments all included, it seems that it sets and allows the ICC to put an upper and lower tier to the rates and allows utilities, now, to maybe make changes of that competitive situation of the costs that they would charge between this top and lower limits, and finally, perhaps saying, that alright, if you can go under somebody else, go ahead. It's a free competitive situation. And if they want to improve their system and want to go less than you, fine too. And I guess that's what we're talking about, of finally letting the free enterprise system play into some of the rates within reasons - within the safeguards that I think the Bill now has. So, I don't know if it's really against downstate. I don't see the ICC in the discussions I've had with them or any of the commissioners ever trying to amend or change the legislation or the intent to skip communities...having been served by the telecommunication industry. So, I don't really have the fears that other Representatives have indicated here. I think we should vote 'yes' on this Bill. I think we should give it a chance, and I think if there is too many Amendments taking out the safeguards, we may want to change our position later on, but I think at this point and time, I certainly support the Bill of Representative Pierce. And I ask this side in the spirit of free enterprise, they vote for the Bill, 3129. Thank you."

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Speaker Greiman: "The Gentleman from Lake, Mr. Pierce, to close."

Pierce: "Mr. Speaker, I know that the Gentleman from Kendall is sincere in his statements. So, I just don't agree with the conclusions that he draws from the Bill. Right now, someone in Carbondale can call Evansville, Indiana through Sprint, MCI, 'ALNET' at a discount or rate, but he can't call Springfield, Illinois or he can't call Decatur, Illinois or some other point, and the same way people in Chicago now, can call Milwaukee or Indianapolis, but they can't call Springfield or Rock Island with the long distance carriers that are offering lower cost. The Bill is not intended in anyway to restrict local carriers, such as, Illinois Bell, General Telephone and others from operating within the L.A.T.A. Their L.A.T.A.s won't change under this Bill. They'll operate. They may have, eventually, some competition for local exchange service, but they realize that. The Commerce Commission, right now, has no real control over bypass and things that are going on in some local areas with industry bypassing the local telephone system. In my view of this Bill, lowers long distance rates within Illinois, whether you're downstate or whether you're in Chicago. I would just as soon have waited until the sunset process took place next year, but the Commerce Commission felt, and I think rightly so, that Illinoisian should have the right this year to subscribe to long distance service in a lower rate within the state just as they do for long distance service outside the state. And I urge the passage of House Bill 3129."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 62 voting 'aye', 48

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voting 'no', and none voting 'present'. The Gentleman from Kendall, for what purpose do you seek recognition, Sir? Mr. Hastert."

Hastert: "I'd like to verify the affirmative votes."

Speaker Greiman: "The Gentleman from Lake requests a Roll of the Absentee."

Clerk O'Brien: "Poll of the Absent... Poll of the Absentees. Capparelli. Harris. Krska. Taylor. Terzich. Winchester and Younge."

Speaker Greiman: "Mr. Slape. Mr. Slape. Can you turn Mr. Slape on?"

Slape: "Yes, Mr. Speaker, can I please change my vote to 'no', please?"

Speaker Greiman: "Mr. Slape goes from 'aye' to 'no'. Mr. Jaffe wishes to be verified. Is that alright, Mr. Hastert? Mr. Hannig wishes to be verified. Mr. Keane wishes to be verified. Mr. Marzuki wishes to be verified. Alright. Mr. Clerk, proceed with the verification of the Affirmative Roll."

Clerk O'Brien: "Alexander. Berrios. Bowman. Braun. Brookins. Bullock. Christensen. Cullerton. Currie. Daniels. Deuchler. DiFrma. Domico. Doyle. Ralph Dunn. Farley. Flinn. Giglio. Giorgi. Greiman. Hannig. Hastert. I'm sorry. Not Hastert. Hoffman. Jaffe. Keane. Kirkland. Klemm. Kulas. Laurino. LeFlore. Levin. Markette. Marzuki. Matijevich. McAuliffe. McGann. McPike. Nash. Nelson. Oblinger. O'Connell. Panayotovich. W. Peterson. Pierce. Preston. Bea. Eber. Eice. Richmond. Rodan. Saltzman. Shaw. Steczko. Tuerk. Turner. Van Duyn. Vinson. Vitek. White. Woodyard. Zwick. Mr. Speaker."

Speaker Greiman: "Yes, Mr. Hastert. Questions of the Affirmative Roll. Yes, Mr. Brookins. Wishes to be... Mr. Brookins asks to be verified. Mr. Hastert, proceed."

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Hastert: "Representative Bowman."

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

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

Speaker Greiman: "Remove the Gentleman from the Roll Call."

Hastert: "Representative Braun."

Speaker Greiman: "Representative Braun. Is Representative Braun in the chamber? Ms. Braun is not in the chamber. How is the Lady recorded?"

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

Speaker Greiman: "Yes. Mr. Bullock, for what purpose do you rise?"

Bullock: "Mr. Speaker, I just want to rise on a point of order. I mentioned last week to Representative Vinson that from time to time when we do these verifications, we extend a courtesy to the leadership on their side of the aisle, and I would hope that we would continue to do that on this side of the aisle. I hope that my point is well taken, because we don't want to be obstructionist, but some of us respect the leadership on both sides of the aisle."

Speaker Greiman: "The Lady is in her chair."

Hastert: "Representative Currie."

Speaker Greiman: "Representative Currie. Ms. Currie. Ms. Currie in the chamber? How is the Lady recorded?"

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

Speaker Greiman: "Remove Ms. Currie."

Hastert: "Representative Domico."

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

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

Speaker Greiman: "Remove the Gentleman from the Roll Call."

Hastert: "Representative Dunn. Ralph Dunn."

Speaker Greiman: "Representative Dunn is in his chair."

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Hastert: "Representative John Dunn."

Speaker Greiman: "Mr. John Dunn, the Gentleman from Macon, is he in the chamber? Mr. John Dunn, apparently, has voted 'no'."

Hastert: "Representative Farley."

Farley: "Mr. Farley is in his chair."

Hastert: "Representative Flinn."

Speaker Greiman: "Mr. Flinn. Mr. Flinn in the chamber? Mr. Bowman has returned to the chamber. Return him to the Roll Call. Mr. Flinn. How is Mr. Flinn recorded?"

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

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

Hastert: "Representative Jaffe."

