

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

51st Legislative Day

May 24, 1983

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 A. Benken, Associate Pastor of the Cathedral of Immaculate Conception. Reverend Benken is a guest of Representative Michael Curran. Would the guests in the gallery please rise to join us in the invocation?"

Reverend Benken: "Let us pray. Blessed are You, Lord our God, Maker of the universe, and Father of us all. From You comes all that we have, every grace and blessing. Bless us, as we gather together this day. Guide our minds and our hearts, so that we will work for the good of our people. Teach us to be generous in our outlook, to be courageous in the face of difficulty and to be wise in our decisions. Bless our plans and deliberations and bring them to success. Father, we praise You for You are God forever and ever. Amen."

Speaker Madigan: "We shall 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? Mr. Greiman."

Greiman: "Yes, Mr. Speaker, Representatives Christensen and Richmond should be excused for reason of illness and one case in death and the other case in the family, and the record should so show. Thank you, Sir."

Speaker Madigan: "Mr. Greiman, have the keys been removed from their voting switches?"

Greiman: "Their keys have been removed from the switches."

Speaker Madigan: "Let the record show that Representatives

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Richmond and Christensen are excused. Mr. Webb indicates that there are no Republicans to be excused. Mr. Clerk, take the record. There being 114 Members responding to the Attendance Roll Call, there is a quorum present. Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 191, Greiman, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. First Reading of the Bill. Senate Bill 192, Berries, a Bill for an Act to amend the Illinois Migrant Labor Camp Law. First Reading of the Bill. Senate Bill 201, Homer, a Bill for an Act to amend an Act concerning public utilities. First Reading of the Bill. Senate Bill 204, Churchill, a Bill for an Act to amend the Code of Civil Procedure. First Reading of the Bill. Senate Bill 211, Saltsman, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. Senate Bill 222, Earnes, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. Senate Bill 220, Vinson - Cullerton, a Bill for an Act to amend an Act to provide funding for protection of non-game wildlife. First Reading of the Bill. Senate Bill 246, Harris, a Bill for an Act to amend the Revenue Act. First Reading of the Bill. Senate Bill 252, Terzich, a Bill for an Act to amend the Code of Civil Procedure. First Reading of the Bill. Senate Bill 284, Taylor, a Bill for an Act to amend the Minimum Wage Law. First Reading of the Bill. Senate Bill 285, Taylor, a Bill for an Act to amend the Election Code. First Reading of the Bill."

Speaker Madigan: "Ladies and Gentlemen, we are prepared to begin on the Calendar. Mr. Vinson, I purpose to begin on the Order of House Bills Third Reading Short Debate, page six of the Calendar. The Calendar is marked that the next Bill would be House Bill 1651. House Bill 1651. Mr. Terzich,

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do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate (sic - House) Bill 1651, a Bill... House Bill 1651, a Bill for an Act to amend the Illinois Housing Development Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Terzich."

Terzich: "Yes, Mr. Speaker, the 1651 clarifies existing law in relationship to the maximum allowance... allowable interest rate on the Illinois Housing Development Authority is able to pay on debt issue. Currently, the Authority is permitted to pay interest rates on its debt at the time the contract is made. 1651 adds language that states that the time at which a contract is made for the purpose of determining applicable maximum rate of the Authority occurs at the point of which the Authority contractually obligates itself to issue evidence of indebtedness to a particular debtor. The Authority's Bond Counsel has requested this change in order to remove uncertainty expressed by the banks and bond holders, and I would move for its adoption."

Speaker Madigan: "We on the... we are on the Order of the Short Debate Calendar. Mr. Terzich has spoken as a proponent of this Bill. Is there anyone who stands in opposition? There being no one standing in opposition, the question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 111 'ayes' no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1652. Mr. Terzich. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1652, a Bill for an Act to amend Sections of an Act relating to fire protection. Third Reading of the Bill."

Speaker Madigan: "Mr. Terzich."

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Terzich: "Yes, Mr. Speaker, last Session we passed a Bill with regard to arson investigators certification and training. At the time, we required all arson investigators go through the police training course as well as the firefighters training course, specifically for firefighters who were designated as arson investigators by local units of government. The City of Chicago has the... the Chicago Police Department is the arson investigators in that City, and they have approximately forty or fifty police officers who de... desire to be designated as arson investigators. And one of their problems is is that the Bill did not provide for peace officers to take a fire science course, and what this Bill simply does is, it includes in the arson investigators course the provision that peace officers must also be required to take a fire science course as well as peace officers training."

Speaker Madigan: "We are on the Order of the Short Debate Calendar. Mr. Terzich has spoken as a proponent of this Bill. Does anyone stand in opposition to the Bill? For what purpose does Mr. Hawkinson seek recognition?"

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

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

Hawkinson: "Representative, will this Bill have any effect on investigation of arsons downstate by a police officer that doesn't have fire training?"

Terzich: "No. What... what this does is that we pass an arson investigators Bill. If the local unit of government sets up a arson investigation unit and designates that person as a... a arson investigator, he is then certified by the state as an arson investigator. What this Bill does provide is that this simply includes the fire science training if a peace officer presently is investigating arson, but he is not certified as an arson investigator."



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This will provide him that he would have the fire training to be designated as an arson investigator."

Hawkinson: "So there's no intended limitation on the right of a police officer downstate to investigate arsons, even though he doesn't have that training."

Terzich: "None whatsoever."

Hawkinson: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 102 'ayes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1665. Mr. Neff. Is Mr. Neff in the chamber? Mr. Flinn. Is Mr. Flinn in the chamber? House Bill 1667. Mr. Keane. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1667, a Bill for an Act to amend Sections of an Act in relation to tenure of certain public offices. Third Reading of the Bill."

Speaker Madigan: "Mr. Keane."

Keane: "Thank you, Mr. Speaker. House Bill 1667 makes it lawful for a person to hold the office of county board member and the office of township assessor, township highway commissioner if he's presently in the office, or town clerk simultaneously in all counties. This also... the Bill also has been amended to indicate that township supervisors may also serve simultaneously on boards of review. The Bill is... contains affirmative language providing that the offices are compatible and may be held simultaneously. Be happy to answer any questions or... and ask for a favorable Roll Call."

Speaker Madigan: "We are on the Order of the Short Debate Calendar. Mr. Keane has spoken as a proponent of this

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Bill. Does anyone rise as an opponent? Representative Koehler, for the purpose of speaking in opposition to the Bill. Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Representative Keane, can you tell me whether or not..."

Speaker Madigan: "Representative Koehler, are you rising as an opponent to this Bill, or are you rising to ask questions of the Sponsor?"

Koehler: "I'm rising to ask a question."

Speaker Madigan: "The Chair would then ask again, does anyone rise as an opponent to this Bill? The Chair... for what purpose does Mr. Mautino arise, as an opponent or as a questioner?"

Mautino: "As an opponent to the Bill."

Speaker Madigan: "Mr. Mautino shall speak as an opponent to the Bill. Mr. Mautino."

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

Speaker Madigan: "Mr. Mautino."

Mautino: "It seems that over the last six or eight years, we in the General Assembly have, as it pertains to county boards, been increasing the tenure of office for those individuals who serve simultaneously. It seems to me that the county board membership makeup is now appearing to be set up with the township officials totally in mind. It seems to me, as well, that this concept of authorizing the highway commissioner, the auditor, the assessor, the township officials, the supervisor of assessment to serve in dual capacities is not really adding a lot of new blood or new ideas to our county boards. It also seems to me that there could be a possible conflict of interest with these continual overlapping offices, since they do address the questions that the county boards for local taxation as it

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pertains to the highway commissioner's job. And I just... I think that we have extended their terms in office as it pertains to the... the township supervisor serving on the county board, so that they haven't really had to run for that position in about two or three terms. I think it's time to stop that overlapping, and I stand in opposition to the Bill."

Speaker Madigan: "Mr. Mautino has spoken in opposition to the Bill. For what purpose does Mr. Vinson seek recognition?"

Vinson: "Mr. Chairman... Mr. Speaker, I would call the Chair's attention to Rule 10(e) which says in pertinent part, 'The Speaker shall allow a reasonable time for questions from the floor and answer to those question on Short Debate.' And I would call the Chair's attention to that because of Mrs. Koehler's attempt to ask a question, and because I would not want to be obstructionist in asking that this Bill be taken off Short Debate if she has the opportunity to ask her question."

Speaker Madigan: "Well, I know that you would not want to obstreperous, Mr. Vinson. It's just part of your character. My thought was that it would be better for our procedure if there is an opponent to the Bill, that the opponent would speak immediately after the proponent, and then we would recognize those who are seeking to ask questions. So, Representative Koehler, did you still wish to ask questions?"

Koehler: "Thank you."

Speaker Madigan: "Representative Koehler."

Koehler: "Thank you. Thank you, Mr. Speaker. Yes. I would appreciate being able to..."

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

Koehler: "Yes. I would like to ask Representative Keane if you can draw a salary or a per diem for multiple offices at one

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time."

Speaker Madigan: "Mr. Keane."

Keane: "Yes, you can."

Koehler: "Well, then this is a double dipper's Bill. Right?"

Keane: "No, not necessarily."

Koehler: "Well, thank you."

Keane: "The fact... the fact that you can, and whether you do it or not are two different things."

Koehler: "Well, thank you, Representative. I appreciate you answering my questions, and I, Mr. Speaker, would oppose this Bill. Thank you very much."

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

Hannig: "To briefly ask a question or two, Mr. Speaker."

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

Hannig: "Yes, thank you, Mr. Speaker. Just a couple of questions. It seems to me that the Amendment says that these people will only be exempt... or this person will only be exempt from the provisions of the law if they hold that office at this time. Is that correct, or am I mistaken?"

Speaker Madigan: "Mr. Keane."

Keane: "That only applies to the township highway commissioner office, the office of highway commissioner. What happened was is that the highway commissioners asked to be excluded, but they did not want to exclude anybody that was presently doing... holding both. So they said, 'let's grandfather in anybody who presently has a highway commissioners spot.'"

Hannig: "Well, these people that are being grandfathered in, is it in violation of the law for them to hold this position now?"

Keane: "No. No. If in counties of under... if you look at the analysis, in counties with less than three hundred thousand

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population, it is presently lawful to serve that way."

Hannig: "Thank you."

Speaker Madigan: "Does anyone else wish to ask questions of the proponent of the Bill? Mr. Keane to close."

Keane: "Thank you, Mr. Speaker. In answering one of those who have questioned me on this Bill, under current law, counties with less than three hundred thousand population can lawfully... a person can lawfully be a county board member and also serve as a township assessor, clerk, or highway commissioner, so if you call that double dipping, we have it right now. What this Bill does, my Bill does, is it just extends that to counties of over three hundred thousand. These people, the people who may or may not hold office, two offices, have to be elected, and I think the time to discuss qualifi... quality... qualifications and that is at the time of election. If someone is a... does become a double dipper, if there is some kind of hanky-pank going on, there's plenty of opportunity for the electorate to react to that and kick them out of office. I would ask for a favorable Roll Call on this Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 74 'ayes' 34 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1669. Mr. Yourell. Is Mr. Yourell on the floor? House Bill 1673. Mr. Cullerton. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1673, a Bill for an Act to amend an Act in connection with fire insurance claims. Third Reading of the Bill."

Speaker Madigan: "Mr. Cullerton."

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Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is designed to clarify an inconsistency in the current Public Adjuster Regulatory Act. It provides that a person who makes an agreement with another person to represent him in his claim for damages caused by a fire may elect to void the agreement within ten days after the execution of the agreement. Current law says ten days after the fire, which was in error when we passed the Bill two years ago. So I would be happy to answer any questions and would ask for your support of this Bill."

Speaker Madigan: "Mr. Cullerton has spoken as a proponent of this Bill. Does anyone stand in opposition to the Bill? There being no one standing in opposition to the Bill, the question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 109 'ayes' no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1674. Mr. Cullerton. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1674, a Bill for an Act to amend an Act in relationship to public insurance and fire damage adjusters. Third Reading of the Bill."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Two years ago I was the Sponsor of the Public Adjuster Regulatory Act, which is... has been administered by the Department of Insurance. The Department of Insurance has come... or Insurance, depending upon where you live in the state, has come with this Bill which is a more comprehensive regulation of public adjusters. The Bill was drafted with the... by the Department of Insurance

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or Insurance, and it basically, is a codification of the rules that they had drafted to administer the Act. So I'd be happy to answer any questions and if not, I'd ask for your support."

Speaker Madigan: "Mr. Cullerton has spoken as a proponent of this Bill. Does anyone stand in opposition to the Bill? The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 110 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1680. Mr. Giglio. Is Mr. Giglio in the chamber? House Bill 1683. Representative Zwick. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1683, a Bill for an Act to amend certain Acts in relationship to share... ridesharing. Third Reading of the Bill."

Speaker Madigan: "Representative Zwick."

Zwick: "Thank you, Mr. Speaker, Members of the House. House Bill 1683 simply amends the Ridesharing Arrangements Act which was created by this Legislature in our last Session. It made a statement that it was the policy of the State of Illinois to encourage ridesharing and then pooling for energy savings. And what this would do is in order to further encourage ridesharing allow drivers of ridesharing arrangements, as defined in the Act, to operate on a for-profit basis under some very strict limitations, as far as insurance liability goes, and amount of trips between their home and place of business, and limit it to operation between your home and place of business. I would be glad to answer any questions and ask for your favorable vote on this particular Bill. Thank you."

Speaker Madigan: "Representative Zwick has spoken as a proponent

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of this Bill. Does anyone wish to speak in opposition to the Bill? For what purpose does Mr. Cullerton seek recognition?"

Cullerton: "Yes, Mr. Speaker, I have an inquiry as to how many votes will be required to pass this Bill."

Parliamentarian Getty: "On behalf of the Speaker, this Bill is a limitation on the power of a home rule unit to impose a tax. Pursuant to the paragraph G of Section 6 Article VII, it would require 71 votes."

Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by... for what purpose does Mr. Cullerton seek recognition?"

Cullerton: "Mr. Speaker, I initially just made a parliamentary inquiry, and I would like to either ask questions of the Sponsor of the Bill, or to rise in opposition to the Bill. Perhaps both, after she answers some questions."

Speaker Madigan: "I believe that I had asked if anyone wished to speak in opposition to the Bill. You raised a question of parliamentary inquiry; therefore, I would believe that we're still in a position to permit you to speak as an opponent to the Bill. Mr. Cullerton, as a opponent to the Bill."

Cullerton: "Right. Perhaps first, Representative Zwick, if I understand how broad this Bill might be. It does attempt to limit all units of local government on the power to tax or license. Is that correct?"

Zwick: "That is correct. It limits the State of Illinois and all units of local government, saying that Illinois Commerce Commission cannot regulate and that units of government may not tax operations that are either ridesharing or car... or van pooling. And that was the whole reason for the Bill, to create that incentive to encourage the operations of



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ridesharing."

Cullerton: "And the operator of a ridesharing arrangement may charge his passengers a fee under certain circumstances. Correct?"

Zwick: "Correct."

Cullerton: "So, really what we're talking about is a jitney service if you will."

Zwick: "Well, now, I think we discussed that originally, John, when I passed the Bill two years ago. That's why we put the limitations on that it must be between your home and your place of business, and we limited it to only two trips a day. Originally it was going to be one. We changed it for two under the possibility that some people might work split... split shifts, or someone might want to go home... some women might want to go home for lunch to give their children lunch and then come back to work, and operate a ridesharing arrangement. So I think that we covered the possibility of jitney service by putting those limitations on the Bill."

Cullerton: "Now did you feel that there would be any competition with the current taxi services, and bus and elevated services that we now have existing in the City of Chicago, for example. Would this pose any competition to those?"

Zwick: "I... I don't really think it poses competition. I think what it does is a give an alternative to those that do not live in close proximity to public transportation. I'm sure you're aware of the kind of area that I come from, John, and probably some of the other Sponsors of the Bill where we need auxiliary services, sometimes even to get us to factories, plants, places of business where there simply is no public transportation. So I would think that this would just be an alternative. That is the intention of the Bill, is to allow for an alternative and to encourage that

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alternative to allow some sort of profit factor, to unlease that profit motive to encourage these operations, rather than everyone driving their cars individually, beating up the roads more than necessary, having to provide more parking spaces, use more gas. If we can encourage people to share rides to their jobs, then I think that we've taken a big step forward in both energy savings and some of the other positive things that the State of Illinois wants to be on record trying to do."

Cullerton: "Mr. Speaker, to the Bill. I believe that the goals of the Sponsor are laudable; however, I think that the way the Bill is drafted, it really would pose some problems to the existing taxi cab and CTA services that exist in my City of Chicago. I think it would really be very easy to get around the so called limits and to provide for a wide open jitney service, and for those reasons, I would oppose the Bill."

Speaker Madigan: "Representative Zwick to close."

Zwick: "Thank... thank you very much, Mr. Speaker. I can certainly understand why Mr. Cullerton might want to be on record opposing this Bill; however, his arguments, since we have had ridesharing operations in place, since the Bill passed, the original Bill passed two years ago, which allows for the exact same thing, but you can only re... under the old Bill, you could reimburse yourself for costs incurred in the operation of ridesharing and van pooling, and that operation has been possible in the City of Chicago. No one really has taken advantage of that and used it to compete with public transportation. It's a service that is very much needed in the surrounding areas around Chicago, suburban areas. Probably within Chicago also, we could use some auxiliary services to specific places, but I see it being utilized much more in the

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downstate areas, the suburban areas, the collar counties. This would allow for us to legally charge a small fare. No one is going to charge a large fare, because the competition would be too great. People would use other services. There are a lot of built in protections in the Act, so that it would not turn into any kind of what John calls a jitney service in any area of the state. We were very, very careful in the drafting of the Bill. Department of Energy and Natural Resources worked with me on the drafting, and they are totally in support of the Bill. And I don't think that you would be sorry for voting for this Bill. It is not going to come back to haunt you. It is not going to do anything monumental, other than to increase the incentive to operate ridesharing and van pooling, particularly in our suburban and rural areas, where we are in desperate need of some auxiliary services to public transportation. So I would ask for your support on this Bill. Thank you."

Speaker Madigan: "All those in favor of the passage of this Bill will vote 'aye', all those opposed will vote 'no'. Have all voted who wish? This Bill will require 71 votes to pass. For what purpose does Representative Karpiel seek recognition? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 68 'ayes', 28 'nos'... For what purpose does Representative Zwick seek recognition?"

Zwick: "I'd like to request a Poll of the Absentees, please, Mr. Speaker."

Speaker Madigan: "The Clerk shall Poll the Absentees. Mr. Cullerton."

Clerk Leone: "Poll of the Absentees. Eullock, Capparelli, Christensen, DiPrima, Huff, Levin, Rhee, Rice, Richmond, Terzich, Turner and Wolf."

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

Cullerton: "Yes, Mr. Speaker, I understand that the concerns that I expressed in debate would be accommodated. I would be accommodated with Amendments to the Bill in the Senate, and so for that reason, I would ask to change my vote from 'no' to 'aye'."

Speaker Madigan: "Before we relive history, Mr. Daniels, I would suggest that we dump this Roll Call and take a new one. Mr. Clerk, dump this Roll Call. All those in favor of the passage of this Bill shall signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 105 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Let the record show that this Bill received the constitutionally required extraordinary Majority and is hereby declared passed. House Bill 1665. Mr. Neff. Mr. Neff on House Bill 1665."

Clerk Leone: "House Bill 1665, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In this legislation, rather simple piece, it would change the registration of motor... motorcycles, which are currently registered with the Secretary of State on a calendar year basis. The present law is December the 31st expiration date, and we would change it to March the... till April the 1st, because the motorcycles ordinarily don't use these, about half of them don't use these motorcycles in the wintertime; and, therefore, it's a... they don't ordinarily register until March or April, until the weather gets nice. And this would make it consistent."

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They would appreciate this. The Secretary of State in not opposed to it. It's a... it's sponsored by Representative Flinn and myself and recommended by the Motor Vehicle Laws Commission. I'd appreciate a favorable vote."

Speaker Madigan: "Mr. Neff has spoken as a proponent of this Bill. Does anyone stand in opposition? The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye'. All those opposed by voting 'no'. For what purpose does Mr. Olson seek recognition? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1669. Mr. Yourell. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1669, a Bill for an Act regarding information held by libraries. Third Reading of the Bill."

Speaker Madigan: "Mr. Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Bill creates the Library Records Confidentially (sic - Confidentiality) Act and provides that the registration and circulation records of a library are confidential information. The reason for the Bill is that we want to protect those individuals who when they take out or subscribe to a library, take out books, they have to file out a card and certain information is on that card, such as the name, address, phone number, and so forth, and we believe this is confidential information and not... should not be used for any other purpose. I'd be happy to answer any questions you might have."

Speaker Madigan: "Mr. Yourell has spoken as a proponent to this Bill. Does anyone stand in opposition to this Bill? The question is, 'Shall this Bill pass?'. All those in favor signify by voting... For what purpose does Representative

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Topinka seek recognition?"

Topinka: "If I might ask a question, at this time, of the Sponsor?"

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

Topinka: "Yes, Representative Yourell, why is the Illinois Press Association against your Bill?"

Yourell: "They don't understand it, number one. They think it applies only to public libraries. It applies to all libraries academic, private and so forth."

Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 100 'ayes', 12 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1680. Mr. Giglio. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1680, a Bill for an Act to amend an Act in relationship to construction of statutes. Third Reading of the Bill."

Speaker Madigan: "Mr. Giglio."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1680 is a relatively simple Bill, but it seems like its a controversial Bill. What it does, it gives the powers and the functions to a local unit of government that are not spelled out in the State Constitution. Some time back, I guess, when the lawyers go to school, there was a fella by the name of 'Duley' or 'Dudley' that said that if... if nothing was in the statute that for local units of government, they would have to... they would not have the power and authority. This Bill does the opposite. If it's not in the state statute, then the local units of government have their right to determine

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their own destiny by their own local officials. If there's any questions, Mr. Speaker, I'd be happy to answer them."

Speaker Madigan: "Mr. Giglio has spoken as a proponent of this Bill. Does anyone wish to speak as an opponent to the Bill? Mr. Johnson."

Johnson: "First, before we do that, I'd like to ask the appropriate number of Legislators to join me in taking this off Short Debate."

Speaker Madigan: "Mr. Giglio, there would appear to be enough Members to take this off of Short Debate and probably defeat the Bill. The Bill is now on the regular Calendar. Mr. Johnson, did you wish to speak to the Bill? Mr. Johnson."

Johnson: "Thank you, Mr. Speaker, Members of the House. With all due respect to Representative Giglio, esteemed colleague, this is probably one of the most dangerous Bills of the Session. How it got on Short Debate, I don't know, but at least we're able to debate it now. I just want to read a couple of... a couple of the phrases out of the Bill, so everybody can understand what we're... what we're doing and what we're purporting to give to local government. Among other things, the units of local government are to be... their powers and functions are to be liberally construed, and further, among other things, those powers in construing the statutes, units of local government shall be considered to have those powers either essential to or convenient to the declared objects and purposes of the unit of local government. In addition to that, there's nothing contained anywhere in this Bill, or I would submit anywhere in the proper interpretation of this Bill, if it became law, that would limit this to... to home rule units. I would first direct the... the Members attention to Section 7 of... or Section 7 of Article VII of the Constitution which provides

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quote, 'Counties and municipalities which are not home rule units shall have only powers granted to them by law, and the powers and so forth...', and then it specifies certain powers. I would question just a matter, as a matter of law, how one would be able to coordinate that constitutional provision with this statutory provision which seems to be totally in the... in the face of the specific statutory or specific constitutional guideline. In addition to that, I would submit to you that under this Bill, if it's logical interpretation were affected by the courts, among other things that units of local government would be able to license realtors. They'd be able to license insurance agents and total regulation of those particular areas, and whatever other professions you want to imagine. That nonhome rule units would be able to pass their own criminal laws as long as those criminal laws were necessary, essential or convenient to the declared objects and purposes of the unit of local government. That those same units of local government would be able to designate and completely eliminate the state control over fire and police commissions, and I would submit to you that any of the efforts we've made in a variety of areas to have some sort of statewide control in certain areas would be complete nullity. I... I would further suggest to you that under this that local governments would be able to set up housing... counseling services, where individuals before they're allowed to sell or buy a home would be required to come into the municipalities or the units of local government to have... to have guidance in terms of disbursement of housing in different areas within the municipalities, and I don't think people want that. I know Representative Giglio is well intended in this piece of legislation, but I think that when you look at a law that



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says that the units of local government, the powers and functions of the units of local government shall be liberally construed, totally the opposite of Dillon's rule which had been the law in Illinois and still is, except for home rule units, for a hundred and fifty years, and in construing these statutes, units of local government and municipal corporations be considered to have those powers, granted in expressed words. Those powers necessarily are fairly implied from a grain of power and those powers either essential or convenient to the declared objects and purpose of the units of local government. We're allowing units of local government, in a very real sense, to become their own dictatorships, and I would submit to you that the potential for abuse and mischief in terms of that wide, unlimited grant of power would be so great that we're going to spend the next ten years in here trying to limit what we did in what one Bill purported to do on the Consent Calendar. And again, with due respect for the fine Sponsor of this Bill, this is a very bad Bill, and I urge a 'no' vote."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Question of the Spcnsor."

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

O'Connell: "Representative, in order to ascertain your legislative intent on this measure, I... I would like to ask you a few question to... to try to ascertain that intention. It's my understanding that the Federal Constitution, the United States Constitution, affords the state any powers that are not necessarily reserved in that Constitution. Conversely, the Illinois Constitution, the one rec... recently enacted in 1970, provides that the municipalities, nonhome rule municipalities, are afforded only those expressed powers as delineated in the Illinois

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statutes. Is that your understanding?"

Speaker Madigan: "Mr. Giglio."

Giglio: "Representative O'Connell, that's precisely the reason of the Bill in my mind. If there's no laws granted to the Federal Government, I would assume that the Federal Government could operate the way they want. If there's no laws designated to the states, then the states operate in their sovereignty the way they are. And if there's no laws that affect the local units of government, there's elected officials. Then I would assume that the local officials are qualified enough to determine their own destiny and to rule the way they feel they should at a local level to the people that elected them to office. So if there's nothing written, I see no reason why that they can't rule themselves accordingly without jeopardizing the laws of the state or the Federal Constitution."

O'Connell: "Well, Mr... Representative, in 1970, the Illinois Constitution enacted what is referred to as a home rule concept of government, whereas, certain municipalities over twenty-five thousand or under twenty-five thousand if by referendum adopted a home rule posture that they in fact could do whatever was not stated in the State Constitution. So, is it your intent then to eliminate the entire concept of home rule governments?"

Giglio: "No, I... I wouldn't... I wouldn't do that, but I think even under home rule, and those municipalities that don't have it, if it's not spelled out, I think they should have the right to determine their own destiny."

O'Connell: "Does that mean that a municipality of five hundred or a thousand individuals would have the same extent of power as would the City of Chicago?"

Giglio: "That would be, if this Bill passed, and if I may refresh your memory, the City of Rockford just eliminated home rule

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power. Now where do they go from here?"

O'Connell: "Well, in answering that question, I'll make the comment that indeed the City of Rockford, under your proposal, would in effect resort... revert back to a home rule municipality. Since it has eliminated its home rule authority, it now assumes all of its expressed powers from the Illinois revised statutes. Under your proposal, it would be my belief that the City of Rockford, the voters of the City of Rockford, would have been effectively disenfranchised by their referendum. So, in that regard, Representative, despite my esteemed affection and respect for you, I would respectfully vote against this measure."

Speaker Madigan: "Representative Friedrich."

Friedrich: "Mr. Speaker, Members of the House, as a delegate to the Constitutional Convention, as I was, you'll remember the debates on this subject, and it was certainly never intended that every town in the state would have home rule powers. I don't think they will even if this passes, but what you're going to do, you're going to... these towns are going to assume they have home rule powers. They're going to pass ordinance which... ordinances which are patently unconstitutional, because the courts will go back to the debates and the Constitutional Convention, and you're going to have law suits all over the place. This is a bad Bill, and it opens up a real can of worms which will accomplish nothing in the end."

Speaker Madigan: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen. I reluctantly rise in opposition of this Bill as well. In 1982, the U.S. Supreme Court rendered a decision which in effect outlaws all regulation at the local level and subjects it to antitrust liability. Only if the state is actively supervising municipal activity as a part of its

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state function will the municipalities be exempt from that liability. In effect, Representative Giglio's Bill would render all municipal activity subject to that antitrust liability. I think we need to avoid that result, and I ask for a 'no' vote."

Speaker Madigan: "Representative Piel."

Piel: "Will the Gentleman yield for a question, please?"

Speaker Madigan: "Sponsor indicates that he will yield. Mr. Giglio."

Piel: "Representative, would you give us some examples of what powers and functions would be expanded by the result of this legislation?"

Giglio: "Well, as far as in my own mind, anything that's not spelled out in writing, and I can't see giving these local elected officials... denying that right to do just that. If we're going to run everything here on the state level, then in my mind, then I don't think we should have local elections and... and a democratic form of government in the municipalities back home."

Piel: "What effect would this Bill have on the powers of units of local government in reference to area such as taxation, land an... annexation, and discrimination, et cetera?"

Giglio: "Well, in my mind, if it's not spelled out in state statute, they can do what they want."

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

Speaker Madigan: "Mr. Piel."

Piel: "Ladies and Gentlemen, I think what we're doing is if we pass this Bill, unfortunately we have a good Sponsor, but I think he's picked up a bad piece of legislation. I think if we pass Bill... House Bill 1686, I think what we're doing, we're opening up a Pandora's box to give basically a blanket agreement to any unit of local government to do whatever they want to. And I don't think that, as one of

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the previous Representatives stated, that the Constitutional Convention was set up for that purpose, and I would ask for a 'no' vote on House Bill 1680."

Speaker Madigan: "Representative Karpel."

Karpel: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this Bill, even though I appreciate that the Sponsor is... is doing it in good faith. I just think that this Bill is almost akin to a Constitutional Amendment. And how it got out on a Short Debate Calendar, I'll never know, because what we're basically doing is changing the Constitution with this legislation, as was pointed out by Representative Johnson. It also says in the same section of the Constitution about the powers granted, it talks about the tax limitations. And we have to be aware that if we do pass this Bill that the limitations on bond... bond limits and all different types of tax limitations that are now on municipalities will be removed. And I would think we would have to go through the whole Municipal Code and item by item to find out just what changes are going to be made. This is a very sweeping piece of legislation, and I don't think that we should hastily pass something like this, not really being aware of all the different instances and different changes that would be made. And just in reference to a comment that one of the previous speakers made, that the United States Constitutional allows the states to have... to have a free reign in anything that is not spelled out in the U.S. Constitution, as opposed to the municipalities in the state, I think we all remember our civic lessons and remember that the states are sovereign states. And as far as municipalities are concerned, as far the state, they must be chartered by the state, and that's why they have to follow the statutes of the State of Illinois."

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Speaker Matijevich: "Representative Matijevich in the Chair. The Gentleman from Cook, Representative Harris."

Harris: "Thank you, Mr. Speaker. I move the previous question."

Speaker Matijevich: "The Gentleman from Cook, Representative Harris, has moved the previous question. The question is, 'Shall the main question be put?'. Those in favor say 'aye', those opposed say 'no'. And the main question is put. Representative Giglio to close."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Well, I think we've heard enough debate, and I think what you have to determine is whether or not you feel and believe the way I do. And I believe that if it's not spelled out, and if it's not 'ingranted' and it's not in writing, then those elected officials have a perfect right to determine their own destiny. And if they want to do something that's contrary to what supposedly is suppose to be on the statutes, then I think it's up to the courts to interpret whether or not that's legal or not. But if you feel that you have confidence in the people back home, and the local communities, and the elected officials, then I think you ought to give them the right to determine their own destiny and govern for the people that are closest to them, those on the local level. And I would ask for your favorable support."

Speaker Matijevich: "Representative Giglio has moved for the passage of House Bill 1680. The question is, 'Shall House Bill 1680 pass?'. Those in favor signify by voting 'aye', those opposed by voting 'no'. Representative Johnson, for what purpose do you rise? I don't think you'll need a verification. Have all voted who wish? This... this... this may be the record. Have all voted who wish? The Clerk will take the record. On this question, there are 6 voting 'aye', 102 voting 'no', 3 voting 'present'. And

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House Bill 1680, having failed to re... is hereby declared lost. Representative Brummer, for what purpose do you rise?"

Brummer: "Yes, just a inquiry. I wanted to know where the twelve Members were from Cities and Villages who voted this out unanimously and put it on the Consent Calendar."

Speaker Matijevich: "And Dillon's Rule remains Dillon's Rule, rather than Giglio's Rule. House Bill 1704. Homer. Read the Bill."

Clerk Leone: "House Bill 1704, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Matijevich: "Representative Homer on House Bill 1704."

Homer: "Thank you, Mr. Speaker, Members of the House. House Bill 1704 was introduced at the behest of the Illinois State's Attorneys Appellate Service Commission, and it is supported by the Motor Vehicle Laws Commission. 1704 simply codifies what is already the law in Illinois, as pronounced in the Appellate Court case of People vs. 'Johanson'. House Bill 1704 simply provides that there shall be a radar free zone on any highway marked with a maximum speed limit where that speed limit is reduced. No radar or electronic speed detecting device can be used within five hundred feet of such speed reduction sign. As I indicate, this is simply a codification of what is already the Appellate Court pronouncements in this state, and I would ask your favorable consideration."

Speaker Matijevich: "Representative Homer has moved for the passage of House Bill 1704. In Short Debate, is there anybody who speaks in opposition? If... being none, the question is, 'Shall House Bill 1704 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 110 voting

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'aye', 1 voting 'nay'... Representative Ewing, recorded as 'aye'. 111 voting 'aye', 1 voting 'nay', 1 voting 'present', and House Bill 1704, having received a Constitutional Majority, is hereby declared passed. House Bill 1708. Keane. Read the Bill."

Clerk Leone: "House Bill 1708, a Bill for an Act to amend an Act concerning the Department of Children and Family Services. Third Reading of the Bill."

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

Keane: "Thank you, Mr. Speaker. House Bill 1708 amends the Enabling Act of the Department of Children and Family Services. And what the Bill does is it deletes the limitation on the purchase child care service rates. It removes... it's a companion Bill to House Bill 1337, and both of these Bills have been introduced to ensure improvements in private agency purchase of service reimbursements under the Department of Children and Family Services for next fiscal year. I'd be happy to answer any questions regarding the Bill. It came out of Committee 15 to nothing and... favorable Roll Call."

Speaker Matijevich: "Representative Keane has moved for the passage of House Bill 1708. In opposition, the Gentleman from DeWitt, Representative Vinson."

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

Speaker Matijevich: "He indicates he will."

Vinson: "Representative, on page four line twenty-one of your Bill, you changed the word 'shall' to 'must'. What is the impact of that change?"

Keane: "It would probably heighten the intent of the legislation. It would better tell the Department that this... there's so often it's 'shall', and they don't listen to our 'shalls', so maybe they'll listen to our 'musts'."



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Vinson: "What's... what's... what's the effect of the other change in your Bill?"

Keane: "All it does is it removes... presently, it's on page seven of the Bill. Presently, it says that, 'No payment shall be made by the Department that exceeds the cost of caring for a child in an institution.' And it just removes that cap. We have many placements where... well, there's two reasons. One, we want to continue to keep that open and subject to negotiations. And second, we... we have a number of kids that are what we called special placements. You can't... they can't find homes. They can't find people that will take them in to let's say a foster home for what the Department says or the limits. They w... some of the private care places will not take the children in. I'm not talking about special... people with special needs like physically handicapped or that. I'm talking about just some real tough cases where foster homes will not accept them unless there's more than what's allowed."

Vinson: "Does the agency currently operate institutions?"

Keane: "Yes."

Vinson: "Could you just give me an example. I thought that the only one they operated was one that was in my district and was closed down."

Keane: "'Harrick' House. 'Harrick' House in Chicago."

Vinson: "That's operated by them, rather than contractual grant?"

Keane: "That's my understanding."

Vinson: "Thank you."

Speaker Matijevich: "Representative Keane to close."

Keane: "Just ask for a favorable Roll Call."

Speaker Matijevich: "Representative Keane has moved for the passage of House Bill 1708. The question is, 'Shall House Bill 1708 pass?'. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all

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voted who wish? The Clerk will take the record. On this question, there are 115 voting 'aye', none voting 'nay', and House Bill 1708, having received the Constitutional Majority, is hereby declared passed. House Bill 1709. Pierce. Read the Bill."

Clerk Leone: "House Bill 1709, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Bake... Lake, Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1709 cures a problem we've had with the tax increment financing Bill that we passed several years ago that allows a municipality to use tax increment financing. I know the City of north Chicago, Highland Park and others have some residential areas in and around their tax increment development district. And the homestead exemptions in those areas and both the senior citizen and general homestead exemption made the base that was set out for the equalized values too high, because it didn't recognize that the current taxing bodies are receiving funds in assessments, net of the homestead exemptions. And what House Bill 1709 does is make sure that the initial base in a tax increment area has netted out the homestead exemptions to arrive at the true equalized assessed value for the tax increment area. I believe it's noncontroversial Bill. No one appeared, or spoke or voted against it. It does help clear up a problem with tax increment financing which is trying to improve our downtown areas of some of our smaller towns, and I urge the passage of House Bill 1709."

Speaker Matijevich: "Representative Pierce has moved for the passage of House Bill 1709. Does anyone speak in opposition? Being none, the question is, 'Shall House Bill

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1709 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 112 voting 'aye', 3 voting 'no', and House Bill 1709, having received the Constitutional Majority, is hereby declared passed. House Bill 1723, Representative Mays. Read the Bill."

Clerk Leone: "House Bill 1723, a Bill for an Act to amend the law regarding hunting and fishing licenses. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1723 provides the veterans with service related disabilities or in receipt of total disability pensions are not required to obtain licenses for fishing and hunting. This Bill passed out of the Select Committee on Veterans Affairs unanimously. It's not opposed by Veterans Affairs or Conservation, indeed they're proponents. I request a favorable Roll Call."