Speaker Greiman: "Mr. Jaffe was... have leave to be verified."

Hastert: "Representative Leflore."

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

Hastert: "Representative Markette."

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

Hastert: "Representative Panayotovich."

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

Hastert: "Mr... Representative William Peterson."

Speaker Greiman: "Mr. Peterson is standing at the side of the room. He's here."

Hastert: "Representative Preston."

Speaker Greiman: "Mr. Preston. Mr. Preston is in the Speaker's chair."

Hastert: "Representative Rhen."

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

Hastert: "Representative Rice."

Speaker Greiman: "I'm sorry, Representative who?"

Hastert: "Rice."

Speaker Greiman: "Mr. Rice. Is Representative Rice in the chamber? Mr. Rice. How is the Gentleman recorded?"

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

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

Hastert: "Representative Richmond."

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

Hastert: "Representative Saltsman."

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

Hastert: "Representative Shaw."

Speaker Greiman: "Mr. Shaw. Is Mr. Shaw... is in his chair."

Hastert: "Representative Steczo."

Speaker Greiman: "Mr. Steczo. Is Mr. Steczo in the chamber? He is in the rear of the chamber."

Hastert: "Representative Mulcahey."

Speaker Greiman: "Mr. Mulcahey. Mr. Mulcahey in the chamber? He is on the Republican side."

Hastert: "I have no further questions. Thank you."

Speaker Greiman: "On this Bill, there are 57 voting 'aye', 49 voting 'no', none voting 'present'. And Mr. Pierce requests that the Bill be placed on the Order of Consideration Postponed, and the Bill will be so placed. That concludes the Special Order of Business on Public Utility Reform. Now, on the Order of House Bills Third Reading and pursuant to Rule 39 of the rules, the Chair will call Bills pertaining to a similar subject matter. The Bills that the Chair will call on the subject matter be considered at this time are emoluments of office, and on that Order, House Bill... House Bill... appears House Bill 1334. Mr. Clerk, read the Bill. Yes, excuse me. Mr. Vinson, did you seek recognition?"

Vinson: "Yes. Inquiry of the Chair, Mr. Speaker."

Speaker Greiman: "Surely, Sir."

Vinson: "Are we going to deal with every Bill on this Order that deals with emoluments of office?"

Speaker Greiman: "No. We're going to deal with two Bills that we



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have on it. We'll be glad to provide you with a list of them, Mr. Vinson."

Vinson: "Just those two emolument of office Bills."

Speaker Greiman: "Two emolument of office Bills. That's right, Sir."

Vinson: "Thank you."

Speaker Greiman: "Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1334, a Bill for an Act to amend Sections of an Act to create sanitary districts. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich."

Terzich: "Yes, Mr. Speaker, House Bill 1334 increases the annual salary of board members; the president, vice-president, chairman of the committee and financed by 2,000 dollars in 1987, 2,000 dollars in 1989 and 2,000 dollars in 1991. At the present time the existing statutory salary schedule for members and officers of the Board of Commissioners provides for a modest incremental increases every two years through 1984. This Bill extends the schedule by providing a total of 6,000 dollars, an increase in three steps beginning in January of 1987, and without this Amendment, salaries of the Commissioners elected this November will be frozen for the full six year term. The Bill does not affect the salary of any of the incumbents. The salary schedule at the present time, the total is less than 50,000 dollars. It's a total of 18,000 dollars in 1991. It affects three people. I also have a letter from the district in response to their request and the mandate that the Board of Commissioners certify that they have adopted this Resolution. And I would appreciate your favorable support."

Speaker Greiman: "The Gentleman has moved for passage of House Bill 1334, and on that, is there any discussion? The

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Gentleman from DeWitt, Mr. Vinson."

Vinson: "Well, Mr. Speaker, Ladies and Gentlemen of the chamber, I rise in opposition to the Gentleman's Bill. The Bill does, in fact, carry a provision which exempts it from the State Mandates Act and which means that we're just imposing a cost on the local taxpayers who pay for this agency. I have seen nothing in the performance of the district that would suggest that the commissioners or the civil service reviewers, who would get this raise, have been doing a markedly better job this decade than last decade. I think that the General Assembly should follow the lead of last year's Assembly which defeated similar legislation. I don't believe we need to impose the mandate on a local government in this case. I don't believe we need to impose the cost on local taxpayers, and there's certainly nothing in the record that would suggest that the agency is performing any better than it has in the past. So I would urge a negative vote on the Bill."

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

Leverenz: "The Sponsor yield?"

Speaker Greiman: "Indicates he'll yield for a question."

Leverenz: "You indicated that only three people would be affected by this Bill."

Terzich: "Yes. This would be the extension of the... the president, the vice-president and the chairman of finance, and I believe there's two or three new commissioners that are up for election in 1984. All the current members are presently getting a small increment every two years. So after they're elected in 1984, the salary adjustment would not start until 1987, and they would get the same increment as the other commissioners. This bill does not apply to any civil service commission. This is only to the

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commissioners, and the president and the vice-president."

Leverenz: "Who are in those positions currently?"

Terzich: "I... I don't know. I know..."

Leverenz: "You don't know the president of the sanitary district?"

Terzich: "I... I just said, I know the president is Nick Melice. I don't know who the vice-president, I don't know who the chairman of the finance and I don't know all of the commissioners. They... I believe there are two people that are running for commissioner in November."

Leverenz: "Didn't the... the head of the finance committee stop and say, 'Hello', to you this afternoon."

Terzich: "If Mr. 'Kerry' is the head of the finance, and he's it, I don't know."

Leverenz: "Why would this be coming along as a separate bill and not lumped into someone else's offering?"

Terzich: "Well, I don't see why it should be lumped into someone's offering. These people are running for public office. It's a very, very minor increase. The total is, you know, 18,000 dollars, doesn't start until 1987. It falls in conformity with that. There are many other pay raise Bills involved, and this only affects a very, very few people. It was presented to the Board of Commissioners, and if there's any salary adjustments, this has to be the lowest one in the State of Illinois."

Leverenz: "What is the percent of increase for the president, and vice-president and chairman of the finance committee?"

Terzich: "It would be 2,000 dollars."

Leverenz: "What is the percent?"

Terzich: "Two thousand dollars would be five, maybe about six, percent."

Leverenz: "What are they paid now? If each is getting a 2,000 raise..."