Speaker Matijevich: "Representative Mays has moved for the passage of House Bill 1723. Speaking in opposition, Representative Cullerton."

Cullerton: "No, I just have a question of the Sponsor."

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

Cullerton: "Representative Mays, how many disabled veteran hunters are there in the state?"

Mays: "That's a good question. This Bill's been around since mid-February, and we still haven't got an answer to it."

Cullerton: "And how do you show that you... how do you show and prove that you have a ten percent disability?"

Mays: "They have to go through the criteria set forth by the Department of Veterans Affairs and the Veterans

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Administration Federal level."

Cullerton: "Well, how do you show that to a game warden. Do you get a card saying you're ten percent disabled?"

Mays: "We'll work it out."

Cullerton: "Fine. Good Bill."

Mays: "Thank you."

Speaker Matijevich: "Representative Ropp, do have... are you speaking in opposition?"

Ropp: "I have a question, Mr. Speaker."

Speaker Matijevich: "Go ahead. He'll yield."

Ropp: "It dealt a little with what Representative Cullerton... can you describe what a ten percent disability would be?"

Speaker Matijevich: "One finger missing out of ten."

Mays: "I, yeah, one out of ten fingers or one out of ten toes. Generally, if you've got half an ear missing, you'll be qualified."

Ropp: "A whole fifty percent of an ear is ten percent?"

Mays: "Right. If it's service related. It has to be service related."

Ropp: "In other words, you are ten percent in service."

Mays: "It has to be knowingly too."

Ropp: "Knowingly... oh, this isn't a good one."

Speaker Matijevich: "Rep... Representative Mays has moved for the passage of House Bill 1723. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115... 116 voting 'aye', no 'nays'. House Bill 1723, having received the Constitutional Majority, is hereby declared passed. House Bill 1724. Wolf. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 1724, a Bill for an Act to amend Sections of the Metro-East Sanitary District Act. Third Reading of the Bill."

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Speaker Matijeich: "The Gentleman... Gentleman from Madison, Representative Wolf, on House Bill 1724."

Wolf: "Thank you, Mr. Speaker."

Speaker Matijeich: "One... one moment, Representative Myvetter Younger, for what purpose are you seeking recognition?"

Younger: "I'd like to be joined by an appropriate number of my colleagues to have it taken off of Short Debate and put on the regular Calendar."

Speaker Matijeich: "Are... Are seven persons joining Representative Younger? One, two, three, four, five, six, seven. This Bill is taken off of Short Debate and placed on the regular debate."

Wolf: "Thank you, Mr. Speaker and Members of the House. House Bill 1724 is a Bill that applies to a sanitary district that lies in two counties only and in portions of only of those two counties. Now, I understand that there's a certain amount of opposition to this Bill, but I think you're going to find that it's small in nature. The Bill shouldn't be controversial, but evidently in certain circles it is. The Bill was introduced, was initiated at the request of the county board chairman of St. Clair County. It was initiated at the request of the county board chairman of Madison County, at the request of the mayors of the City of Granite City, the City of Madison, the City of Venice, the City of Fairmont City, the City of Washington Park, the supervisors of the various townships. It has about a ninety to ninety-five percent approval of the district involved. Now what the Bill does is that it authorizes the district to sell unneeded property. The district already has the authority to buy property. This Bill would provide the authority to sell property. The district owns some five thousand acres of ground, and I would say that about two thousand acres of that is lying

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there using money of the taxpayers to be maintained, and it could very well be put back on the tax rolls. And the funds that would be derived from that could be used to update the drainage facilities of the various communities involved. The Bill would also provide that the appointing authority of the commissioners, which total five, would be given the power to terminate the appointment of those commissioners. Now there are two in one county, three in another. We're talking about five people all together. It also addresses the issue of the 'remitteration' of the commissioners and puts them on a salary basis, on the same basis as county board members of the two counties being the lesser of the two counties. It also addresses a situation dealing with the executive director of the sanitary district. Under the present statutes, the executive director must be a certified engineer with over ten years of experience in that line of work. Through necessity the district has operated without an engineer for a number of years, simply because an engineer could not be obtained at the salary that could be paid by the district. The district has operated with an administrator who has operated very efficiently, and the Bill would provide that any engineering services would be done on a contractual basis, which has been done for the past ten years anyway. So this Bill simply codifies that particular procedure. The Bill initially provided for revenue bonding authority which previously was part of the Bill, but it was removed because the authority... the district, rather, already has that authority under another provision. Now this is a responsible Bill, and it's intended to structure a unit of government in a way that will be responsible and responsive, not only to the appointing authorities involved, but to the people comprising that tax unit. I'd

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be glad to answer any question, and I'd ask for your favorable support."

Speaker Matijevich: "Representative Wolf has moved for the passage of House Bill 1724. Across the aisle, and across county lines, the Gentleman from St. Clair, Representative Flinn."

Flinn: "Mr. Speaker, would the Gentleman yield for a question?"

Speaker Matijevich: "He indicates he will."

Flinn: "Representative Wolf, I'm interested in the part of your Bill which permits the removal of trustees or commissioners from the Metro-East Sanitary District. I'm aware, since I was the original Sponsor of the reorg... reorganization of this district, back in 1974, that we had left out any mechanism for changing commissioners who would not attend meetings or who would not attend to their duty and that sort of thing. And about the only way they can get removed now is to be convicted, and I think that's not good enough. And I commend you for your Bill in that respect. But my question is to you, Representative Wolf, is there some particular individual or individuals that you seek to remove who are presently on the board?"

Wolf: "Representative Flinn, I seek to remove no one from the board from either county, and I would suspect that even with this Bill, I don't know whether or not it would be constitutional for any present member of that board to be removed on the provisions of this Bill. I would think that it would apply to new appointees."

Flinn: "Well, Mr. Speaker, to the Bill. I think under that circumstance, this is a very fine Bill, one that's necessary and should be passed. I recognize that there's going to be some opposition to it, but I think some of that opposition can be worked out in the Senate, and I recommend that we do pass this Bill."

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Speaker Matijevich: "The Lady from St. Clair, Representative Younger."

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

Speaker Matijevich: "He indicates he will."

Younger: "Thank you. I have high regard for the Sponsor, but this is a terrible Bill. Representative Wolf, what is the responsibility of the Metro-East Sanitary District?"

Wolf: "Would you repeat that question, please?"

Younger: "Yes, my question is, what is the responsibility of the Metro-East Sanitary District?"

Wolf: "What is the responsibility?"

Younger: "Yes."

Wolf: "It's to serve the people, Representative."

Younger: "Doesn't it have the authority over flood control?"

Wolf: "Yes, it does."

Younger: "Doesn't it have authority over levies and sewerage?"

Wolf: "Yes, it does."

Younger: "Under the Bill that you have offered to this Body, what... who is given the power to appoint the commissioners?"

Wolf: "The county boards in each county. As you know, the present Bill provides that the county chairman in each county, with the advise and consent of the county board, appoints the commissioners to the board."

Younger: "Does the Chairman of the St. Clair County Board live in the Metro-East Sanitary District?"

Wolf: "I don't know. You could probably answer that better than I can, Representative Younger."

Younger: "Okay. The fact is he does not. Let me ask you this. For how long a term are you asking this General Assembly to permit the county chairman, who does not live in the... the sanitary district, to appoint the commissioners? What is the term?"



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Wolf: "The term of the commissioners?"

Younger: "Yes."

Wolf: "Well, the term of the commissioners is not being changed by this Bill. They are appointed for a term of five years."

Younger: "In... in looking at the Bill, I notice that all of the language in the statute that sets up years of service is crossed out. Isn't it a fact that the county chairman would have the power to appoint the commissioners for an undeterminate period of time?"

Wolf: "Representative, that is crossed out simply because the... the language that you're looking at was... the original language that set up that board and initially there had to be staggered terms. Now those terms are staggered and don't need to be addressed under this particular Bill. These commissioners... the terms of these commissioners expire at different times."

Younger: "Does not your Bill say specifically that the terms of the commissioners shall be during the pleasure of the county board chairman? Isn't that the specific language?"

Wolf: "No, Ma'am. It does not, and I... that... that is a misrepresentation. They serve at the pleasure of the county chairman with the advise and consent of the county board."

Younger: "That was not the provision that I meant. Certainly it says with the advise and consent of the county board, but does not it, in fact, say it is at the pleasure of the county chairman at the advise and consent... with the advise and consent..."

Wolf: "With the advise and consent of the county board."

Younger: "So does that mean that the county chairman could then appoint a person for ninety-nine years, or for five years, or for fifteen years?"

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Wolf: "No, Ma'am."

Younger: "Does your Bill lay out any reasons for the removal of the commissioners?"

Wolf: "This would have to be determined by the county board in the particular instance. You're talking about the two members from St. Clair County. I think it would have to be determined by the county board chairman and the county board within that county whether there was sufficient cause to remove that county... that board member."

Younger: "The fact is that there is no standard in the Bill that you're offering to this Body as to the reasons for removal or the terms of the commissions. Isn't that right, Representative Wolf?"

Wolf: "Were there any conditions for the appointment of that board member, Representative?"

Younger: "Are there... the question is whether or not there are any rules or standards for the removal, Representative Wolf?"

Wolf: "No, there isn't in this board, nor is there in many boards."

Younger: "Well, the next question is, what is the change that you're attempting to make in reference to the rate of pay, the salaries? What is the current pay or salary for the commissioners?"

Wolf: "The present commissioners are reimbursed on a per diem basis at the rate of forty dollars a meeting. Now this particular provision, it has been proved over a period of time and especially during the sixty some years that this particular unit of government was controlled by St. Clair County and almost beat into the ground, this particular provision was abused considerably, and there were some fourteen to twenty meetings held a month - unneeded. This Bill would pinpoint the salary of each board commissioner

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to a salary of fifty-five hundred dollars which is a lower board salary between the two counties, and the board would be able to... to better project what their expenses are going to be."

Younge: "Isn't it a fact..."

Speaker Matijevich: "Would the... would the lady start bringing this to a close? This is beginning to be a dialogue. Wyvetter, could you start bringing it to a close? You have an opportunity to speak against the Bill."

Younge: "Okay. The last question that I have is..."

Speaker Matijevich: "In other words, you're using up your ten minutes in questions."

Younge: "All right. Okay. Thank you, Mr. Speaker and to the Members of the House, if I might speak to the Bill. I oppose the... this Bill, because it is very... first of all, contrary to what Representative Wolf has the impression he has given this Body. There is a great deal of controversy about this Bill in St. Clair, in Madison County. Contrary to what he has said to this Body, there is not consensus in St. Clair County as to these changes. The fact of the matter is, that this Bill is very, very poorly written, in that he seeks to give... to take out of the statutes specific designated terms for the commissioners. And they would, in fact, be able to... the county chairman would be able to, although as he says with the advise and consent of the the county board - that's irrelevant - the fact is that he could appoint them for any length of term, for any length of term. And I think that this is so vague and uncertain as to be absolutely unconstitutional and should be against what this Body would want to do. Secondly, he takes out the provision to permit these people to be paid only per diem for the meetings that they attend and give them pay whether or not they attend

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meetings, and the pay would be predicated on whatever the pay is of the county board. That means that we take away from this Body at this level what the pay of these people would be and give it to a county board. And it would be an indeterminate amount. And I don't think that we want to do this. The most telling part of this whole Bill is that it takes out the requirement that a registered professional engineer be over the work of the sanitation district. Now a sanitation district is over flooding. It is over sewerage. These are very highly sophisticated professional task and subject matters, and I think that it would lead to the great deterioration of this sanitary district in an area that in a hundred year flood plain. And I think that what you will be doing is you would be setting the St. Clair County and the Madison County area back one hundred years, if you allow this very vague, very uncertain, very unconstitutional matter to go forward. And I ask you to join me in voting 'no', because the Bill is badly written, and poorly prepared and should not be passed by this Body."

Speaker Matijevich: "Representative Wolf to close."

Wolf: "Well, thank you very much, Mr. Speaker. I sincerely regret that Representative Younge finds so much wrong with this Bill and has taken the trouble to point out that the district needs an engineer. I would like to point out specifically dur... that during the time that this district did have an engineer and was controlled in St. Clair County that the district went one million five hundred thousand in debt. It had over two hundred employees and became a patronage ridden, debt ridden unit of government that had to be looked at with, not with pride, but with shame. Since the present person who has taken over that district and has become executive director of that unit, that unit of government is now debt free having paid off over a

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million and a half in indebtedness. They have reduced the employees from a hundred and eighty to two hundred to only forty-two, forty-two employees. And it does a much better job than it has ever been done in the past. I think that this structure, as provided in this Bill, puts this unit of government on a basis that all of us can look to with pride, as being one that supervises and provides the type of service to that community, to that district that those people deserve for the amount of tax dollars that they pay. And I simply ask for your favorable support."

Speaker Matijevich: "Representative Wolf has moved for the passage of House Bill 1724. The question is, 'Shall House Bill 1724 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 61 voting 'aye', and 15 voting 'nay', 34 voting 'present', and House Bill... For what purpose does the Lady... How is that again, Wyvetter? I think you want a verification. Is that what you're saying? Representative Wolf wants a Poll of the Absentees?"

Wolf: "Poll of the Absentees."

Speaker Matijevich: "Poll... the Clerk will Poll the Absentees."

Clerk O'Brien: "Poll of the Absentees. Christensen, Domico..."

Speaker Matijevich: "Domico 'aye'."

Clerk O'Brien: "Krska."

Speaker Matijevich: "Krska is not here."

Clerk O'Brien: "Kulas."

Speaker Matijevich: "Kulas 'aye'."

Clerk O'Brien: "Levin."

Speaker Matijevich: "Levin. He's not voting."

Clerk O'Brien: "Richmond, Vinson and Mr. Speaker."

Speaker Matijevich: "Representative Karpel, were you seeking recognition? Representative Karpel, your light's on. No.

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Okay. What do we start with Mr. Clerk?"

Clerk O'Brien: "63 'ayes'."

Speaker Matijevich: "We start with 63 'ayes'. Representative Steczo."

Steczko: "Leave to be verified, Mr. Speaker."

Speaker Matijevich: "Leave to be verified. Go ahead. Clerk will announce the affirmative... Representative Preston asks leave to be verified. Leave. The Clerk will announce the affirmative vote, and the Members will stay in their seats and raise your hand. Proceed, Mr. Clerk."

Clerk O'Brien: "Barger, Barnes, Berrios, Bowman, Brummer, Bullock, Capparelli, Cullerton, Curran, Currie, Davis, DeJaegher, DiPrima, Domico, Doyle, John Dunn, Ralph Dunn, Farley, Flinn, Dwight Friedrich, Giglio, Giorgi, Greiman, Hannig, Bastert, Hicks, Homer, Jaffe, Johnson, Keane, Kirkland, Klemm, Kulas, Laurino, Marzuki, Matijevich, Mautino, Mays, McAuliffe, McGann, McMaster, McPike, Mulcahey, Nash, O'Connell, Olson, Panayotovitch, Fangle, Pierce, Preston, Pullen, Bea, Ronan, Saltsman, Satterthwaite, Slape, Steczo, Stuffle, Terzich, Tuerk, Van Dwyne, Vitek, Wolf. No further."

Speaker Matijevich: "Representative Youngie on the Verification."

Youngie: "Yes, Representative Currie."

Speaker Matijevich: "What was that? What name was that?"

Youngie: "Currie, Currie."

Speaker Matijevich: "Curran?"

Youngie: "Currie."

Speaker Matijevich: "Curran?"

Youngie: "Currie."

Speaker Matijevich: "Who?"

Youngie: "Barbara Currie."

Speaker Matijevich: "Oh, Currie, Representative Currie. Is the Lady in her seat? I don't see her there, and I don't see

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her in the...Assembly. Take Representative Currie off the Roll."

Younge: "Okay, thank you. Representative DeJaegher."

Speaker Matijeovich: "Representative DeJaegher is in the back."

Younge: "Okay. Representative Ralph Dunn."

Speaker Matijeovich: "Ralph Dunn, Ralph Dunn, is Ralph Dunn in the hall? I don't see him. Take him off the Roll."

Younge: "Representative Friedrich."

Speaker Matijeovich: "Is that Dwight Friedrich?"

Younge: "Yes."

Speaker Matijeovich: "Representative Dwight Friedrich. Take him off."

Younge: "Representative Bullock."

Speaker Matijeovich: "Representative Bullock...I don't see him here. Take him off. Return Currie to the Roll Call."

Younge: "Representative Farley."

Speaker Matijeovich: "Farley. Representative Farley in the Chamber? Remove him. No, you're not off, Sir."

Younge: "Alright, Representative Bowman."

Speaker Matijeovich: "Representative Bowman. Representative Bowman is not in his seat. Is he in the hall? No, oh, here he is on the Republican side, talking to Vinson."

Younge: "Representative Davis."

Speaker Matijeovich: "Representative Jack Davis. Davis is not in his seat. Remove him."

Younge: "Representative Keane."

Speaker Matijeovich: "Keane? Representative Jim Keane. I don't see him in the back. Remove Representative Jim Keane. Leave for Tim Johnson to be verified. Leave."

Younge: "Representative Jane Barnes."

Speaker Matijeovich: "Representative Jane Barnes, I don't see her here. Remove ...remove Jane Barnes."

Younge: "Representative Rea."

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Speaker Matijeich: "Jim Rea is in his seat."

Younge: "Okay, Representative... Representative Greiman."

Speaker Matijeich: "Representative Greiman. I don't see Alan around. Remove Greiman."

Younge: "Representative Steczo."

Speaker Matijeich: "Representative Steczo had leave to be verified. Representative Currie, were you seeking...change Currie to 'no'. Currie from 'aye' to 'no'."

Younge: "Kirkland, Representative Kirkland."

Speaker Matijeich: "Representative Kirkland is not in his seat. I don't see him in the chamber. Remove Kirkland."

Younge: "Alright, that's it."

Speaker Matijeich: "That's it. Clerk, announce the Roll. 53 'ayes'...Winchester, 'aye'. 54 'ayes', 60 'nos', and Representative Wolf, for what purpose do you rise? Representative Wolf, Gentleman from Madison."

Wolf: "Where?"

Speaker Matijeich: "Representative Wolf."

Wolf: "Mr. Speaker, put this on Postponed."

Speaker Matijeich: "Leave to place House Bill 1724 on the Order of Postponed Consideration. Leave, and the Bill will be on Postponed. House Bill 1738, Representative Shaw. Read the Bill."

Clerk O'Brien: "House Bill 1738, a Bill for an Act to amend Sections of the Illinois Wage Payment and Collection Act. Third Reading of the Bill."

Speaker Matijeich: "The Gentleman from Cook, Representative Shaw."

Shaw: "This is a simple Bill here. This is a Bill that would...would protect any employee...any employee who would be making a complaint against an employer under the Wage Collection Act...Payment Act, and it's a good Bill. And I would urge your 'yes' vote on it."



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Speaker Matijeich: "Representative Shaw has moved for the passage of House Bill 1738. Does anybody speak in opposition? Seeing none, the question is, 'Shall House Bill 1738 pass?'. Those in favor, signify by voting 'aye'. Opposed, by voting 'no'. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 109 voting 'aye', 1 voting 'no'. House Bill 1738, having received a Constitutional Majority, is hereby declared passed. House Bill 1750, Representative Brookins. Read the Bill."

Clerk O'Brien: "House Bill 1750, a Bill for an Act to amend the Minimum Wage Law. Third Reading of the Bill."

Speaker Matijeich: "Representative from Cook, Representative Brookins."

Brookins: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen. This Bill amends the Minimum Wage Law and requires suit to recover underpayment of wages to be brought within three years and provides for the liquidation of damages in addition of the recovery to the underpaid. I move for passage of this Bill."

Speaker Matijeich: "Representative Brookins has moved for the passage of House Bill 1750. Is there anybody speaking in opposition? Seeing none, the question is, 'Shall House Bill 1750 pass?'. Those in favor signify by voting 'aye', opposed by voting 'no'. Representative Giorgi, where are you when I need you? Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 79 voting 'aye', 25 voting 'nay', 3 voting 'present', and House Bill 1750, having received a Constitutional Majority, is hereby declared passed. House Bill 1751, Brunsvold. Read the Bill."

Clerk O'Brien: "House Bill 1751, a Bill for an Act in relation to annexation agreements by sanitary districts. Third Reading

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of the Bill."

Speaker Matijevich: "Representative Brunsvold on 1751."

Brunsvold: "Thank you, Mr. Speaker. House Bill 1751 would authorize sanitary districts to enter into annexation agreements not to exceed ten years. Would take a three...two thirds vote and require public notice and public hearing. This does not include the Metropolitan Sanitary District of Chicago. Amendment 1 included the Sanitary Act of 1936. And this is a permissive Bill and would...I would ask for your support for this Bill, 1751."

Speaker Matijevich: "Representative Brunsvold has moved for the passage of House Bill 1751. Speaking in opposition, Representative Terzich, from Cook."

Terzich: "I just have a question why the Metropolitan Sanitary District is not included in this."

Brunsvold: "The Metropolitan Sanitary District is not included because it conducts annexations only by specific statutory authorization."

Terzich: "Well, does this make it more liberal for the other sanitary districts or...or what?"

Brunsvold: "You can...individuals can enter into the agreements...individual instead of by board action or total action of the whole group. In other words, a whole area could not be...does not have to be annexed. It can be done in...in smaller pieces."

Terzich: "Oh, that's a good Bill."

Brunsvold: "Thank you."

Speaker Matijevich: "Representative Brunsvold has moved for the passage of House Bill 1751. Question is, 'Shall House Bill 1751 pass?'. All those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question, there are 108 voting 'aye', no 'nays', and House

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Bill 1751, having received a Constitutional Majority, is hereby declared passed. House Bill 1778. Before we proceed, if your Bill is called and it's on a Special Order of Business, I would hope the Sponsors would tell the Chair so we don't call the Bill now. All Sponsors, if your Bill is on Special Order of Business, we'd rather it be held for then. Representative Klemm on House Bill 1778."

Clerk O'Brien: "House Bill 1778, a Bill for an Act to create the Chain O Lakes - Fox River Waterway Management Agency. Third Reading of the Bill."

Speaker Matijevich: "Representative Klemm."

Klemm: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1778 does indeed create a Chain O Lakes - Fox River Waterway Management Agency Act, approval of referendum of the voters. The Chain O Lakes Study Commission in the area for the last four years have been working on an approach where the voters who have asked for this type of legislation could create an agency that would clean up, and patrol and try to improve the Chain O Lakes - Fox River. This is a agency that would also be looking at some of the areas of working with State and Federal Government and local government so that they can consolidate some of the efforts to do what is probably one of the world's largest waterways over the dam and over the locks over in McHenry County. It's a bipartisan approach, and we certainly are looking for support because there are additional hearings that we'll be conducting. And I don't know of anyone opposed to it, and I do move its adoption."

Speaker Matijevich: "Representative Klemm has moved for the passage of House Bill 1788 (sic 1778). Is there anybody speaking in opposition? Seeing none, the question is, 'Shall...House Bill 1778 pass?' Those in favor, signify by voting 'aye', those opposed, by voting 'no'. Have all

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voted who wish? Clerk will take the record. On this question, there are 104 voting 'aye', no...no 'nos'. House Bill 1778, having received a Constitutional Majority, is hereby declared passed. House Bill 1788. Clerk will read the Bill."

Clerk O'Brien: "House Bill 1788, a Bill for an Act in relation to filing of certificates. Third Reading of the Bill."

Speaker Matijevich: "Representative Olson on House Bill 1788."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill which was requested by the Association of Court Clerks and Recorders. It basically amends the protection of the Stockbreeders' Act and the Detective Act and eliminates the old provisions that their certificates be filed with county clerks. These original requirements are totally obsolete. The stock registration came from the days when cattle thievery was a big event in the State of Illinois. Similarly, having private detectives register their certificates with county clerks is seen as totally unneeded. I request a favorable vote on House Bill 1788."

Speaker Matijevich: "Representative Olson has moved for the passage of House Bill 1788. Does anybody speak in opposition? Seeing none, the question is, 'Shall House Bill 1788 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 109...110 voting 'aye', no 'nays' and House Bill 1788, having received a Constitutional Majority, is hereby declared passed. House Bill 1796 is on a Special Order. House Bill 1802. Read the Bill."

Clerk O'Brien: "House Bill 1802, a Bill for an Act to amend the Illinois Banking Act. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Vermilion, Representative

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Stuffle, on House Bill 1802."

Stuffle: "Yes, Mr. Speaker and Members. House Bill 1802, which went to the Financial Institutions Committee on a unanimous 13 to nothing vote, proposes to permit the Commissioner of Banks and Trusts to issue a charter to a bank which will act exclusively as a banker's bank to provide correspondent services to banks that buy stock in such an operation. This Bill allows state banks to track a provision which is already in the federal law with regard to federal banks. This Bill is opposed, to my knowledge, by no one, is supported by the ICBI and the IFA, and the provisions of this Bill are already in place in a number of states. It's a backup Bill to allow banks a correspond...another correspondent service corporation, if you will, and I would ask for an affirmative Roll Call on House Bill 1802."

Speaker Matijevich: "Representative Stuffle has moved for the passage of House Bill 1802. Does anybody speak in opposition? Seeing none, the question is, 'Shall House Bill 1802 pass?'. Those in favor, signify by voting 'aye'. Opposed, by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 109 'ayes', no 'nays', 2 voting 'present', and House Bill 1802, having received a Constitutional Majority, is hereby declared passed. House Bill 1829, Curran. Read the Bill."

Clerk O'Brien: "House Bill 1829, a Bill for an Act to amend the State's Attorneys Appellate Service Commission Act. Third Reading of the Bill."

Speaker Matijevich: "Representative Curran on House Bill 1829."

Curran: "Mr. Speaker, Ladies and Gentlemen, House Bill 1829 merely amends the State's Attorneys Appellate Service Commission Act. It provides that for purposes of transacting business, the Commission, which has a total of

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ten members, would only need five members for a quorum. Presently, six members are required for a quorum. Many of these State's Attorneys have to come from all around the state. It presents a serious inconvenience for some of them if they are holding trials, big trials in small counties, and don't have people to stand in for them. This Bill was...is requested by the State's Attorneys Appellate Service Commission. I know of no opposition to this Bill."

Speaker Matijevich: "Representative Curran has moved for the passage of House Bill 1829. In opposition, Gentleman from Macon, Representative Tate."

Tate: "Yes, would the Sponsor yield?"

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

Tate: "Yes, Representative Curran, could you tell us, just briefly, give us the functions of the Commission?"

Curran: "The Commission is supposed to aid local State's Attorneys in the performance of the local State's Attorney's duties."

Tate: "Has this been a very active Commission? How regularly do they meet?"

Curran: "Very active."

Tate: "Well, how regularly do they meet?"

Curran: "Well, one of the problems with meeting has been this quorum, which we are trying to take care of right now."

Tate: "Well, how regularly do they meet, once a month, twice a month?"

Curran: "I think it's about monthly."

Tate: "What's the...What's the appropriation for the Commission, how much money do they spend?"

Curran: "I do not know. This does not deal with appropriation. This deals with quorum."

Tate: "Well, I assume it deals with the appropriation if you are going to allow...make it easier for them to meet with

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only...with five members rather than six representing a quorum."

Curran: "No, you assume wrong."

Tate: "I'm...I'm not standing in opposition. I'm just curious."

Curran: "No, it does not assume...it does not have anything to do with their appropriation. It simply makes it possible or more possible for this important Commission to do their work."

Tate: "Alright, thank you."

Curran: "Thank you."

Speaker Matijevich: "Representative Curran to close. The question is, 'Shall House Bill 1829 pass?'. Those in favor, signify by voting 'aye'. Those opposed, by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 106 voting 'aye', 7 voting 'no', and House Bill 1829, having received a Constitutional Majority, is hereby declared passed. House Bill 1830 is on a Special Order of Business. House Bill 1834, Terzich. Read the Bill."

Clerk O'Brien: "House Bill 1834, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Matijevich: "Representative Terzich."

Terzich: "Yes, Mr. Speaker. House Bill 1834 deletes obsolete language from the Public Aid Code. The language relating to payments made by the Department sunseted on July 1st of last year, and I ask for affirmative Roll Call on 1834."

Speaker Matijevich: "Representative Terzich has moved for the passage of House Bill 1834. Anyone in opposition? Seeing none, the question is, 'Shall House Bill 1834 pass?'. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question, there are 107 voting 'aye', no 'nays', and House Bill 1834, having

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received a Constitutional Majority, is hereby declared passed. House Bill 1838, Capparelli. Read the Bill."

Clerk O'Brien: "House Bill 1838, a Bill for an Act in relation to taxing districts and property tax extensions. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Cook, Representative Capparelli, on House Bill 1838."

Capparelli: "Thank you, Mr. Speaker. House Bill 1838 revises the public notice requirement to the Truth in Taxation Act, an Act in 1981. It contains two provisions. First, it provides that newspaper notice as required by Truth in Taxation Act containing the commonly known name of the taxing district, such as School District 186 would be Springfield School District 186. Secondly, it requires taxing districts to file copies of its appropriation and budget ordinance, as well as estimates of revenue. I would ask for affirmative Roll Call."

Speaker Matijevich: "Representative Capparelli has moved for the passage of House Bill 1838. In opposition, the Gentleman from DeWitt, Representative Vinson."

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

Speaker Matijevich: "He indicates he will."

Vinson: "What is the purpose for the provision on page 2, in lines 20 and 21?"

Capparelli: "That's a part of the existing Act. I...no, I'm just adding two parts to it."

Speaker Matijevich: "Representative Capparelli to close. The question is, 'Shall House Bill 1838 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 104 voting 'aye', no 'nays', and House Bill 1838, having received the Constitutional Majority, is hereby declared passed. House



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Bill 1842, Cowlshaw. Read the Bill."

Clerk O'Brien: "House Bill 1842, a Bill for an Act to amend Sections of the Hospital District Law. Third Reading of the Bill."

Speaker Matijevich: "Representative Cowlshaw. Representative McCracken."

McCracken: "Thank you, Mr. Speaker. House Bill 1842 amends the... the Public Hospital Act to allow a not-for-profit corporation to operate the hospital district, and in the case of dissolution, to allow a not-for-profit corporation to be the successor operator of the hospital facilities. This is in response to a request from the hospital district located in my district, which wishes to dissolve. It retains all other requirements for dissolution, takes away the taxing authority of this particular hospital district only at the end of June of this year. Ask for your affirmative support."

Speaker Matijevich: "Representative McCracken has moved for the passage of House Bill 1842. Does anyone speak in opposition? Seeing none, the question is, 'Shall House Bill 1842 pass?'. Those in favor, signify by voting 'aye'. Opposed, by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 108 'aye', no 'nays', and House Bill 1842, having received the Constitutional Majority, is hereby declared passed. House Bill 1857, Cullerton. Read the Bill."

Clerk O'Brien: "House Bill 1857, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Matijevich: "Representative Cullerton on 1857."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1857 deals with the Medicaid Prescription Drug Program. Under that program, the

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Department of Public Aid reimburses pharmacists for prescriptions dispensed to recipients under a formula which allows for the actual acquisition costs of the drug to the pharmacist, plus a professional dispensing fee, which is presently set at \$2.78. This Bill does not affect the dispensing fee which covers the overhead cost and profit. It simply requires the Department to update on a monthly basis the price that it will allow for the acquisition cost of the drug products in its formulary. It is necessary because the drug manufacturers adjust the cost of their product quite often, and it would be unfair to expect pharmacists to absorb these price increases which often are significant. This Bill has the support, of course, of the Illinois Pharmacists' Association, and I would be happy to answer any questions and ask for your support."

Speaker Matijevich: "Representative Cullerton has moved for the passage of House Bill 1857. Does anyone speak in opposition? Seeing none, the question is, 'Shall House Bill 18...oh, Representative Topinka."

Topinka: "Yes, Mr. Speaker, if I might ask a question of the Sponsor."

Speaker Matijevich: "Proceed. He indicates he'll yield."

Topinka: "Thank you. Representative Cullerton, is this Bill basically doing anything that is not being done right now?"

Cullerton: "I understand that the Department does do it right now, but there is always, of course, the possibility that they would...they would stop. There's nothing in the law that requires them to do so, so that's the purpose of the Bill."

Topinka: "Alright, it's my understanding that the Department opposes this. Is this so?"

Cullerton: "Well, if they did, they didn't surface at the Committee, because it passed out unanimously. Now, it's

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possible that they...they'd be opposed to it, but it seems like a weak argument, since they are already doing it, and what I'm trying to do is to codify the practice. It's simply basic fairness. The pharmacists have to pay for the cost of the drugs, and they are reimbursed by the Department. If they don't update their list...we're requiring them in this Bill to do it by every month, if they don't update their list then there would be old prices which the pharmacists would be reimbursed, but they, themselves, would have had to pay more for the actual drug. So we're just saying that the Department should, on a monthly basis, update their list. It's basic fairness. They say they are doing it now. They just don't want to be told that they have to continue to be doing it."

Topinka: "So, as far as you would know, their opposition probably is the fact that they like doing it on a voluntary basis, but they don't want to be mandated to do it."

Cullerton: "Right, it's probably weak opposition, I'd call it."

Topinka: "Okay, thank you so much."

Speaker Matijevich: "Question is, 'Shall House Bill 1857 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 108 'ayes', no 'nays', and House Bill 1857, having received the Constitutional Majority, is hereby declared passed. House Bill 1871, Ewing. Read the Bill."

Clerk O'Brien: "House Bill 1871, a Bill for an Act creating the Illinois Economic and Fiscal Commission... amends the Act creating the Illinois and Economic Fiscal Commission. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Livingston, Representative Ewing, on House Bill 1871."

Ewing: "Mr. Speaker, this Bill would change the date for the

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publishing of the report of the revenue estimate. It's a...a very merely Bill, and I would ask for a...approval of this legislation."

Speaker Matijevich: "Representative Ewing has moved for the passage of House Bill 1857 (sic - 1871). On that, the Chairman of the Appropriations II Committee, Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. Lest we get lulled to sleep here by having been through several noncontroversial Bills in succession, this...this sounds kind of simple, but the Representative who is sponsoring this and I both serve on the Economic and Fiscal Commission together, and I'm not aware that the Commission is supporting this Bill or that he's carrying this on behalf of the staff of the Commission. Indeed, there is no reason at all to change the dates of reporting. I would point out that the...the Governor submits his budget message to us on the first Wednesday of March, and this Bill would delay the...the revenue estimate even further past the budget message. And it seems to me that it would...merely serve to inhibit the staffs on both sides of the aisle from preparing a timely analysis of the budget before we get down to business and hear the budget Bills in Committee. So, I see no particular reason for this Bill, and it does have a detrimental effect on our staffs' ability to make a timely analysis. And so I would stand in opposition and urge its defeat."

Speaker Matijevich: "Representative Ewing to close."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. Representative Bowman is only partially correct. He's correct in that both of us serve on the Commission. It is my intention that Senator Netsch, the Chairman of the

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Commission, will be the Sponsor of this Bill in the Senate. If it needs any refinement, I'm sure she will take care of it, and I would ask for an 'aye' vote."

Speaker Matijevich: "Representative Ewing has moved for the passage of House Bill 1871. On this question, those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted wish? Representative Dunn to explain his vote."

Dunn: "Apparently, it won't do much good, Mr. Speaker, but Representative Bowman was exactly correct. We should preserve the sanctity of the Economic and Fiscal Commission. It is the one really independent Commission we have in the State of Illinois which looks at revenue estimates nationwide in the State of Illinois, and we shouldn't be tinkering with it. We should put red votes up on the board and defeat this Bill which will allow whoever wants to play with the Economic and Fiscal Commission. I'm not saying the Sponsor would do that, but as we all know, a Bill moving through the legislative process is fair game, and I'm afraid that is what will happen to this Commission."

Speaker Matijevich: "Representative Leverenz to explain his vote."

Leverenz: "I would just simply ask that the General Assembly Members would vote red. I understand that there was an Amendment that should have been on this Bill, and it appears that this would do more harm than good and that we should back this thing up and either kill it or find a way to amend it, because it would do damage to the appropriations process. Thank you."

Speaker Matijevich: "Clerk will take the record. On this question, there are 83 voting 'aye', 28 voting 'no', and 1 voting 'present'. House Bill 1871, having received the

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Constitutional Majority, is hereby declared passed. House Bill 1877, Birkinbine. Read the Bill."

Clerk O'Brien: "House Bill 1877, a Bill for an Act to amend Sections of the Illinois Banking Act. Third Reading of the Bill."

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

Birkinbine: "Thank you...thank you, Mr. Speaker and Ladies and Gentlemen of the House. In 1979, the Bank and Trust Company Fund was established by the Legislature. It was funded by a one-time four hundred and fifty thousand dollar loan made from the General Revenue Fund. That loan was to be paid back in three consecutive installments of a hundred and fifty thousand dollars each. Those installment payments have now been completed. The language calling for it, however, is still in the books. This is simply a cleanup asked for by the Commissioner of Banks and Trusts to remove that superfluous language."

Speaker Matijevich: "Representative Birkinbine has moved for the passage of House Bill 1877. No one speaking in opposition, the question is, 'Shall House Bill 1877 pass?'. Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question, there are 113 voting 'aye', 1 voting 'no'. House Bill 1877, having received the Constitutional Majority, is hereby declared passed. House Bill 1885, Ewing. Read the Bill."

Clerk O'Brien: "House Bill 1885, a Bill for an Act to amend the Illinois Pesticide Act. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Livingston, Representative Ewing, on House Bill 1885."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, this is a Department of Agriculture Administration Bill. It amends

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the Illinois Pesticide Act, and it is a cleanup Bill. It is not...it deals with the licensing. It is somewhat relaxing on the licensing in that there are some very small people. It was completely impossible to regulate the licensing. All of the major dealers in this area are still going to be licensed. The Bill came out of Committee 10 to nothing, and I would ask for your approval."