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Terzich: "The... The president is 35,500 dollars."

Leverenz: "Going up to what?"

Terzich: "That would bring him up to, in 1985, to 37,500; in 1987, 39,500; 1989... It's 2,000 dollars up until 1991. Every two years, not every year, but every two years."

Leverenz: "How would this affect their pensions?"

Terzich: "I really couldn't tell you. I mean it's a small salary adjustment of 2,000 dollars every two years. I... It's a lot less than most employees get."

Leverenz: "Thank you."

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

Bullock: "Well, Mr. Speaker, I just want to rise and support Representative Terzich. Representative Terzich has indicated in sponsoring the Bill and the Amendment #2 becomes the Bill, that in the metropolitan area of Chicago we have these sanitary district commissioners. They hold themselves out for office. They obviously support the Bill, and I'm certain that they will be able to withstand whatever questions arise in the course of the campaign. More importantly, I think, when we look at the... at the responsibility at the sanitary district that these salaries are not unreasonable and are not out of line. I think Commissioner 'Helice' and certainly Commissioner Jim 'Kerry', who I know personally, are all men of high integrity and have done an outstanding job at the sanitary district, and I don't think we have to be ashamed of providing them the additional increments that they're requesting. And I would urge an 'aye' vote."

Speaker Greiman: "The Lady from DuPage, Ms. Karpziel. Ms. Karpziel, did you want to address the chamber? No. The Gentleman from Cook, Mr. Cullerton."

Cullerton: "I have a question for the Sponsor."

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Speaker Greiman: "Indicates he'll yield for a question."

Cullerton: "Does this deal with the civil service board members?"

Terzich: "No. That was amended out. Amendment #1 just puts it in its present stature. It doesn't include the civil service members."

Cullerton: "I'm sorry. The civil service board members..."

Terzich: "There's no change in that. We... It repealed that, and it replaced... Amendment #1 only deals with the commissioners, and the president and vice-president... six people..."

Cullerton: "Okay. Fine. Thank you."

Speaker Greiman: "The Gentleman from Cook, Mr. Nash."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this piece of legislation. The sanitary district board is made up of nine members, and three members run for reelection every three years. The only time that they can get any pay increase is when they come up for reelection again, and this Bill extends the 2,000 pay raise for the three members who haven't had a pay raise for the past six years. It's a good Bill, and I urge its support."

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

Terzich: "Yes, Mr. Speaker, as I mentioned before, that currently the six members of the... the board get a 2,000 dollar increment every two years, which is extremely a small increment. What this Bill will do is extend it to those people who are running for office in 1984. It will not take effect until 1986. After implementation in 1991, it will be a total of 18,000 dollars, and as far as the Mandate Act is concerned, we do have it from the commissioners that they have accepted this and that it will not be at any cost to the state. And I would appreciate

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your support. It's only..."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Cullerton 'aye'. On this Bill, there are 47 voting 'aye', 60 voting 'no', 5 voting 'present', and the Gentleman from Cook, Mr. Terzich, requests that the Bill be placed on the Order of Postponed Consideration. Yes, Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "Well, Mr. Speaker, yesterday I requested a ruling on that when a Bill got 47 votes. I said it had to get 48 and the Chair ruled that it had to get 47. Is the Chair going to change the rule to 46 today?"

Speaker Greiman: "Yesterday, I wasn't here. I was..."

Vinson: "Well, we wouldn't expect 'stere decisus' to bind to you from yesterday to today."

Speaker Greiman: "We'll hang in there with 47 if that was the previous ruling, and Mr. Cullerton added to be the 47th vote, so there are 47. The Bill is on the Order of Postponed Consideration. On the Order of Special Subject Matter - Emoluments of Office appears House Bill 1448. The Gentleman from... Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1448, a Bill for an Act to amend certain Acts in relationship to compensation of public officials. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich."

Terzich: "House Bill 1448, as amended, provides for a seven thousand dollar per year increase and a minimum salary of sheriffs, and also provides for a fifteen thousand dollar per year increase for state's attorney. This Bill will now bring the state's attorneys pay level to that of a Circuit Court Judge. And this will apply to the newly elected

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state's attorneys throughout the State of Illinois, and I'd appreciate your support."

Speaker Greiman: "The Gentleman from Cook has moved for the passage of House Bill 1448. And on that, is there any discussion? Yes, the Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. It's my understanding that the state's attorneys cannot receive a pay raise during the course of their term, so that, if they did not receive the pay raise in this Session, they could not receive one again until 1989, I believe, after the elections in '88. When you take that into account, the request for the increase is not that immense. I think that the job that the state's attorneys have is becoming more and more difficult as a result of some of the new burdens that we've imposed on them that are important and, yet, they are more burdens. The salaries for the state's attorneys are already set up in a scale, so that the state's attorneys who represent more people in their counties can get more money. And I think this particular increase, when, given the fact that it can not be raised over the next four years, is a significant one. The salaries, of course, of attorneys and private practice increases every year, and the need to attract qualified people to the job increases as well. I think that for that reason it's a reasonable request, and I would support the Gentleman's Bill."

Speaker Greiman: "The Gentleman from Maricn, Mr. Friedrich."

Friedrich: "Would the Sponsor yield?"

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

Friedrich: "I have a table here in my analysis which indicates that in a county of over 30,000 the salary would be 65,000. Is that correct?"

Terzich: "I'm checking on that, Representative. One second."

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Friedrich: "Thank you."

Terzich: "Representative, would you repeat that question of a population over three...?"

Friedrich: "The salary of state's... in counties of over 30,000 would get 65,000."

Terzich: "Yes. From over 30,000 up to one million. The current salary is 50,500 and this would exceed to 65,000."

Friedrich: "So the state's attorney of my county would get the same as the state's attorney of Cook County. Is that right?"

Terzich: "No. The state's attorney of Cook County, I believe, is 17,500, which would put him in the same amount as the Circuit Court Judge."

Friedrich: "Well, in any event, this would raise the salary of the state's attorney in Marion County to 65,000, which is more than the Attorney General of the State of Illinois, which is more than the Governor, which is more than the Secretary of State. I thought that salaries are suppose to be raised somewhat on responsibility. I guess the suggestion is, that the state's attorney of Marion County would have more responsibility than the Attorney General of the State of Illinois. I'm having a little trouble believing that."