Speaker Matijevich: "Representative Ewing has moved for the passage of House Bill 1885. No one speaking in opposition. The question is, 'Shall House Bill 1885 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 112 voting 'aye', no 'nays', and House Bill 1885, having received the Constitutional Majority, is hereby declared passed. House Bill 1886, Barnes. Read the Bill."

Clerk O'Brien: "House Bill 1886, a Bill for an Act to amend Sections of an Act in relation to state finance. Third Reading of the Bill."

Speaker Matijevich: "Representative Barnes."

Barnes: "Mr. Chairman, Ladies and Gentlemen of the House, this Bill was suggested by the Department of Public Health, and it makes it easier for them to make payments to people that have chronic diseases, hemophilia, rape, premature and high risk infants for any fiscal year."

Speaker Matijevich: "Representative Barnes has moved for the passage of House Bill 1886. On that, Representative Woods Bowman, from Cook County."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this legislation. I certainly think that it sounds, from the Lady's explanation, very laudable, but I think people should understand what the Bill does. It seeks to reinstate for

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an indefinite period the Department of Public Health's ability to pay prior year claims out of current year appropriations made for the same purposes. Now, this concept was enacted into law on a temporary basis once before at a time when the Department's administration was just in a terrible state of disarray, and maybe it makes sense on a temporary basis, but not for an indefinite period of time, because permitting an agency of State Government to decide when it will pay its bills, this year, next year or the year after, simply obliterates the appropriations process. We should not permit the Department to roll over payments to vendors from one year to the next. It is something that would render the appropriations process totally meaningless. Now, if there is a specific problem, perhaps we could work it out with another piece of temporary legislation, and besides, the...this particular legislation applies just to the Department of Public Health. Can we expect that if this Bill passes, the next thing we know, the Department of Public Aid will be in here asking for the same privilege, the Department of Transportation will be asking for the same privilege to pay its contractors? Where will it end? It seems to me that there is no good governmental purpose served by a completely openended ability of any department or...the Department of Public Health to make payments to its vendors out of current year appropriations for actions or services provided last year, year before, the previous year. We ought to kill this legislation. I don't know how it got on Short Debate in the first place."

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

Leverenz: "I might be asked to be joined by the appropriate number to take this Bill off Short."



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Speaker Matijevich: "Are there seven Members? It looks, like there is 1, 2, 3, 4, 5, 6 and 7, and the Bill is off of Short Debate. The Gentleman from Cook, Representative Leverenz."

Leverenz: "The Sponsor yield?"

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

Leverenz: "For what purpose is this Bill now? We gave the Department temporary authority that just ran out at the first of the year. Why would they want this ongoing power?"

Barnes: "Well, Representative, I think it saves people from going to the Small Claims Court. In the instance of women that have high risk infants, and they are trying to get food through the WIC Program, they are able to get reimbursed. The people...what we're afraid of are the hospitals might tend not to care for the needs of the people that have these diseases and the...hemophilia and all of the problems, and the hospitals have to check with the insurance companies to see if they are paid. And I don't know. You are always for helping the little people, and I think this is what this Bill is all about."

Leverenz: "Then, Mr. Speaker, to the Bill."

Speaker Matijevich: "Proceed."

Leverenz: "There was payment problems in the Department of Public Aid...Public Health, rather, I'm sorry. The fiscal and accounting policies were in such disarray, that we provided them temporary authority to pay bills out of current revenue. If this Bill passes, this will provide precedent that no state agency has now nor should they ever receive. When they end up paying bills whenever they want, we have a neverending lapse period spending problem that should screw up accounting for the state horribly. No other agency has this type of spending power. It would allow the Governor

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and the agencies under his control, this agency now, to accumulate bills, stretching out providers and, yes, I am interested in those that provide. Too many times State Government uses all types of providers as small loan companies. We need accountability. This does not provide accountability, and this Bill should be soundly defeated."

Speaker Matijevich: "Representative Barnes to close."

Barnes: "Well, Mr. Speaker, Ladies and Gentlemen of the House, sometimes the providers that send the bills in send them in late, and one of the former speakers said that this had not been a practice before. And he is incorrect. Senate Bill 2000 had provided for this. It became effective in August of 1980, and the repealer was January 10th of 1983. The reason for this Bill that was submitted by the Department of Public Health is to keep people from going to the Small Claims Court, and I would suggest a 'aye' vote, Mr. Speaker."

Speaker Matijevich: "Representative Barnes has moved for the passage of House Bill 1886. Those in favor will signify by voting 'aye', those opposed by voting 'no'. Giorgi, you did it wrong again. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 70 voting 'aye', 39 voting 'no', 4 voting 'present', and House Bill 1886, having received a Constitutional Majority, is hereby declared passed. House Bill...On page 14 of the Calendar, on the Order of Third Reading Next Bill, House Bill 881. Out of the Record. 882, out of the record. 884, Curran, out of the record. House Bill 928, Jaffe. Read the Bill."

Clerk O'Erien: "House Bill 928, a Bill for an Act in relation to insurance claims. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Jaffe, on House Bill 928."

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Jaffe: "Yes, Mr. Speaker, this Bill deals with the situation which an insurance company refuses to pay the cost of the health care services on the grounds that such services are medically unnecessary, and the present practice of health insurance is to require a physician or other health carrier to provide and submit detailed information concerning the nature of the medical treatment provided to the patient. The insurance company then has full discretion to reimburse the patient for the cost of his treatment. So what we have run into is we have run into situations wherein a doctor authorizes treatment for a patient that is reasonable and good and yet the insurance company has the...has the opportunity to reject that type of medical service, and they'll say to the individual, 'We're not paying your insurance claim.' So all that House Bill 928 says is that where a doctor...or psychologist performs services and these are procedures or treatments which are accepted to be within the professional discretion of the licensed physician or certified psychologist then the insurance carrier cannot at that point refuse to reimburse that particular individual. I will say that this is probably the only Bill that I'm carrying that is endorsed and supported by the Medical Society, and I would be happy to answer any questions concerning it."

Speaker Matijevich: "Representative Jaffe has moved for the passage of House Bill 928. Is there anyone speaking? The question is, 'Shall House Bill 928 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 104 voting 'aye', 7 voting...Kirkland 'aye', 7 voting 'no', and House Bill 928, having received a Constitutional Majority, is hereby declared passed. House Bill 929, Hoffman. Read the

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Bill."

Clerk Leone: "House Bill 929, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Matijevich: "Representative Hoffman...is he here? I don't see him. Take that Bill out of the record. House Bill 933, Bowman. Read the Bill."

Clerk Leone: "House Bill 933, a Bill for an Act to amend an Act to create the Bureau of the Budget and to make an appropriation. Third Reading of the Bill."

Speaker Matijevich: "Representative Bowman on the House Bill 933."

Bowman: "Leave to return House Bill 933 to Second Reading for purposes of Amendment."

Speaker Matijevich: "Gentleman asks leave to return House Bill 933 to the Order of Second Reading. Does he have leave? Leave. House Bill 933 is on Second Reading. Are there any Amendments, Mr. Clerk?"

Clerk Leone: "Amendment #1, Bowman, amends House Bill 933 on page 1 and so forth."

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

Bowman: "I'd like to withdraw Amendment #1 and go with the next Amendment."

Speaker Matijevich: "Amendment #1, leave to withdraw? It's withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Bowman, amends House Bill 933 on page 1 and so forth."

Speaker Matijevich: "Representative Bowman on Amendment #2."

Bowman: "Thank you. Amendment #2 guts the Bill and starts all over again. Basically, what Amendment #2 does is to require the Bureau of the Budget to report quarterly on the cash needs of the General Revenue and common school funds. The Bureau of the Budget has in the past, when it suits its fancy, reported quarterly, and then when the going gets

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tough, sometimes forgets to issue a quarterly report to keep us updated, and since the Bureau has, in the past, done these quarterly reports it should be no burden on them to continue to do them. And I think that we ought to put it into law so that they don't just suddenly forget to report at a...at a time when the...there maybe are some sever cash stresses and...and it would not suit their purposes to publish the report. I don't think we should leave it up to them. I think it's a good idea. They have been doing it on and off for a while. I think we should just make sure they continue doing it. That's the purpose of Amendment #1. Move its adoption."

Speaker Matijevich: "Representative Bowman has moved for the adoption of Amendment #2. On that, Representative Vinson, Gentleman from DeWitt."

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

Speaker Matijevich: "He indicates he will."

Vinson: "Is it your intent that this be the final Bill, Representative?"

Bowman: "Yes, it is."

Vinson: "You're not intending to use it as a vehicle?"

Bowman: "No, I don't have any...I have no intention to use it as a vehicle. That's right. It's just that...it seems to me, and I hope that you can agree with me, that it is nice to get these quarterly reports, and I would...because they are useful. And occasionally, we...we don't get them because the Bureau decides that maybe it would be a little awkward, and I think...I think we ought to just have a regular schedule once a quarter to get a report on the cash needs of the state."

Vinson: "Is it your intention to use those quarterly reports to try to get the state's bond rating downgraded?"

Bowman: "Representative Vinson, I have never attempted to get the

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state's bond rating downgraded. The Governor has done the...an admirable job of that all by himself."

Vinson: "Okay, I just misunderstood, I guess, some newspaper stories I'd read."

Speaker Matijevich: "Representative Bowman has moved for the adoption of the Amendment. All in favor say 'aye', opposed 'nay', and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. Representative Bowman."

Bowman: "I'd like to ask leave to hear this now. The Amendment is the Bill. We've already debated it..."

Speaker Matijevich: "Gentleman asks leave that...for immediate consideration of House Bill 933. Does he have leave? Leave. Read the Bill."

Clerk Leone: "House Bill 933, a Bill for an Act to amend an Act to create the Bureau of the Budget and make an appropriation. Third Reading of the Bill."

Speaker Matijevich: "Representative Bowman on House Bill 933."

Bowman: "We've already debated this fully. The Amendment is the Bill. It simply requires a quarterly reporting on the cash needs of the state."

Speaker Matijevich: "Representative Bowman has moved for the passage of House Bill 933. 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 94 voting 'aye', 17 voting 'nay', and House Bill 933, having received the Constitutional Majority, is declared passed. House Bill 934, Yourell. Read the Bill."

Clerk Leone: "House Bill 934, a Bill for an Act to amend an Act in relationship to debts to the state. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Cook, Representative

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Yourell."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Illinois Supreme Court, on May 17, 1979, held that collecting fees by the county was unconstitutional, and they forbid, oh, Cook County and other counties from collecting the transfer tax monies in the amount of one half of the face amount that was retained by the counties, the other half to the state. Subsequently, the Department of Revenue issued notification to all of the counties, 102 counties, that they shared the same position as Cook County and were liable for the monies that were collected from...during a certain period of time after the Supreme Court had ruled. As a result of that action, an accumulated debt in excess of \$32,000,000 was owed by the 102 counties of the State of Illinois...of Illinois for those taxes that were collected unconstitutionally during the period December 1, 1971 to August 7, 1978. Subsequent to that, in 1982, House Bill 1984 was enacted and forgave this debt for the period of time running from December 1, '71 to August 7, 1978. This Bill revises the Forgiveness Act of 1982 so that the period of forgiveness will extend from December 1, 1971 through May 17, 1979, rather than only to August 7, 1978. It was suggested by the Department of Revenue that an ordinance be passed by May 17th in 1979, indicating that what had taken place was accurate. Now, the Department of Revenue has no objection to this Bill, as they had no objection to the early debt of forgiveness. It is not opposed to this legislation, and I would ask of your affirmative vote."

Speaker Matijevich: "Representative Yourell has moved for the passage of House Bill 934. On that, the Lady from Cook, Representative Pullen."

Pullen: "I'd like to ask a question, please."

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Speaker Matijevich: "Indicates he'll yield."

Pullen: "How many counties does this apply to?"

Yourell: "102 counties."

Pullen: "Oh, it's all the counties?"

Yourell: "Yes."

Pullen: "Alright, thank you."

Speaker Matijevich: "No further questions, the question is, 'Shall House Bill 934 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 113 voting 'aye', no 'nays', and House Bill 934, having received the Constitutional Majority, is hereby declared passed. House Bill 940, Satterthwaite. Clerk will read...read the Bill."

Clerk Leone: "House Bill 940, a Bill for an Act to amend the Paternity Act. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Champaign, Representative Satterthwaite, on House Bill 940."

Satterthwaite: "Mr. Speaker and Members of the House, House Bill 940 changes the Paternity Act to remove a limitation that might be implied under the current Act. It specifies that a child or a guardian on behalf of a child will have the right to file a paternity action until the child's 18th birthday. This is a change that is coming about in many of our states. In many cases, there have been court cases that have indicated that the child does have this right through the age of majority whether or not the state statute allows it. My attempt with this Bill is simply to bring our statutes in line with those previous court actions, and I urge your support for the Bill."

Speaker Matijevich: "Representative Satterthwaite has moved for the passage of House Bill 940. There are no questions? The question is, 'Shall House Bill 940 pass?'. Those in



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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 102 voting 'aye', 9 'nays', and House Bill 940, having received a Constitutional Majority, is hereby declared passed. House Bill 941, Tate. Read the Bill."

Clerk Leone: "House Bill 941, a Bill for an Act to amend the Mobile Home Local Services Tax Act. Third Reading of the Bill."

Speaker Matijevich: "Representative Tate."

Tate: "Yeah, Mr. Speaker, may I have leave to take this back to Second Reading?"

Speaker Matijevich: "Gentleman asks leave to return House Bill 941 to the Order of Second Reading for the purpose of Amendment. Does he have leave? Leave. The Bill is on Second Reading. Are there any Amendments?"

Clerk Leone: "Amendment #1, Yourell, amends House Bill 941 on page 1 and so forth."

Speaker Matijevich: "The Gentleman from Cook, Representative Yourell, on Amendment #1."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to House Bill 941 deletes...exempts mobile homes located in Cook County from the Bill's requirements. I move to adopt Amendment #1 to House Bill 941."

Speaker Matijevich: "Representative Yourell has moved for the adoption of Amendment #1 on House Bill 941. There's no debate. All in favor say 'aye', opposed 'nay', and Amendment #1 is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Tate, amends House Bill 941..."

Speaker Matijevich: "Representative Tate on Amendment #2."

Tate: "Amendment #2 provides that if any privileged taxes on a mobile home remain unpaid within six months after a lien

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has been filed, civil action may be instituted by the collector for the amount of the tax plus interest, penalties and cost. If the sale of such property is ordered, the court may direct such sale to be made in cash or on terms determined to be in the best interest of all parties. Further, the court may direct such sale to be held by the sheriff or in open court. This is essentially...puts this Bill in the same type of a form as we had earlier this Session passed out, House Bill 558, with Representative Gordon Ropp. I move for the adoption of the Amendment."

Speaker Matijevich: "Representative Tate has moved for the adoption of Amendment #2. Those in favor say 'aye', opposed 'nay', and Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. Representative Tate, for what purpose do you rise?"

Tate: "Yes, I'd ask leave to go ahead and call the Bill."

Speaker Matijevich: "Representative Tate asks leave, and there is objections. Third Reading. House Bill 948...48, Giglio. Read the Bill."

Clerk Leone: "House Bill 948, a Bill for an Act to provide for licensing and regulation of raffles and casino nights. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Giglio, on House Bill 948."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 948, I hope, will be in a lot better shape than House Bill 1680. What it does, Mr. Speaker and Ladies and Gentlemen of the House, it creates the Casino Night and Raffle Act. Three years ago, Mr. Speaker and Ladies and Gentlemen of the House, Representative Giorgi

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had a similar Bill for the Raffle Act that is now part of our state statutes. This Bill is somewhat similar, however, a lot more stricter, and the purpose and how it came to my attention is that many municipalities in my new district now cannot have raffles or casino nights for their non-for-profit organizations that are chartered in their towns. The state's attorneys in the counties of Illinois now have clamped down on these organizations for having smokers and Las Vegas nights, and some of these institutions and organizations that were recipients of the money that were received from organizations, such as the Lions', Kiwanians', the K. C.'s and all the other non-for-profit organizations, are scared to have any gambling that they had before in order to raise money to give to these non-profit organizations thereto. The Bill, if you really read the analysis on both sides of the aisle, I'm sure you'll agree it's very strict. The governing authority, the municipality or the county, may or may not by ordinance establish the licenses for these particular games. They have control of the prizes. They have control of each and every raffle. It's not a carte blanche of license that they operate this. They can deny or give, as they so desire, to these people. They have to prove their worth - they're not professional gamblers. They're of good moral character. And the entire proceeds that are received from these games and from these nights that they have are open to the public for three years. They have to file reports showing what they did with this money, who they gave it to, and they have to keep in on record. Very, very strict licensing Act for these non-for-profit organizations. And Mr. Speaker and Ladies and Gentlemen of the House, I think I could go on, and on and on; but, if you just went through your analysis on this, I'm sure

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you'll agree with me. And I think whether or not you have to determine in your mind if you're for this type of operation or not is going to be a key question. I'd be happy, Mr. Speaker and Ladies and Gentlemen of the House, to answer any questions."

Speaker Matijevich: "Representative Giglio has moved for the passage of House Bill 948. On that, the Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Matijevich: "Indicates he will."

Dunn: "What impact does this legislation have on labor unions? Are they included in the definition of organizations which are eligible to conduct casino nights and raffles or not?"

Giglio: "I... Truthfully, Representative Dunn, I don't know. It says here in the Digest that they have to be in existence for five years or more, which I assume these labor organizations are. It says bonafide religious, charitable, fraternal, education or veteran organizations. Labor organizations, truthfully, I don't know."

Dunn: "What does this do to the current Raffle Act? Repeal it?"

Giglio: "Well, the curr... the current Raffle Act stays. That's just a raffle. What this does, if you're familiar with a smoker, it's usually like a card playing night where they spend maybe three dollars or five dollars for a ticket. You get men or women or both to sit down and play poker or play pinochle, whatever they want to. They usually serve sandwiches, and then they usually conduct selling tickets maybe to win a six-pack or a bottle of booze that's been donated or whatever."

Dunn: "We passed legislation - someone else around here probably remembers better than I - a term or two ago to make it possible to conduct raffles, but the licensing provisions

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and the regulations that went with that caused a lot of problems for local governments and local organizations. And I thought I read someplace that this Bill repeals that existing Raffle Act. You don't know about that, huh?"

Giglio: "No, I don't think it's got anything to do with the Raffle Act. It just puts in the statutes the authority given to... a new law, you know, a new game which is the casino and the smoker night. We're not repealing... The intent is not to repeal the Raffle Act. The Raffle Act will stay."

Dunn: "Well. Now wait. Page ten of the Bill, I see here... Page ten of the Bill, Section 11 says 'an Act to provide for licensing and regulating certain games of chance and amending certain Acts therein named approved August 5, 1980 as amended, is repealed'. And the analysis says the Raffle Act is repealed. So, it must be repealed. Does that sound right?"

Giglio: "No, truly, I don't think so. If it did, it's not the intent."

Dunn: "Alright, Representative, that's ..."

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

Keane: "Will the Sponsor yield for a few questions?"

Speaker Matijevich: "He indicates he will."

Keane: "The way the Bill reads, there apparently is no limit on the number of licenses that any one organization can apply for in one year. Is that correct?"

Giglio: "No, but the Act says that the governing body, the municipality, that's the responsible agent to give these, that's where the power is. They can deny more than one or two, or they can give, truthfully, I guess, as many as they want."

Keane: "There apparently is no limit on the number of licenses

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that a county or municipality can issue during a given year. Is that correct?"

Giglio: "That's correct."

Keane: "So, what we can have, if there's no limit to the number of licenses that a municipality can give an organization - and there's no limit to the number of licenses that a municipality can kick out in a given year - we could have 365 day-a-year gambling in a given municipality by the same organization. Is that not correct?"

Giglio: "That, again, is true. However, the municipality is the governing agent that will give the license out, and they have to come in every time they, say, want to have a smoker and they want to have a game. And I would assume on that, Representative Keane, that if an organization, let's say, like the Elks wanted to come in, I don't think a municipality would give them the license to conduct it seven days a week 365 days out of the year."

Keane: "Could the municipality tax? Could the municipality in giving them a license create, in effect, a substantial amount of revenue through their licensing fees?"

Giglio: "They can. That will be determined by the board or whatever way that the local municipality decides to establish the governing body to give these licenses out."

Keane: "And in the definition of casino night, you cannot only have card games, dice games, roulette wheels, tip boards and drawings, but you can have any other kind of gambling that someone might dream up. Is that correct?"

Giglio: "That's correct. They can. Like I say, it goes back to the... to the municipality to determine what they want to give them. They can say, 'Yes', or they could say, 'No'."

Keane: "And as soon as the... when the person leaves... when he goes in he buys paper money with real cash, and when he leaves he cashes in his chips or... his chips and his paper

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money to get currency back."

Giglio: "Excuse me."

Keane: "You want me to repeat that question?"

Giglio: "Yes, I... No, I think I heard what you said. They play... They do play with paper money, yes, and they... Some of them, they get cash, and some of them they take back in prizes. But once again, if the licensing agent, which is the municipality, says that it should all be given back in prizes and the house takes the money to give the money to the charitable organizations for which they're running the night for, then I would say that the money stays in the... in the pot."

Keane: "Thank you. Mr. Speaker, to the Bill."

Speaker Matijevich: "Proceed, Representative Keane."

Keane: "I rise in opposition to House Bill 948. If House Bill 948 passes and the municipality or a county in the State of Illinois decides that it wants to become the equivalent of Reno, Nevada, we can have our own Reno or a number of Reno's in the State of Illinois. It is possible, under this Bill, for a municipality to license a gambling event a gambling license for every day of the year. We found, when we passed bingo that soon we had bingo palaces where people received the bingo license from the state, took their license to a palace, a bingo palace operator, and the bingo palace operator ran the bingo for them, took his cut and gave them the proceeds. This Bill would give us a gambling casino operator in the same way we have our bingo palace operators. It also, one of the real dangers to the Bill is, as I see it, it says that any bonafide religious, charitable, fraternal, education or veterans organizations that are not-for-profit and have been in existence for five years would be eligible for licensing. This means that we have thousands and maybe even as many as a hundred thousand

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operators who could operate legalized gambling. Every college fraternity could do it. Every church. Any church... We saw the proliferation of C... church vehicle licenses. There's some 20,000 of those. Theoretically, every one of them can open up a place. This is probably a Bill that would make Illinois a gambling center of the United States, and I sincerely oppose it. The Bill is also opposed by the Illinois Conference of Bishops and a number of other organizations who are afraid of the total impact of this Bill on the people of the State of Illinois. Thank you."

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

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House, I, too, rise in opposition to House Bill 948. As I understand the Bill, Representative Keane is absolutely correct. The Bill would proliferate gambling to a very substantial extent. There are no limits on the casino night Section of the Bill. Beyond that, the Bill does in fact, as I read Section 11 of the Bill on page ten, it does abolish the existing Raffle Act; and, in attempting to recreate it, it leaves out certain things that were in the original Act. For instance, under this Act as proposed, a labor organization would be unable to get a license for a raffle. Under the current Act, under the current law, labor organization is permitted to get a license for the raffle. I think for a variety of reasons this particular Bill is poorly drafted; and, even if you're in favor of the concept of an occasional casino night, this particular Bill is a bad vehicle for accomplishing that. And I would urge 'no' votes on the Bill."

Speaker Matijevich: "Representative Giglio to close."

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



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House. Well, you've heard some opposition; and, quite frankly, a lot of them are worried about not being able to control what this Bill is trying to do. The control, yes, definitely lies in the hands of the elected officials on the local level who are the ones that are going to draw up the licenses and give the licenses to these non-for-profit organizations who have been in existence for five years or more. They have the absolute, complete, hundred percent control. They can issue, or they can deny. I have no fears that the local municipalities and the elected officials can't run their towns the way they want to and can't be responsible. And you know it yourself, if you're going to have any corruption, it takes two - one to offer and one to receive. This Bill will definitely give these local organizations that are non-for-profit an opportunity to do, legally, what they have been doing over the past 50 years that I know of. And that's what we're trying to do, is we're trying to make it legal. We don't want Catholic priests, and we don't want nuns and we don't want other people being arrested for having games that they've been used to doing for the past 50 years. Ladies and Gentlemen of the House, I would ask for your favorable support on House Bill 948."

Speaker Matijevich: "Representative Giglio has moved for the passage of House Bill 948. Those in favor signify by voting 'aye', opposed by voting 'no'. The Gentleman from Perry, Representative Dunn, one minute to explain his vote."

Dunn: "Thank you, Mr. Speaker. I hope it won't be necessary for me to explain my vote to beat this bad Bill. Representative Giglio has another one of those liberally construed Bills, I think. This would allow a little, bitty town, if it wanted to be the sin capital of Illinois, could

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open up wide open, and we'd have gambling that we couldn't do anything about. I'd urge all... 'no' votes."

Speaker Matijevich: "Have all voted? Have all voted who wish?"

The Clerk will take the record. On this question, there are 21 voting 'aye', 78 voting 'no', 6 voting 'present', and House Bill 948, having failed to receive the Constitutional Majority, is hereby declared lost. Representative Yourell in the Chair."

Speaker Yourell: "House Bill 959, out of the record. Appearing on the Order of Third Reading is House Bill 961. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 961, a Bill for an Act in relationship to decoding and interception devices. Third Reading of the Bill."

Speaker Yourell: "Gentleman from Cook, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill creates the offense of unauthorized use of a television decoding device for either subscription television service or for cable television service. When someone knowingly attaches on of these devices to a television set or a video tape recorder or other equipment designed to receive a television transmission, they would be violating this statute. The possession of these devices would be a prima facie evidence of a violation of the Section, that is, it would show that you intended to violate the Section. It also outlaws the manufacture, distribution or selling of such devices for not only cable television, but also a subscription television service. The Bill also addresses the civil remedies. A person who violates any of these Sections, the two new Sections of 1611 and 12 and the current existing Section, 1610, shall be liable to the cable television system or the subscription television service for monetary damages and

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including treble damages in the amount of three times the amount of the actual damages. The profits that a person would receive as a result of violating the Act, would also be recoverable, and it's also three times the amount of services unlawfully obtained. Punitive damages would only be allowed if the purpose of the violation was for commercial advantage. We also allow for the plaintiff to bring an action for an injunctive relief without having to show special damages. The Bill was...was debated yesterday when the Amendment was adopted. I think it's a good piece of legislation that deals with the pirating of subscription and cable television, and I would ask for your support of this Bill."

Speaker Yourell: "Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the Gentleman's Bill. It's a particularly well-crafted Bill. It deals very comprehensively with this particular form of theft, and everybody ought to be in favor of this."

Speaker Yourell: "Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Will Gentleman yield for a question?"

Speaker Yourell: "Gentleman indicates he'll yield."

McAuliffe: "Would...would this outlaw the type of boxes that some of these students from high school are building themselves and putting on their TV sets at home?"

Cullerton: "Mr. Speaker, I can't hear him."

Speaker Yourell: "Repeat your question."

McAuliffe: "Some of the...some of the children in the...or some of the high school kids and college kids in electronics classes are building these boxes at home and putting them on their TV sets. Would this make criminals out of them?"

Cullerton: "Well, there are two types of TV services we are talking about, subscription television and cable

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television, and people that buy or manufacture these devices to steal those services without reimbursing the owners, would be committing a criminal offense, Class B misdemeanor. Now, you talk about high school kids, of course, they are juveniles. I'm talking about, this is designed to get at the manufacturers of these...these things who are selling them, you know, through the mails. And the purpose...the only purpose of these things is to steal television services that other people have to pay for. So that...that's the purpose of the Bill."

McAuliffe: "How would it be enforced? Would the police officers have to go into people's houses and check and see if they have these boxes attached to their TV sets?"

Cullerton: "Well, you're a police officer, and you know what the laws are with regard to breaking into people's homes. And I don't think that a police officer of your caliber would ever consider violating the Constitution."

McAuliffe: "Well, what if I was invited into somebody's house for another matter and I observed that they had a...a one of these counterfeit boxes on their TV set. Would I be required then to arrest them for having a counterfeit TV box?"

Cullerton: "Would you be required to arrest them?"

McAuliffe: "Yeah."

Cullerton: "No."

McAuliffe: "Is it your intent that I would have to arrest them?"

Cullerton: "No."

McAuliffe: "Exactly what is the intent, though? I don't understand the intent of this."

Cullerton: "Well, there's a number of manufacturers of these devices whose sole purpose is to steal the television services that you and I would normally have to pay for. So the purpose of the Bill is to make that a misdemeanor

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offense so as to discourage people from manufacturing these...these boxes."

McAuliffe: "But you are not advocating the arrest of the high school and college students that are manufacturing these boxes in their basement and put it on their own TV set in the privacy of their house?"

Cullerton: "You're...you're absolutely correct."

McAuliffe: "Thank you."

Speaker Yourell: "Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, would the...would the Sponsor yield for question, please?"

Speaker Yourell: "Indicates he'll yield."

Hannig: "Yes, John, could you tell us what would happen in the situation, for example, where we had a rural area and a farmer, for example, bought one of these satellites...receiving stations, one of these discs and put it out there by his house and was receiving all the various transmissions that he could pick off the satellite. Would this law prohibit him from doing this?"

Cullerton: "Well, it wouldn't prohibit him from picking up regular commercial television services. This is designed to get to the...the boxes that are made specifically to steal subscription television service or cable television service."

Hannig: "If the subscription service is a nonscrambled type of service, wouldn't he pick that off the satellite with this disc?"

Cullerton: "Right, and that...that wouldn't be..."

Hannig: "It would not apply?"

Cullerton: "That wouldn't apply."

Hannig: "What if someone tried to sell him one of these decoders and he was unaware of the fact that he would be breaking

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the law by putting this on to his satellite receiver?  
Would he be then guilty of a criminal offense?"

Cullerton: "No, you...we have the requisite mental state in the  
Bill."

Hannig: "Okay, thank you."

Speaker Yourell: "Is there further discussion? Being no further  
discussion, the question is, 'Shall this Bill pass?'. All  
those in favor will vote 'aye', those opposed will vote  
'no'. The voting is open. Have all voted who wish? Have  
all voted who wish? Take the record, Mr. Clerk. On this  
question, there are 87 voting 'aye', 21 voting 'no'. This  
Bill, having received the Constitutional Majority, is  
hereby declared passed. Appearing on the Order of Third  
Reading is House Bill 963. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 963, a Bill for an Act to amend the  
Narcotics Profit Forfeiture Act. Third Reading of the  
Bill."

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

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House,  
House Bill 963 was introduced at the request as a  
Vice-Chairman of the Speaker's Law Enforcement Advisory  
Committee. The local police departments and sheriffs asked  
me to introduce this Bill. It would amend the Narcotics  
Profit Forfeiture Act to delete the provision that the  
expenses appropriated to the Department of Law Enforcement  
are reimbursed prior to distribution of monies and other  
proceeds, and we have a formula of distribution written  
into the law, although there have not been funds yet  
provided under the forfeiture law. Those entities felt  
that when...when we do get such funds that they be  
distributed as the original intent of the law under that  
formula. I would ask for your support of House Bill 963."

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Speaker Yourell: "Is there a discussion? You want to close, Representative?"

Matijeich: "I'll..."

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

Reilly: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the Gentleman's Bill. It's my understanding that an agreement was reached, I believe two years ago, when we created this fund and the funding mechanism, that basically some of the money goes to the...to fund the MEG programs and some goes into the general fund. It's my understanding that if this Bill becomes law, 1.3 million would be...that otherwise would go into the general fund will be removed. It seems to me that we did come to this agreement. It seems to me that we ought to stick with the agreement. I grant that 1.3 million one way or the other is not going to make or break the...the general fund, but when we have come to some agreement and we've set up a funding source according to that agreement, it seems to me that we should not just unilaterally decide to abrogate that agreement. It would take 1.3 million out of the general fund which we do need in a lot of areas. I'm certainly not an opponent of MEG funding, but it does seem to me that that is not a decision we should make in this manner, so I would ask other Members to join with me in opposing House Bill 963."

Speaker Yourell: "Representative Matijeich to close."

Matijeich: "Yes, in response to Representative Reilly, the MEG...MEG is included in the formula, as you know, and 25% of the funds are paid into the...under the formula to the Drug Traffic Prevention Fund in the State Treasury to be used by the Department of Law Enforcement for funding MEG. So they are included in the formula. So I feel that to protect the locals, we do need House Bill 963. And I would

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ask for your support."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor will vote 'aye', those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 71 voting 'aye', 41 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 964. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 964, a Bill for an Act to amend an Act in relationship to the Supreme Court. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Lake, Representative Matijevich."

Matijevich: "Speaker, Ladies and Gentlemen of the House, House Bill 964 is a Bill to authorize each Supreme Court Justice to hire an additional junior law clerk. Ladies and Gentlemen of the House, I have a district office directly across the street from one of the Supreme Court Justices, Tom Moran. And let me tell you. I do know how busy those Supreme Court Justices are. I occasionally walk across the street to talk with Tom Moran. I believe that this is a high priority for all of us. The Chief Justice was in the Judiciary Committee when we heard this, and he showed the volume of a brief regarding when the Supreme Court has some of these matters of capital offenses, where one is sentenced to death, and the appeals. So they are in very, very dire need. I've talked to more than... at least three of the Supreme Court Justices with regards to this Bill, and they're just overloaded with the volume of work. It's a very important Bill, and I will urge your support."

Speaker Yourell: "Is there discussion? Being no discussion, the question is, 'Shall this Bill pass?'. All those in favor



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vote 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This question, there are 93 voting 'aye', 14 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Returning on the Order of Third Reading is House Bill 972. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 972, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill."

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

Rea: "Thank you, Mr. Speaker, Members of the House. Amendment 1 becomes the Bill for House Bill 972. I know that there were letters that many of you received on the original Bill, but the text of it now is in Amendment 1, and... which changes it completely. And what this Amendment does, it authorizes the use of county or township roads as landing strips for agriculture aircraft used for crop dusting and other activities. As you know that many times the weather is very bad in some areas. They may be during a rainy season at a time that they need to be applying to the crops. So they may have to travel quite some distance to go back to... to reload, a very large expense. The average daily traffic count on these roads must be less than 200 vehicles before the roads may be used, and the roads must be blocked by approved barricades and the flagman must be present at each one of the barricades. Nonemergency traffic can not be delayed for more than fifteen minutes during each thirty minutes period. And the local government units and officials will be not be liable for any related personal injuries, and there's no expense to the local government. This will certainly save time and will be less expensive in terms of applying chemicals and

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so forth to the fields. And I will ask... I don't know of any opposition to it and would ask for a favorable Roll Call."

Speaker Yourell: "Is there discussion? Being no discussion, the question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 105 voting 'aye', none voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. 995, out of the record. It's on a Special Order of Business. On the Calendar on Third Reading is House Bill 1000. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1000, a Bill for an Act to revise the law in relationship to counties. Third Reading of the Bill."

Speaker Yourell: "The Lady from DuPage, Representative Karpziel."

Karpziel: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is really a very technical... just a technical cleanup Bill. The Bill actually... what the Bill actually does is adds to the Section in the statute on exemptions from the maximum allowable tax rate for the county general fund. At the present time, taxes that are... can be levied for emergency services, and disaster operations, maintenance of historical museums, and maintenance of shelter care or detention homes. It is in the statutes now counties are allowed to levy taxes for those three purposes. But at the time that the statutes were written, for some reason, these three items were omitted from the list of exclusions of the general fund. So even though the counties are levying taxes individually for these items and are not levying for them under the general fund, they were just omitted from the list of

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exclusions, and all this Bill does is put them under that list of exclusions. I know that in Committee both of the staff analysis were wrong on this in that they were saying that we were adding that at special levies and may having a tax increase. Both of the analysis, I believe, have been altered and have been changed since then. And actually, as I say, this does not really do anything except take these three items... add them to the list of exclusion in the general fund. And I ask for an 'aye' vote."

Speaker Yourell: "Is there discussion? The Gentleman from Macon, Representative Dunn."

Dunn: "Please explain... I see the analysis and the... and your remarks are exactly correct. Please explain how this does not amount to a tax increase without a referendum, if you'll allow the maximum levy to be increased above what it is now for the list of purposes."

Karpiel: "No. The maximum levy in the general fund is not changed. And depending on the size of the county the maximum levy stays the same. It is also in different parts of the statute that, for instance, the emergency services levy is listed in Chapter 127. The historical museums levy is cited in Chapter 34 and the detention shelters are cited in Chapter 23. In those Sections of the statute it spells out clearly what levy is allowed for those three items. So all we are doing in the statute that covers the general fund is we are listing those three items in their exclusions so that the general fund does not have to levy any money for those three items, because they are covered elsewhere in the statute. But when the statute was... the whole list of exclusions were written under the general fund for some reason those three items were simply omitted."

Dunn: "Thank you."

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Speaker Yourell: "Further discussion? There being no further discussion. The question is, 'Shall this... Do you wish to close, Representative?'"

Karpiel: "Yes. I would just like an 'aye' vote on this. There was a fiscal impact note that was requested on this Bill, and I have filed that. And I believe that fiscal impact note shows that there is no fiscal impact."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, 113 voting 'aye', no voting 'nc'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1001 out of the record. House Bill 1009. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1009, a Bill for an Act relating to investments. Third Reading of the Bill."

Speaker Yourell: "The Lady from St. Clair, Representative Younge. Out of the record. Appearing on the Order of Third Reading is House Bill 1023. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1023, a Bill for an Act concerning elected officials. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. We all know that the... that people are voting less and less at the elections these days. And it would seem that people feel that their own lives many times make it such that they just don't have the time or they just can't find a way to participate in the election process. Now we all know that the election process cannot succeed unless we have participation by the local individual, by the nonpolitician, so to speak. What this Bill proposes to do

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is to make it a bit easier for this nonpolitician to serve on a county board or on a school board. What the Bill simply says is that these elected officials would be given time off by law to attend a regularly scheduled county board meeting, where a quorum of the members is expected to be present. The individual would be expected to not receive his pay during this particular meeting, and he would have to provide 48 hours notice to his employer so as not to burden the employer. During the Committee testimony, we had United Mine Workers and several groups in favor of the Bill, the teacher organizations. There was no opposition to the Bill. It is drawn, I think, so that it is not a burden on the employer. And for this reason, I would ask for your 'yes' vote."

Speaker Yourell: "Is there discussion? The Lady from DuPage, Representative Nelson."

Nelson: "Thank you, Mr. Speaker, Members of the House. Perhaps there was... as the Sponsor said, 'no opposition'. But what I would like to point to the Membership is that this Bill could make it difficult for school boards to meet their staffing requirements. It is really very inclusive. It includes all employees, not just teachers. And the only burden on the employee is that he or she be given reasonable notice before taking time off for a meeting. Any member of a county board or school board is covered under this Bill, and that includes quite a few people in this state. So I would urge you to consider your vote very carefully. For... As for myself, I believe that I will vote 'no'. Thank you."

Speaker Yourell: "The Lady from Marshall, Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this legislation. And I'm

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certain that the Sponsor is very well intended in sponsoring this particular piece of legislation, because we all wish to encourage all citizens to participate in local government and in State Government. However, what the Sponsor has done is broadened this piece of legislation to apply to the entire private sector of employment. Also, he has made specific exclusions. Now while he did say that if any employee serves on a county board, that they would not be paid for that day that they were serving on the county board. In his Amendment, he does exclude school personnel. Therefore, the school boards would be required to... required to pay school personnel for the time that they took off to serve on this unit of local government. Therefore, the representative has sponsored legislation that will mandate to all employers in the State of Illinois, that they must allow a person time off to serve on county boards and units of local government. It takes away the provision whereby they must talk to one another about this before the person runs for political office and mandates upon employers that they must allow this person to take time off. And while we do want to encourage participation in local government, it is something that the State Legislature need not mandate. Thank you."

Speaker Yourell: "Is there further discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Mr. Speaker, will the Sponsor yield for a question?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Vinson: "Representative, you specify in your Bill that the employee must give notice in advance."

Hannig: "Yes, that's correct."

Vinson: "How far... How far..."

Hannig: "Forty-eight hours notice. Forty-eight hours notice on

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Amendment #3."

Vinson: "Forty-eight hours notice. That's... that's what?"

Hannig: "Forty-eight hours notice was included in Amendment #3."

Vinson: "Okay. What if... What if the employee can't be replaced at his job within forty-eight hours notice?"

Hannig: "Well, I would expect that an individual who would be elected, and this Bill would only apply to the regular meetings, not to the Committee meetings or any other meetings, but just to the regular meeting, but for the most part, his employer would become aware that these organizations would meet on a regular schedule. The forty-eight hours was put in as opposed to reasonable, which was originally in the Bill, to try to address some of the problems that some of the Republican Members expressed. And certainly, if you feel that there is a time frame more reasonable than that, I could amend the Bill further in the Senate."

Vinson: "Okay. Now, am I right in thinking that in your Amendment #3 with the forty-eight hours notice that that only applies if the meeting has not been... if the meeting has been schedule within..."

Hannig: "That's correct. There could be a rare circumstances, I suppose, where the chairman would call a special meeting tomorrow, for example, in which case this provision would not apply. And the individual would be given in that rare circumstances, the legal right to attend that meeting."

Vinson: "My concern with the Bill is that you have a number of employees who serve in an emergency circumstances, for instances, doctors in emergency rooms, nurses in nursing homes, people of that nature who are there for critical patient care activities and employees of that nature. You may be running afoul of other statutes and so forth, if you let them off. Have you thought about that aspect of the

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Bill?"

Hannig: "I'm not aware that we are. And certainly, this is not required that these individuals would have to attend that meeting. If they felt that it was more important that they miss that meeting and stay on the job, certainly, this Bill does not prohibit them from doing what they feel is proper in their own mind."

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

Speaker Yourell: "Proceed."

Vinson: "I think you do run the risk with the Bill, that for instance, the nurse without whom medications can't be distributed in a nursing home, or the doctor who is assigned to the emergency room gains an absolute right to attend the meeting. Now if that employee acts responsibly, then he probably won't attend the meeting. But, we all know that there're frictions between employers and employees, and I think that without further Amendment, the Bill does have some serious problems."

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

Marzuki: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Representative Hannig's Bill. It is a minute opportunity to give people a chance to run and serve in public office. It, to my way of thinking, prevents a certain segment of the population from preventing people from running for public office. There are times when a decision has to be made between the employer and the employee as to whether or not this person may serve in public office and still retain the job. This hardly represents any great intrusion into the work sector, and certainly, we always have to provide that any worker may not be there. He must be covered in one way or another. It would be nice if we were all machines or



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robots, I suppose, where we could be on that job all the time and never be off. I think that this is a good Bill, and that we ought to pass it."

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

Friedrich: "Mr. Speaker, Members of the House, I don't believe you can be an effective member of a county board unless you go to the meetings and attend the committee meetings. On the other hand, I don't believe an employer should be expected to subsidize someone who goes to those meetings, cause they're going to get paid for that too. In our county, you get paid \$50. So I don't think that an employer should have to subsidize a county board member."

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

Ropp: "Thank you, Mr. Speaker and Members of the House. As some of the previous speakers stated that we certainly want to encourage people to be involved in government, I think one of the things we failed to overlook in this whole situation is that in order to acquire those positions through elections, one normally has to do some campaigning. And so, if at first we are going to allow them to get off to attend the meetings, the next thing would be we're going to have to allow them to get off to campaign to attend certain civic clubs to speak to other groups and so forth. And because of the additional involvement that this Bill could incur, I think a 'no' vote is the right vote on this Bill."

Speaker Yourell: "The Gentleman from Jefferson, Representative Hicks."

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

Speaker Yourell: "I don't believe that's necessary. There's no more lights seeking recognition. The Gentleman from

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Macoupin, Mr. Hannig, to close."

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. To address some of the opponents's positions. First of all, the Bill would provide that when a private employer is giving an employee time off, the employer would not be asked to pay for the time that the individual's away from his job. The individual would be expected to, in effect, not be paid for that day. It's only fair if he's not working, he should not be paid. The only exception to that is if the member is a member of the school district, in which case this was in deference to a Bill we've passed earlier this Session, which would allowed those individuals to collect their pay. The Bill would only provide that the individual would be given off for regular meetings, not for the committee meetings, not for some other meetings that could be called where only a partial membership would be expected, but a quorum must be expected. The Bill would provide that there must be 48 hour notice. The Bill, basically, is drawn tightly. There was no opposition to the Bill in Committee. It passed out 17-1. And basically, I would say that if we want to encourage democracy and participation by those people at the lowest level of government, the county board and the school board, we, in the General Assembly, have to provide them with the protection sometimes so that they can attend these meetings. We have found in some cases, that the employers simply do not want to give individuals time off to attend county board meetings. And in the cases that have been brought to my attention, it's not cases with the nursing home, or hospital, but it's cases where we are simply talking about a coal mine, where that individual can easily be replaced by another individual in the mine. So I think that basically the Bill is one to try to provide for more

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good government and government participation by the average citizen. I think if we, indeed, want to see people participate, and we do not want to see the political process become one strictly limited to professionals, I think that we should support this Bill. I would ask for your 'yes' vote."

Speaker Yourell: "The question is, 'Shall this Bill?'. All those in favor vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 80 voting 'aye', 36 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Chair is now going to certain Bills. I'm sorry, Representative Hastert. I didn't see your light. Did you want to explain your vote? The Chair is now going to certain Bills that are on the Order of Special Order of Business and that require technical Amendments. The Amendments we've placed on the Eills, and the Bills will then be heard... held on Third Reading. First Bill is 1978. Read the Eill, Mr. Clerk."

Clerk O'Brien: "House Bill 1978, a Bill for an Act to amend Sections of the Civil Administrative Code. Third Reading of the Eill."

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

Vinson: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I'd ask leave to take House Bill 1978 back to Second Reading for purposes of an Amendment proposed by the Legislative Reference Bureau to correct the grammar."

Speaker Yourell: "Gentleman have leave? Leave is granted. Proceed, Sir."

Clerk O'Brien: "Amendment #2, Vinson."

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

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Amendment #2 to House Bill 1978 simply inserts the word 'be' after the word 'shall'. The word 'be' was inadvertently omitted by the Reference Bureau in the printing of the Bill, and it simply... it simply corrects the grammar of the Bill to permit what we need to do in this Bill. The Bill is a noncontroversial Bill. It is agreed by the Department of Transportation, and the United Transportation Union as amended. And I would ask for adoption of Amendment #2."

Speaker Yourell: "The Gentleman moves the adoption of Amendment #2 to House Bill 1978. Is there discussion? All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "The Bill will remain on Third Reading Special Order of Business. House... Appearing on the Order... on this Order is House Bill 1831. Are there any Amendments, Mr. Clerk, from the floor? Leave to take this Bill back to Second Reading for the purposes of an Amendment. Leave is granted."

Clerk O'Brien: "Amendment #4, Brummer - Friedrich."

Speaker Yourell: "The Gentleman from Effingham, Representative Brummer."

Brummer: "This Amendment was proposed by the Legislative Reference Bureau. It is a fairly technical Amendment. Amendment 3 deleted various Sections from the Bill, but we forgot to delete those Section references in the introductory clause. This Amendment will delete those references to various Sections in the introductory clause, and I would move for its adoption."

Speaker Yourell: "The Gentleman moves for the adoption of Amendment #4 to House Bill 1831. Is there discussion?"

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Being no discussion, all those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Third Reading. House Bill 1814. Mr. Clerk... Leave to take this Bill back to Second Reading. Leave is granted. The Bill is on Second Reading. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Amendment #4, Levin."

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

Levin: "Yes. This Amendment was proposed by the Legislative Reference Bureau, and simply changes a reference in the introductory clause from 69.1 to 65.1 which is a mistake, apparently in Amendment #2 when it was adopted."

Speaker Yourell: "The Gentleman moves to adopt Amendment #4 to House Bill 1814. Is there discussion? Being no discussion, all those in favor will say 'aye', opposed 'no'. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. House Bill 1054. Leave to take this Bill back to Second Reading for purposes of an Amendment. Leave is granted. The Bill is on Second Reading. Mr. Clerk, read the Amendment."

Clerk O'Brien: "Amendment #3, Christensen - Yourell - Currie."

Speaker Yourell: "The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, I would..."

Speaker Yourell: "Representative Currie."

Brummer: "...ask leave to bring this back to Second Reading for purposes..."

Speaker Yourell: "Leave has been granted."

Brummer: "Okay, fine."

Speaker Yourell: "Representative Currie on the Amendment"

Currie: "Mr. Speaker, I will ask leave to table Amendment #1 to

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House Bill 1054 and Amendment #2, if I may have leave for both at the same time."

Speaker Yourell: "The Lady ask leave to table Amendment #1 and 2.

Leave granted. Proceed. Are there further Amendments?"

Clerk O'Brien: "Amendment #3, Christensen - Yourell - Currie."

Speaker Yourell: "Representative Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. Amendment #3 would clarify that in the provisions that will enable the agency to ban landfills of liquid waste, liquid hazardous waste in January 1985, and other hazardous waste January 1987, this Amendment clarifies that the burden of proof shall remain with the generator and will enable the agency to have the additional ground for denying a permit should the board adopt a rule and regulation. It also clarifies our intent that in fighting criteria for the... for any new regional pollution control facility, the agency will have a concern for hydrogeologic conditions as one of the items under its purview. And we have cleaned up some language having to do with the environmental facility's financing of alternate methodologies for the control of hazardous wastes. I ask adoption of Amendment #3."

Speaker Yourell: "The Lady asks leave to adopt Amendment #3 to House Bill 1054. Is there discussion? The Gentleman from Adams, Representative Mays."

Mays: "Will this Amendment in any way..."

Speaker Yourell: "Gentleman, the Lady indicates she'll yield."

Mays: "Thank you. Will this Amendment in any way reduce utility rates to consumers in my district?"

Currie: "Representative Mays, this Bill has to do with hazardous waste landfill operations, not with utilities."

Mays: "Thank you."

Speaker Yourell: "The Lady from Marshall, Representative Koehler."

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Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Amendment has been worked on very carefully by staff from both sides of the aisle. It has been agreed to. It sets up a schedule of disposal for liquid hazardous waste. I would urge your adoption."

Speaker Yourell: "Is there further discussion? All those in favor of Amendment #3 will signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. House Bill 1410. Leave to take this Bill back to Second Reading for purposes of Amendment. Leave is granted. The Bill is on Second Reading. Has the Amendment been printed, Mr. Clerk? Amendment #3."

Clerk O'Brien: "Amendment #2, Giglio."

Speaker Yourell: "Representative Giglio."

Giglio: "You're asking me, Mr. Speaker? I don't think this is a good day for Representative Giglio. I got two strikes, you know, three and I'm out. I don't... truthfully, I don't think that's my Bill, I think mine is 1108."

Clerk O'Brien: "Amendment #2, Van Dwyne, amends House Bill 1410 as amended with reference to the page and line numbers and so forth."

Speaker Yourell: "Representative Van Dwyne. Out of the record. House Bill 1108. Leave to take this Bill back to Second Reading for purposes of Amendment. Leave is granted. The Bill is on Second Reading. Read the Amendment, Mr. Clerk."

Clerk O'Brien: "Amendment #2, Giglio, amends House Bill 1108 on page 1, line 1 and so forth."

Speaker Yourell: "Representative Giglio on Amendment #2 to 1108."

Giglio: "Mr. Speaker, may I have leave to table Amendment #1?"

Speaker Yourell: "The Gentleman asks leave to table Amendment #1. All those in favor say 'aye', those opposed 'no'. The

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'ayes' have it. Amendment #1 is tabled. Any further Amendments, Mr. Clerk?"

Clerk O'Brien: "Amendment #2, Giglio."

Speaker Yourell: "Representative Giglio."

Giglio: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 strikes the enactment clause from Amendment #1. What Amendment #1 did was require the Pollution Control Board to adopt a schedule of permit and inspection fees for hazardous waste disposal facilities on March 1, 1984. We also... in Amendment #1 established an advisory committee on the hazardous waste council. What we... That was a twelve member board. What we're doing with Amendment #2 is to increase that to fourteen so the Mincrity parties of the Senate and the House could have representation on this committee. Also what we're doing in Amendment #2 is taking the authority from the agency and giving it to the board to establish the inspection and permit fees."

Speaker Yourell: "Is there discussion? The Lady from Marshall, Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is another one of the Amendments that have been worked on very carefully by staff from both sides of the aisle. Both Speaker Madigan and Mincrity Leader Daniels have Cosponsored this piece of legislation, and I would urge its adoption."

Speaker Yourell: "The Gentleman moves to adopt Amendment #2 to House Bill 1108. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. House Bill 1410. Representative Hastert. Are there Amendments, Mr. Clerk?"

Clerk O'Brien: "House Bill 1410. Amendment #2, Van Euyne, amends



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House Bill 1410 as amended and so forth."

Speaker Yourell: "Representative Hastert, Amendment #2. Okay, Representative Currie on Amendment #2 to House Bill 1410."

Currie: "Thank you, Mr. Speaker, Members of the House. Amendment 2 merely makes some technical clarifying changes to House Bill 1410, I would appreciate your support."

Speaker Yourell: "The Lady has moved 'do adopt' on Amendment #2 to House Bill 1410. Is there discussion? All those in favor say 'aye', those opposed 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #3, O'Connell - Topinka - Nelson."

Speaker Yourell: "Representative O'Connell, Amendment #3."

O'Connell: "Thank you, Mr. Speaker, Members of the House. Amendment #3 is addressing a very topical problem wherein the burning of certain oils which contain toxic substances is very susceptible to being done by various entities, specifically hospitals, schools, commercial and industrial businesses. Amendment #3 was originally drafted as an original Bill. However, it got caught in a crunch of the last week's deadline. And the Sponsor is graciously accepted to have it amended to this Bill. It would provide that certain standards must be met before the waste oils can be sold to ultimate users of the various oils. Waste oils are very common means of recycling and reusing various oils from transportation equipment and other such equipments. The Bill is needed... the Amendment is needed, and I would ask for your favorable adoption."

Speaker Yourell: "Is there discussion? Being no discussion, the question is, 'Shall this Amendment be adopted?'. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. Amendment #2 (sic #3) to House Bill 1410 is adopted. Amendment #3 to House 1410. Are there further Amendments?"

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Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. Now the Chair is going to return to House Bill 882 which was inadvertently skipped over because we thought that it was on a Special Order of Business. It is not. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 882, a Bill for an Act to amend the Highway Advertising Council Act. Third Reading of the Bill."

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

Marzuki: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 882 is a relatively simple Bill. It corrects what was probably overlooked in the original Highway Advertising Act. I feel certain that this Body would not give to the Department of Transportation the rights to impose their will on local communities. All this Bill does is specify that where a highway runs through a local community, that community should be consulted and should issue a permit if any 'signage' is to be located in that town. At the present time, the Department of Transportation may simply give a permit that would require that town to accept the sign whether they like it or not. This Bill is supported by various historical groups who would like to have some control over the 'signage' in a local community. It does not prohibit 'signage'. It is not less stringent than that which is already in place. I believe that it is a good Bill that gives local communities a say in what kind of 'signage' will go into their community along the state highways. And I would ask for its passage, would be happy to answer any questions on the Bill."

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

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Vinson: "Mr. Speaker, I rise in opposition to House Bill 882. House Bill 882 is a direct slap, particularly, at small business, business in general, but particularly, at small business. It would create the terrible situation that if you just enact the code more stringent than what we've already enacted on signs. Then you can go out and harass every small business owner that wants to put a sign up outside his place of business. I think it's a very bad Bill. I think it would be a costly Bill. And I think every legislator in here who's run into problems with signs in their districts with the Department of Transportation is suddenly going to discover that not only do they have a problem with the Department of Transportation, but now with the municipality. And those problems are going to be multiplied horribly. I would strongly urge a 'no' vote on House Bill 882."

Speaker Yourell: "The Gentleman from Cook, Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker, Members of the House. I rise in strong support of House Bill 882. I think what this Bill is trying to address is a problem which currently exists throughout, not only the state of Illinois, but the country. That is a question of off-premises advertising. The previous speaker raised the specter of problems of small businesses not being able to put signs up on their properties. I would submit that that isn't the problem that local zoning ordinances do address the right of small businesses or large businesses for that matter, to put signs on their property advertising either their goods sold on the property or the property, itself, to be sold. What we're addressing or what I think Representative Marzuki is addressing in this problem is the situation where local

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zoning ordinances are being preempted. Primarily by the Illinois, at least in this state, by the Illinois Outdoor Advertising Act, whose preamble states that we should sanction the use of outdoor advertising. Well, in that regards, I would submit that we do sanction outdoor advertising, however, with limitations that we should not allow the outdoor advertising industry to utilize either the state legislation or the federal question which has been in various courts, and a very recent Supreme Court case out of San Diego, which went to the United States Supreme Court which was very vague in its decision, but clearly placed a cloud over local zoning regulations. To add to that burden, there have been several law suits and cases in the State of Illinois which have attracted the 1971 Outdoor Advertising Act whose preamble has the language, as I stated, sanctioning outdoor advertising. I think this Bill makes it clear that the Legislature does honor and does respect the right of local zoning ordinances to control the usage of outdoor advertising. And that outdoor advertising industries can not go willy-nilly and completely bypass the sovereign local entities in their effort to control the appearance and the safety of their communities. So I would laud Representative Marzuki on this Bill, which I think is his first Bill, and encourage that you all support it."

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

Friedrich: "Would the Speaker yield?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Friedrich: "Would this affect the existing billboards in a municipality?"

Marzuki: "It would affect them, and the Amendment that was drawn by Representative Barger would take care of that. They

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would be amortized over a period of time so that that persons or business entity would not simply have them taken away."

Friedrich: "Well, I'm thinking specifically of a billboard company. They've got billboards in my town. If this passes would they be required to take them down if the city says to take them down?"

Marzuki: "They would be required to remove them over a period of time, yes, if your local officials decided that. However, there will be real questions on the grandfather clause in there."

Friedrich: "Well that's my problem, is that some of the sites for billboards has been acquired at great expense to the billboard companies. And billboard people are little business people too, at least in my area. And I think you're... under city ordinance now on zoning you can prevent new ones from going up, but I certainly would hate to see a Bill that some city council could just automatically force them all to be taken down. And I would have to oppose the Bill."

Marzuki: "It would... I would assume that in most communities it would become a nonconforming use."

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

Greiman: "Thank you, Mr. Speaker. On a somewhat historical parallel. In the early 1850's, Longjohn Wentworth was the great mayor of the City of Chicago, a great reformed mayor. And there were places... a place called the Sands, which was on the shores of Lake Michigan, which housed all... many of the brothels. In addition, the Wabash Avenue had many of the classier brothels. And Mayor Wentworth turned his attention to smashing all of this spice. And then after that in 1854, Mayor Wentworth turned his attention to

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the signs that were in the city. And one night he got all the police together of Chicago, and they tore down all of the offensive signs in the City of Chicago. Now... and they put them all in the center of the City around Randolph, what's now Randolph and Lake Street, and they burned all the signs. Of course, that was before the 14th Amendment was adopted, and I think Mayor Wentworth's actions were probably strong, stronger than I would recommend. So that between Mayor Wentworth, good old Longjohn Wentworth's precipitous action of 1854 and the complete proliferation of signs, there is a middle ground - middle ground so the people can reasonably... reasonably have some control over the aesthetics of their surroundings. I think Representative Marzuki's Bill is appropriate in doing just that. It is a reasonable Bill, and it has reasonable grounds. And it is not in the spirit totally of Longjohn Wentworth, but I think it goes a long way to helping communities cherish and determine their own destiny. Thank you."

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

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I was terribly enthralled with that last story about big Longjohn Wentworth, the Mayor of Chicago. And I just wondered if he was an Republican or a Democrat. Since he seemed to be involved in cleaning up the city, he surely must have been a Republican."

Speaker Yourell: "The Gentleman from DuPage, Representative Barger."

Barger: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill presented by Mr. Marzuki is a good Bill. It's one that was suggested to both of us by the Illinois Municipal League. Some years back, the state in their infinite

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wisdom took from the local municipalities control of signs along state highways, and they required that a five dollar license fee be affixed to each signs, and that that license would be collect... would be purchased from the State Highway Department. This law does not take the power of the state away to issue these licenses. It does not remove any sign that is presently in place. All it does is say that in the future that the state permits can be issued only with the concurrence of the local municipalities. This is merely returning to the cities the powers that they had had previous to the change. The signs that are in place, if they are nonconforming, will be allowed to stay there until such time as they deteriorate to the point where they must be removed. This is a good Bill and is one that should be supported because this does give the local communities control over the zoning and over the signs in their district. Thank you very much."

Speaker Yourell: "The Gentleman from Winnetago, Representative Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. We have, I know in my community and probably in most of yours, some small business who have people made a life time career, supported their families and many others in the community, by the sign business. Many of those signs, of course, and probably some of the more lucrative signs that they may have would be on the state highways, the main intersections which are, in fact, the main streets in most of our towns. I would just like to know what impact from the Sponsor, what impact would this Bill have on those small business people in our state who are so important in our different communities?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Marzuki: "This Bill will have no impact on those whatsoever."

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They are... The only signs that may be controlled are those that are actually within the village limits or the municipal limits."

Hallock: "Well, Mr. Speaker, to the Bill. I'm not sure about Representative Marzuki's town, but I know very well that in the City of Rockford, East State Street, the Highway 2, and many others are state highways and directly go through the City of... our City. Obviously on those highways, since they are a very directly highly traveled routes, twenty and thirty thousand cars a day, those are some of the coveted locations and they are within the city limits. It would seem to me that this Bill has a right idea, but in reality, unless you ensure some practice for those who have been business for years, you're making a direct blow against small business. That is something that we should not do this Session. The Session should not be about the business of trying to hurt small business in our state. I urge a 'no' vote."

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

Berrios: "Move the previous question."

Speaker Yourell: "The Gentleman has moved the previous question. All in favor say 'aye', opposed 'no'. The 'ayes' have it. The previous question has been moved. Representative Marzuki to close."

Marzuki: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is not designed to prohibit 'signage' for small business. It is designed to help many communities promote the small businesses that are within their boundaries. It's designed to give them some control over the aesthetics of their communities. The Bill, itself, will hardly impact on those businesses that are already there, unless your town would happen to be one that intends



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to drive the business out. It's a reasonable Bill. It prevents, mainly, large corporate entities in the billboard business from dictating to many smaller communities. I think if you are in favor of a local government and if you are in favor of elected officials determining these rights rather than an appointed department head or an employee of the Department of Transportation, you will vote for this Bill. Thank you."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All in favor will vote 'aye', those opposed will vote 'no'. The voting is open. To explain his vote, the Gentleman from Cook, Representative Leverenz."

Leverenz: "I was very touched by the previous speaker that talked about Longjohn Wentworth, Mayor of the City of Chicago. And when the police went out to tear down the signs, it has come to me that they were tearing down Mayor Wentworth's opponents signs."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? The Gentleman from DuPage, Representative McCracken, to explain his vote."

McCracken: "Thank you, Mr. Speaker. I rise in support of this fine piece of legislation proposed by Representative Marzuki. It returns local control to the municipality where it belongs. This is a local problem. This is signs and the aesthetic affect that they have on the quality of life back home. It's as simple as that. The issue is merely, do we want something so intimate as that concern to be ruled by the state? The answer is 'no'. Just as we don't want Washington to tell Springfield what to do, let's let the municipalities make their own decision on the aesthetics. My towns back home feels this is an important Bill. It shouldn't be a Republican or a Democratic issue. I encourage an 'aye' vote."

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Speaker Yourell: "Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 55 voting 'aye', 52 voting 'no'. The Gentleman from Cook, Representative Marzuki."

Marzuki: "Poll the absentees."

Speaker Yourell: "The Gentleman requests a Poll the Absentees. While we're waiting for that, a lady's wristwatch has been returned to the podium. It's a Timex, I believe, silver..."

Clerk O'Brien: "Poll of the Absentees. Christensen, DiPrima, Mautino, Pangle, Richmond, Terzich, and Yourell."

Speaker Yourell: "On this question, there are 55... For what reason does Representative Preston arise? Mr. Preston votes 'aye'. On this question, there are... Representative Hannig. Representative Marzuki."

Marzuki: "May I have leave to put this... Mr. Speaker, may I have leave to put this on Postponed Consideration?"

Speaker Yourell: "Leave is granted. Postponed Consideration. Appearing on the Order of Third Reading is House Bill 929. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 929, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Dupage, Representative Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 929 is a product of the School Problems Commission. During our hearings around the state, we received a lot of requests for legislation which would remove the disincentives which presently exist to school district consolidation. One of the major problems is the fact that frequently when school districts discuss coming together, particularly elementary and high school districts, we find a significant discrepancy between the

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salary schedules of the districts. And it would be very costly initially for these districts to bring all teacher's salary schedules up to the level of the district with the highest salary schedule. And this legislation provides that for the first three years after consolidation, the state through a separate line item would provide a supplemental state aid reimbursement to pay the difference between the highest salary schedules and the lowest salary schedules at the time they would reorganize. There's no way to know what this would cost. It will depend on the number of school districts that reorganize. Since school district reorganization could not take place now until July of 1984, there could be... on this Bill, there would be no fiscal impact before... at the earliest FY '85 and possibly FY '86. This one of the four part package that the School Problems Commission has to encourage school district reorganization. I ask for your support of House Bill 929."

Speaker Yourell: "The Gentleman from Cook, Representative Bullock. Representative Bullock on the Bill. Your light's on, Sir. The Lady from DuPage, Representative Karpziel."

Karpziel: "Yes, will the Sponsor yield, please?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Karpziel: "Gene, in my district, and you probably know these people, we have several very small districts. I'm talking about one in particular that is a district of declining enrollment that gets no state aid under the state aid formula. I forgot, it has less than five hundred, I believe, students in the district. They would like to consolidate with some other district. The problem has always been that no other district wants to take them because of the disincentives. Will this legislation provide the incentive that another school district would then want to take these in?"

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Hoffman: "It would... This is one of a four part package. This... I don't know. I think I know the situation you're talking about. But this is one of a four part package. One of the programs we have coming out of the Senate to the House would address the bonded indebtedness question, and that's usually a bigger problem than the teacher salary, but this would be helpful. But it would... the other Bills address the body..."

Karpiel: "This just takes care of the teacher's salaries, and the other Bills will take care of those other problems?"

Hoffman: "Right. That's right."

Karpiel: "So that if they all would be passed then there will be actually an incentive for larger school districts to take in some of these school districts that have declining enrollment."

Hoffman: "Ab... Absolutely, and that's the intention of the package."

Karpiel: "Okay, thank you."

Speaker Yourell: "The Gentleman from McHenry, Representative Klemm."

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

Speaker Yourell: "The Sponsor indicates he'll yield."

Klemm: "Representative Hoffman, do I understand that for those districts that wish to stay, such as dual districts, not wish to consolidate would be, in essence, be penalized... financially?"

Hoffman: "This would have... This would have no affect on those districts that wish to stay the way they were. This would only encourage those that wish to go together. There's no mandatory reorganization involved here at all. In fact, this is what those people who already organized or wouldn't be interested in organizing, they suggested that this is a way to handle the issue to eliminate those disincentives

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that presently exist."

Klemm: "Where would the extra monies then come from, out of the state aid formula?"

Hoffman: "No. This is a separate... This would be a separate line item. It would not be part of the general distributive fund, a separate line item."

Klemm: "Then where would they get that money from then, if it's not from state aid, through property taxes or something?"

Hoffman: "No. It's state money. It would be state money. There's no where else to get a line item for the state."

Klemm: "That's my question, it's state money, so therefore, since it comes from a limited pot that we have for education, those school districts who don't do it have less money for them to be allocated to their program needs. Is that correct?"

Hoffman: "That... yes. That's... that's correct. You say there's a finite, a bottom line. You could say that there... you know, that there is some moving around."

Klemm: "And we understand you said that there were a package of three or four Bills, additional Bills that will be doing some more moving around of the public funds to encourage those to consolidate at the expense of those districts that are now there who wish to keep dual districts and are trying in their honest efforts with limited funds to educate their small children, that would be deprived of funds for them to accomplish what the State Board of Education wants to do for consolidations. Is that right?"

Hoffman: "Well, this number one, this is not coming from the State Board of Education, although they have endorsed it. These are... These recommendations, and this one in particular, are coming to us from testimony that we've received at our hearings. And so, you know, the State Board doesn't have a position on this. However, the

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package of Bills which include this Bill, one of the other Bills allows school districts which are presently separate to keep the state aid they would get under the old formula the same as they would when they reorganized the unit district for the first three... of the first three years. So that, in fact, isn't going to cost anything. The other two address bonded indebtedness."

Klemm: "Alright, so we are more concerned because Mr. Gill had sometime ago had indicated that it was his intention to reduce the number of school districts in Illinois. Obviously, and this is one way of doing this, perhaps not giving those school districts enough funds to do their job, only because we like an organizational structure that may be different from what the Board or the Superintendent prefers. You know, it seems to me, and let me speak on the Bill, Mr. Speaker, if I may on the Bill? Alright, thank you. I really think that when we start using funds... to start looking at organizational structures and forgetting what the whole purpose of educating our children are suppose to be about, of diverting the funds, or shifting the funds, or reallocating the funds or whatever the usage of words we like to use. It seems to me that the school district is so pressed for what funds they have, that to take more funds away from them for the sake of saying, 'This is an organizational difference, an organizational change that we prefer,' that you really force local people to say, 'What else can we do?' The state is taking monies away from us or at least not giving us our... what would have been our fair share. We're going to allocate it to other districts that down in Springfield they think is better for us, that I think we're making a mistake in constantly doing that. When I was first elected to the school board, over practically nineteen years ago, we had

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11,000 school boards district. We're down to a little over a thousand now, and that was fine. But really in the process, they took monies away from a lot of school districts who had to really shift around and try to figure out where they're going to get the monies just to satisfy some people, some politicians, some bureaucrats who felt they knew what was best. I would rather see a more fair and equitable way and let the local people decide what's best as far as consolidation, and not fooling around with this carrot and not taking away monies from it. So, I think this Amendment or this type of approach, it really does a disservice to those that count, and that's the children."

Speaker Yourell: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House. I stand in opposition to this Bill. I understand what the Sponsor is seeking to do and that is a good goal, but we would be setting a new precedent by passage of this Bill in subsidizing certain school districts on the basis of their salary schedule for teachers. I think we should not be setting that precedent. There are other measures under consideration that will give additional incentives for consolidation of school districts that make more sense, I believe, than this particular one of subsidizing on the basis of a differential in teacher salaries. It's a little bit of overkill, it seems to me. If these districts are going to get the best of all worlds in several different ways, we have other legislation before us that allows them to calculate their reimbursement rate in alternative ways that would give them an advantage. That's more consistent with the kind of way that we've reimbursed school districts in the past, and I would urge a vote against this

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particular measure as setting a bad precedent for subsidizing school districts on the basis of compensating them for low salary scales."

Speaker Yourell: "Is there further discussion? There being no further discussion, the Gentleman from DuPage to close."

Hoffman: "Thank you very much, Mr. Speaker, ladies and gentlemen of the House. As I indicated to you in my opening remarks, the genesis of this legislation came to the School Problems Commission through their hearings that were held across the state by many school people who found themselves in a position of wanting to consolidate, but due to the disincentives that were before them, they financially on the local level could not make that adjustment. And this is one of the four parts of a whole program to make it easier for local people to make a decision for themselves. We're forcing no one to do anything. This is a transition period of only three years. I don't believe in terms of dollars and cents, it will be a great deal of money. In fact, I think it'll be relatively small. I believe that the dollars that we put out at the present time will save dollars in the long run. It will be more economical to function under a consolidated system where instead of having two, four, six or eight sets of administrators, you can have one... to pass local decisions and the decisions made by the General Assembly. Those things aren't as feasible now as they were a few years ago. And so in spite of those who rose to object to this Bill, I sincerely and honestly believe this is an attempt by the Commission to respond to the people out in the field, people in education and people on school boards to say, 'Help us.' And this is one of our ways of attempting to address this particular need. And so I sincerely and honestly encourage your support of House Bill 929. I believe that this is in the



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best interest of young people in this state, and I believe it is in the best interest of all of the citizens in the State of Illinois. And for that reason, I ask for your support."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 91 voting 'aye', 16 voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. Might remind the Members that there are a number of Senate Bills that are coming over now that do not have House Sponsors. Those of you who want to Sponsor and pick up these Senate Bills, please go to the well. We are now going to page 2 of the Calendar on the Order of Special Order of Business, subject matter, senior citizens. The first Bill is House Bill 24, which appears on the Order of Consideration Postponed. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 24, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

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

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, it gives me great pleasure to introduce House Bill 24 to you once again. House Bill 24 amends the Revenue Act, and it increases the Senior Citizens Homestead Exemption from \$1,500 to \$2,000. The Senior Citizens Homestead Exemption was enacted in 1969. It has been unchanged since that time. The program is a recurring annual reduction and to equalize assessed evaluation of \$1500 on the homestead property of tax payers who are 65 years of age or older. At the present time, there are approximately 470,000 such exemptions now granted statewide with 300,000 downstate and

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170,000 in Cook County. That this Bill provides just for those for the senior citizens who haven't had a change in their exemption which amounts to approximately \$35 since 1969. And I would urge your support of House Bill 24."

Speaker Yourell: "Is there discussion? The Gentleman from Marion, Representative Friedrich."

Friedrich: "Mr. Speaker, Members of the House. I don't believe just being 65 entitles you to be rid of taxes, when we've got young people out here trying to raise their families and buy their homes and paying the full bill. We've got the circuit breaker. I'd go along with increasing that for those people in low income, but to give everybody over 65 another break on their taxes at the expense of local government is not right."

Speaker Yourell: "The Gentleman from Cook, Representative Terzich, to close."

Terzich: "Well, once again, Mr. Speaker, I did amend this Bill to make it effective in 1984 to give local units of government to gear up that they would have the opportunity to adjust their tax rate. This is a well deserved benefit for the senior citizens. It's long overdue, and I would appreciate your support on House Bill 24."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 106 voting 'aye', 10 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Special Order of Business, Senior Citizens, is House Bill 424. That Bill is on Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 424, a Bill for an Act to amend Sections of the Senior Citizens and Disabled Person

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Property Tax Relief Act. Third Reading of the Bill."

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

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise on behalf of over sixty-eight Sponsors and Cosponsors of House Bill 424 to present it to you today. This piece of legislation is supported by numerous senior citizen's organizations throughout the state. It is the number one priority of the Illinois State Council of Senior Citizen Organizations. Mr. Arthur L. 'Newburger'... 'Newbauer', who is Chairman of the Health Care Committee of the Illinois State Council, had this to say in testimony before the House Committee. He said, 'The average medical bill for the aged has grown to over \$2,200 per person compared with slightly over \$800 per persons aged 19 to 80... to 64. The average annual out of pocket nonreimbursed health bill for the elderly was over \$1,000 two years ago. And we all know that Reagan cuts and elderly medicaid and medicare have made that expenditure even bigger today.' Ladies and Gentlemen of the House, it is this sad fact that has prompted a number of states to take steps to provide pharmaceutical assistance for the elderly. There are four other programs currently in operation throughout these United States - New Jersey, Maryland, Maine and Delaware. Now each of these programs is quite different. The eligibility standards are different. The costs are different. We are presenting to you today another program which fits right in with these programs which are being now provided in the... at least four other states in this country. But it does so in a way that makes... takes best advantage of the circuit breaker program which is our basic program for senior citizens in this state. It coordinates that program by, first of all,

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providing that the application form that seniors use be the same for both programs, that the eligibility standards be the same. It also provides that the \$80 additional grant be optional so that the person... if that person is basically healthy and has no pharmaceutical needs to speak of, they may take their \$80 in cash. If they feel that they would be better off under this program, they may forfeit that \$80 which will be a savings to the state, and then they would receive an identification card from the state, which would enable them to attain pharmaceuticals at their neighborhood druggist. The Bill was amended to provide for a two dollar co-payment in an effort to keep the cost of this program under control, so that we can target it to those who need it the most. You may have heard that there had been some problems with pharmacists earlier on in developing this legislation. Amendment #1 and #2 works out those problems. So that I'm not aware, at the present time, of any significant problems with the pharmacists' organizations in this state. And I believe we have addressed their concerns. You may wonder about the cost of this program. The fiscal note provided by the Department of Revenue suggests that the cost would be perhaps 8.9 million dollars. Now this is a modest figure. Consider that the Governor, yesterday, in his allocation of the proposed tax revenues would provide 20 million dollars for expansion of the circuit breaker program. Well, Ladies and Gentlemen of the House that's precisely what this is. It's an expansion of the circuit breaker program by providing a new dimension to the program - a new dimension that targets those people who need it the most. And that we are providing that this at a cost that is less than half of what the Governor is proposing with his budget. So I believe this is a very reasonable proposal. I want you, in

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pondering this legislation, to consider that it does make use of an existing program so it's efficient. It does target those people who need it the most, the oldest, the poorest, and the sickest. These are the ones who are asking for our help, and these are the ones to whom we should address our efforts and our assistance. And I ask now for your support for House Bill 424, so that we may serve these, the oldest, the poorest, and the sickest."