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

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

Speaker Greiman: "Mr. Ropp."

Ropp: "Would the Sponsor yield please?"

Speaker Greiman: "Indicates he will."

Ropp: "I see under the analysis that, again, we have attempted to bypass the State Mandates Act. Is that correct?"

Terzich: "A fiscal note has been presented at the current time. The state picks up two-thirds of the salary adjustment."

Ropp: "Wasn't there some ruling or intent by the Speaker of the



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House that somewhat not violate the State's Mandate Act (sic - State Mandates Act) or are we overlocking that at this particular time?"

Terzich: "Well, I don't think he's trying to violate anything. It's my Bill."

Ropp: "Well, I know you wouldn't want to do anything like that. What does the state's attorney get in Cook County?"

Terzich: "I believe it's fifty... 58,000."

Ropp: "Okay. And with... Is Cook County is exempt under this Bill?"

Terzich: "No. They're not."

Ropp: "Okay. Then the 15,000 in addition to the... what you just mentioned. I thought I see here where it says, raises all state's attorneys, except Cook County, by fifteen."

Terzich: "Except right. His is 17,000."

Ropp: "Oh, okay. One other question. Why is there such a significant increase in these positions when, generally, the public has been opposed to such sizable amounts? Why didn't you consider offering smaller amounts over a period of years rather than a sizable jump to the tune of 15,000 in one lump?"

Terzich: "Well, again, that as I mentioned to you, that these salaries are frozen for four years, and we're trying to... also bring the salaries in line with the requirements of the office. And the salary adjustment is reasonable. It's over a four year period. They will not receive any adjustment for four years."

Ropp: "Okay. Thanks."

Speaker Greiman: "Further discussion? The Gentleman from Will, Mr. Van Duyn."

Van Duyn: "Thank you. In our synopsis, it says it, and I know this is a misprint, but I like to have you... here you say it, it says it provides them with the same annual salary

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increase of 15,000. That's surely is a misprint. The 'annual' got to be deleted. Right? Right here in our synopsis book it says on the last line of paragraph one, starting in next to the last line, this proposal would provide them with same annual salary increase of 15,000, and I'm saying to you that that's got to be a misprint. They can't... This can't be billed in for every year, surely."

Speaker Greiman: "Yes, Mr. Terzich, the... they probably can't pick up in transcription - a shrug of their shoulders."

Van Duynes: "All I wanted him to do is say that no, this is a one shot deal that doesn't happen every year."

Terzich: "That's right, Representative Van Duynes."

Speaker Greiman: "Alright then. Further discussion? Gentleman from Champaign, Mr. Johnson."

Johnson: "We pass a lot of legislation in the name of law and order. That seems to be an overriding theme that this Legislature has enacted for itself over the last seven or eight years. And yet, if we don't have an effective prosecutorial authority - if we don't have an effective law enforcement system, all of the Bills we pass and all of the lip service we pay to law and order, really won't make any difference, because these people, the state's attorneys and the sheriffs, are in the front line. They're in the trenches of the process by which we make the laws we pass work. And if we're going to do more than give lip service to it, I think we have to enable the people who fill those positions to do an effective job. And I think bringing the salary levels to something that's, not only livable, but equivalent to the other part of the process and that is the Judicial Branch, makes sense. And for those reasons and for the reasons that we need an effective law enforcement system in all branches, I urge a 'yes' vote on this Bill of

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Representative Terzich's."

Speaker Greiman: "The Gentleman from Effingham, Mr. Brummer."

Brummer: "Yes. Will the Sponsor yield?"

Speaker Greiman: "The Sponsor will yield for a question, if that  
what you're asking."

Brummer: "Our staff analysis indicates that this Bill deletes a  
current provision which states that each respective county  
shall determine if they want to pay their thirty-three and  
a third percent of any salary increase. I know many  
counties have not paid the increase because they have not  
adopted the appropriate Resolution or whatever county  
action they need to do in order to do so. Is that analysis  
correct?"

Terzich: "The county on the Bill, the county can pay the increase  
cost if they want to, which would be their one-third."

Brummer: "Well, under the current law, they can. Now, if you  
delete that authorization of the county or that discretion  
of the county, then it would appear to me that they would  
be required to pay that increase."

Terzich: "No. It would appear that they can pay the increase if  
they so wish."

Brummer: "Well, what is the significance of deleting the  
provision which states that they shall determine if they  
want to pay their increase?"

Terzich: "I'm sorry, Representative, under the Bill, I did give  
you... They would be required to incorporate that increase  
under this legislation."

Brummer: "So, if this Bill passes, they would be required to pay  
the increase."

Terzich: "Correct."

Brummer: "It would not be discretionary with the local county  
then, with regard to their share."

Terzich: "That's correct."

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Brummer: "Okay. I have several questions then, with regard to that. Number one, there have been many counties, I think, particularly in downstate or southern Illinois, that have not paid the increase in the past. With regard to those past increases, would they now be required to pay them?"

Terzich: "I would think they'd just have to pick it up now under the new legislation."

Brummer: "They would be required to pay them?"

Terzich: "Under the new legislation, right. This legislation, not the past."

Brummer: "Well, my question is, with regard to pay increases that were placed in the statute in the past, two-thirds of which were paid by the state and one-third by the county at their discretion, would those past increases need to be paid under this legislation?"

Terzich: "I don't believe so."

Brummer: "Could you refer us, specifically, to the specific section of the Amendment that addresses that issue?"

Terzich: "No. I don't believe it's in there. You just ask me a question, I said I don't believe so."

Brummer: "Well, where is..."

Terzich: "I'm not a state's attorney."

Brummer: "Well, you're the Sponsor of the Bill, Mr. Terzich. Where is the deletion of the language in the... in the... Okay, I see it now. It's on page six, I guess. So, it is possible that the increase with regard to some of the downstate counties, in effect, would be more than \$15,000, because this Bill requires a \$15,000, plus it deletes the discretion of the counties with regard to whether they would pay the increase provided for in 1979."

Terzich: "Well, it would be my understanding that the deletion will not be retroactive - that it would only apply to this adjustment."