Speaker Yourell: "The Gentleman from Kendall, Representative Hastert."

Hastert: "Will the Sponsor yield?"

Speaker Yourell: "Indicates he'll yield."

Hastert: "Mr. Sponsor, doesn't the Illinois Department of Public Aid already provide a program similar to this?"

Bowman: "Only for people who meet eligibility criteria which are more restrictive. And we do have in the legislation, I believe it was in the Amendment so you may not have that in front of you if you have the original Bill, that if the person is receiving benefits under that program that they may not receive benefits under this program. That helps reduce the cost. It occurs on... That language occurs on page 2 of Amendment #1, beginning... paragraph beginning line 25."

Hastert: "Specifically then, exactly how do you expand this from what the Department of Public Aid does?"

Bowman: "Okay, well, first of all, Representative, anyone who is currently eligible for a circuit breaker benefit, that is to say anyone is over 65 and whose household income is under \$12,000 or disabled and whose household income is under \$12,000, would be eligible. That includes many more people than the Department of Public Aid serves."

Hastert: "Do you have any system of checks and balances and cross referencing built into this program so you're sure there

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isn't double abuses."

Bowman: "Yes, Sir, we do. We have two things in there. First of all, we make it quite exclusive that if there is any other programs such as the one over in the Department of Public Aid, or a private insurance program which provides benefits, that those programs shall be the preferred funding source, and that this program shall not be so utilized. Furthermore, we have procedures for coordination of benefits and collection in cases where maybe a person might try to collect twice. We have a provision in the Amendment #1, for example, on page 3, where we provide that the Department may enter into agreements with other entities for administering the programs. It says, 'such agreement shall establish procedure... shall establish procedure for properly contracting if the pharmacy services validating reimbursement claim beneficiary co-payment, validating compliance of dispensing pharmacies with contracts, and basically, validating the coordination benefits'."

Hastert: "Is this almost exactly the same program as they have in New Jersey?"

Bowman: "No it is not."

Hastert: "What's the difference?"

Bowman: "The eligibility standards are different... Just a second, if you..."

Hastert: "More strict or less?"

Bowman: "Well, in New Jersey there are a couple of difference. First of all in New Jersey, married couples whose incomes are over \$15,000 or under \$15,000 are eligible, so there is a higher eligibility standard on terms of income. The... In addition, certain prescription drugs are not eligible for coverage under this Act. Mood altering drugs, for example, are not eligible for coverage here. They are

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eligible in New Jersey. However, probably the biggest difference between New Jersey and this program is in the prepayment of the \$80 fee for entry into the program. There is no gate-keeping fee in New Jersey. So the only thing they have is the co-payment. And... so what you have in New Jersey is people who use drugs occasionally would be able to be eligible for coverage under the New Jersey program. Not so in Illinois. A person's annual drug use would have to exceed \$80 before the person would be willing to go into the program, and then when they did go into the program, they would be paying up front. So that is one of the biggest differences. It screens out the occasional user so that we can target to the eldest, the poorest and the sickest."

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

Speaker Yourell: "Proceed, Sir."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the Bill. I think we have explicit duplication of programs here. In my opinion, that the checks and balances that are... that exist here really aren't stringent enough. And we're going to have people, could be people involved in three different areas in drawing public aid. We're duplicating sources that people can have entrance into the program. I think this is very similar in a sense, and maybe a little bit more liberal than the New Jersey program. The original cost projected in the State of New Jersey when they instigated in such a program was three to four million dollars. The actual cost the first year was 16,000,000 dollars. Went on that the total cost in the most recent years was 63,000,000 dollars for a program like this in the State of New Jersey. You know we just have to look at similar states and the liability that we open ourselves up for on a Bill like

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this. And I ask for your negative vote."

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

Bullock: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm delighted and proud to be a Cosponsor of House Bill 424. We are sent to this Legislature to protect the health and welfare of the senior citizens in this state. This Bill deals with their health as well as their welfare. We had an opportunity in previous Sessions to remove the tax on food and medicine. We chose not to do that in a proper fashion. We are now given a second opportunity to say to the elderly of our state, whose numbers are ever increasing and who have stood steady with us each time we've called upon them, we're saying to them that we're going to provide you a minimal amount of relief. We're going to provide you a minimal amount of support. Representative Bowman should be commended for the sponsorship and his diligence in fashioning this Bill. It has come before us on several occasions. I believe that the time is now that we should support the senior citizens of this state. There is a crisis in this state. There is a crisis in housing. There is a crisis in utilities. There is a crisis in hunger, and there is a crisis in jobs. But I can think of no higher crisis in that which the senior citizens are state... are subjected to when they must depend on lifesaving drugs for their survival. I urge an 'aye' vote for House Bill 424. And I'm certain that the seniors of this state will think that we, in fact, are compassionate by giving a green light to House Bill 424."

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

Vinson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think there is one issue of over any concern that



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you ought to evaluate in determining how you're going to vote on this particular Bill. The Gentleman who presents the Bill has introduced new spending measures above and beyond the Governor's budget in excess of three quarters of a billion dollars for this legislative Session, three quarters of a billion dollars above and beyond the Governor's budget, for that matter, above and beyond the Governor's budget even if you adopt the Governor's proposed income tax increase. Three quarters of a billion dollars he proposes to spend above and beyond the Governor's budget and the Governor's proposed 1.6 billion dollar tax increase. What this Bill is, is the first nail in the coffin of a tax increase for the citizens of the State of Illinois. Now some of you may feel that a tax increase is appropriate and necessary. But I ask you, is a tax increase an appropriate and necessary just to find the Bills that Representative Fowman has introduced in this Session? I ask you to consider that and to evaluate that in determining how you will vote on this particular Bill, because what you're doing is funding a tax increase. You're necessitating a tax increase as you move down his legislative agenda and vote for everything he has. Consider whether that senior citizen out there is better off with all of the programs he's going to provide and a massive tax increase or whether they're better off absent the tax increase. I again ask you, implore you, to consider whether you want in this one Bill, and in this one Sponsor's program, to necessitate a tax increase for the State of Illinois. And I urge you to vote "no" on that issue."

Speaker Yourell: "The Gentleman from St. Clair, Representative Flinn."

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

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Speaker Yourell: "The Gentleman moves the previous question.

All in favor say 'aye', opposed say 'no'. The previous question has been moved. Representative Bowman to close."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want you for a moment to consider what it means to get old. It means that you are susceptible to conditions and illnesses from which you will never recover. People do not get well from arthritis. They do not get well from coronary disease. It is something that affects all of us in varying degrees as we approach old age, and it affects some critically, so critically that they depend upon maintenance drugs that they must take every day of their lives. Now the very unfortunate aspect of this, of course, is that it impacts people so unequally. Some people are very lucky, and perhaps live out their life feeling very well and maybe live to an old age, and feeling well, having escaped the ravages of some of these illnesses. But others incur these illnesses in extreme forms. And in fact, many people have more than one such condition. So that it impacts each one of us in a much... in a very different way. Nature is no respecter of class, or upbringing, or background or anything. Try as we might to keep ourselves in good health, we might suffer crippling arthritis. Now, there is no program that is comprehensive which addresses the pharmaceutical needs of senior citizens. The Federal Government's Medicare program does not provide for outpatient pharmaceuticals. The public aid...aid to the aged, blind and disabled program does not affect all senior citizens. Indeed this legislation does not affect them all, but it does target the effect to those who are the sickest and the poorest. And those are the people that we must begin serving first and foremost. Issues pertaining to the cost of this program have been

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raised which blew the whole thing all out of proportion. We have carefully crafted this program to provide for co-payments and for an entrance fee. This will keep the cost under control, and indeed the cost is less than the cost of the Governor's own proposal, which he gave to us yesterday, which does not target the population here that needs the help the most. I would remind everybody in closing that this Bill is the number one priority of the Illinois State Council of Senior Citizen Organizations. And I think that it is no time now, with the many crisis facing this state, there is no time now to turn our backs on senior citizens. We must face their problems, address them realistically, and that is why I am asking you to pass House Bill 424."

Speaker Yourell: "Representative Topinka to explain her vote."

Topinka: "We haven't voted yet."

Bowman: "The voting is open."

Speaker Yourell: "Oh, I'm sorry. The voting is still open. Take the record?"

Topinka: "I...well, the question has been called. I'd like to speak to my vote after it's taken."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All in favor will signify by voting 'yes', those opposed will vote 'no'. The voting is open. Now Representative Topinka to explain her vote."

Topinka: "Now I'd like to speak, Mr. Chairman, as well as Ladies and Gentlemen of the House. Very rarely do I rise to explain a vote, because I think it is a silly practice, and it accomplishes very little. However, when a Bill is as bad as this Bill is, I do feel compelled to say something as I did in Committee. I appreciate what Representative Bowman has tried to do with this. I come from a senior citizen district. I mean, it is loaded, and I defy anybody

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else to come up with one that is as packed with as many seniors as I have. And generally speaking, I will be on every one of their Bills, especially when they are just and right and do take a position that can be a benefit to those senior citizens. In concurrence with Representative Vinson, I hope our seniors are very aware that what, on the face, would seem to be something to their benefit at this time, is going to force us all into the position of having to vote for an income tax increase, which the senior citizens in my district have been very vehement about in saying, 'Don't tax us anymore. We have all we can do to just make it now.' Not only that, this particular Bill....it sets up a welfare system in the Department of Revenue that we can ill-afford at this point, both because of the budget as well as the kind of money that we have on hand. It also provides for duplication and possible abuse with federal programs which are now in effect. At the same time, we already have an existent program in public aid which takes care of it. On the whole, this is a very bad Bill. It puts us over. The only way that New Jersey keeps its Bill afloat, or its law afloat, is to have a casino operative so that an extra source of income can be made available. Right now, we just don't have it. I think this is a gross disservice to senior citizens. I do recommend a 'no' vote."

Speaker Yourell: "Representative Preston to explain his vote."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm the person that the previous speaker was looking for, because I have more senior citizens in my district than any other district in Illinois and probably any other district in the United States. The Illinois State Council on Senior Citizen Organizations testified that pharmaceutical assistance programs were their number

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one legislative priority this year and every year in the General Assembly. This program is no give away program. This program was earned by productive lives of the senior citizens themselves. This program was earned by the taxes paid over a long lifetime by these senior citizens. This program was earned by the contributions that these seniors have made to their own lives and to all of our lives as well. By virtue of inflation, by virtue of their longevity, by virtue of circumstances beyond their control, they are relegated to a place where they now need to come to their government to ask for assistance, not a give away program. We don't deal in give away programs. We deal in programs that are deserved and earned by the people of this state. And the senior citizens of Illinois have earned the right to get some assistance and...to enable them to have life-preserving and life-enhancing drugs. This is a good Bill. It's time is now, and I encourage everyone to vote 'aye'."

Speaker Yourell: "The Gentleman from Hardin, Representative Winchester, to explain his vote."

Winchester: "Thank you, Mr. Speaker. Do I have more than one minute to explain my vote? I...no one...I think there's not one single person, Mr. Speaker, on this floor that's opposed to senior citizens, that would not cast all of their votes in support of good worthwhile programs that would be helpful to senior citizens. Someone said this was a bad Bill in substance. I don't know if it's a bad Bill. I don't know if it's a good Bill, and I know that senior citizens do need help. But I think the timing is wrong. We do have a crisis, like Representative Bullock said, a financial crisis in this state. We're facing the possibility of a tax increase. I don't know how I am going to vote on that tax increase, but when I look on the other

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side of the aisle, I have to interpret that every green vote that's up on this Bill is a Bill signifying that they support a tax increase. And if that's the case, then we've got probably more than enough votes to pass out a tax increase...a tax increase without the support of this side of the aisle. We're all for senior citizens. We want to help senior citizens. Senior citizens know that. They know that we took the one penny...the two cents off the sales tax on food. They know that we set up the circuit breaker legislation, increased the homestead exemption to help senior citizens. They know we're in a tight financial dilemma, and I don't think that they expect any one of us to vote for more money over and above the Governor's appropriation Bill to take care of them, to hurt others, other people who are...who are having to pay the taxes. I think that they will give us a time when we address the issue of an income tax, they'll give us the time to come up with ways that we can help them next year. And I would ask for a 'no' vote."

Speaker Yourell: "Representative Neff to explain his vote."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Anyone that's voting for this must be prepared to vote for a very, very large income tax increase, because we're talking about, with this Bill, probably \$34,000,000. We know that the money isn't there, and so I hope everybody that's voting green on this is prepared to vote for a hefty increased tax."

Speaker Yourell: "Representative Wojcik to explain her vote."

Wojcik: "Yes, I'd like to explain my vote. I happen to be a daughter of a mother who's 83 years old, has lived with me for 23 years. The reason she lives with me is because she could not afford to survive on social security. I am voting against this Bill, because I am tired of government

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interference. Her problem is the government's problem, and if it wasn't for the government, she would not be in the predicament she's in today. What we've got to do is start looking at how we can help them, not how we're going to keep giving everything away for them."

Speaker Yourell: "...Currie to explain her vote."

Currie: "Thank you, Mr. Speaker, Members of the House. Somebody referred to a \$34,000,000 price tag for House Bill 424, not according to the fiscal note filed by the Governor's Department of Revenue. They are talking a fiscal consequence of something a little over \$4,000,000. \$4,000,000 requires no tax increase. We might say no to lobster parties in the Governor's mansion and be able to find the dollars to pay for pharmaceutical help for the senior citizens and for the elderly. This Bill deserves a lot more than 61 'yes' votes."

Speaker Yourell: "Representative Tate to explain his vote."

Tate: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. The Speaker, in his recent press conference, had indicated he didn't know how much of the tax increase he could support or how much money we needed in this state. I guess now after today's vote, he can be assured that he'll need 34,000,000 additional dollars."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there's 69 voting 'aye', 44 voting 'no'. This Bill, having received the Constitutional Majority...for what reason do you arise, Representative Vinson?"

Vinson: "I think we ought to have a verification on this, Mr. Speaker."

Speaker Yourell: "The Gentleman requests a verification. Representative Bowman requests a Roll of the Absentees. What reason do you rise, Representative Wolf?"

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Wolf: "Mr. Speaker, may I have leave to be verified?"

Speaker Yourell: "The Gentleman have leave to be verified? Leave is granted. Representative Turner, leave to be verified?"

Turner: "Yes, Sir."

Speaker Yourell: "Leave is granted. Poll the absentees, Mr. Clerk."

Clerk O'Brien: "Poll of the Absentees. Christensen, Richmond and Bonan."

Speaker Yourell: "Representative Bonan votes 'aye'. Mr. Vinson, we are starting with 70 'aye' votes. Proceed with the verification."

Clerk O'Brien: "Alexander, Berrios, Cowman, Braun, Breslin, Brookins, Brummer, Brunsvold, Bullock, Capparelli, Cullerton, Curran, Currie, DeJaegher, DiPrima, Domico, Doyle, John Dunn, Farley, Flinn, Giglio, Giorgi, Greiman, Hannig, Hicks, Homer, Huff, Hutchins, Jaffe, Keane, Kriska, Kulas, Laurino, Leflore, Leverenz, Levin, Marzuki, Matijevich, Mautino, McAuliffe, McGann, McPike, Mulcahey, Nash, Oblinger, O'Connell, Panayotovich, Pangle, Pierce, Preston, Rea, Rhem, Rice, Ronan, Saltsman, Satterthwaite, Shaw, Slape, Steczo, Stuffle, Taylor, Terzich, Turner, Van Dwyne, Vitek, White, Wolf, Younge, Yourell, Mr. Speaker."

Speaker Yourell: "Will the Members be in their seats so we can expedite this verification. Does the Gentleman have any questions of the affirmative?"

Vinson: "Yes, Mr. Speaker. Representative Berrios."

Speaker Yourell: "Representative Berrios is in his seat."

Vinson: "Representative Braun."

Speaker Yourell: "Representative Braun is in the aisle."

Vinson: "Representative Capparelli."

Speaker Yourell: "Representative Capparelli. Representative Capparelli. Is the Gentleman in the chamber? Remove him. Proceed, Sir."



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Vinson: "Representative Domico."

Speaker Yourell: "Representative Ecmico. Representative Domico.

Is the Gentleman in the chambers? Remove him. Proceed."

Vinson: "Representative Giglio."

Speaker Yourell: "Representative Giglio. I can't see back there,

Jim. Representative...is the Gentleman in the chamber?

Remove him. Proceed."

Vinson: "Representative Greiman."

Speaker Yourell: "Representative Greiman. The Gentleman in the

chamber? He'll be right out. Proceed, Sir. Remove him."

Vinson: "Representative Hannig."

Speaker Yourell: "I didn't hear that, Sir."

Vinson: "I see him now. Representative Hicks."

Speaker Yourell: "Representative Hicks is in his seat."

Vinson: "Representative Hutchins."

Speaker Yourell: "Return...excuse me, Sir. Return Representative

Greiman to the Roll Call. Return Representative Capparelli

to the Roll Call."

Vinson: "Representative Hutchins."

Speaker Yourell: "Representative Hutchins is in his seat."

Vinson: "Representative Jaffe."

Speaker Yourell: "Representative Jaffe is right in the press

aisle."

Vinson: "Representative Laurino."

Speaker Yourell: "Representative Laurino. Is the Gentleman in

the chamber? Remove him. Proceed."

Vinson: "Mr. Pangle."

Speaker Yourell: "Mr. Pangle. Representative Pangle's in his

seat."

Vinson: "Mr. Ehem."

Speaker Yourell: "Mr. Ehem. Mr. Ehem is in his seat."

Vinson: "Representative Shaw."

Speaker Yourell: "Representative Shaw is in the aisle."

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Vinson: "Mr. Slape."

Speaker Yourell: "Representative Slape. Representative Slape is  
in the back."

Vinson: "Where?"

Speaker Yourell: "Right going in the washroom. Proceed, Sir."

Vinson: "Mr. Stuffle."

Speaker Yourell: "Representative Stuffle is in his seat. Return  
Representative Laurino to the Roll Call."

Vinson: "Mr. Terzich."

Speaker Yourell: "Representative Terzich is in his seat."

Vinson: "Representative White."

Speaker Yourell: "Representative White is in his seat."

Vinson: "Representative Younge."

Speaker Yourell: "Representative Younge. Representative Younge.  
Is the Lady in the chamber? Remove her. Proceed, Sir."

Vinson: "Representative Breslin."

Speaker Yourell: "Representative Breslin. Representative  
Breslin. Is the Lady in the chamber? Return  
Representative Domico to the Roll Call. Remove  
Representative Breslin. Proceed, Sir. Breslin has  
returned to the floor. Restore her to the Roll Call.  
Proceed, Sir. Any further questions?"

Vinson: "No further questions."

Speaker Yourell: "No further questions. What's the record, Mr.  
Clerk? On this question, there are 68 voting 'aye', 44  
voting 'no', 2 voting 'present'. This Bill, having  
received the Constitutional Majority, is hereby declared  
passed. Appearing on the Order of Special Order of  
Business, Senior Citizens, is House Bill 753. Read the  
Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 753, a Bill for an Act to amend  
Sections of the Revenue Act. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Peoria, Representative

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Tuerk."

Tuerk: "Mr. Speaker and Members of the House, House Bill 753 will allow those senior citizens who are eligible for the homestead exemption to apply for it a little earlier and get them earlier access to the exemption than what is today the law. The law states now that if a person becomes 65 in a, say this particular year, 1983, he cannot apply for the homestead exemption until next year, 1984, which means that he would not get the homestead exemption until 1985. What this Bill does is clarify the language that would allow him to apply during that assessment year; and therefore, as I indicated, give him earlier access to the exemption. I think it is a fair and equitable approach to the homestead exemption. I think it comes closer to the original intent of the law, and I would ask for your favorable support."

Speaker Yourell: "Is there discussion? Being no discussion, the question is, 'Shall this Bill pass?'. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 113 voting...Representative Piel 'aye'. On this question, there are 114 voting 'aye', no voting...none voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Special Order of Business is House Bill 1490. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1490, a Bill for an Act creating the noninstitutional health care services. Third Reading of the Bill."

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

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1490 amends the Act on aging, the

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Department...the Act creating the Department of Rehabilitation Services and the Public Aid Code and requires the Department on Aging, and the Department of Public...Public Aid and the Department of Rehabilitation Services to conduct, for Medicaid applicants, a nursing home prescreening project, a demonstration project that will show nursing home applicants what alternatives may exist within their own communities to nursing home placement, so that more senior citizens might be enabled to stay in their own homes whereby right they ought to be and to stay out of nursing homes whenever that alternative...that alternative is possible. This Bill requires those Departments to have a demonstration project hopefully to be followed later on by similar prescreening programs throughout the State of Illinois to again, to enable seniors to stay in their own homes, and I would ask for your 'aye' vote, and I'd be glad to answer any questions."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall this Bill pass?'. All those in favor will vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 113 voting 'aye', none voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative McCracken 'aye'. Appearing on the Order of Special Order of Business is House Bill 2023. Read the Bill, Mr. Clerk."

Clerk Leane: "House Bill 2023, a Bill for an Act to provide for the authorization of terminally ill persons and the discontinuance of medical procedures. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Sangamon, Representative

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Curran."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2023 is known as the living will Act. I want to tell you what a living will is and why I think that we need to make this law. A living will is a legal document whereby a person who is terminally ill and whose death is imminent may, if they and they alone choose, authorize the discontinuance of life sustaining medical treatment where that treatment will serve only to prolong dying. I believe a living will is an act of wisdom, and love and guidance. But there are three principle things to keep in mind about the living will, and they are these: one, a person has to be terminally ill, and death has to be imminent; two, the voluntary choice made by that person and that person alone is the one we're talking about; and three, we're talking about a person choosing to authorize the discontinuance of their own treatment if that treatment would serve only to prolong dying. We are not talking about discontinuing treatment that could bring about recovery. The next point I think that needs to be made is why we need a living will Act. As many of the Members are aware, there are thousands of Illincis citizens who already have living wills. Some of the Members of this chamber have a living will. But all these living wills are without statutory backing. One of a person's most important wishes to have some control over some of the circumstances of that last part of their life could simply be ignored without this Bill, which provides the statutory backing. Statutory backing is also important to let physicians know that they will not be sued if they comply with the patient's reasonable wishes, as long as a physician has not violated the standard of reasonable professional care. Finally, I believe it's important to all those people who now have

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living wills that this Body not undermine the integrity of their living wills by deciding against such statutory backing. I believe it would be a very unfortunate message to send to terminal patients and their physicians who are involved in these extremely important decisions. I'll answer any questions."

Speaker Yourell: "Is there discussion? The Lady from Cook, Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, for the information of those people to whom this makes a difference, I would like to indicate that the Illinois Federation for Right to Life, the Illinois Pro-Life Coalition, and the Illinois Catholic Hospital Association do oppose this Bill, although I am sure the Gentleman is very well intentioned."

Speaker Yourell: "Further discussion? The Gentleman to close."

Curran: "Mr. Speaker, I want to first respond to that last comment. It is simply not true that there is universal pro-life opposition to this Bill. Absolutely not true. It is also not true that the Catholic Hospital Association is opposed to this. As a matter of fact, I have shown several Members a document issued by the Capitol Hospital Association of America, which includes in it a living will. I want to appeal to the logic and to the reasons...the reasoning of the Members of this House, and I want you to listen, as some of you may be worried about what is...what has just been said about the right-to-life organizations. I want you to listen what has been my experience. I received several pe...several phone calls from people who are interested in defeating this Bill. When I contacted them and told them what the Bill had in it, they were in favor of it. These were right-to-life people who were simply told to make phone calls against this Bill.

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Finally, insofar as the Catholic Church is concerned - and I think that's very important to a lot of you - I want to read from a document which was adopted and undersigned by His Holiness, Pope Paul II. I am going to read one paragraph from there. I have shown this paragraph to many of the Members here. This is Pope John Paul II. 'When inevitable death is imminent, in spite of the means used, it is permitted in conscience to make the decision to refuse the forms of treatment that would only secure a precarious and burdensome prolongation of life, so long as the normal care due to a sick person in similar cases is not interrupted. In such circumstances, the doctor has no reason to reproach himself with failing to help the person in danger.' I apologize to some of you Members. This is not an easy vote. There has been pressure on you, and I apologize for the pressure. I certainly did not bring it. But I want you to understand that this is not an easy vote for me either. I am a right-to-life legislator. I take that very seriously; however, I think this transcends that issue. This is not euthanasia, and it is not anything like it. And I think their opposition to this Bill is misguided. I know it is very well intentioned, but I think it is misguided. I apologize for you...to you for putting you on the spot on such a tough vote, because for many of you, this is a difficult vote. But I want you to understand that for thousands of people in this state and around the country, dying is no picnic either. I ask for a positive vote."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Yourell 'aye'. Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 89 voting 'aye', 18

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voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of... Appearing on the Order of Special Order of Business is House Bill 2085. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2085, a Bill for an Act in relationship to 'gerentetic' (sic - geriatric) medicine and the use of drugs by the elderly. Third Reading of the Bill."

Speaker Yourell: "The Lady from Sangamon, Representative Ohlinger."

Oblinger: "Mr. Speaker and Members of the House, 2085 has two parts to it. The first part puts the Director of the Department on Aging on the Drug Commission. The second part indicates that they should have education for abuse of drugs by the elderly. The Amendment we adopted the other day provides for grants to medical schools and nursing schools for geriatric training for those people so that they know how to treat the elderly people and diseased. I would request your 'aye' vote."

Speaker Yourell: "Is there discussion? The question is, 'Shall this Bill pass?'. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 113 voting 'aye', none voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Special Order of Business is House Bill 2135. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2135, a Bill for an Act to create the Respite Demonstration Program and give families relief from the responsibilities of caring for failed or disabled adults. Third Reading of the Bill."

Speaker Yourell: "The Lady from Champaign, Representative Ohlinger."



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Oblinger: "Sangamon, please. Thank you, Mr. Speaker. I am still from Sangamon. This Bill is the demonstration grant for respite care and care for the elderly abused. The Department on Aging and...along with a few of us here are writing a grant for this kind of care. It would be care for people whose families would like a little respite, a little care to go on vacation, for those people who have problems and have a hard place...to find a place to live, and finally for those people who may be coming home from the hospital and need a place to recuperate. And finally, it is for those elderly abused. We can put abused children in foster homes, abused spouse can go to sojourns, but there is no place for the abused elderly. And these demonstration grants would take care of both of these. I ask for your affirmative vote."

Speaker Yourell: "Is there discussion? The Gentleman from Rock Island, Representative DeJaegher."

DeJaegher: "I rise in support of House Bill 2135, and I would also like to commend the Sponsor of that particular Bill. I realize that she's put many, many hours drafting this particular Bill. It's a Bill that's needed. We've addressed ourselves to concern about how we're going to expend state dollars. She's drafted this Bill into a proportion that no tax dollars will be spent. These funds will be provided by various foundation. It's an excellent Bill. Hopefully that she gets an excellent Roll Call."

Speaker Yourell: "The Lady from Cook, Representative Currie."

Currie: "Question of the Sponsor, Mr. Speaker, if I might."

Speaker Yourell: "The Lady indicates she'll yield."

Currie: "What new initiatives have we seen in the Department on Aging in the last several years, Representative Oblinger?"

Oblinger: "What new...Representative, what new initiatives?"

Currie: "From the Department on Aging in terms of new projects

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like the good project that House Bill 2135 addresses itself to."

Oblinger: "They have supported my in-home community care program, the medi-gap insurance, the reverse mortgage, the age discrimination Bill, and this Bill, and I have to appreciate their support."

Currie: "How about their increase in funding for the new initiatives at the heart of 2135 and some of the other programs you've described?"

Oblinger: "We started out with approximately \$18,000,000 for the in-home care program. It was 9,000,000 that first year for a half a year. It's now to 27,000,000, so that program has increased."

Currie: "Well, my understanding...To the Bill, Mr. Speaker, if I might. My understanding is that there have not been the funding behind some of the new initiatives that would make the in-home care program work better. There instead have been cuts in service to people who had otherwise met eligibility criteria. I think the point of House Bill 2135 is a sound one. I think it's unfortunate that the only way this program can come out of this House is if the funding comes from private foundations rather from...rather than from the Department on Aging budget. I just want to make the point, although it is a good Bill and one we should support, that it is unfortunate that we are...we are dealing with doles from the private sector, because unfortunately the budget cuts have been so intrusive."

Speaker Yourell: "The Lady from Sangamon, Representative Oblinger, to close."

Oblinger: "Thank you very much. I think all of us know we can't...most of us don't change our sex. We don't change our religion. We don't change our color, so we're never going to be in the other person's shoes, but you're all

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going to get old, and you're going to appreciate that at this time. And I would appreciate your 'aye' vote."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 112 voting 'aye', none voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. We're going to now return to page...Okay, now we're going to go to the Order of House Bills Second Reading, Special Order of Business, page three. First Bill is House Bill 375. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 375, a Bill for an Act in relationship to collective bargaining by firefighters. It's been read a second time previously."

Speaker Yourell: "The Gentleman from..."

Clerk Leone: "Amendments #1 and #6 were adopted."

Speaker Yourell: "The Gentleman from Vermilion, Mr. Stuffle. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #7, Madigan - Terzich, amends House Bill 375 as amended."

Speaker Yourell: "For what reason does Representative Vinson arise?"

Vinson: "Mr. Speaker, I think I perceive a lobbyist on the floor of the House. While the Gentleman is a fine Gentleman and a former neighbor, I think it would be appropriate for him to remove himself from the floor of the House."

Speaker Yourell: "In accordance with the rules of the House, will the Gentleman remove his body from this House? The floor of the House. Amendment #9. Is it 9 or 7, Mr. Clerk? Amendment #7. The Gentleman has been asked to remove himself from the floor of the House. Thank you, Sir."

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Amendment #7, Representative Stuffle."

Stuffle: "It's Representative Terzich and Madigan, Mr. Speaker."

Speaker Yourell: "Representative Terzich and Madigan."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, House Amendment #7 simply adds the City of Chicago in the firefighters' collective bargaining agreement. Many of you know that, at the present time, that there is a bargaining agent for the Chicago firefighters. And this will simply include them in the statute."

Speaker Yourell: "The Gentleman moves the adoption of Amendment #7 to House Bill 375. All those in favor will say 'aye', opposed 'no'. The 'ayes' have it. The Amendments...number...adopted. Are there further Amendments?"

Clerk Leone: "Amendment #8, Stuffle, amends House Bill 375 as amended."

Speaker Yourell: "Representative Stuffle on Amendment #8."

Stuffle: "Yes, Mr. Speaker and Members, Amendment #8 puts back into the Bill the correct definition of labor organization, so that the members of a unit may select that representative that they choose in a democratic fashion. One of the prior Amendments mistakenly changed that. This is the same number...what would have been #2 had it been adopted, and I offer Amendment #8 and ask for its adoption."

Speaker Yourell: "The Gentleman moves 'do adopt' Amendment #8 to House Bill 375. Is there any discussion? The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. Will the Gentleman yield to a question?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Hoffman: "The redefinition then would provide that any labor organization, such as the Teamsters or anybody else, could

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represent the firefighters. Is that correct?"

Stuffle: "Of course. Absolutely."

Speaker Yourell: "Is there further discussion? All those in favor will say 'aye', those opposed will say 'no'. The Amendment is adopted. The 'ayes' have it. Are there further Amendments?"

Clerk Leone: "Floor Amendment #9, Tuerk, amends House Bill 375 as amended."

Speaker Yourell: "Representative Tuerk, Amendment #9."

Tuerk: "Mr. Speaker, Members of the House, Amendment #9 makes the arbitration voluntary. It is a voluntary binding arbitration approach instead of the mandatory binding arbitration. Those of you who are opposed to binding arbitration could find this a more palatable approach, and I would move for the adoption."

Speaker Yourell: "Is there discussion? Representative Stuffle."

Stuffle: "Yes, will the Sponsor of the Amendment yield to a question or two?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Stuffle: "Representative, what's the option here if they don't arbitrate? How do you settle the impasse?"

Tuerk: "Maybe you go back to the bargaining table and settle it that way."

Stuffle: "Mr. Speaker, to the Amendment, if you will. That sounds like a good answer, but the whole problem is simply that you wouldn't have an impasse to start with if you could get an agreement with regard to the differences of opinion on the unresolved issues of contract negotiations, which involve firemen in the case of this particular Bill. I rise in opposition to the Amendment. If we had the best of all worlds, we wouldn't have strikes, and we wouldn't need binding arbitration. If you're going to prevent strikes, as has been the experience in other states, you have to

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have an impass mechanism in place that will work in the final analysis. In the absence of binding arbitration with a no strike provision in the Bill, there's no way to finally resolve those differences and come to an agreement. The whole problem is caused by the mere fact you have an impass and the fact that you are unable at that time, per the very definition of an impass, to agree by negotiations. That's why you've gone to arbitration. As I said, we'd all like to have it both ways, no strikes and no need for arbitration. But factually, we can't have it both ways. We've got to have it one way or the other, and in the case of fire and police situations, I think the facts from other states will bear out that no strike provisions where arbitration is put in place works in the case of firemen and policemen. For those reasons, I rise in opposition to Mr. Tuerk's Amendment #9."

Speaker Yourell: "The Gentleman from Adams, Representative Mays, on the Amendment."

Mays: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Representative Tuerk's Amendment. Clearly it is going to make the Bill much more palatable to those of you that might have some reservations about supporting collective bargaining, but you don't necessarily agree with binding arbitrations. Now, there's some very good reasons that you might not support binding arbitration, but you might support collective bargaining. Picture, for instance, the fact....the case where a union representative elected by the...the firefighters in that unit, he's going through the negotiations, and one given firefighter has this interest he wants to take before the panel. They know that it is going to be binding and both parties have to go to it. There is absolutely no incentive on that union representative to settle each and every

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single dispute or single disputed item within that negotiated contract when he knows darn well it is going to be going to binding arbitration anyway. So I think this Amendment is a very good Amendment. It's...and I would urge your support, your 'aye' votes on these."

Speaker Yourell: "Mr. Tuerk, do you wish to close?"

Tuerk: "Mr. Speaker, Members of the House, I'd simply close by reminding the Membership that House Bill 1530, which was sponsored by the Gentleman on the other side of the aisle who opposed this Amendment, had this very same language drafted into 1530. He thought it was a good idea for the House Bill 1530. That's where I picked up the idea of...to amend this Bill. And therefore, that's why I offered the Amendment. And as the previous speaker just indicated, he gave you good reasons why you should support the Amendment. And I would move for the adoption."

Speaker Yourell: "For what reason do you arise, Representative Stuffle?"

Stuffle: "On a point of personal privilege. He obviously..."

Speaker Yourell: "State your point, Sir."

Stuffle: "He obviously referred to me. And just for the record, let me indicate that I answered the question."

Speaker Yourell: "Excuse me for one moment, Sir. Representative Tuerk, for what reason do you arise?"

Tuerk: "Well, point of order. I didn't use the..."

Speaker Yourell: "State your point."

Tuerk: "...Gentleman's name in debate, so therefore, he's...he's not observing the rule on personal privilege."

Speaker Yourell: "Representative Stuffle."

Stuffle: "We all know the reference was to me, and so does he. And nowhere does it say you have to use the name. So I would like to proceed on that point to clear the air. The point of it is, this is not identical language to that

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Bill's Amendment at all, and I'm not the Sponsor of that Bill in the first case. I'm the second...third Sponsor, in fact, of that Bill. That's clearly not true. It's not the case. It's not identical. It's not factual, and it's not even logical, but it's typical of this Sponsor."

Speaker Yourell: "The Gentleman moves 'do adopt' Amendment #9 to House Bill 375. All those in favor will say 'aye', opposed 'no'. The 'nos' have it. The Amendment fails. Further Amendments, Mr. Clerk?"

Clerk Leone: "Floor Amendment #10, Klemm - Tuerk, amends House Bill 375 as amended."

Speaker Yourell: "Representative Flinn, Amendment #10. Klemm, I'm sorry."

Klemm: "Thank you, Mr. Speaker. Amendment #10 simply...really does what the Bill says. The Bill says that strikes are prohibited. This would allow, if Amendment 10 were adopted, to allow that a person...employee who does strike, that if the supervisor employee, with just cause, can terminate the employment of a striking employee. Certainly as long as we have collective bargaining and binding arbitration, it's the intent not to have strikes being legalized. And certainly we all support that, and certainly there should be more disciplinary action than just loss of pay, which obviously wouldn't be appropriate if you're not working anyhow. So I do move its adoption."

Speaker Yourell: "Is there discussion? Being no discussion, is...the Gentleman moves 'do adopt' on Amendment #10 to House Bill 375. All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments, Mr. Clerk?"

Clerk Leone: "Floor Amendment #11, Mays - Tuerk."

Speaker Yourell: "Mr. Mays on Amendment #11."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of



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the House. Amendment #11 is a very simple, straightforward Amendment. It just deletes one paragraph out of the whole Bill. I urge its adoption."

Speaker Yourell: "Is there discussion? There being no discussion, is...the Gentleman moves 'do adopt' Amendment #11 to House Bill 375. All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Any further Amendments, Mr. Clerk?"

Clerk Leone: "Floor Amendment #12, Tuerk, amends House Bill 375 as amended."

Speaker Yourell: "The Gentleman from Peoria, Representative Tuerk, on Amendment #12."

Tuerk: "Mr. Speaker and Members of the House, this Amendment makes the Bill applicable to Chicago, and I'd move for the adoption."

Speaker Yourell: "Is there discussion? The Gentleman moves 'do adopt' Amendment #12. All those in favor will say 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Representative Stuffle, did you want to be recognized?"

Stuffle: "Well, I've had my light on for the last three Amendments, and no one's been recognized in opposition to any of those Amendments."

Speaker Yourell: "Well, it's too late now, Sir. They're adopted."

Stuffle: "Well, I'd like the record to show, as Sponsor of the Bill, since my light's been on, and we're obviously opposed to those Amendments..."

Speaker Yourell: "I didn't see it, Sir."

Stuffle: "Well, you know, you've just adopted three Amendments that the Sponsor of the Bill opposed, and I think the majority of this House would've opposed if you'd heard them. And in fact, if you'd heard them, you'd found that

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one was a dilatory Amendment we've already defeated, and the second one's already been adopted."

Speaker Yourell: "Well, my apology, Sir. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Yourell: "Representative Terzich."

Terzich: "Yes, Mr. Speaker. I move to table Amendments 11 and 12 on House Bill 375. 11 and 12."

Speaker Yourell: "The Gentleman from Cook, Representative Cullerton. Mr. Stuffle."

Stuffle: "Yes, Mr. Speaker. I think you can understand the reason for my outburst. The light was clearly on. In fact, I walked down there at one point to see you, and you continued with the maneuver on this Amendment, which I understand is inadvertent. I would rise to ask Representative Terzich to amend that Motion to table to include Amendments 10, 11 and 12, since I think the vote on that Motion to table will indicate the majority does not favor those Amendments. And in fact, had they been discussed, they would have been tabled, and I would ask you to recognize Representative Terzich for a Motion."

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

Terzich: "Yes, Mr. Speaker. I'd like to renew my Motion that we table Amendments 10, 11 and 12. They weren't even properly..."

Speaker Yourell: "On that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, the Chair has acted in perfect order in this matter. The Gentleman's Motion is dilatory. We've just adopted those Amendments, and now we're going to come back and have another vote on the same thing. The Gentleman's Motion's clearly dilatory. The Chair's behaved

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well in this entire affair. The Chair is to be commended in this case."

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

Cullerton: "Thank you, Mr. Speaker. Representative Vinson has raised a point of order, and I don't think that his point is really well taken. He claims that the Motion to table is dilatory, that the Amendments have been adopted. Well, that's the only way...that's the only time you would make a Motion to table is after the Amendments have been adopted. If they hadn't been adopted, there wouldn't be no reason to make the Motion. That's what we do when we...when certain Amendments have been passed on a number of Bills. If there is a desire later, or we determine that there's something technically wrong with the Amendments, the Motion is to table. And that's what the Gentleman's Motion is to table certain Amendments. In this case, there's nothing technically wrong with the Amendments. The proponents of the Bill, the Sponsors of the Bill, simply wish those Amendments not be...not be on the Bill. Those Amendments were adopted by a voice vote. The Bill has not been moved to Third Reading. It's not the next day. They have just been adopted a few minutes ago, and I would think that clearly on the Motion to table, the Amendments in question are...is certainly in order and appropriate."

Speaker Yourell: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I would inquire of the Chair, did you move...you moved this to Third? Had you moved this to Third yet?"

Speaker Yourell: "No, no."

Hoffman: "Fine, thank you."

Speaker Yourell: "For what reason does the Gentleman arise,

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Representative Matijevich?"

Matijevich: "Only to, in strong terms, agree with what Representative Cullerton has said, because we don't have a record vote of this, and therefore, we cannot determine from the Chair whether someone voted on the prevailing side. So the maker of the Motion is doing the only thing that he can do, and after all, it will be...no? Mike is saying no, my Parliamentarian."

Speaker Yourell: "Excuse me, Representative Matijevich. The Gentleman from Cook, Representative Terzich, is recognized."

Terzich: "Yes, Mr. Speaker, I would like to withdraw my Motion to table and institute a Motion that we reconsider House Bill...or Amendment 10, 11 and 12 to House Bill 375."

Speaker Yourell: "Representative Cullerton on that point. Did you want to be recognized, Sir?"

Cullerton: "He already made the Motion. That's fine."

Speaker Yourell: "The Gentleman from Maricopa, Representative Friedrich."

Friedrich: "I believe a Motion to reconsider is out of order on a voice vote. We've never done it before, and I don't know how you could prove that he voted on the affirmative."

Speaker Yourell: "The Gentleman...the Chair will rule that the vote to reconsider is in order, since there's a presumption on the part of the maker of that Motion that the Gentleman did vote on the prevailing side. Representative Friedrich."

Friedrich: "We're creating a precedent. That's never been done before. We've never reconsidered on a voice vote, and I think you know that. The Parliamentarian knows that, and I know that."

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

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Vinson: "Inquiry of the Chair."

Speaker Yourell: "Proceed."

Vinson: "Did you state that the reason you were ruling that Motion in order is that there's always a presumption that the maker of the Motion to reconsider voted on the prevailing side?"

Speaker Yourell: "In the absence of any record, Representative Vinson, if he...the Gentleman indicates he voted on the prevailing side, the Chair would have to take him at his word."

Vinson: "There is a record, though. The person who offered the Amendment clearly voted on the prevailing side. He's the only person labeled that way. He's the only person that can make such a Motion when it's taken on a voice vote."

Speaker Yourell: "Mr. Vinson, I have ruled that the Gentleman is in...within his rights to move to reconsider the question by which Amendments #10, 11 and 12 were passed. Representative Curran."

Curran: "Point of order, Mr. Speaker."

Speaker Yourell: "What's your point?"

Curran: "Last week, we did the same maneuver in a Bill of mine where we reconsidered on a voice vote. So this is not a new precedent."

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

Vinson: "For the record, the Gentleman who offered the Amendment, the Gentleman who makes the point now, Mr. Curran, was the person who offered the Motion to reconsider."

Speaker Yourell: "The Chair has ruled...the Gentleman has moved to reconsid...having voted on the prevailing side, the Gentleman has moved to reconsider the vote by which Amendments #10, 11 and 12 to House Bill 375 were adopted. On that question, those in favor will vote 'aye', those

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opposed will vote 'no'. The voting is open. And on that Motion, the Clerk will recognize Representative Vinson."

Vinson: "Mr. Speaker, the rules provide that there shall be debate after a Motion's made in this House. You have now denied the right of the Body to debate the Motion. You denied the right of the..."

Speaker Yourell: "I have re..."

Vinson: "...Gentleman making the Motion to open. You denied the right of anybody to respond and the Gentleman to close, and I believe you ought to take this record out and start....permit debate on this subject."

Speaker Yourell: "I have opened it to debate. You are debating the issue now. The Chair recognizes Representative Hallock."

Hallock: "Well, Mr. Speaker, first of all regarding the Motion itself, I believe that Representative Terzich said that he voted on the prevailing side on that Amendment #11 and 12. 12, of course, as we know, put Chicago into the Bill, and what he has said by that statement is that he voted for collective bargaining in Chicago. But I believe the Motion, itself, addressed Motions...the Motion, itself, addressed 11 and 12; whereas, you have said we are now voting on tabling 10, 11 and 12. I believe the Speaker should clarify the record. Are we, in fact, voting on 11 and 12 or 10, 11 and 12?"

Speaker Yourell: "Mr. Hallock, I indicated when I made the direction to Representative Terzich, Amendments 10, 11 and 12 to House Bill 375. For what reason does the Gentleman from Cook, Representative Fiel, arise?"

Fiel: "Mr. Speaker, this is a...this Motion is clearly debatable, and I just thought I'd bring up, you know, the last couple of minutes. Everything was going smooth until about the last three, four minutes. You know, you're establishing a

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very bad precedent. All you would need to do would be to drop the Roll Call. Let everybody debate. You've got the numbers over there. I don't know what anybody's afraid of, any debate or anything like this. Drop the Roll Call. Let the people ask the questions. You didn't even let the maker of the Motion open or close. So what you're doing, you're treading on the rights of both sides of the aisle. Not just one side, but both sides. Now there's no problem with letting them debate the question. It's strictly a debatable Motion, and you should let them debate it."

Speaker Yourell: "Representative Daniels is recognized.  
Representative Daniels is recognized."

Daniels: "Maybe the real Speaker ought to take the podium, Mr. Yourell. In this Body and since January, we've tried to operate on the basis that all Members are entitled to speak. You have shut off the debate. You're making an arbitrary ruling that's setting a precedence in this House, in an effort to abide by the mistakes that you made and to cover up on those mistakes. You, Mr. Speaker, recognized that... the passage of these Amendments, and now you're trying to cover those up. I suggest you very carefully back up. Allow the Members on this side of the aisle to have their say, before you go forcing through a Roll Call. That is, Mr. Speaker, if you want to continue an orderly operation."

Speaker Yourell: "Well, Mr. Daniels, I've indicated that debate has been opened. I think you're debating the issue."

Daniels: "Then shut down the record right now, allow the Members to debate, allow the Members to decide whether or not they want to divide the question, instead of trying to ram this thing through. Right now, Mr. Speaker."

Speaker Yourell: "What Gentleman...what reason does the Gentleman from Lake arise?"

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Matijevich: "Mr. Speaker, I was just listening to the Minority Leader, and it seems to me that his request for a division came after the Roll Call. You know, but now we can divide if he wants to hear each Bill, but we have reconsidered each of them. That's all I'm saying. You can now hear debate on each Bill, but I thought you wanted a Roll Call of the...on the reconsidered on each one of them. That it's too late. That was my only point of order."

Speaker Yourell: "Mr. Daniels, is it your request to dump this Roll Call and take another Roll Call? Is that what you're requesting?"

Daniels: "My request, Sir, is to allow the...at least five Members that had their lights on when you tried to run that Motion through, to give them an opportunity to debate Mr. Terzich's Motion, which we think it out of order and unprecedented in this House to reconsider a voice vote that you accepted, Sir. And some of us on this side of the aisle think you moved that Bill to Third. You tell us you didn't. We'll accept that. Give them an opportunity to address the issue of reconsideration before you put in a Roll Call. And Mr. Vinson then has a Motion to divide the question."

Speaker Yourell: "Is your request then to dump this Roll Call and proceed with another Roll Call with the Gentleman's Motion to allow five Members, as you indicated, to debate the issue from your side of the aisle?"

Daniels: "To dump the Roll Call. Mr. Terzich has put his Motion, and then recognize Members for debate. And when debate is concluded, then put the question."

Speaker Yourell: "Fine. Thank you, Mr. Daniels. Dump this Roll Call. Mr. Terzich is recognized for a Motion."

Terzich: "Yes, Mr. Speaker, as I mentioned before, Amendment 10, 11 and 12 were adopted on some quick voice votes, a



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statement made that all it does was eliminate one paragraph or one sentence, and the other one's something about Chicago. The Sponsors didn't even explain the Amendment, let alone do I understand what it is. And I think it's within my right as a Member of the House that I make this Motion to reconsider the vote by which Amendment #10, 11 and 12 were...they were adopted by, and I would like to have those Amendments reconsidered. That's... It's just that simple."

Speaker Yourell: "The Gentleman from...the Gentleman from DeWitt, Representative Vinson. Representative Johnson on a division of the question. Is that what you're..."

Johnson: "No, pursuant to Rule 73(A), I would move that Representative Terzich's Motion lie on the table."

Speaker Yourell: "Representative Daniels, would you come to the podium, please? Not for a while. A few years, Sir. The Gentleman from Champaign, Representative Johnson."

Johnson: "I would withdraw my Motion to lie on the table."

Speaker Yourell: "Representative Vinson."

Vinson: "Move to divide the issue."

Speaker Yourell: "The Gentleman has moved to divide the question. Representative Terzich moves to reconsider the vote. Having voted on the prevailing side, the Gentleman moves to reconsider the vote by which Amendment #10 was adopted. On that question, the Chair recognizes Representative Friedrich."

Friedrich: "Are you going to rule that his Motion's in order? If you are, I want to appeal the ruling of the Chair. And let me tell you this, I've been in the General Assembly for 20 years, and I've never made that Motion. I've supported it a few times, but you're so blatantly wrong that I appeal the ruling of the Chair and let the chips fall where they may. I'm sorry to do that, but never, never is there any

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precedent for having taken an oral Roll Call and letting the person say he voted on the prevailing side. You know that. Mr. Getty knows that, and the rest of us know that. So I think it's a dangerous precedent for that reason alone. For the first time in 20 years, I'm making that Motion."

Speaker Yourell: "Representative Friedrich, the Motion is to reconsider the vote by which Amendment #10 was adopted. Mr. Friedrich."

Friedrich: "Well, Mr. Daniels has convinced me that it is a purposeless Motion, but I want to impress on you, Mr. Speaker, and anyone else who sits in that Chair, that I never want to hear that ruling again."

Speaker Yourell: "You withdraw your Motion to appeal the ruling of the Chair? Alright, on the question, Representative Hallock."

Hallock: "Thank you, Mr. Speaker. On the Motion. I would say that according to what Dwight has also said, it is absolutely impossible for you to determine that Terzich, in fact, voted on the prevailing side. As a matter of fact, I would surmise Representative Terzich, who does such a good job on so many issues, probably, probably, in fact, I bet did vote 'no'. So, in fact, to his credit, he probably voted 'no' on this and did not, therefore, vote on the prevailing side and, therefore, improperly is making this Motion."

Speaker Yourell: "The Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Mr. Speaker. I think the mover had indicated that the description or explanation of the Amendments was simply a technical change or a line change, and let me just explain that in Amendment 10 that I sponsored was, I thought, clearly explained. I thought the intent was

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clear. I certainly didn't think that it was a matter of a technical Amendment, because I never use that terminology. I thought it was quite honestly and openly done, and I'm surprised that the Sponsor...or the mover of this Motion would indicate that was otherwise on Amendment 10."

Speaker Yourell: "Is there further discussion? The Gentleman has moved to reconsider the vote by which Amendment #10 was adopted. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Motion to reconsider the vote prevails with a vote of 68 'ayes', 45 voting 'no'. The Gentleman's Motion is adopted. The Gentleman moves now to reconsider the vote by which Amendment #1 to House Bill 375 was adopted. #11. Take the record, Mr. Clerk. On Amendment #10. On this question, there are 68 voting 'aye', 45 voting 'no', and the Gentleman's Motion prevails. Representative Terzich. For what reason does Representative Klemm arise?"

Klemm: "Well, Mr. Speaker, I believe we just reconsidered. I understand it passed, and now we're back on Amendment 10. Is that my understanding?"

Speaker Yourell: "Representative Tuerk is recognized on Amendment #10. For what reason do you arise, Representative Davis?"

Davis: "Well, I think the posture we're in, Mr. Speaker, is that Amendment 10 is now under consideration again. You should recognize the Sponsor, whoever that was. I don't remember, frankly."

Speaker Yourell: "That's what I did. Representative Klemm."

Klemm: "Thank you, Mr. Speaker. I was...appreciate your recognizing me as the Sponsor of the Bill or of the Amendment. Again, let me simply explain Amendment #10 again. Number...as you know, House Bill 373 (sic - 375) clearly states that strikes are prohibited. It's a

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collective bargaining Bill with mandatory arbitration. I have no problems with that Bill, but I do feel that as long as it's the policy of both...this Bill of making strikes being prohibited, that certainly then Amendment #10 is appropriate, which would say that if a person were to engage in an illegal or an unauthorized strike, which is supposed to be prohibited, that with just cause, they could possibly be terminated from employment. I think it is a simple, straightforward Amendment. I think it...all it does is reiterate the intent of the Sponsor of the initial Bill saying that strikes should not be pro...allowed. And therefore, I move its adoption."

Speaker Yourell: "On Amendment #10, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker, on Amendment #10. This was discussed in part between the maker of the Motion on the Amendment, and the Sponsor of the Amendment and myself in Committee. Let me point out to the Members of the House the problem with this Amendment is simply, the Bill already provides for docking that person who participates in a strike under the Bill. Yet this Amendment would allow the City, under its language, to fire a person. It says 'with just cause'. But the way this Amendment's written, it does not provide that that just cause is determinable by a court of law. It would allow the City to decide on its own where just cause exists and to fire an employee as part of a disciplinary measure permitted under this Bill if the Amendment is approved. For those reasons and the fact that the Bill already proscribes reimbursement for periods when it's striking, I would urge a 'no' vote, because it simply isn't a fair method of dealing with the issue, and the Bill already deals with it. It ought to be left to the courts to make that determination. And, in fact, the courts have held that the biggest issue involved in one of these

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questions is what the public policy section says. And I can tell you that if you pass this Amendment, it would let the City make that determination, not the courts, as to what just cause is, and it ought to be defeated for those reasons."

Speaker Yourell: "Is there further discussion? Being no further discussion, do you wish to close, Representative Klemm? Proceed."

Klemm: "Alright, well, I'm surprised, because the whole purpose, I understood earlier, of collective bargaining and the provisions therein is to prevent costly strikes. So therefore, I'm not looking for any strikes. And doesn't it seem appropriate, though, that those who decide that even with the total mechanism of collective bargaining and arbitration and all that, that you can work out your problems, that somebody should strike, and that if they do go on strike, what we'll do, which is fair, is that we just won't pay them. And that's what the Bill says. And isn't...it really mean more than just loss of pay? Then what are we worrying about strikes for? It seems to me that with just cause, it means that, yeah, maybe somebody has some reason. But I can just see some people saying on a wildcat strike, 'Let's just do something.' And homes are either burning, and children are perhaps even in the fire, and we're saying, 'Well, you lose your pay if you don't want to fight that fire.' That's ridiculous, and you know it is, and I am sounding ridiculous even trying to repeat it, but that's what you're saying. This Bill just simply says, 'Hey, you've got all the mechanisms there. There's no problem with it. But if you're still not going to follow the law of Illinois and still want to just be fragrantly disregarding what the intent of this Bill is and go on and strike, that at least maybe you will lose your

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job.' And I do think it's an honest approach to it, and I do ask for your support."

Speaker Yourell: "The Gentleman moves 'do adopt' Amendment #10 to House Bill 375. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 49 voting 'aye', 63 voting 'no'. And the Motion fails. The Amendment's lost. Are there further Amendments? The Gentleman from Cook, Representative Terzich, is recognized for a Motion."

Terzich: "Yes, Mr. Speaker, I make a Motion that we reconsider the vote by which Amendment #11 to House Bill 375 was adopted."

Speaker Yourell: "On that question, the Gentleman from Adams, Representative Mays."

Mays: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This may come to the makers of the Motion's surprise, but I support this Motion to reconsider the vote on this Amendment. This Amendment did not receive adequate discussion, and that's fine with me, but I think due to the implications of this Amendment on the Bill, maybe we should discuss it. What this Amendment does is exempt...take away the state mandates exemption. We've been doing that right and left in this Session of the General Assembly this whole year, and I don't really think we take heed of what we're doing when we're doing it as this adoption of the Amendment showed. So I support the Sponsor's Motion to reconsider this Amendment, and I think we should fully discuss it."

Speaker Yourell: "Is there further discussion? There being no further discussion, the question is, 'Shall the vote by which Amendment #11 was adopted be reconsidered?'. All those...on that question, Representative Stuffle.

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Incidentally, your light is not working, Sir. On that question, all those in favor will vote 'aye', those in...opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? On this question, there are 75 voting 'aye', 38 voting 'no'. The Gentleman's Motion prevails, and we have reconsidered the vote. On the Amendment, the Gentleman from Peoria, Representative Tuerk. Was that your Amendment? Mays, Representative Mays. Proceed."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. As I said when I supported the Motion to reconsider on this Amendment, we have been adopting exemptions to the State Mandates Act on absolutely every Bill that has any fiscal implication for local governments in hopes of enhancing their chances for the Governor's signature. I am clearly doing a straightforward thing in this Amendment, as I said when we first discussed it. I am deleting that Section which exempts the State Mandates Act, because clearly in my mind, we are mandating on local units of government not only binding arbitration, but every procedure and negotiation leading up to that point and beyond. So I would ask for an 'aye' vote on Amendment #11."

Speaker Yourell: "On that question, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, I won't make the obvious request that this be ruled dilatory, but it may well be. We have had an intervening Amendment, but, in fact, we defeated this same Amendment with regard to striking the same language that was in the Bill prior to Amendment #6. We placed each of the collective bargaining Bills in the same posture regarding the Mandates Act. I think this Bill should be no different, and I reiterate that we have already defeated exactly the same Amendment in terms of the

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subject matter that it deletes yesterday in this House, and I would ask for a 'no' vote."

Speaker Yourell: "The Gentleman moves 'do adopt' on Amendment #11 to House Bill 375. All those in favor will vote 'yes', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? On this question, there are 49 voting 'aye', 60 voting 'no'. And this Bill, having failed to receive the required number of votes, is lost. The Gentleman from Cook, Representative Terzich, for a Motion."

Terzich: "Mr. Speaker, I believe you didn't mention what was the disposition of Amendment #11."

Speaker Yourell: "I said it failed."

Terzich: "Alright."

Speaker Yourell: "The Amendment."

Terzich: "Now I make a Motion to reconsider the vote by which Amendment #12 was adopted on House Bill 375."

Speaker Yourell: "On that question, the Chair recognizes Representative Hallock."

Hallock: "Yes, just to clarify. I'd like to make sure that what the Representative is saying thereby is that he believes downstate firefighters should have collective bargaining, but Chicago firefighters should not. Is that your correct position?"

Terzich: "I don't know what the question is. We already added them on with Amendment #7. I really don't know what Amendment #12 did, because it wasn't explained to the Membership."

Hallock: "Well, Amendment #12 puts Chicago into the Bill."

Terzich: "We already have collective bargaining."

Speaker Yourell: "Representative Tuerk."

Tuerk: "Mr. Speaker, Members of the House, I was unaware that Amendment #7 had finally been adopted. There was some



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confusion, and Amendment #7 does do exactly what I had purported to do in Amendment 12. So I have no problem with reconsidering. And then at the appropriate time, I'll withdraw #12 to make it orderly."

Speaker Yourell: "Representative Stuffle. The Gentleman has moved to withdraw Amendment #12 to House Bill 375. Representative Stuffle."

Stuffle: "He can't do that, I don't believe. It's already been adopted. We've got to go through the procedure of reconsideration."

Speaker Yourell: "Alright. The Gentleman has moved to reconsider the vote by which Amendment #12 to House Bill 375 was adopted. On that question, is there any discussion? There being no discussion, all those in favor vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? On this question, there are 106 voting 'aye', 3 voting 'no', and the Gentleman's Motion prevails. And on that Motion, Representative Tuerk is recognized."

Tuerk: "Well, Mr. Speaker, as I mentioned a moment ago, I will now withdraw Amendment #12, because, as I understand it, it had been adopted previously in Amendment 7."

Speaker Yourell: "Does the Gentleman have leave? Amendment #12 is withdrawn. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Yourell: "Third Reading. Appearing on the Order of Short Debate, Special Order of Business, is House Bill 767. Read the Bill, Mr. Clerk. Second Reading, I'm sorry. Mr. Clerk, are there Amendments?"

Clerk Leone: "House Bill 767, a Bill for an Act to authorize organizational representation of collective bargaining for police officers in units of local government. Has been read a second time previously. Amendments #1 was adopted

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in Committee. Amendments #2 and 3 lost. Amendment #4 was adopted in Committee, and Amendment #5 lost."

Speaker Yourell: "Are there further Amendments?"

Clerk Leone: "Floor Amendment #6, Stuffle, amends House Bill 67...767 as amended."

Speaker Yourell: "Representative Stuffle."

Stuffle: "I'd like to withdraw Amendment #6 and proceed with #7."

Speaker Yourell: "Amendment #6 is withdrawn. Are there further Amendments?"

Clerk Leone: "Floor Amendment #7, Stuffle - Matijevich, amends House Bill 767 as amended."

Speaker Yourell: "Representative Stuffle, Amendment #7."

Stuffle: "Yes, Mr. Speaker and Members of the House. Amendment #7 places the language of this collective bargaining Bill regarding policemen in the same posture as the firemen's collective bargaining Bill, with regard to those provisions which allow units of local government to conduct their own bargaining and arbitration programs, so long as they're in place, consistent with this particular Bill. It allows for a waiver to be granted by the Director of the Department of Labor where he finds that to be the case and states the necessary language with regard to the issue of home rule so that both Bills are consistent. And I move adoption of Amendment #7."

Speaker Yourell: "The Gentleman moves...moves adoption of Amendment #7 to House Bill 767. On that question, the Gentleman from Adams, Representative Mays."

Mays: "Thank you, Mr. Speaker. Will the Gentleman yield please?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Mays: "Larry, what exactly does Section 26 of this Amendment do?"

Stuffle: "Well, Section 26 is necessary, because of Section 27. Section 27 sets out, as did Amendment #1 to the firemen's Bill in Committee and subsequent Amendment #6 to that Bill,

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and now this is with regard to police putting in the same language. 27 provides that they can have...that the law in place with this Bill is the exclusive method for regulating collective bargaining, unless, unless the unit of government and the employee, if you will, can show that they have a level of collective bargaining and arbitration consistent with the Act. If they do, they could get a waiver to conduct their own program. It's necessary then because of the concurrent jurisdiction provision there, to then put in place the right language with regard to home rule in Section 26 which refers to concurrent exercise by home rule units of powers consistent with the Act."

Mays: "So this Amendment then says that if they've got something going that is identical or very like the Act that we're passing or you hope to pass tomorrow or the next day, then they are not preempted from going ahead along those lines. But any unit of government that does not have something along these lines in this Bill would then have to have something at the end of their negotiations period. Is that correct?"

Stuffle: "Roughly I would say what you said is accurate. It's a provision for a concurrent exercise of jurisdiction where at least those level of rights and benefits are the same as the law, and a waiver is allowed."

Speaker Yourell: "Is there further discussion? Being no further discussion, the Gentleman has moved 'do adopt' Amendment #7 to House Bill 767. All those in favor will say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Yourell: "Representative Piel, for what reason do you rise?"

Piel: "Just thought I would ask a question of the Chair, Mr.

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Speaker. Before we throw this to Third Reading, as I recall, Amendment #4 changed the title. Is that correct? Would you check with the Clerk and see if that's correct? And if that is the case, I think we have to go back to Second Reading First Legislative Day."

Speaker Yourell: "Representative Stuffle."

Stuffle: "Yes, Mr. Speaker. I move to suspend Rule 36(D) with regard to this particular Bill and to advance the Bill to the Order of Third Reading."

Speaker Yourell: "The Gentleman has moved to suspend the provisions of Rule 36(E) (sic - 36(D)) in order to move this Bill to Third Reading. On that question, is there discussion? All those in favor will signify by saying 'yes', those opposed 'no'. The 'ayes' have it. The Gentleman's Motion prevails. Representative Stuffle, Third Reading. The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very much, Mr. Speaker. I would like to bring to your attention and for your consideration and consideration of the Parliamentarian, I don't believe we can suspend rules on a voice vote according to our rule, and I would bring that rule to your attention, Sir."

Speaker Yourell: "Your point is well taken, Representative Hoffman. All those in favor will vote 'aye', those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? On this question, there are 68 voting 'aye'...67 voting 'aye', 48 voting 'no', and the Gentleman's Motion prevails. Third Reading. Appearing on the Order of Second Reading is House Bill 799. Read the Bill, Mr. Clerk. For what reason does the Gentleman from DeWitt, Representative Vinson, arise?"

Vinson: "Mr. Speaker, how did you get to that Bill?"

Speaker Yourell: "We went to the Order of Second Reading on those

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Bills that were on a Special Order of Business. We've been on that Order for quite a while."

Vinson: "Thank you."

Speaker Yourell: "On the Order of Second Reading appears House Bill 927. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 927, a Bill for an Act to amend the Election Code. Second Reading of the Bill. No Committee Amendments."

Speaker Yourell: "Representative Jaffe. Are there further Amendments?"

Clerk Leone: "Floor Amendment #1, Cullerton, amends House Bill 927 on page seven and so forth."

Speaker Yourell: "Representative Jaffe."

Jaffe: "Yes, Amendment #1 is an agreed Amendment. It is really a technical Amendment, and I would move its adoption."

Speaker Yourell: "The Gentleman moves 'do adopt' on Amendment #1 to House Bill 927. Is there discussion? Being no discussion, all those in favor will say 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #2, Olson, amends House Bill 927 on page three and so forth."

Speaker Yourell: "Representative Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Reference to House Bill 19...927 is the intention of the Sponsor to put precinct ballot counters in every precinct in the State of Illinois. And if that's the case, rather than have county government pick up the cost, my Amendment provides that the cost of such proceeding shall be paid for by the state or in the area of \$60,806,000. I move the adoption of this Amendment."

Speaker Yourell: "The Gentleman moves for the adoption of Amendment #2 to House Bill 927. Is there discussion?"

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Representative Jaffe."

Jaffe: "Well, Mr. Speaker, I rise in opposition to this Amendment. Of course, it's a specious Amendment, and it's not really put in very seriously. Again, nothing can convince me that the Gentleman on the other side wants the state to pick up \$16,000,000 of expenses. As a matter of fact, where he'd have put this to a...to a Roll Call vote, I doubt if he would get three votes on his side of the aisle. I mean, it's just a silly Amendment. We ought to defeat it, and I would urge a 'no' vote on it."

Speaker Yourell: "Is there further discussion? Do you wish to close, Representative Olson?"

Olson: "Yes, Mr. Speaker, I wish to address the issue that was addressed by Representative Jaffe. This is not a facetious Amendment. Let me quote you the cost that your original Bill has directed to some counties in my district or in my area: Bureau County, \$177,000; DeKalb County, \$219,000; Lee County, my home county, \$144,000; Ogle County, \$153,000; Stevenson County, \$138,000; Whiteside County, \$180,000; Winnebago, \$348,000. This was not my Bill. This was your Bill. We can't pass this cost off to local government. You know, where I live in the small county of Lee, we have our elections over by 9 or 9:30 at night by bringing these ballots into a central counting station. I, therefore, urge the adoption of this Amendment."

Speaker Yourell: "The Gentleman has moved 'do adopt' Amendment #2 to House Bill 927. All those in favor will say 'aye', those opposed will say 'no'. Want a Roll Call? All those in favor will vote 'yes', all those opposed will vote 'no'. The voting is open. The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, if I could explain my vote. First of all, I

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rise in opposition, of course, to this Motion. The Body should know that Amendment #3 will be offered by the Sponsor of the Bill, which will only make this Bill apply to DuPage County where most of the vote fraud has been taking place, and I would also point out that Cook County...Cook County - and I might point out also, that's where I grew up, and I am very familiar with the vote fraud out there. Cook County has already made these expenditures. We already have all of these machines in each precinct. So I don't think anybody has to worry about the fact that it's too costly. It's only going to apply to DuPage County. It's the fourth richest county in the United States. I'm sure that they can afford to pay for these machines, just as we have in Cook County. So I would ask for...for you to please vote 'no' on this Amendment."

Speaker Yourell: "Have all voted who wish? Representative Olson."

Olson: "Mr. Speaker, to explain my vote. My record indicates that Cook County, without statutory authorization, began using these ballot counters in November of 1976. So I don't think we can use that as a criteria for putting these anywhere else or in DuPage County. So again, I renew my...ask for support of House Bill...of Amendment #2 to House Bill 927. If we're going to do this, then we should make it applicable across the state, and the state should pick up the cost."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? On this question, the lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I rise in support of this Amendment. We can't vote on the basis of some subsequent Amendment that may or may not be adopted to this Bill. The Bill as it stands now would, in fact, put

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an unreasonable burden on many of our counties. We certainly cannot afford in Champaign County or in, I would assume, any of our downstate counties, to have this additional expense placed upon our county clerk's office. And I urge a 'yes' vote on this Amendment."

Speaker Yourell: "Mr. Clerk, take....have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Jaffe."

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

Speaker Yourell: "The Gentleman has asked for a verification of the affirmative. Will the Members please be in your seats? The Gentleman asks for a Poll of the Absentees, Mr. Jaffe? Poll the absentees."

Clerk Leone: "Poll of the Absentees. Earnes, Christensen, Flinn, McAuliffe, Richmond and Younge."

Speaker Yourell: "Proceed with the verification of the Affirmative Roll Call."

Clerk Leone: "Poll of the Affirmative. Farger, Birkinbine, Brummer, Brunsvold, Churchill, Cowlshaw, Daniels, Davis, DeJaegher, Deuchler, Didrickson, Ralph Dunn, Ebbesen, Ewing, Virginia Frederick, Dwight Friedrich, Hallock, Harris, Bastert, Hawkinson, Hensel, Hoffman, Homer, Johnson, Karpel, Kirkland, Klemm, Koehler, Leverenz, Mautino, Mays, McCracken, McMaster, Mulcahey, Neff, Nelson, Oblinger, Olson, Pangle, Bernard Pedersen, William Peterson, Piel, Pullen, Reilly, Ropp, Satterthwaite, Stuffle, Tate, Topinka, Tuerk, Van Dwyne, Vinson, Wait, Winchester, Wojcik, Woodyard and Zwick."

Speaker Yourell: "Questions of the affirmative, Mr. Jaffe."

Jaffe: "McCracken."

Speaker Yourell: "Pardon me? I didn't hear that."

Jaffe: "McCracken."

Speaker Yourell: "Who?"



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Jaffe: "McCracken."

Speaker Yourell: "Representative McCracken is in his seat."

Jaffe: "Representative Davis."

Speaker Yourell: "Representative Davis. Representative Davis in the chamber? Remove him. For what reason does Representative Leverenz arise?"

Leverenz: "Please record me 'no'."

Speaker Yourell: "Record the Gentleman as 'no'. Representative Mulcahey votes 'no'. Representative Stuffle votes 'no'. Representative Barnes. How is the Lady recorded?"

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

Barnes: "Please vote me 'aye'."

Speaker Yourell: "Vote the Lady 'aye'. Proceed. Representative Van Duyn, do you wish to be recognized? Sit down. Any further questions, Mr. Jaffe?"

Jaffe: "Balph Dunn."

Speaker Yourell: "Mr. Dunn is in his seat."

Jaffe: "Representative Neff."

Speaker Yourell: "Representative Neff is in his seat."

Jaffe: "Representative Hannig."

Speaker Yourell: "Representative Hannig is in his seat."

Jaffe: "Representative W. Peterson."

Speaker Yourell: "Representative Peterson was that? Did you say Representative Peterson?"

Jaffe: "Eight."

Speaker Yourell: "He's in his seat."

Jaffe: "Representative Homer."

Speaker Yourell: "Representative Homer is in his...where is he? Representative Homer. Is the Gentleman in the chambers? Remove him. Representative Pangle. Record the Gentleman as 'no'."

Jaffe: "Representative Winchester."

Speaker Yourell: "Representative Winchester's in his seat."

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Jaffe: "Representative...Representative Wojcik."

Speaker Yourell: "Representative Wojcik is in her seat."

Jaffe: "That's all the questions that I have, Mr. Speaker."

Speaker Yourell: "No further questions. What's the record, Mr. Clerk? On this question, there are 52 voting 'aye', 59 voting 'no', and the Gentleman's Motion prevails...is adopted. Representative Olson."

Olson: "Mr. Speaker, would we please verify the Negative Roll Call?"

Speaker Yourell: "The Gentleman has requested a verification of the Negative Roll Call. Proceed, Sir."

Clerk Leone: "Poll of the negative. Alexander, Berrios, Fowman, Braun, Breslin, Brookins, Bullock, Capparelli, Cullerton, Curran, Currie, DiPrima, Domico, Coyle, John Dunn, Farley, Giglio, Giorgi, Greiman, Hannig, Hicks, Huff, Hutchins, Jaffe, Keane, Krska, Kulas, Laurino, LeFlore, Leverenz, Levin, Marzuki, Matijevich, McGann, McFike, Mulcahey, Nash, O'Connell, Panayotovich, Pangle, Pierce, Preston, Bea, Rhem, Rice, Bonan, Saltsman, Shaw, Slape, Steczo, Stuffle, Taylor, Terzich, Turner, Vitek, White, Wolf, Yourell and Mr. Speaker."

Speaker Yourell: "Questions of the negative, Representative Olson."

Olson: "Thank you, Mr. Speaker. Representative Capparelli, is he in his chair?"

Speaker Yourell: "Representative Capparelli. Representative Capparelli. Is the Gentleman in the chambers? Remove him."

Olson: "Representative Domico."

Speaker Yourell: "Representative Domico. Representative Domico. Is the Gentleman in the chamber? Remove him."

Olson: "Representative Hicks."

Speaker Yourell: "Representative Hicks is in his seat."

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Olson: "Representative Huff."

Speaker Yourell: "Representative Huff. Representative Huff. Is the Gentleman in the chambers? Remove him."

Olson: "Representative Laurino."

Speaker Yourell: "Representative Laurino. Representative Laurino. Is the Gentleman in the chambers? Remove him. For what reason does the Gentleman from Cook, Representative Brookins, arise?"

Brookins: "Leave to be verified."

Speaker Yourell: "Leave to be verified. Leave is granted. Proceed, Sir."

Olson: "Representative McPike."

Speaker Yourell: "Representative McPike."

Olson: "Well, he's not here."

Speaker Yourell: "Representative McPike. Remove the Gentleman."