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Brummer: "Well, the deletion, you understand, refers to the increase provided for in the Amendatory Act of 1979. Now, that's not the Amendatory Act we're dealing with today. That was a pay increase, I assume, in 1979. By deleting that, I think we would clearly, the counties would clearly have to pick up that increase in 1979, which they were not previously required to do, plus they would be required to pick up the fifteen... the percentage of the \$15,000 that's required under this Bill. So with regard to some of those counties, it would appear to me that the increase would be significantly more than \$15,000. Okay, further question. Why were the provisions adopted to, that refer specifically, I guess, to Effingham County, and I think three or four other counties, that had a population increase which resulted in them going over the \$30,000, I mean, the 30,000 population base in 1981? There is a provision that the county need not adopt the increase if they authorize their state's attorney to practice law. Generally, state's attorneys in counties of a population of 30,000 or more are prohibited from the private practice law. This Bill would appear to allow that private practice law, even in counties of... in excess of 30,000 population if there is a county board Resolution to that effect. I'm wondering why that is included in here."

Terzich: "Well, it's my understanding that with the...this adjustment, that if the...they are allowed to participate in private practice, then this salary adjustment would not apply."

Brummer: "Yes, but my question is why? That only applies to five counties and I'm wondering why those five counties were singled out with regard to that issue."

Terzich: "I believe, because that was the previous provision in there and that there was a change in the population between

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1970 and 1981 under the new census."

Brummer: "Thank you."

Speaker Greiman: "The Gentleman from Cook, Mr. Berrios. The Gentleman from Cook, Mr. Berrios..."

Berrios: "Move the previous the question."

Speaker Greiman: "...Moves the previous question. On that, all those in favor of the previous question being put, signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the previous question will be put. Mr. Terzich to close."

Terzich: "Again, Mr. Speaker, Ladies and Gentlemen of the House, this Bill will now once again put the judges and the state's attorneys to two-thirds of the attorneys' salary as paid by the state and one-third paid by the counties. The state's attorneys in the smaller counties have not received any pay increase since 1972. And since the state's attorneys are up for reelection this fall, unless they receive an increase at this time, they will not be able to get a pay increase until 1988. So well deserving, that they are hard working individuals, and we should support House Bill 1448."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Mr. Preston to explain his vote."

Preston: "Thank you, Mr. Speaker. I... Although it's been said, I can't think of anyone who should be voting against the pay increase for public servants, who have been so grossly underpaid until now, and who do a job that is absolutely essential in their counties and in the State of Illinois. This is a pay increase that is long overdue. The numbers sound large, because we are too afraid to regularly give increases to people who well deserve those increases. If

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we were to do our job, people wouldn't have to come in here and ask for fifteen and \$17,000 increases. So we don't. Therefore, we hold off till the last minute until it's outrageous, and the people are earning an unreasonably small...outrageously small amount of money. This is long overdue. I hope you'll vote 'aye'."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 68 voting 'aye', 42 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Consideration Postponed, there are Bills for which Sponsors wish to take the Bill back to Second Reading, and on that Order appears House Bill 2010. Mr. Clerk, read the Bill. Well, wait... Alright. The Lady from St. Clair moves that... asks leave that House Bill 2010 be returned to the Order of Second Reading for an Amendment. Yes, I'm sorry. Mr. Vinson, were you seeking recognition?"

Vinson: "Yes, Mr. Speaker, I was. Would you explain the particular contortion that gets us to this Bill?"

Speaker Greiman: "Yes. Yes. Mr. Vinson, we moved to the Order of Postponed Consideration to consider Bills that...for which Sponsors have requested leave to return to the Order of Second Reading for the purposes of an Amendment, so that those Amendments may be placed on the Bills. Mr. Vinson."

Vinson: "It might be a courtesy to the Body for you to announce that you would be doing that so that other Sponsors who were not privy to that inside information would have the opportunity to know that they could come up and get on for the list."

Speaker Greiman: "Sure, perfectly alright. That's certainly within the rules of courtesy, Mr. Vinson, and I would respect that. We have had requests and we're honoring that

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request, and we will continue to honor those requests. Now, the Lady from St. Clair asks leave of the House to return House Bill 2010 to the Order of Second Reading for the purpose of an Amendment. Does the Lady have leave? The Lady has leave. Mr. Clerk, read the Bill. Are there Floor Amendments to this Bill?"

Clerk Leone: "No further Floor Amendments have been filed."

Speaker Greiman: "Ms. Younge, are we mistaken as to your request? Ms. Younge."

Younge: "Thank you, Mr. Speaker, I wish to table Amendments 4 and 5."

Speaker Greiman: "Alright. The Lady from St. Clair moves to table Amendment #4 to House Bill 2010. Yes, Mr. Vinson."

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

Speaker Greiman: "Indicates that she will."

Vinson: "Representative, why is it that you wish to table Amendment #4?"

Younge: "Amendment #4 would make the property of the Aurora Civic Center exempt from taxation. That Amendment has already become law and so, therefore, I wish to table it in reference to this Bill. And I move to table."

Vinson: "Okay. Now that the Sponsors of the Amendment are alerted as to the subject, I have no further questions and will abide by their will."

Speaker Greiman: "Yes, the Gentleman from Will, Mr. Van Duynes."

Van Duynes: "Thank you, Mr. Speaker. I would like to have the Body listen to this, if they would. The... Amendment #4 and Amendment #5 are the same in context. #4 takes care of the Aurora Civic Center and #5 takes care of the Will County Exhibition (sic-Exposition) Authority. And I have checked with our staff, and I asked the Sponsor of the Bill to check before she wanted to relieve her Bill of these Amendments as to whether or not they have been taken care



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of in some other past legislation last year or this year. I have checked with one of the staff down here and have found, or at least, he says that we have been not taken care of by any legislation, so, therefore, it's very important to the Will County Exposition Authority and also, the Aurora Civic Center that these are taken care of. Well... So, I don't really believe that this is the first time, if we are going to be repetitious, that this is the first time for this Body. So, I would ask the people in all their consciences to leave this Amendment on the Bill, both of them, Amendment #4 and Amendment #5."

Speaker Greiman: "Alright. Well, we were just on Amendment #4. Further discussion on Amendment #4? The Gentleman from Cook, Mr. Leverenz."

Leverenz: "Will the Sponsor yield?"

Speaker Greiman: "Indicates she'll yield for a question."

Leverenz: "Embodied in Amendment #4 and 5 are exemptions. Does that same exemption stand for the East St. Louis Metropolitan and Exposition Auditorium Authority? Are they exempt?"

Younger: "Yes, they would be exempt. Amendment #5 has been exempted under Chapter 85 of Local Government, Section 21(a) which reads, Exemption from Taxation. All property of the Waukegan and the Will County Metropolitan Exposition and Auditorium Civic Center Authority shall be exempt from taxation by the state or any other unit therein. The objection which Representative Van Dwyne raised has been already signed into law and that is why I am tabling this Amendment on this Bill, and the same thing is true for Amendment 4. So, therefore, Mr. Chairman, I... I... Mr. Speaker, I move to table Amendment #4."

Speaker Greiman: "Proceed, Mr. Leverenz."

Leverenz: "That did not ans... my question if I can restate the

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question. These Amendments provide exemption from property tax in their areas or where their authority boundaries are. Does that same tax exemption privilege exist for the East St. Louis Metropolitan and Exposition Auditorium Authority? Are they tax exempt? The original Bill is your authority tax exempt."

Younge: "That's right, and if my original Bill is signed into law, the Katherine Dunham Civic Center would be exempt also. These two Amendments were add, one for Aurora and one for Will County, and those two are already signed into law. And my effort is merely to table these Amendments that were added but are now law and, therefore, superfluous to this Bill, and I move for the adoption of the Amendment in reference to Amendment #4."

Leverenz: "The next question is then, is the Sponsor of Amendment 4 concurring with your action here today?"

Younge: "I have talked with Representative Deuchler and she concurs. And I have talked with Representative Van Duyne and he concurs."

Leverenz: "Thank you."

Speaker Greiman: "For what purpose does the Gentleman from Will, Mr. Van Duyne, seek recognition?"

Van Duyne: "Thank you, Mr. Speaker. I just wanted to say, the Lady hasn't answered my question and I remove my objection for both."

Speaker Greiman: "Alright. The question is, 'Shall Amendment #4 to House Bill 2010 be tabled?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment #4 is tabled. Any further Motions?"

Clerk O'Brien: "A Motion to table Amendment #5 by Representative Younge."

Speaker Greiman: "The Lady from St. Clair, Ms. Younge."

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Younger: "The same Motion, I move to table Amendment #5."

Speaker Greiman: "The Lady from St. Clair moves to table Amendment #5 to House Bill 2010. And on that, is there any discussion? There being none, the question is, 'Shall Amendment #5 to House Bill 2010 be tabled?' All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment #5 is tabled. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Any further Motions?"

Clerk O'Brien: "No further Motions."

Speaker Greiman: "Third Reading. The Bill will remain on the Order of Postponed Consideration. Alright. On the same Order of Business appears House Bill 2040. And the Lady from St. Clair moves... asks leave of the House to move House Bill 2040 to the Order of Second Reading. Does the Lady have leave? She has. Leave is hereby granted. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Floor Amendment #8, Younger, amends House Bill 2040 as amended."

Speaker Greiman: "The Lady from St. Clair, Ms. Younger."

Younger: "Thank you, Mr. Speaker. Amendment #8 would add the words 'a substantial part'. It's a technical Amendment, and I move for the adoption of the Amendment."

Speaker Greiman: "The Lady from St. Clair has moved for the adoption of Amendment #8 to House Bill 2040. And on that, is there any discussion? The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Yes, inquiry of the Chair. Has the Amendment been printed and distributed?"

Speaker Greiman: "Yes, we have been advised by the Clerk that the Amendment has been distributed, Mr. Vinson."

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

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Speaker Greiman: "Indicates that she will yield for a question."

Vinson: "Representative, would you explain what the thrust to the Amendment is?"

Younger: "The thrust of the Amendment is to change the wording to put the words in 'a substantial part'. The subject matter of this Bill is to prohibit landfills in areas that are within the 100 year flood plain. The thrust of this Amendment would prohibit such a landfill in a municipality a substantial part of which is in a 100 year flood plain."

Vinson: "Have you... Do you know what the position of the Environmental Protection Agency is on that particular Amendment?"

Younger: "I have discussed the Bill, generally, with the Environmental Protection Agency, but I don't have a specific answer to the question as to what their reaction is to this specific Amendment."

Vinson: "Assuming the Amendment is adopted, is it your intention to try to consider the Bill on Third Reading today?"

Younger: "No, it isn't."

Vinson: "Then, I have no objection to the Amendment."

Younger: "I move for the adoption of the Amendment, Mr. Speaker."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Amendment #6 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and Amendment #8 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Bill is to remain on the Order of Consideration Postponed. We are on the same Order of Business, Postponed Consideration, Bills where the Sponsors have requested leave to return the Bill to the Order of Second Reading for the purpose of an Amendment, and on that appears House Bill 2559, Mr. Winchester. Mr.

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Winchester. Is he back there? Mr. Winchester. The Gentleman from Hardin moves to return House Bill 2559 to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? Leave is hereby granted. Mr. Clerk, any Amendments?"

Clerk O'Brien: "Amendment #3, Winchester - Cicrqi."

Speaker Greiman: "The Gentleman from Hardin, Mr. Winchester."

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #3 would simply add the words 'may be increased by an affirmative vote of at least three-fifths of the Members of the County Board by ordinance'. I would ask for a favorable vote."

Speaker Greiman: "The Gentleman from Hardin has moved for the adoption of Amendment #3 to House Bill 2559. And on that, is there any discussion? The question is, 'Shall Amendment #3 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Bill will remain on the Order of Postponed Consideration. On the Order of Postponed Consideration appears House Bill 2574. 2574. The Gentleman from Effingham, Mr. Brummer asks leave to return the Bill to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? The Gentleman has leave. Leave is hereby granted. Mr. Clerk, House Bill 2574."

Clerk O'Brien: "Amendment #2, Brummer, amends House Bill 2574."

Speaker Greiman: "The Gentleman from Effingham, Mr. Brummer."

Brummer: "Yes, Mr. Chairman (sic - Speaker), I would like to table Amendment #1."

Speaker Greiman: "The Gentleman from Effingham moves to table

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Amendment #1 to House Bill 2574. Mr. Brummer, do you want to explain that to the Body?"