Olson: "Representative Nash. There he is. I see him."

Speaker Yourell: "Representative Nash is in his seat."

Olson: "Representative O'Connell."

Speaker Yourell: "Representative O'Connell's in his seat."

Olson: "Representative Bea. I see him."

Speaker Yourell: "Representative Bea is in his seat."

Olson: "Representative Shaw."

Speaker Yourell: "Representative Shaw is in the aisle."

Olson: "Representative Terry Steczko. I see him back there sitting down."

Speaker Yourell: "In his seat."

Olson: "Representative Stuffle."

Speaker Yourell: "Representative Stuffle. Representative Stuffle. The Gentleman in the chamber? Remove him."

Olson: "Representative White."

Speaker Yourell: "Representative White. Representative White. The Gentleman in the chambers?"

Olson: "I see him."

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Speaker Yourell: "Be over there."

Olson: "Representative Turner."

Speaker Yourell: "Turner, Representative Turner. Representative Turner. The Gentleman in the chambers? Remove him. Return Representative Stuffle to the Roll Call. Representative Younge, for what reason do you rise? Votes 'no'. Record the Lady as voting 'no'. Are there any further questions? Yes, whatever he voted. Representative Stuffle is recorded as voting 'present'. Now he changes to 'no' and restored to the Roll Call. Representative Capparelli. Return the Gentleman to the Roll Call. What's the record, Mr. Clerk? On this question, there are 52 voting 'aye', 55 voting 'no', and the Amendment fails. Are there further Amendments?"

Clerk Leone: "Amendment #3, Jaffe, amends House Bill 927 on page one and so forth."

Speaker Yourell: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker and Members, what Amendment #3 does is it limits the application of the precinct county requirement to counties with population of 500,000 persons or more. That means that it would only be limited to Cook County and DuPage County. And as you know, Cook County does it already. So this would really bring DuPage County into the 20th Century. It's about time DuPage County had free and honest elections like Cook County does, and I would urge an 'aye' vote on this."

Speaker Yourell: "The Gentleman has moved 'adcpt' Amendment #3. Is there discussion? The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Mr. Speaker, Ladies and Gentlemen of the House, I'm shocked and chagrined that the maker of this Amendment would make any suggestion that elections in DuPage County were other than some of the best in the nation. They are,

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and the history of that County will show that to be the case. All you have to do is to look at recent elections in the City of Chicago and compare them, if you will, to what happens in DuPage County, and you will know that you're talking apples and oranges. You need more than a set of equipment in polling places in Chicago to get the kinds of elections that we get in DuPage County. Now, Ladies and Gentlemen of the House, what this Amendment does is to place upon our county the cost of \$1,767,000. There is absolutely no need to place this burden upon the taxpayers of DuPage County. The taxpayers of DuPage County are very happy with the way elections are run. They know that the elections are run fair and honestly. We have members of both political parties represented in the precincts, honest legitimate members of each party. There are members of each political party on our County Board of Elections, and there are members of both political parties in the stations on the election eve when we return those ballots. Those ballots are taken from the polling place to the counting station by...with a member of each political party entrusted with that responsibility. No one and no taxpayer in our county, Democrat or Republican, is going to want to have a \$1,767,000 taken out of their pocket. And for that reason, Mr. Speaker, Ladies and Gentlemen of the House, I would ask you all to rise up as if this were your county that this was being capped upon and vote against this Amendment."

Speaker Yourell: "Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this very fine Amendment. This Amendment says that DuPage County and Cook County must have these counters in each precinct. In Cook County, as has been stated, we already have these counters

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in each precinct. This would simply say that the County of DuPage would also have to have these counters. The previous speaker spoke about the fine elections that they have in DuPage County, and it's true. They do have fine elections. As a matter of fact, in elections for Judge in the entire history of the County, there's only been one Democratic Judge who's ever been elected. That was in 1932, and the poor fellow died three years later of a heart attack. 164 years and only one Democratic Judge. I'd call that very good elections, and that's what he said. Now, I want you to know that my poor mother used to be a Democratic Judge out in DuPage County. When people came in about 12 o'clock after about five hours and they asked for a Democratic ballot, they couldn't find any. They didn't even have any in the precinct. So I think that it is time for reform. The question in this Amendment is, is DuPage County ready for reform? I say it is, and I think that this is a very fine Amendment. I think that the small cost of \$1,760,000 (sic - \$1,767,000), which will be borne by the fourth richest county in the United States, is a small price to pay for reform, and I certainly hope that all of you would support this fine Amendment."

Speaker Yourell: "Representative Olson."

Olson: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Our two learned colleagues from the other side of the aisle are ignoring one very important aspect of this Amendment, and I am chagrined that they have neglected to indicate that the Illinois Constitution says the Election Law must be general and uniform. Now you not only violated the Law in 1976 by putting the precinct counters in Chicago - where I didn't notice last November they were of much help - and now you're seeking to impose them on another county. So I would ask that you would reject this

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Amendment on the basis of constitutional law. That's what we're here for. I vote that you do not support this Amendment."

Speaker Yourell: "Is there further discussion? Representative Jaffe, you want to close?"

Jaffe: "Yeah. First of all, Mr. Speaker, with regard to constitutionality, the Gentleman's completely, totally wrong. There are already three Articles in the Election Code dealing with registration depending upon size and convenience, and I would tell him that DuPage County has already received special treatment in that they are the only county that has a County Board of Election Commissioners and not a county clerk that takes care of it. And it's about time that Representative Olson realized that. In addition to that, Representative Hoffman says no member...nobody in DuPage County would want it. Well, I want to tell you that the reason I've introduced this Bill is because ex-Speaker Bedmond wanted it, and ex-Speaker Bedmond has said that the...the method of counting ballots in DuPage County is so notorious and so terrible that it's about time that they did have some reform there. Why are the people...why are the other people on the other side of the aisle so afraid to have their ballots counted in the polling places? We do it in Cook County. We have people there from both political parties. We have people there from the League of Women Voters. We have people there from Operation PUSH. We have people there from the media. Are they afraid to open up their polling places? Evidently they are. I think that this is a reform Bill. You should give it an 'aye' vote, and you should be ashamed if you don't vote for this particular concept."

Speaker Yourell: "Representative Olson, for what reason do you rise?"

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Olson: "Mr. Speaker, I just want to indicate that I would like a Roll Call vote on this Amendment."

Speaker Yourell: "Thank you. The Gentleman has moved. For what reason does the Gentleman from E...Representative Vinson, arise?"

Vinson: "Mr. Speaker, if you would examine Amendment #3, specifically the portion in lines 8, 9 and 10 of the Amendment, read that against the Bill, that portion of the Amendment would amend page three of the Bill. It would change lines 25 and 26 on page three of the Bill. It would, therefore, take out lines 25 and 26, that portion which is there which is currently the present statute. As a result of doing that, it would fall afoul of the constitutional provision which says that, 'An Act... A Bill which amends an Act shall set forth fully those provisions of the Act that are to be amended.' And because of that, I would ask the Chair to rule the Amendment out of order."

Speaker Yourell: "Representative Vinson."

Vinson: "For the benefit of the Parliamentarian, I would call the attention of the Chair specifically to Article IV, Section 8(D), 'The language of a Bill expressly amending the law shall set forth completely the Sections amended.' And that's what would fail to occur if the Amendment were adopted."

Speaker Yourell: "...Opinion of the Chair is that the Gentleman's point is not well taken. It does not delete any of the existing Act. Is there further discussion? The Gentleman has moved to 'do adopt' Amendment #3 to House Bill 927. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? On this question, there are 54 voting 'aye'...55 voting 'aye', 53 voting 'no'. Did you want to be recognized Representative



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Johnson?"

Johnson: "Well, I did."

Speaker Yourell: "Well, proceed."

Johnson: "No, you closed off the board."

Speaker Yourell: "I have not declared the results yet."

Johnson: "Well, it's silly to explain your vote when people are locked in on the voting... But I wish you'd recognized..."

Speaker Yourell: "This Bill..."

Johnson: "It's been on since the debate started, and you didn't recognize me the last ten minutes."

Speaker Yourell: "The vote on this question is 55 voting 'yes', 53 voting 'no'. Representative Koehler from Marshall."

Koehler: "Mr. Speaker, would you please change my vote from 'yes' to 'no' please?"

Speaker Yourell: "Change the Lady's vote from 'yes' to 'no'. Representative Doyle."

Doyle: "Vote 'yes'. I'm not even up there."

Speaker Yourell: "The Gentleman wants to vote 'yes'. Record the Gentleman as 'yes'. Representative Brookins. Representative Brookins. Representative Brookins, I didn't hear you. Record the Gentleman as 'aye'. Representative Mautino 'aye'. Representative Reilly 'no'. Representative Hawkins 'no'. Representative Marzuki."

Marzuki: "Be as 'aye' please?"

Speaker Yourell: "Representative LeFlore."

LeFlore: "Record me as 'aye' please."

Speaker Yourell: "Okay. Representative LeFlore votes 'aye'. Representative Marzuki votes 'aye'. Representative Turner votes 'aye'. Representative... Representative Marzuki 'aye'. Representative Marzuki 'aye'. Representative LeFlore 'aye'. Representative Turner 'aye'. Representative Pangle 'aye'. Representative Rhem 'aye'. Representative Erunsvold 'aye'. Representative Olson."

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Olson: "You...would you please poll the absentees, Mr. Speaker?"

Speaker Yourell: "As soon as we get all the changes we will, Sir. Additions. Anybody else wish to change or be added to the Roll Call? On this question, there are 62 'ayes', 52 'nos', none voting 'present'. The Gentleman from Lee, Representative Olson."

Olson: "Yes, I would ask again for a Poll of the Absentees and a verification of the affirmative Roll Call."

Speaker Yourell: "The Gentleman asks for a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Ereslin, Christensen, Richmond and Satterthwaite."

Speaker Yourell: "The Gentleman persists in his request for a poll of the affirmative vote. Representative O'Connell, for what reason do you recognize?"

O'Connell: "Mr. Speaker, could I be verified?"

Speaker Yourell: "The Gentleman leave to be verified? Representative Donico wishes to be verified. Representative Brummer verified. Representative Shaw."

Shaw: "Can I be verified?"

Speaker Yourell: "Leave to be verified. Proceed with a verification of the affirmative Roll Call."

Clerk Leone: "Poll of the affirmative. Alexander, Berrios, Bowman, Brookins, Brummer, Brunsvold, Bullock, Capparelli, Cullerton, Curran, Currie, DeJaegher, DiPrima, Donico, Doyle, John Dunn, Farley, Flinn, Giglio, Giorgi, Greiman, Hannig, Hicks, Homer, Jaffe, Keane, Krska, Kulas, Laurino, LeFlore, Leverenz, Levin, Marzuki, Matijevich, Mautino, McGann, McPike, Mulcahey, Nash, O'Connell, Fanayotovich, Pangle, Pierce, Preston, Rea, Rhem, Rice, Ronan, Saltsman, Shaw, Slape, Steczo, Stuffle, Taylor, Terzich, Turner, Van Dwyne, Vitek, White, Wolf, Yourell and Mr. Speaker."

Speaker Yourell: "Any questions of the affirmative?"

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Olson: "Speaker, is Representative Brummer in the chamber?"

Speaker Yourell: "Representative Brummer."

Olson: "Was he verified?"

Speaker Yourell: "He was verified."

Olson: "Thank you. Oh, okay, thank you. I'm sorry.  
Representative Farley."

Speaker Yourell: "Representative Farley is in his seat."

Olson: "Representative Hicks."

Speaker Yourell: "Representative Hicks is in the center aisle  
right in front of you."

Olson: "Representative Leverenz."

Speaker Yourell: "Representative Leverenz. Representative  
Leverenz. The Gentleman in the chamber? Remove him  
please. There he is."

Olson: "He returneth."

Speaker Yourell: "Return him."

Olson: "Happy to see you, Representative Leverenz, but not at  
this moment. Representative Nash."

Speaker Yourell: "Representative Nash is right down here at the  
well."

Olson: "Representative O'Connell."

Speaker Yourell: "Representative O'Connell."

Olson: "Oh, he's verified. Excuse me."

Speaker Yourell: "He's verified. Verified."

Olson: "Excuse me. Representative Pierce has returned. Okay.  
Representative Bonan, are you sitting down? Don't see  
Representative Bonan."

Speaker Yourell: "Representative Bonan. Representative Bonan.  
The Gentleman in the chambers? Remove him."

Olson: "Representative Stuffle."

Speaker Yourell: "Representative Stuffle. The Gentleman in the  
chambers? Representative Stuffle. Remove him."

Olson: "Representative Terzich."

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Speaker Yourell: "Terzich. Representative Terzich. Remove him."

Olson: "And Representative White."

Speaker Yourell: "Representative White is in his seat."

Olson: "That's all. Thank you, Mr. Speaker. Oh, wait, excuse me. We have some others."

Speaker Yourell: "Representative Stuffle. Return Representative Stuffle to the Roll Call."

Olson: "We have some additional...Mr. Speaker, I have a few additional. Representative Bullock."

Speaker Yourell: "He's in his seat."

Olson: "Is Representative...I see Representative Rice. Is Representative Huff here?"

Speaker Yourell: "You've asked about him before."

Olson: "I have no others."

Speaker Yourell: "Representative Breslin."

Breslin: "Please record me as voting 'aye'."

Speaker Yourell: "Record the Lady as voting 'aye'. Any further questions? What's the record, Mr. Clerk? On this question, there are 51...61 voting 'aye', 52 voting 'no', no voting 'present'. The Amendment is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Yourell: "Third Reading. On the Order of Second Reading there appears House Bill 1257. For what reason do you rise, Sir?"

Matijevich: "Speaker, you call 799, and then there was an inquiry. Do you have a problem?"

Speaker Yourell: "On the Order of Second Reading appears House Bill 1257. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 1257, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Yourell: "Are there any Motions filed?"

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Clerk O'Brien: "No Motions filed."

Speaker Yourell: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Breslin."

Speaker Yourell: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. I move for the passage...or for the adoption of Amendment #2, which makes three changes in this Bill from the Bill as it originally came out of the House Committee. The first one is a minor one that deals with the maximum cap of \$10,000,000. We added the preference that it is required that the \$10,000,000 be in the unobligated balance of the fund. The second change is that in the matter of deep well injection, there will be a fee charged, a flat fee charged, for deep well injection. The fee schedule is this: there will be a charge of \$2,000, if the deep well injection is of the amount of 10,000,000 gallons or less. It will rise to \$4,000, if the amount injected is between...is more than \$10,000,000 but less than \$50,000,000. And the fee will be \$6,000 if the amount injected is more than 50,000,000...50,000,000 gallons. In addition to that, we have added the liability Section to this Bill which tracks, as close as we possibly could, the federal super-fund legislation dealing with liability, including treble damages. Thank you."

Speaker Yourell: "The Lady has moved 'do adcpt' to Amendment #2 on House Bill 1257. On that question, is there any discussion? Being no discussion, all those in favor will say 'aye', those opposed will say 'no'. The 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. Representative Breslin in the Chair."

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Speaker Breslin: "Ladies and Gentlemen, the Chair will now go to the Special Order of Business, Subject Matter - Public Utility Reform, on page two. House Bill 252. Representative Fiel, for what reason do you rise?"

Fiel: "I would ask for a suspension of House Rule 65(B) while the present Speaker is in the Chair please."

Speaker Breslin: "The Gentleman moves for the suspension of the appropriate rule. Does he have leave? Leave is granted. House Bill 252. Clerk, read the Bill."

Clerk O'Brien: "House Bill 252, a Bill for an Act creating the Citizens Utility Board to advocate for customers in public utility matters. Third Reading of the Bill."

Speaker Breslin: "Representative Levin."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The package of public utility Bills that we're about to consider, I believe, is one of the most important packages of legislation that we will be considering in many years. It will affect the average citizen much more than almost anything else that we do this year. The National Association of Regulatory Utility Commissioners, in a recent study, confirmed that the electric rates in the State of Illinois are the highest in the Midwest. Many times individuals are forced to spend more money for utilities than they spend for housing. The same individual, the same unemployed steel worker who is today forced to choose between food and heat may have lost his job because the high cost of energy in this state drove his employee...employer out of the state. The package we are considering was developed by Speaker Madigan, and I think it's a very well balanced package. It is very realistic, and it will provide solid utility reform. I think we all owe the Speaker a great deal of gratitude for bringing the various sides together in coming up with a package of

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legislation which, I think, is going to be the most significant reform in the utilities area since the original Public Utilities Act passed in June 1913. Keystone, in that package, is House Bill 252, which establishes the Citizen Utility Board. Right now, when you go before the Illinois Commerce Commission, it's the utilities that have all the marbles. They are taking our money, and they are spending it to hire experts, economists, lawyers and so on in order to make their case why they need higher rates. By contrast, the consumer does not have the kind of resources to fight back. I'm talking about Commonwealth Edison spending \$3,000,000 for experts in the last couple of years. Central Illinois Light spending in excess of \$2,000,000 in rate proceedings for experts in the last couple of years; Central Illinois Power, \$2,000,000; Iowa-Illinois Gas more than one and a half million dollars. The CUE Bill, which is a bipartisan effort, one in which both sides of the aisle were involved and in which Representative Lee Daniels, the Minority Spokesman, played a key role, together with Representative Klemm, the Minority Spokesman on Public Utilities Committee, will change that situation. It will provide the resources to the consumers to be able to fight against these astronomical rate increases before the Illinois Commerce Commission and other public agencies. It's a voluntary proposal, whereby people can join a CUE, which will pool the resources, the membership fees, to hire the experts, the economists, the engineers and so on to advocate on behalf of the consumer. Let me just mention a couple of the key features of CUE. First of all, the CUE would be able to represent the consumer interests before the Illinois Commerce Commission, before other agencies, and in the courts and other public bodies. Secondly, as I

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indicated, it will be financed based on voluntary contribution from the consumers, the utility consumers, in the State of Illinois. Thirdly, the CUE would have a Board that would be elected by Congressional District. There would also be an Interim Board. The Interim Board would have three appointees from the Governor and two each from the Democratic and Republican Leaderships in the House and the Senate. The CUE would have the authority to put up to four inserts in the utility Bills on an annual basis to apprise the customers of the utilities of what CUB does and how you join CUB. Those Bill inserts would be subject to approval by the Illinois Commerce Commission to determine whether or not there was anything that was false and misleading, whether or not the insert satisfied the requirements of this Bill, House Bill 252. It is modeled on a proposal that is now the law in the State of Wisconsin that was developed by Ralph Nader. It is well...worked very well in Wisconsin, and I think will make a significant institutional change in the relationship between the consumers and the utilities and will go a long way, together with the other proposals in the package in beginning to hold down the rates that we are paying in the spiraling rate increases. I'd be happy to answer questions, otherwise, I ask for the approval of House Bill 252."

Speaker Breslin: "The Gentleman moves for passage of House Bill 252. And on that question, the Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Let me concur with the previous speaker. As a...one of the hyphenated Cosponsors along with others on this Bill, this is a bipartisan effort, and I really believe we have addressed and answered almost every



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question that came along, and I can assure you many hours were spent by the Sponsor and many of us on the Utilities Committee trying to resolve the questions of fairness and equity in a piece of legislation of major impact as this is, and I certainly want to thank all the people on both sides of the aisle for working so hard and diligently on this. You know, really we've seen and we've heard so much about the consumers skepticism about a fair shake on utilities, and we're talking about high utility rates, particularly in these inflationary times. I think for them to have a Citizens Utility Board for once may give them the assurance that their efforts and their concerns are being addressed before the Illinois Commerce Commission. I think conversely it allows the utilities to realize, too, that here they can express and give their reasons for rate increases if necessary, and that they would be monitored and that they will be fair and honest about what rates they would receive. I think it is a cooperative effort, and I certainly know that sometimes we need this bipartisan approach. So I do join with the Sponsor, and I hope the Members on my side of the aisle will vote affirmatively for House Bill 252."

Speaker Breslin: "The Chair recognizes the Gentleman from Cook, Representative Birkinbine."

Birkinbine: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. With all due respect to the Sponsors of this Bill, what we're seeing here is just a sham. It's a joke. If you...I don't know what people think they are going to achieve by something with this, other than some sexy press release that, gee, we're out there helping the consumer. In an editorial by the local State Journal-Register about a month ago, they mentioned that at the last rate hearing for Central Illinois Public Service, the ICC permitted seven

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industries, ten cities, seven villages, 16 associations and unions, the Governor's Office of Consumer Services and the Attorney General's Office, all to testify on behalf of the so-called citizens out there, the consumer. What is one more Board going to do, simply because we give it a nice, sexy name like the CUB proposal, and we say it's worked well in Wisconsin? That's a joke. The head of one of the senior citizens' groups in Chicago who is very concerned about this, he studied what's happened up in Wisconsin, and in a letter to the editor in one of the Chicago papers recently, he said it hasn't worked. Sure it's gotten a lot of attention, but anything Ralph Nader does gets a lot of attention. It doesn't work. This is nothing but a sham, and frankly, if we really wanted to do something to help the consumers and citizens out there, we would say that one of these taxpayers' groups ought to be able to insert a flier when the county and local governments send around their tax bill. That might get some action. This is just a joke that we're pushing off on people, and we ought to vote against it."

Speaker Breslin: "The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, I rise in support of this...this legislation. I would respectfully disagree with the prior Spnscr (sic - speaker). I don't know how he can say this is a joke when it is not yet in existence. And when I'm not a Legislator, I attempt to be a lawyer. I know from appearing in the courtroom that one...when one side appears represented by legal council, represented by accountants, economists, experts, medical doctors or whatever the experts are, that side has a tremendous advantage. In fact, it is almost a nonadversary proceeding. In my judgment, despite the fact that we have had numerous interveners with regard to rate

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setting in the past in Illinois, most of them have not come in equipped with the wherewithal and with the resources to effectively compete for the attention of the Illinois Commerce Commission with the tremendous staff and the tremendous ex...number of experts that the public utilities come in with. This Citizen Utility Board establishes a process by which voluntarily a sizable sum will hopefully be created so that the consumers can be fairly represented before the Illinois Commerce Commission. This should enable the consumers, the Citizen Utility Board, to hire the necessary experts, to hire the necessary economists, the accountants, the engineers, the lawyers, to engage on a fair basis in the very complex matter of setting rates. Heretofore, with all due respect to the interveners who have intervened in the past, I do not think it has been a fair, equal fight for the attention of the Illinois Commerce Commission in the presentation of expert testimony that is presented to the Illinois Commerce Commission. The rate setting process is very complex. This legislation has been endorsed by citizens in 115 communities, I think, at the last election, when it was on as an advisory referendum. It has been endorsed by numerous newspapers, all the major newspapers, I think, across the State of Illinois. It will enable the creation of a major fund at no state cost through voluntary contributions, and I think it is a very effective concept that should be enthusiastically endorsed with 118 votes on this floor."

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

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I rise in support of House Bill 252 and vehemently disagree with one of the previous speakers who indicated that other agencies, the Governor's Office of

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Consumer Services, the Attorney General's Office, have been able to be adequately funded to do the job that's necessary on behalf of Illinois consumers. Those agencies of government, those departments of government rely on us on the appropriation process to appropriate funds to meet the costs of presenting expert testimony, expert witnesses, expert council at rate making hearings. We haven't given them sufficient funds. On the other hand, the large utility companies come in with all the experts that is needed...that are needed to prove their case. And on the other hand, the consumer voice is unheard or heard in a diminished capacity, because the funds simply haven't been available to get the required experts to present the other side of the story. The Citizens Utility Board will do that at no cost to the taxpayer. With the establishment of the CUB, we'll be able to have before the rate making hearings, people who know the law, know the accounting procedures that the utility companies go through, can argue with them right down the line tooth and nail. That ends up with a proper advocacy on behalf of consumers so that the hearing officers at those hearings can make a determination based on all the evidence, not just the evidence that's presented by the large utility companies. This Bill is needed. The time for this Bill is now. It's long overdue. It's worked in other states. We should all be voting green on this Bill."

Speaker Breslin: "The Gentleman from Adams, Representative Mays."

Mays: "Will the Spncsor yield?"

Speaker Breslin: "The Spncsor will yield."

Mays: "What other states have adopted Citizens Utility Boards along this line?"

Levin: "The State of Wisconsin has adopted it, and it's been in effect now for a couple of years. And it's currently

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pending in about two dozen other states."

Mays: "What has been the experience in Wisconsin? Has this indeed lowered utility rate increases in that state?"

Levin: "Let me answer your question two ways. Number one, the CUB is a very, very popular concept in the State of Wisconsin. You talk to most citizens of the state who are at all involved...concerned about utilities, they think it's doing a great job. In terms of the dollar savings, it is credited with saving in excess of \$100,000,000 in its rather short existence."

Mays: "How did they come up with those figures?"

Levin: "Based on rate increases that were, you know, turned down that the CUB vigorously fought."

Mays: "What kind of savings do you project, Sir, for the consumers in my district, the utility rate consumers in my district?"

Levin: "You know, it's hard to come up with an estimate. All I can tell you is that, you know, there are two types of increases that the utilities ask for. One is passing on increased costs, and there is really not a tremendous amount you can do about that. But the other is, you know, unjustified increases, be it an accounting gimmick or something else that really has no justification or giving them an excess of profit rate. And it's really the latter area that a Citizen Utility Board can have a radical effect. I have practiced for the Illinois Commerce Commission since 1971, and I think that we sorely need the kind of resources that the CUB would be able to provide. There was discussion earlier of the fact that we do have governmental interveners. The problem we have right now is that, even when you get all those governmental interveners together, and I'm talking about the Attorney General under both administrations, talking about the State's Attorney in

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Cook County, the Governor's Office, when they get altogether, they...and they pool all the resources, they may be able to afford one expert in one case, which is what they have done. But they don't have the resources to really take on the utilities the way...and come up with the kind of experts that the utilities do. I think this is a landmark concept. It is one that relies on individual initiative. We're not relying on government. We're not asking government to do anything here. We're relying on ourselves as consumers. We're the ones that are going to make the voluntary contribution. We're the ones that are going to fund it. We're the ones that are going to determine the direction in which the CUB is going to go as rate payers who voluntarily support the CUB."

Mays: "How will we determine its effectiveness one year, two years, three years down the road?"

Levin: "I think we can look at the...what has happened in the cases in which the CUB has intervened before the Illinois Commerce Commission, the amounts that have been asked for, the issues that they chose to fight and what the outcome has been."

Mays: "Thank you."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I would just like to reiterate the comments of Representative Klemm. A great deal of time and effort has been put into this...the Amendment to House Bill 552 (sic - 252), which...which is the Bill, and I would encourage your support of it."

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

Rea: "Thank you, Madam Speaker and Members of the House. I think

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this is a very important piece of legislation, and recently I have attended a number of hearings throughout the state which dealt with the election of the ICC members. And at those hearings, the number one problem, and at many other meetings that we've had, has been that of utility reform. And I feel the CUB is a very good way of getting at this, because here in Illinois, we have had some of the highest electrical utility rates of any of our neighboring states, and in a state where this should not be occurring, because we certainly do have the valuable resources here that our rates should not be any higher, in fact, should even possibly be lower. I feel that this legislation will help us save money and will certainly help keep the electrical rates down, and I strongly endorse this legislation."

Speaker Breslin: "The Gentleman from DuPage, Representative Barger."

Barger: "Thank you, Madam Speaker. I'd like to speak to the Bill. Ladies and Gentlemen, it's been a very interesting time I have spent here during my first few months of my first term in office. I have seen many, many interesting and strange happenings take place upon this floor. I've also seen a few very important Bills passed, and I've seen a few defeated. But in this particular case, we have a Bill that is of exceptional importance. The Speaker of the House, Mr. Madigan, Mr. Daniels, and the Leadership from both sides worked with us in coming up with a compromise Bill that is to the advantage of the consumer. It gives them the enabling legislation to provide their own hearing Board, their own representative Board to appear before the Illinois Commerce Commission. And I think this is a wonderful Bill, and I sincerely request that you support this, because this is one thing that is well worth the effort of us all coming here. Thank you."

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Speaker Breslin: "The Gentleman from St. Clair, Representative Flinn."

Flinn: "Well, Madam Speaker, I too support House Bill 252, but I think there's been some things said in debate that may mislead the people. This is going to wind up as a citizens' watchdog Committee, so to speak. It may or may not save the citizens money on their utility bills. I don't think we should imply that it will, because it's going to be another way for the citizens to be represented rather than the Attorney General's Office as it is supposed to be now. And I think that should be enough said about the Bill. We should not tell the people back home who may be listening to the media or reading in the paper that this will save you money. It may or it may not. So I would want to make that point."

Speaker Breslin: "The Gentleman from Pecria, Representative Saltsman."

Saltsman: "Madam Speaker, I move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. All those in favor say 'aye', all those opposed say 'nay'. The 'ayes' have it. The question is moved. The Gentleman from Ccok, Representative Levin, to close."

Levin: "Thank you, Madam Speaker. Very briefly in closing, I think this is a very exciting concept. It is one that comes from the grass roots. This is not something that somebody in Springfield said, 'I think this is a good idea. Let's develop it.' It is something that came from the citizens of this state. I'm talking about the Labor Coalition on Public Utilities. I am talking about groups I sometimes disagree with, political honesty initiative. I'm talking about the efforts for utility reform by the Illinois Public Action Council just to name a few. And last April, there were referendums in 110 counties across



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this state where the question was, 'Should the State of Illinois adopt a statewide Citizens' Utility Board?'. And in every single one of these 110 communities, more than 70% of the citizens answered affirmatively. I ask you, at this point, to join your constituencies and enjoin the citizens in the State of Illinois in putting House Bill 252 onto the statute books. I ask for an 'aye' vote."

Speaker Breslin: "The Gentleman moves for passage of House Bill 252. All those in favor vote 'aye', all those opposed vote 'nay'. To explain his vote, the Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Well, thank you very much, Madam Speaker and Members of the House. We've heard today about how this is landmark legislation, about this is very important legislation. It's exciting reform and all those good superlatives, and we all know why it's very exciting. We all know why it's important. It's because it's the only game in town, and that's why we have to vote for it. But we all know that this is not going to be the answer. CUP is not working in the State of Wisconsin like it did its first year, and it's not going to work in the State of Illinois like we're all pretending it's going to work. What we need is what the people throughout this state have said time and time again over the years. We need an elected Commerce Commission. We do not need a Citizens' Utility Board. Until we get that real true, honest reform with an elected Commerce Commission, we're playing games with the people of this state. Like I said, it's the only game in town. There's nothing else to vote for. You have to vote for it. I vote 'aye', but I vote 'aye' with a protest."

Speaker Breslin: "The Gentleman from Perry, Representative Dunn, to explain his vote."

Dunn: "Thank you, Madam Chairman. I'm not going to take long to

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explain my vote. I'm going to vote with Representative Birkinbine and Pullen and vote 'no', because I don't think this is a Bill that'll be good for Illinois and for Illinois coal. I'm interested in coal Illinois, and I think this will be a group that'll be a detriment to the use of Illinois coal. The Citizens Utility Board in Wisconsin wasn't an outstanding success. The only success was the Executive Director quit and got a job with a utility after about six months. So that may be a good jumping place for someone to get a job for a utility...with the utility companies. I vote 'no'."

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

Ropp: "Thank you, Mr. (sic - Madam) Speaker and Members of the House. This is one of those Bills that people have demanded and requested. Let us not be hoodwinked to think that it is going to solve all of the utility problems in no way, shape or form. We are, in no way, actually providing any new authority that people did not already have to have come to the Commerce Commission to express their views in pleasure or displeasure. We now do have it in law though, and it will give that opportunity for people to be a part of the system that they have already...could have had that authority before."

Speaker Breslin: "This Bill has 105 'aye'. Clerk, take the record. Excuse me. This Bill has 109 'ayes', 3 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Special Matter - Public Utility Reform appears House Bill 336, Representative Preston. Clerk, call the Bill... read the Bill."

Clerk O'Brien: "House Bill 336, a Bill for an Act to amend Sections of an Act concerning public utilities. Third

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Reading of the Bill."

Speaker Breslin: "Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 336 was well debated in the past, and we have made accommodations to various parties. What 336 does is applies only to the Illinois Commerce Commission and changes the title of the hearing officers of the Illinois Commerce Commission to administrative law judges. It requires the administrative law judges to be attorneys. Now let me tell you why, since attorney seems to be a buzz word in the General Assembly, let me tell you why it was felt it was necessary to have professional people acting in the stand of judges before these hearings. The hearings at rate making and other utility hearings before the Commerce Commission are extremely complicated. The evidence that is brought forth is extremely complex. It takes someone who has been trained in what is and is not admissible to be making those determinations, to be excluding evidence that should not be allowed in the record to permitting...to permit other evidence that should be allowed in the record, so that at the end of the proceedings, the record is clear and clean in that only permissible evidence is included, and impermissible evidence is excluded. I discussed this at great length with the Chairman of the Commerce Commission, and the Chairman of the Commerce Commission agreed that this Bill is now in acceptable form. And I would ask for your 'aye' vote, and I'd be glad to answer any questions that you may have."

Speaker Breslin: "The Gentleman moves for passage of House Bill 336. And on that question, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very much, Madam Speaker and Ladies and

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Gentlemen of the House. I would like to take this opportunity to commend the Sponsor for his diligence on this Bill and for his understanding of the need for providing this type of individual in place as judges in these matters. And I rise to support the Sponsor and to request that the rest of you do so also."

Speaker Breslin: "The lady from Cook, Representative Pullen."

Pullen: "I'd like to ask the Sponsor a couple of questions please. Madam Speaker, I'd like to ask the Sponsor a couple of questions."

Speaker Breslin: "The Sponsor will yield."

Pullen: "Do you know what the salary is for the hearing officers now at the ICC?"

Preston: "Representative, I don't know what their present salaries are, but this Bill doesn't change that one iota. The Bill has been amended with Amendment #3, Representative Pullen. I don't know if you have that before you, but Amendment #3 does not have anything to do with the salary schedules. They stay at and are set the same way they are today."

Pullen: "Madam Speaker, I'd like to talk to the Bill please."

Speaker Breslin: "Go forward."

Pullen: "Well, Mr...Madam Speaker and Ladies and Gentlemen of the House, there isn't anything expressly in this Bill about salaries, but I think that the Members of this House are aware that practicing attorneys generally make a fairly good buck, and in order to get attorneys that are decent at all hired as the only hearing officers that would be allowed in the ICC, we're going to have to pay them a fairly good buck if we want attorneys that have any kind of quality. So I think that the Members of the House should be aware that when they are voting for this Bill, if they do, they may be voting for a Bill next year to increase the

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salaries of the hearing officers at the ICC with the cry being that we can't get good hearing officers or administrative law judges or whatever nice title you want to put on them, without increasing their salaries, because after all, they must be attorneys. What has happened is, the Gentleman had a very comprehensive Bill to begin with, and in order to get it passed, he has taken it down to be almost nothing. But unfortunately, it's not nothing enough. It is to require that the hearing officers at the ICC be attorneys and to rename them administrative law judges. And after the subsequent legislation that increases their salaries, then there'll be another Bill sometime down the pike maybe a year, maybe two years from now, to put these administrative law judges into the judicial retirement system, because after all, all other Judges in Illinois are in the judicial retirement system. One of these days we'll probably put election judges there, too. So I would caution the Members that this Bill does have a few more implications than have been brought out so far, and I intend to vote 'no' and hope some others will as well."

Speaker Breslin: "There being no further discussion, the Gentleman from Cook, Representative Preston, to close."

Preston: "Thank you, Madam Speaker. Just in closing, this Bill is needed so that we are all certain that what is included in the record that goes to the Commissioners in the Illinois Commerce Commission on which they base their decisions are simply admissible facts, not erroneous statements, not statements that come from no basis, in fact. No hearsay evidence would be admitted, and that the hearing upon which we all end up paying millions, and millions and hundreds of millions of dollars are...pay our proceeds in accordance with law and only that information,

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that evidence, that testimony which, by right and by law, ought to be admitted is admitted. You can't do that with laymen on this Board. Now some Boards you can do that with, and originally this Bill included all the various Boards that held administrative hearings. It was pointed out by some of the people who are opposed to that that on some Boards, some administrative Boards, that it was not necessary to have legal education, but more necessary to have other types of education. On various Agriculture Boards, for example, it was thought that some farmers were far more expert in the evidence that should be taken in consideration than would be attorneys. And I agreed with that. And I went to...I listened to those people, and we amended the Bill to apply only to the Commerce Commission, because of the complexity of the materials that are presented before the Commerce Commission. You heard one of the speakers on a previous Bill indicate that there were some 70 people testimony...giving testimony from various organizations. Well, it takes...it takes a legal background to determine what should be included in the testimony, what is admissible, what should the Commissioners consider, and what would it be unlawful for them to consider. That's what this Bill guarantees. And, yes, perhaps some day a year, two, three, they might come in for a raise. Who knows, we might even come in for a raise. And I'm sure the previous speaker will be voting against that, just as the previous speaker has voted against most raises. I urge your 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 336 pass?'. All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 70 vot...71 voting 'yes', 37 voting 'no', 4

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voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special Order of Business, Subject Matter - Public Utility Reform, appears House Bill 367. Clerk, read the Bill. 367."

Clerk O'Brien: "House Bill 367, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Breslin: "Representative Brummer."

Brummer: "Thank you, Madam Speaker, Members of the Assembly.