Brummer: "Yes. The Bill is on Postponed Consideration. I want to adopt Amendment #2. Amendment #2 takes the place of Amendment #1 and is drafted in such a manner that we need to table Amendment #1. Amendment #2, do you want me to explain that?"

Speaker Greiman: "No. Just tell us about Amendment #1."

Brummer: "Okay. We will be most doing the same issue on Amendment #2."

Speaker Greiman: "Alright. The Gentleman from Effingham has moved to table Amendment #1 to House Bill 2574. Is there any discussion? There being none, the question is, 'Shall Amendment #1 be tabled?' All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and Amendment #1 is tabled. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Brummer."

Speaker Greiman: "The Gentleman from Effingham, Mr. Brummer."

Brummer: "Yes, Amendment #2 provides that the debt service fund be reduced by six million dollars, and six million dollars be authorized for grants to school districts for reconstruction of rehabilitation of capital facilities which prior to January 1, 1984, were condemned by the local regional superintendent of schools."

Speaker Greiman: "The Gentleman from Effingham has moved for the adoption of Amendment #2 to House Bill 2574, and on that, is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

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Speaker Greiman: "Third Reading. Remain on the Order of Consideration Postponed. Alright. We will now consider Bills that are on the Order of Second Reading that are scheduled to be on special orders tomorrow, so that there may be some Members that have Bills on Second Reading that are scheduled to be on the Order of Second Reading tomorrow. Mr. Vinson, yes."

Vinson: "Mr. Speaker, do you have a list of those Bills so that we might be prepared?"

Speaker Greiman: "Well, I have no list of the Bills. We have one Bill that has been requested to be called because it is on the Order of Second Reading, and I was giving Members an opportunity, Mr. Vinson, to come forward and be put on that very highly preferred list."

Vinson: "Thank you."

Speaker Greiman: "On the Order of House Bills Second Reading appears House Bill 2424. Mr. Clerk, call the Bill."

Clerk O'Brien: "House Bill 2424, a Bill for an Act to amend the Election Code. Second Reading of the Bill. Amendment #... No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk O'Brien: "Amendment #1 was withdrawn. Floor Amendment #2, Nash - Taylor and Bonan."

Speaker Greiman: "The Gentleman from Cook, Mr. Nash, on Amendment #2 to House Bill 2424."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 deletes everything after the enacting clause, and what this Amendment does, it says, 'No public employer shall refuse to allow an employee to absent himself from his services or employment on the day of a primary election, and, thereby, prevent such an employee from engaging in electioneering or other activity. An employee can request 30 days ahead of time to take vacation time or

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time off without pay." It also excludes any employees performing functions of essential... that are essential to the operation of the city. I ask for its adoption."

Speaker Greiman: "The Gentleman from Cook, Mr. Nash, has moved for the adoption of Amendment #2 to House Bill 2424, and on that, is there any discussion? The Gentleman from Cook, Mr. Levin."

Levin: "Would the Gentleman yield?"

Nash: "Yeah."

Levin: "I understand Representative, that, you know, this is intended to deal with the situation in the City of Chicago where this past election the Mayor of Chicago did not give the city employees election day off. But would this Bill also apply to downstate, and what is the current policy of the downstate municipalities in terms of giving their employees time off on election day to campaign?"

Nash: "Mr. Levin, all the Bill says, if any employee requests 30 days ahead of a primary election day that he wants to take time off on that day without pay or take a vacation day he should be granted, unless his services are of an essential nature such as police, firemen, et cetera, et cetera."

Levin: "Representative, this does affect downstate. Right? So it doesn't just apply to the City of Chicago."

Nash: "It affects everybody."

Levin: "And what do they... do the municipal employees downstate currently get this or is this imposing a mandate on the down... downstate jurisdictions that's new from what they have now?"

Nash: "This doesn't pose any mandates. Private industry already does this."

Speaker Greiman: "Further discussion? The Lady from Cook, Ms. Braun."

Braun: "Thank you, Mr. Speaker. A question of the Sponsor."



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Speaker Greiman: "He indicates he'll yield for... question."

Braun: "Representative Nash... this is our day, isn't it? Representative Nash, will this allow for patronage workers to go out and work on election day?"

Nash: "It allows any employee of any governmental agency, who requests 30 days ahead of election day that he wants that day off, wants to take a vacation time or time off without pay, he shall be granted, unless his services are those of an essential nature. I answered that question for Representative Levin."

Braun: "Well, Representative, hasn't there been some... Are you aware of criticism recently of that kind of practice in which the responsibilities, the governmental responsibilities, of employees get confused with their political predilections?"

Nash: "What you're referring to is where vacation time and time off was granted and then it was rescinded at the last minute."

Braun: "Thank you, Representative. I have no further questions."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this... Shall Amendment #2 to House Bill 2424 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Alright. Yes. Third Reading. Alright. On the Order of House Bills Second Reading, Bills which have... which are on Special Orders previously set appears House Bill 3221. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3221, a Bill for an Act to amend the Unemployment Insurance Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are... Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Hoffman."

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

Hoffman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #1 to House Bill 3221 is technical in nature. It clarifies that the funding for the two local established accounts or the administration of the WIN Program shall come from appropriations made to the Illinois Department of Public Aid. The language of this Bill... The Bill itself was suggested to the Bureau of Employment Security by the Comptroller's Office, and I move for the adoption of Amendment #1 to House Bill 3221."

Speaker Greiman: "The Gentleman from DuPage moves for the adoption of Amendment #1 to House Bill 3221. On that, is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and Amendment #1 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Ecker, amends House Bill 3221, page one and so forth."

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

Homer: "Thank you, Mr. Speaker. I would ask leave to withdraw Amendment #2."

Speaker Greiman: "Amendment #2 to House Bill 3221 is withdrawn. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Continuing on this same Order of Business appears House Bill 3069... on the Order of Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3069..."

Speaker Greiman: "Yes, the Gentleman from DeWitt, Mr. Vinson. Yes. Alright. A correction. House Bill 3069 is on the Order of House Bills Third Reading. The Gentleman from

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Livingston, Mr. Ewing, moves that House Bill 3069 be returned to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? The Gentleman has leave, and House Bill 3069 is on the Order of Second Reading. Mr. Clerk."

Clerk O'Brien: "Amendment #1, Ewing, amends House Bill 3069 on page six."

Speaker Greiman: "The Gentleman from Livingston, Mr. Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #1 has been filed on this Bill to clear up any problems or any question about how the Deceptive Practice Act in the State of Illinois would apply to any citizen or taxpayer making payment to the State of Illinois. In earlier debate, there was some question that we were setting up a new standard for application of the Deceptive Practice Act. I think this Amendment clears that up and makes it clear that we're not. I would ask for its adoption."

Speaker Greiman: "The Gentleman from Livingston moves for the adoption of Amendment #1 to House Bill 3069, and on that, is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, the... Will the Sponsor yield?"

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

Cullerton: "Representative, I have... I cannot say at this time that I'm opposed to it, because I just got a copy, and we haven't had a chance to look at it. Now, we... we noted that originally I think I pointed out to you that on page two line ten it was just a technical problem where the word 'of' should have been 'or'. Is that corrected in this Amendment?"

Ewing: "Your staff says it wasn't."

Cullerton: "Was not? Okay, so we still have 'of' that should be 'or'. What... Could... Could you describe one more time

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what the Amendment does?"

Ewing: "We... In the original Bill, we used the word 'willful' when we were talking about a deceptive practice. The question was raised in debate that there was additional wording including knowledge at the time the check was issued to make it a deceptive practice. We have gone back and expanded the language to make it clear that we are not changing the definition of a deceptive practice or broadening it, but just incorporating the same language that's in the deceptive practice statute."

Cullerton: "This was my suggestion. This was my suggestion."

Ewing: "It could very well have been."

Cullerton: "And Representative Hawkinson tipped me off about this."

Ewing: "Yes."

Cullerton: "Oh, this is a good Amendment."

Ewing: "Very good."

Cullerton: "We should be for this."

Ewing: "I'm against it. Are you for it?"

Cullerton: "Yeah, this is a good Amendment."

Ewing: "Well, I'll have to be against it."

Cullerton: "What's the position of the Department of Revenue on this Amendment?"

Ewing: "They're for whatever you're for."

Cullerton: "Alright. Let's go with it."

Speaker Greiman: "Thank you very much, Gentlemen. Further discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from DeWitt, Mr.

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Vinson, for the purpose of a Motion. We'll take Mr. Vinson out of the record for the moment. The Gentleman from Winnebago, Mr. Hallock. Mr. Hallock."

Hallock: "Thank you, Mr. Speaker. I would move that we suspend Rule 73(a) and make the following Motion. The Motion being that I haven't voted on the prevailing side on House Bill 3097, I move to recommit... I move to reconsider the vote by which that Motion failed."

Speaker Greiman: "Excuse me. You were making the Motion to reconsider. Mr. Hallock, was that not your Bill?"

Hallock: "We're still debating what Motion we're going to make here, so hold on a second."

Speaker Greiman: "I think, Mr. Hallock, that you wish to suspend Rule 73(a) which is the time consideration for Motions to reconsider. Is that correct, Sir?"

Hallock: "Mr. Speaker, if you're not going to move to the Order of Motions today, I would then move to make that Motion so we can consider this tomorrow."

Speaker Greiman: "Alright. Mr. Hallock moves to suspend Rule 73(a) in connection with the Motion to reconsider that has been filed and provide another 24 hours for reconsideration of... for consideration of the Motion to reconsider that has heretofore been filed on House Bill 3097. Does the Gentleman have leave? Leave is hereby granted. Agreed Resolutions. The Gentleman from... Mr. Clerk. Agreed Resolutions."

Clerk O'Brien: "House Resolution 965, Hoffman; 966, Ieverenz; 967, Terzich; 968, Topinka; 969, Countryman; 970, McMaster; 971, Mautino; 972, Hensel. House Joint Resolution 148, Barnes; 149, Topinka; and 150, DiPrima."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Giorgi."

Giorgi: "Mr. Speaker, Hoffman's 965 recognizes a 25 year life in the field of education; 966, by Ieverenz, lauds the

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longevity of a wedding; 967, by Terzich, honors Richard Fudacz; Topinka's 968 eulogizes 70 years of service; Countryman's 969 cherishes an anniversary; 970, by McMaster, records a 100th birthday; 971, by Mautino, lauds a women's club of the year; and 972 by Hensel tells of the 100 most outstanding educators in North America. House Joint 148, by Barnes, tells of a 25th anniversary; 149, by Topinka, notes an anniversary; and 150, by Dirrima saddens us with a retirement. I move for the adoption of the Agreed Resolutions."

Speaker Greiman: "The Gentleman from Winnebago has moved for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Resolutions are adopted. Mr. McPike, the Majority Leader, on the Adjournment Resolution."

McPike: "Thank you, Mr. Speaker. I move the House stands adjourned until tomorrow at the hour of 9:00 a.m."

Speaker Greiman: "Allowing five minutes for the Clerk for Perfunctory Session for messages from the Senate, Mr. McPike, the Majority Leader, moves for the... moves that the House stand adjourned until the hour of 9:00 a.m. tomorrow. All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House stands adjourned."

Clerk O'Brien: "Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate has passed Bills with the following titles, passage of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Bills #508, 509, 510, 1223, 1363, 1374, 1375 and 1384, passed by the Senate May 22, 1984. Kenneth Wright, Secretary.' A Message from the Senate by Mr. Wright,

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Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate has passed Bills with the following titles, and passage of which I am instructed to ask concurrence of the House of Representative, to wit; Senate Bills #1385, 1395, 1399, 1401, 1420, 1425, 1429 and 1430, passed the Senate May 22, 1984. Kenneth Wright, Secretary.'

Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate has passed Bills with the following title, passage of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Bills #1435, 1448, 1459, 1462, 1481, 1484, 1491 and 1509, passed by the Senate May 22, 1984. Kenneth Wright, Secretary.'

Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate has passed Bills with the following title, and passage of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Bills #1518, 1519, 1522, 1538, 1589, 1596, 1598 and 1602, passed by the Senate May 22, 1984. Kenneth Wright, Secretary.'

Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate has passed Bills with the following title, passage of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Bills #1607, 1618, 1629, 1631, 1644 and 1650... 1650, passed by the Senate May 22, 1984. Kenneth Wright, Secretary.'

A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate has passed Bills with the following title, and the passage of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Bill #1664, passed by the Senate May 22, 1984.

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Kenneth Wright, Secretary.' No further business, the House  
now stands adjourned."



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