Perhaps the most difficult issue which the General Assembly Members have wrestled with, at least on the Public Utility Committee this Session, has been the issue of construction work in progress, commonly referred to as CWIP. Since the State of Illinois and the Illinois Commerce Commission began allowing CWIP into the rate base, I think it's fair to say that consumers have become increasingly concerned that CWIP represents an unfair increase in their utility bills. The issue of CWIP, along with the skyrocketing utility rates overall, have reached a crisis point in the last few years in this state. Let me briefly explain the issue of construction work in progress. There are basically two methods by which a utility company may collect the money invested in a new plant construction. The utility could begin to charge their customers for this cost as it incurs, and this concept is usually referred to as CWIP, or construction work in progress. Alternately, the utility can wait to charge the customers when...until the construction is finished and the new plant is providing services, and this practice is known as allowance for funds used during construction or AFUDC. In general, the major difference between these two concepts is that AFUDC requires the utility to capitalize its investment cost,

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while CWIP allows for an immediate cash flow and immediate beginning to recoup the investment, even prior to that plan being...providing any services to the utility company, I mean, to the consumer. Let's examine why, briefly, CWIP has raised such a furor. Not only have its consumers been asked to pay for very high rate increases, they have also been asked to pay for construction work in progress of facilities which are not even yet generating power. Secondly, the percentage of CWIP and the rate base, and as a portion of each rate increase, has risen to tremendous amounts in recent years. For example, Illinois Power, as a result of its Clinton nuclear facility, CWIP now makes up over 40% of the rate base of that company, and the Clinton facility has not yet produced one iota of electrical power. Illinois Power has, in its rate base, \$625,000,000 attributable to construction work in progress. Consolidated Edison has about \$568,000,000 in its rate base attributable to CWIP. The Bill proposed today by us has been put together with two main criteria in mind. Number one, the consumers deserve a ceiling on the CWIP allowed in a rate base, and they ultimately deserve to be freed from paying for the cost upon which they may or may not ultimately get a return. Secondly, the business and investment interest of this state must see a proposal which takes into consideration the facilities currently in progress, their current financial status and should have advanced knowledge of what the investment climate looks like over the next few years with regard to these facilities. I believe this Bill meets those criteria. Let's examine the Bill. First the Bill places a ceiling on those utilities in which CWIP is less than 50%...15% of their rate base. Specifically, this would be applicable in a current situation with regard to Commonwealth Edison.



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With regard to that category, the proposal is to phase out, beginning with a ceiling of 6.5% of CWIP as a percentage of the rate base in the first year and phasing that down to zero in the fifth year and thereafter. Second, with regard to companies in which construction work in progress constitutes over 15% of their current rate base, the Bill places a ceiling of 50% of new construction work in progress to be allowed over the next five years. Specifically, this would at least be applicable with regard to the Clinton facility of Illinois Power. Currently, 40% of Illinois Power's rate base is attributable to CWIP. Third, the Bill allows CWIP for a one year preceding a new facility going on line. This would allow a reasonable amount of CWIP for short-term projects with regard to those items that are going on line within the following 12 months. And fourth, the Bill excludes scrubbers or commonly...or more correctly referred to as sulfur dioxide emission facilities. I believe this Bill represents a balanced approach towards the very difficult issue of CWIP. There is no real perfect solution to this issue. This proposal takes into consideration though as many factors as possible, while providing hope and relief to the consumers of this state. It will directly save the consumers money in this state. It will not limit unduly the amount of CWIP that is recoverable during the phase-out period, so that companies that went into this construction period anticipating CWIP as...as being allowable in Illinois, can phase out that CWIP over a reasonable period of time. That allowance will still be subject to any limitations that the Illinois Commerce Commission should impose. I would not think this Bill...I would not call this Bill a compromise. I would call it a careful consideration of the economic factors, the

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unemployment problems, the extraordinary high utility rates and the business climate of this state. I would urge your support of this Bill. In five years, CWIP will be gone. In the interim, it will be limited."

Speaker Breslin: "The Gentleman moves for passage of House Bill 367. And on that question, the Gentleman from Cook, Representative Bowman."

Bowman: "Question of the Sponsor. Would he..."

Speaker Breslin: "The Gentleman will yield."

Bowman: "Representative, could you walk me through once again the...the numbers for Commonwealth Edison, which is the area that I come from? What do you anticipate the effect of this Bill to be, once the LaSalle II plant comes on line at the end of this year?"

Brummer: "...To refer...are you referring to the specific details of the Bill, the..."

Bowman: "Well, ...yes, I'm sorry."

Brummer: "At the bottom of page one of Amendment #1, paragraph B-1, provides that for any utility with a CWIP ratio on the effective date of this amendatory Act, which is less than 15%, the Commission shall not include in the rate base of such public utility, an amount for CWIP, which would cause the CWIP ratio to exceed 6.5% for the period from the effective date of this amendatory Act through December 1...December 31, 1984; 5% for the period from...for 1985; 4% for '86; 2% for '87; and 1% for '88; and after that, it would be zero. Now currently, CWIP constitutes approximately 8.7% of Commonwealth Edison's rate base, so with...after the effective date of this, it would be limited to 6.5% during, you know, that first year period of time and thereafter downward."

Bowman: "Thank you, but you missed just one part of my question. When the LaSalle II plant comes on line, I believe that's

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about a billion dollars that would go into the rate base. Do you have any figures on what the percentage that CWIP would then represent of the total rate base at that point?"

Brummer: "You mean the current...the amount of CWIP that is currently allowed in a rate base? What percentages that would constitute of their total rate base?"

Bowman: "Well, once LaSalle II comes on line, the percentage that CWIP represents in the rate base will change, and I just wanted to know if you had the data on what the expected percentage of CWIP in the rate base would be after the rate base is changed through the...bringing LaSalle II on line."

Brummer: "Well, no one can say exactly what LaSalle II will be. I can tell you that Illinois Power's rate base is currently, I believe, about 6.5 billion dollars. Okay?"

Bowman: "Yeah."

Brummer: "And they have about \$487,000,000 in their rate base of CWIP. Now, if LaSalle II increases their rate base by one billion dollars, and they are capped at 6.5% as they are in this Bill, they would be allowed then, during that year, \$487,000,000 approximately in their rate base. That would appear to represent a reduction of about \$80,000,000 of CWIP allowed in the rate base, even after LaSalle II goes on line."

Bowman: "I see. Thank you."

Speaker Breslin: "The Gentleman from Macou, Representative Tate."

Tate: "Will the Sponsor yield?"

Speaker Breslin: "The Sponsor will yield."

Tate: "Yes, Representative Brummer, you said in your opening remarks, you said that this Bill would directly save consumers some money. Can you tell me what dollar impact that would have on today's rates?"

Brummer: "Well, I just went through that math with regard to Commonwealth Edison and the impact that it would have in

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terms of limitation on Commonwealth Edison in the first year, and it would be approximately \$80,000,0000 there. It will vary from company to company, and there are numerous companies all over the State of Illinois providing utilities...services and that...and that's the example I have with regard to...Commonwealth Edison. It should save in the first year about \$80,000,000."

Tate: "If you have...just for the...the purpose of this dialogue, if it wouldn't...if you had this information, I'd appreciate it. You know, I'm sure you're aware we have hundreds and thousands of jobs tied up at the Clinton Power Plant right now, and I'm sure the constituents in Central Illinois would be interested to know how much this would save in their bills next year...or this year."

Brummer: "With regard to Illinois Power, Illincis Power, I will openly state, created the most difficulty in terms of drafting this legislation, because they have by far the largest amount of CWIP in their current rate base. And that is as a result of a relatively small company being engaged in building a tremendously expensive facility at Clinton. I think they have expended about 1.5 billion dollars at Clinton to date, of which they have been allowed about \$625,000,000 into the rate base by prior rulings of the Illinois Commerce Commission. With regard to Illincis Power specifically, the...any CWIP allowed would be subject to the discretion of the Illinois Commerce Commission, but that discretion would be limited to not more than 50% of any new construction costs that they incurred at Clinton."

Tate: "So you're telling me that this Bill, contingent upon the ruling of the Illinois Commerce Commission, you're not really sure how this will affect the construction progress at Illinois Power?"

Brummer: "Well, it will specifically, with regard to the rate

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setting, it will cap the discretion of the Illinois Commerce Commission at 50% of the new construction costs incurred at Clinton with regard to Illinois Power."

Tate: "Illinois Power would be then...they would be able to finish the Clinton Power Plant. Right?"

Brummer: "Well, I...you know, whether they can or cannot finish the Clinton Power Plant is dependent upon many factors that are beyond the control of this General Assembly, including the national...the Nuclear Energy Regulatory Commission, depending on their financial situation and things of this nature. The specific exception to allow more CWIP into the rate base, which is item #2, was drafted specifically with the regard to the difficulties of Illinois Power in mind."

Tate: "Well, what you're saying to me then, this wouldn't place any undue hardship on Illinois Power in their ability to finish the completion of the plant. Is that correct?"

Brummer: "Well, I'm not acquainted with all the details of the inner corporate financing of Illinois Power. It would allow, with regard to Illinois Power, 50% of the new construction costs to go into the rate base. And that's all I can tell you. I cannot tell you that it would not jeopardize their ability to finish the plant or something of this nature. You know, bonding authority recently downgraded the bonds of Illinois Power, and it had nothing to do with obviously the actions of this General Assembly. You know, I cannot foresee with accuracy what exactly is going to occur with regard to Illinois Power. I can only tell you with certainty that this Bill limits the ability of the Illinois Commerce Commission with regard to the granting of new construction costs on a company such as Illinois Power. And that limit is 50% of the new construction cost incurred."

Speaker Breslin: "The lady from DuPage, Representative Nelson."

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Nelson: "Thank you, Madam Speaker. May I question the Sponsor?"

Speaker Ereslin: "He says he will yield."

Nelson: "Representative Brummer, I do understand about the intent of your Bill, but I would like to ask you this. It seems to me that if I am a customer of Commonwealth Edison, I am either going to pay for the construction work in progress while it's in progress in increments in my utility bills, or I am going to pay in the end for interest, because Commonwealth Edison will have to borrow money in order to build a new power plant, and therefore, then pay back not only the principle, but also the interest. And so I, as a customer, will then be paying the interest on that loan, which, in the end, will make my utility bill just as high as it would have been in the first place. Can you straighten me out on that?"

Brummer: "Well, I think you have pretty fairly delineated the whole issue of CWIP. The whole issue of CWIP is whether customers ought to pay for something that is not yet providing service, or whether the payment for that should be deferred until it is first providing service five or ten years from now, and I think that is probably a reasonable period of time for construction of a new plant. You know, if I decide tomorrow to build a gas station, not a natural gas station, a filling station, and decide to go into the business of selling gasoline, my customers aren't going to start paying for that until I start pumping gas. And I guess that is the issue with regard to CWIP. Ultimately, obviously, I'm probably going to build in my rate for the gallons of gasoline that I sell at the filling station, a reasonable amount to recoup my investment and the interest in that plant. But the customers purchasing gasoline from me aren't going to have to pay for that until I start pumping gas. The issue of CWIP is whether or not public

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utility customers ought to start paying for those plants before those plants start generating electricity or gas."

Nelson: "My point, I guess, is that public utility customers would pay for construction work in progress if it were cheaper in the long run."

Brummer: "I don't understand that question."

Nelson: "It gets back to what I asked originally, if whether or not there are statistics of any kind that show whether it is cheaper to the individual customer to pay for construction work in progress or to pay the higher costs that would be the total of the bonding or the borrowing that would have to take place with the interest. Do you have any figures at all?"

Brummer: "Well, you know, I simply don't know how to answer that question, other than, I suppose, to be repetitive of what I said before. There are two concepts with regard to how those costs...how utilities ought to be allowed to recoup those costs. One concept is generally referred to as CWIP, and that allows a company to begin recovering immediately as soon as they begin incurring those construction costs, a rate of return with regard to those construction costs. The...the second concept is the allowance for funds used during construction or AFUDC. Now there is built into the AFUDC the financing costs of carrying that during the interim. You know, with re...and so the issue is really whether consumers ought to pay now with regard to facilities that aren't generating one iota of electricity for them. Ultimately, obviously, there will presumably be built into the rate base the cost of that plant and the cost of financing that plant."

Nelson: "Thank you."

Speaker Breslin: "The Gentleman from Kendall, Representative Hastert."

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Hastert: "Would the Spncsor yield?"

Speaker Breslin: "The Sponsor will yield."

Hastert: "Representative Brummer, do you feel that, in your opinion, that this will put a cap on economic growth in this state in say, oh, 1990, 1995?"

Brummer: "No."

Hastert: "Could you give us a reason why you feel it wouldn't?"

Brummer: "Could you give me a reason why you think it might?"

Hastert: "Well, I may in a minute."

Brummer: "I...the, number one, if anything in the public utility field, particularly in the area of electricity, the problem today is a surplus of generating power and not too little a generating power. CWIP is not allowed as a rate item in 19 states, I think it is, in the United States today. CWIP has not always been allowed in Illinois. In fact, I don't think it was allowed in Illinois until approximately 10 or 15 years ago. And certainly plants were constructed during that period of time. Without CWIP, companies know that ultimately when those plants go on line, they are going to recover reasonable costs with regard to those plants. It has never deterred the building of plants in the past, and it doesn't in the other 19 states that prohibit CWIP, and I would suggest that it would not in Illinois, when ultimately, it is phased out five years from now, as it did not in Illinois some 10 or 15 years ago prior to CWIP being allowed in Illinois."

Speaker Breslin: "The Gentle..."

Hastert: "The plants that are coming on line now that'll be in line in 1983 and 1984, 1985, they will not be affected by this Bill. Is that correct?"

Brummer: "Would you repeat the question?"

Hastert: "Those plants, and I guess more specific the Braidwood Plant, the Byron Plant and the LaSalle Plant that are



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coming on line right now, they will not be affected by this Bill. Is that correct?"

Brummer: "Well, clearly the companies who are constructing those plants will be affected by this Bill, yes. The...the amount of construction work in progress that they will be allowed to place in their rate base is specifically limited by the provisions of this Bill as I went through."

Hastert: "Eut..."

Brummer: "Going from 6.5% of their rate base down to zero five years hence."

Hastert: "Eut isn't it correct that those plants will be on line and will be paid for by 1985. Is that not correct?"

Brummer: "I'm not...no, I don't think the schedule... As I understand it, and I'm not sure that my information is accurate, but with regard to Commonwealth Edison, for example, I think there are five plants currently under construction. I don't think it is their plan to have all five of those plants on line in 1985, which would be two years from now."

Hastert: "Well, one last question. Do you feel that there will be an actual cost savings to power consumers in this state because of this Bill?"

Brummer: "Well, as I indicated in response to my questions of Representative Bowman, under the hypothetical facts set forth there, there should be \$80,000,000 less CWIP in Commonwealth Edison's rate base next year if this Bill passes and becomes law."

Hastert: "If that then...the final question then. If that...if there's going to be \$80,000,000 less money in consumers' power bills, where will that money come from to be paid or to pay those construction costs eventually? Where will that money come from?"

Brummer: "Well, ultimately again, it gets to the philosophical

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issue of CNIP. Ultimately, when those plants go on line, obviously the public utility company will be allowed to build into the rate base the...the cost of construction of those plants. The issue is whether they can put them into the rate base prior to them going on line or whether they have to wait until they go on line and then put them into the rate base. And so they would recover those after they went on line rather than before they went on line, and they would recover those from the consumer at that point."

Hastert: "Well, thank you, Representative Brunner. Mr. (sic - Madam) Speaker, to the Bill itself. Ladies and Gentlemen, I think we have to take a look at this. Now it's popular. Politically, you'll see people on both sides of this aisle vote green on this issue. But politically is just exactly what this Bill is. What it will do is not save one red cent of people's money. It is not going to cut any money out of consumers' electric bills, and gas bills and telephone bills or whatever kind of power bills or any bills that you're going to be dealing with with utilities. What it will do is just postpone that payment. And what you're adding on is dollars of interest that they're going to have to borrow money at 13, or 14, or 20 or 10%, whatever that rate of money's going to be. And the consumers of this state are going to be paying for that power and that construction in 18...1985, in 1986, in 1990, and 1995 and the year 2000. And they'll be paying for this Bill, this House Bill, through the nose. I think the rate...I think the people of this state and I think the Members of this General Assembly ought to know that. I feel that this Bill is just merely politically expedient at this time. If we're talking about real relief, if we're talking about real relief to people paying utility bills and power bills, we're whistling in the dark. This is a

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rabbit in the hat show, Ladies and Gentlemen. What it will do is add costs on consumers' bills down the line. It won't...it won't give anybody relief for those power plants being built now and will be finished by 1985. What we're going to probably do is create a power shortage in the 1990s, just like we had a gasoline shortage of the 1970s. The only difference is that we won't be able to go someplace and import electric power like we were able to import gasoline. Think twice before you vote on this Bill."

Speaker Breslin: "The Gentleman from St. Clair, Representative Flinn."

Flinn: "Madam Speaker, I move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. All those in favor say 'aye', all those opposed 'nay'. The 'ayes' have it. The question is moved. The Gentleman from Effingham, Representative Brummer, to close."

Brummer: "I think we had a very fair and detailed discussion with regard to this issue. I think it's very simply a matter of, one, of whether or not you ought to be paying now for something you aren't receiving. If you're living in the Commonwealth Edison service area, for example, should you be helping construct plants that are going to go on line five years from now when maybe two years from now you've moved to Iowa or Indiana. And, you know, we do not do that with regard to any other industry that I know. I do not think we should expect consumers to pay for future construction costs with regard to plants that are not yet generating one kilowatt of electricity. Obviously the consumers will ultimately have to pay for that. They should pay for it when the plant is generating electricity. That's what this issue is all about. It represents a fair compromise and a phaseout with regard to the CWIF issue,

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and I would ask for a favorable vote."

Speaker Breslin: "The question is, 'Shall House Bill 367 pass?'

All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this Bill, there are 99 voting 'aye', 10 voting 'no', 4 voting 'present'. This Bill, having passed...having received the Constitutional Majority, is hereby declared passed. On the Order of Special Matter - Public Utility Reform appears House Bill 368. Clerk, read the Bill. Excuse me, Mr. Clerk. Representative Dunn, for what purpose do you rise?"

Dunn: "Madam Speaker, could you tell me if my light is working up there?"

Speaker Breslin: "It's on now, Representative. Yes."

Dunn: "It was on ever since Representative Brummer started, but that's...I just wanted to be sure it was working. Thank you."

Speaker Breslin: "Okay, I'm sorry, Representative. House Bill 368. Clerk, read the Bill."

Clerk O'Brien: "House Bill 368, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Breslin: "Representative Brummer. Representative Brummer."

Brummer: "Yes, this Bill limits the amount of advertising costs that public utilities can include in their rate base. It does not limit the amount of advertising that public utilities can do. It simply limits the amount of advertising that can be built into the rate base. Currently, this is restricted by a regulation of the Illinois Commerce Commission. By and large, this Bill codifies the current practice of the Illinois Commerce Commission with regard to that issue. It prohibits

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specifically the inclusion in the rate base of costs of advertising associated with political advertising, promotional advertising, goodwill or institutional advertising. It delineates certain exceptions that are allowable advertising costs. I...this Bill has bipartisan support, and I would ask for a favorable vote."

Speaker Breslin: "The Gentleman moves for passage of House Bill 368. Is there any discussion? There being no discussion, the question is, 'Shall House Bill 368 pass?'. All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 104 voting 'yes', 8 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Subject Matter - Public Utility Reform appears House Bill 884. Clerk, read the Bill."

Clerk O'Brien: "House Bill 884, a Bill for an Act to establish pilot projects for the winterization of residential housing. Third Reading of the Bill."

Speaker Breslin: "Representative Curran."

Curran: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 884 is about the advantages of residential weatherization. This Bill establishes a few pilot programs throughout the state in which low interest or no interest loans will be made available to residences for the purposes of weatherization. The program would be run by the Department of Energy and Natural Resources, which has an existing program for informing the public of the advantages of energy conservation. Part of the wisdom of this Bill then is that it dovetails with an existing federal program paid for by committed federal dollars. Under this Bill, local communities would be asked to submit proposals to the

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Department of E and R. These proposals would indicate which communities had the ability and the willingness to administer the program. Local communities will be required to out up matching funds to be used for these...for this loan program, and they would also be asked to secure the cooperation of local banks to handle the actual distribution of funds on a loan basis. This matched state and loan pool of dollars is to be loaned out on a sliding interest scale basis, so that the individual advantages of this program are not concentrated in the hands of only the wealthy. But the individual advantages to individual residences do not constitute the main reasons to vote for this Bill. There are several other advantages, which I think...thank you, Zeke. Thank you. But I think logically, accrue to the passage of this legislation. First, because residential weatherization is labor intensive, we will be putting large numbers of people back to work. Second, we would be saving energy, and therefore, energy dollars, which we'd normally have been sending out of the state and even out of the country. We'd be keeping Illinois dollars in Illinois. Thirdly, we'd be keeping more dollars in local household budgets. I will be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 884, and on that question, the Gentleman from McHenry, Representative Klemm."

Klemm: "Will the Sponsor yield? Will the Sponsor yield?"

Speaker Breslin: "He will yield."

Klemm: "Representative Curran, I understand that the Federal Government now gives us about \$22,000,000 for Illinois for weatherization programs. Is that correct?"

Curran: "Excuse me, Dick. I was answering another question."

Klemm: "Alright, I understand that the State of Illinois receives

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a little over \$22,000,000 now for Illinois for weatherization programs in the various communities. Is that correct?"

Curran: "Well, here's how it goes, Representative Klemm. The State of Illinois is given over \$100,000,000, and they are allowed to divide that \$100,000,000 into a breakdown of their own choosing. They have chosen to break it on about an 80-20 basis, as you're sort of suggesting. 80% would go to paying for people's utility bills. In my county, that amounts to about \$191 payment per person. In addition to that, about \$20,000,000 is spread throughout the state on residential weatherization. This only goes to low income households. In my county, let's take Sangamon County as a typical downstate county. We have about 30,000 homes which need some sort of residential weatherization. In that federal program, we are able to weatherize about 186 homes. So with 186 homes, we are never going to see the collective advantages of employment, or keeping Illinois dollars in Illinois or keeping local households having more money left over in local households' budgets at the end of the month."

Klemm: "Also, I understand that those, regardless of income, are allowed some tax credits, up to \$300 for weatherization. Is that correct?"

Curran: "I'm sorry, Dick. Would you..."

Klemm: "Let me say it again. I understand that again a homeowner from their federal income tax could be allowed up to \$300 for a rebate or a tax credit for weatherization or the other energy conservation methods. Is that correct?"

Curran: "They could do that. Yes."

Klemm: "Alright. Well, my concern I have, Representative, maybe you could explain it, is two or more communities - and if it's only two communities out of the hundreds, and hundreds and hundreds of communities we have in our state - how do

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we pick those select two that are only going to get this extra bonus and not pick communities in my area or downstate other than say, Springfield and one other?"

Curran: "Right now, as I pointed out, federal money is going all over the state in sort of a blanket program."

Klemm: "Alright, but I'm talking about this money now which is not from federal."

Curran: "What this program intends to do is to show the rest of the state what would happen when we concentrate the benefits of residential weatherization. I think those benefits are substantial. We have no program which concentrates those benefits. It would take us several hundred million dollars to do it all over the state. This is a way to have that advantage without spending all that money."

Klemm: "I understand that. But how...could you explain, how are they selected, the communities?"

Curran: "Well, the Depart...the Department of Energy and Natural Resources is given several criteria. They may also add their own. Among those criteria would be the ability of that community to administer such a program and the need for such a program in that community based upon the age of the houses and the income of the residents."

Klemm: "So you're suggesting that just...well, my fear tends to be it may become a political thing with one or two, and that's it. And there's so many communities who may want to do something like that, and they are shut out, because somebody down here gets into that fund of a million dollars first."

Curran: "I would never accuse this of being political. I would suggest to you that in order to do this program right, which you may want to help me try to do next year, it would take several hundred million dollars."



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Klemm: "Alright, well, thank you very much."

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

Friedrich: "Would the Sponsor yield?"

Speaker Breslin: "The Sponsor will yield."

Friedrich: "Is this available to what I call slum landlords, those people who own a bunch of low rent houses. And the reason I ask that, the federal program has been a real bonanza for those people who owned a bunch of cheap houses. They get them fixed up at the government's expense, and then the person moves out, and they raise the rent. Is this restricted to owner occupied homes?"

Curran: "Not totally, Dwight. But I think what you have to realize is that for us to put all the total strings on any governmental program which would make it perfect for you or me, would probably make that program inoperable. We're leaving the decisions up - and I think we should - to a lot of the local discretion, because I think a program like this should be tailored to local needs."

Friedrich: "Then, Mr. (sic - Madam) Speaker, to the Eill. I question whether we ought to be making money available to a couple of towns in this state when we've got a problem all over the state. That's not...that's using...discriminating against the other people who raised the money. And I have seen enough of this deal where the people who own a bunch of low rent houses take the money, fix them up, run their tenant off and then raise the rent. And I tell you that I think that's wrong for us to be taking state money and fixing up private housing for landlords."

Speaker Breslin: "The Gentleman from Cook, Representative O'Connell."

O'Connell: "I have a request from our seatmate to make a request at this time for the Cities of Durand and Western Springs."

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Speaker Breslin: "The Gentleman from Adams, Representative Mays."

Mays: "Will the Gentleman yield please?"

Speaker Breslin: "The Gentleman will yield."

Mays: "Under the terms of your Bill here, the loan to the locals is interest free. Is that correct?"

Curran: "That's correct."

Mays: "And the guidelines and criteria as to what local government is going to get it are not put forth at this point."

Curran: "We give five different criteria here...determines...one, the financial resource of the residents; two, the cost of utility services; three, the fuel efficiency of residential households; three (sic - four), the ability of the municipality to provide matching funds and finance the weatherization program; and the last one is the ability to repay the loans to the state."

Mays: "Okay, so that's the criteria you've got for the state and locals. And that is interest free. Is that correct?"

Curran: "That's right."

Mays: "Alright, from the locals to the individuals, then, are there any guidelines that we have set up in this Bill?"

Curran: "I am assured, by talking to several communities throughout the state, that they can put up matching no interest funds. There will some money necessary for some administration, but I don't want to tie this program so much here in this room in Springfield that it might never be able to play...apply to Quincy, or Macomb, or Rock Island or Springfield."

Mays: "Well, I'm always interested in Quincy, but so there's no low income guidelines that have to be followed for the local government making the loans to the individual. Is that correct?"

Curran: "Well, there is. There's a sliding interest scale, Jeff."

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That sliding interest scale assures that all the money won't just be going to wealthy persons."

Mays: "What is the...where does it start? You know..."

Curran: "It's in the Amendment, and it's on page five, and I think it starts at line six."

Mays: "Okay, if...what do we do in the event of default from the local...from the individual to the local and the local to the state? Do we have anything in this for...to provide for default in those cases where a municipality just decides not to pay it back? Will it then become just a grant or what?"

Curran: "Well, there's some pretty heavy hammers there. The state has a pretty heavy hammer over the local, obviously, and the local has the same kind of hammer that they would have anytime when they're loaning out money."

Mays: "Well, my point is if we're going to designate it to go to certain income levels of people that these loans should go, you're going to have a higher rate of default on these loans through no fault of a municipality making them through the directions of this Bill."

Curran: "Excuse me, but we're not so designating. What we're saying is that if people have a certain amount of income, they will pay a certain amount of interest. We're not saying that it should all go to low income families."

Mays: "To the Bill. I really do appreciate the sincerity of the responses and the sincerity of the Sponsor on this measure. I do, however, have severe reservations along the lines of the loans, and the trail of the loans and the interest, whether it should be charged or not, and above all, the fact that this is going to cost the State of Illinois \$5,000,000 this year, and next year and the year after that ad infinitum. So I would urge a 'no' vote on this Bill."

Speaker Breslin: "The Gentleman from DeWitt, Representative

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Vinson."

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

Speaker Breslin: "The Sponsor will yield."

Vinson: "Would Kenilworth be eligible to participate in this program?"

Curran: "Probably not under the guidelines that are given to the Department of Energy and Natural Resources. The income of the residences would be one of the things...financial resources of the residences would be one of the things the Department of Energy and Natural Resources had to consider. I think probably not."

Vinson: "Where do you find that in the Bill?"

Curran: "Let's see. I don't know. I've spent so much time with it. This is a...an Amendment. I know it's in here. Would you repeat your..."

Vinson: "Madam Speaker..."

Curran: "Would you just repeat the..."

Vinson: "...I'll dispense with the answer to the question and speak directly to the Bill, because I have read the Amendment."

Speaker Breslin: "Please proceed."

Vinson: "And I think if Members of the House will read the Amendment, they'll find the following...the following guidelines for eligibility, the ability of the municipality to administer the program, the ability of the municipality to repay the loan, the ability of the municipality to provide matching funds for financing the program. Now I would submit to the Members of this chamber that Kenilworth could indeed find matching funds for the financing of this program, that Kenilworth could indeed administer this program, and that Kenilworth could indeed repay the loan for this program. I would submit that nothing could be done to disqualify Kenilworth from eligibility for this

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program, nor Flossmoor, nor Winnetka, nor Wilmette. And I would submit that indeed Evanston, which probably does need the program - if Representative Fowman's legislation on utility taxes gets enacted - could probably qualify as well. But no rural poor in this state could every qualify for this program. If you live outside a city or a village, you could never qualify for this program. It is a program that is designed to help Kenilworth and to penalize the rural poor. And for those reasons, I would urge a 'no' vote on the Bill."

Speaker Breslin: "There being no further discussion, the Sponsor, Representative Curran, to close."

Curran: "Yeah, I want to refer to the Kenilworth thing, because what the Gentleman did is he cut off reading about this Bill right at the point where he would kick Kenilworth out. And I don't question the Gentleman's sincerity, but if he'd have gone on just to the next line, it would have said that preference should be given to municipalities which should expect to experience a significant and notable...noticeable impact upon their economy. That would certainly kick Kenilworth out. Now as far as the Bill is concerned, this Bill has several advantages. One, it puts people back to work. Two, it keeps Illinois dollars in Illinois and, three, it leaves more money discretionary funds at the end of each month in Illinois household budgets. I think it's a great idea. And by the way, the money is not lost to the state. It's paid back. So we get people employed. We save Illinois dollars for Illinois citizens, and we get the money back at the end. I urge an 'aye' vote."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 884. All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. Representative Brunsvold. Have all voted who wish? Have all voted who wish? The

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Clerk will take the record. On this Bill, there are 66 voting 'aye', 46 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special of Order...Order of Business, Subject Matter - Public Utility Reform, appears House Bill 886, Representative Klemm. Clerk, read the Bill."

Clerk O'Brien: "House Bill 886, a Bill for an Act in relation to public utilities, amending certain Acts therein named. Third Reading of the Bill."

Speaker Breslin: "Representative Klemm."

Klemm: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 886...House Bill 886 would require commissioners of the ICC to attend public comment hearings on a rate case and also would require the commissioners to attend evidentiary hearings on a rate case if they were re... Additional Amendments have added that the required...the utilities would be required to have a refund would also have to pay interest if...Thank you. Further Amendments that added that...would require utilities to refund with interest an overcharge to a customer. Also it would delete some provisions that the utilities must file quarterly estimates on tax returns if their utilities with a \$7,000,000 gross revenue is less than that, and also gives the ICC authority to extend some deadlines for electric suppliers to file gross revenues tax returns under extenuating circumstances. Some time ago, it was quite interesting to find out, and I mentioned it to a number of people, that I thought Illinois Commerce Commission members were attending all rate cases in person. I just assumed that. With the problems we have with rate increases, I thought they should be there. Well, much to my chagrin I found out that, no, they did not have to be there, and in

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fact, very seldom were. So it's my intent in this particular Bill, is to say that when your people go to a rate hearing, take off from work and try to give their public comment, that, yes, there would be a commissioner there to listen to that dialogue and to listen to your comments that you have. I think it's an appropriate one. I think in fairness, probably it'll be vetoed. I understand the Illinois Commerce Commission is not supporting this one, and I can guess that maybe it would create more work for them. I think they should do it. I think you...I hope you agree with me, and I'll answer any questions you have."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 886. And on that Motion, the Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, I rise in support of this Bill. There has been a great deal of concern expressed by consumers and people who are using public utilities that they go to the utility rate hearings that are held at various locations. The commissioners who ultimately make the decisions are not there. This is a balanced approach to require that at least one commissioner attend the hearings delineated in the Bill. It is a reasonable approach, and I urge an 'aye' vote."

Speaker Breslin: "There being no further discussion, the Gentleman from McHenry, Representative Klemm, to close. Representative Klemm to close."

Klemm: "Thank you. I just ask for a favorable vote. I think it's a good piece of legislation. Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 866 pass?'. All those in favor vote 'aye', all those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are

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113 voting 'aye', 1 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special Order of Business, Subject Matter - Public Utility Reform, appears House Bill 985, Representative Saltsman. Clerk, read the Bill."

Clerk O'Brien: "House Bill 985, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Breslin: "Representative Saltsman."

Saltsman: "Thank you, Madam Speaker. This Bill provides that every utility company shall maintain a registry of residential customers dependent on electrically operated life support equipment. The customer must notify the utility company of such dependence to have their names added to the register. This is not mandatory. The utility company have the responsibility of acquiring the names for the register, but they should reasonably publicize it to the general public to have these names added. This Bill was put on Short Debate, and I'll answer questions."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 985. Is there any discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, for the purposes of legislation intent, Representative, could you just give us some examples or a definition of what reasonably published means?"

Saltsman: "Well, through public information releases, through newspapers, radio stations and so on that this list is available for these names to be added."

Cullerton: "Thank you."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the Gentleman from... Representative... excuse me, Representative Hallock."

Hallock: "Yes, will the Sponsor yield for a question?"



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Speaker Breslin: "The Gentleman will yield."

Hallock: "Once a list is maintained, what is the list to be used for, and what do they do with the list?"

Saltsman: "Well, in case of power failures and so on, the people with basic life support systems or from your services of hospitals and so on, they would know the locations of where these people are at."

Hallock: "Well, that's a laudible purpose, and I would just say that what the Bill also should be, in terms of legislative intent, is to provide that somebody publicize the fact that this list is, in fact, being kept so when the time comes, we'll know that a list like this exists."

Speaker Breslin: "The Gentleman from McHenry, Representative Klemm."

Klemm: "Well, thank you, Madam Speaker. I just think it's a good Bill, and I think it deserves an 'aye' vote. Thank you."

Speaker Breslin: "The Gentleman from Peoria, Representative Saltsman, to close."

Saltsman: "I think this is a good Bill, and I appreciate your support."

Speaker Breslin: "The question is, 'Shall House Bill 985 pass?'. All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 113 voting 'aye', 2 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special Order of Business, Subject Matter - Public Utility Reform, appears House Bill 1155, Representative Hannig. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1155, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

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Speaker Breslin: "Representative Hannig."

Hannig: "Yes, thank you, Madam Chairman and Members of the House.

This Bill basically addresses two problems. On the first part, it would require that the public utilities file certain long-term energy plans with the Illinois Commerce Commission. The idea is to provide some legislative intent and guidelines so that the Commerce Commission can assume a greater role in the area of electric rates. Specifically, what they would ask the utilities to file would be a proposal for the construction of new facilities and the termination of existing facilities for the projected 10 years, the types of fuel and method of generations that they would use at those facilities, what they estimate to be their demand, the existing and planned programs and policies to discourage the public utilities customers from inefficient and excessive use. And basically the Commerce Commission will review these proposals when they are submitted to the Commission from the public utility company, and then they will make recommendations back to the company as to how they see the overall plan of state consumption would dictate changes. This part of the Bill's basically supported by all consumer groups that I'm aware of, and it's an effort, as I stated earlier, to try to get the Commerce Commission more in the forefront of planning and coordinating and overall statewide strategy for the construction and use, efficient use, of electricity. The second part of the Bill is basically a simple proposal that...that would affect just a very few areas in our state. It deals with those rare areas where we have a privately owned water company. What the Bill would say and do is prohibit the publicly owned...privately owned, that is, water company from charging a fire district for fireplugs and water. The

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publicly owned...private...or the publicly owned, which you may read as privately owned, water company could, however, recoup these costs through hearings in the Commerce Commission. This Bill was heard in Committee and probably would have come out, because there was no opposition. But they lost a quorum in the Public Utility Committee that particular day, and so I amended it into this Bill, and I would ask for your favorable vote."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 1155. Is there any discussion? There being no discussion, the question is, 'Shall House Bill 1155 pass?'. All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 105 voting 'aye', 7 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Special Order of Business, Subject Matter - Public Utility Reform, appears House Bill 1269. Out of the record. House Bill 1339, Representative Brummer. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1339, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Breslin: "Representative Brummer."

Brummer: "Yes, thank you, Madam Speaker, Members of the House. This Bill provides that when the Illinois Commerce Commission grants interim rate relief, the...that rate order is appealable to the court. The Amendment provides that...or makes clear that that order regarding interim rate relief and order either granting or denying interim rate relief is appealable to the court. It further provides that if the Commission grants interim rate relief,

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the order shall go into affect notwithstanding the appeal subject to a refund upon final disposition of the appeal. The origin of this Bill is from the Attorney General's Office. Originally the predecessor Attorney Fahner... Attorney General Fahner filed suit in court. It was determined, I believe, that an interim order could not be appealed. Subsequently, Attorney General Hartigan asked me to introduce this Bill to make clear that orders regarding interim rates could be appealed to the court. I would ask for a favorable vote."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 1339. Is there any discussion? There being no discussion, the question is, 'Shall House Bill 1339 pass?'. All those in favor vote 'aye', all those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 106 voting 'aye', 6 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special Order of Business, Subject Matter - Public Utility Reform, House Bill 1345, Representative Krska. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1345, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Breslin: "Representative Krska."

Krska: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 1345 is a simple Bill. It amends the Public Utility Act to prohibit utility companies from cutting off service other than that requested by the customer between the months of December through March, unless the customer refuses to answer to a deferred payment plan. This Bill seeks to place in the statute legislation which prevents the discontinuance of essential gas and

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electrical utility service during the winter months. This Bill is a part of a package of Bills designed to provide needed reform to the Public Utility Act. This Bill is supported by the ICC and is not opposed by any utility companies. It will be supported by consumer groups, senior citizens and other groups who have serious illnesses requiring essential gas and utility services. This Bill should, once and for all, end all petitions to the ICC regulating rules changed to this area. Senior citizens have been forced to choose between heating and eating because of the skyrocketing costs of utilities. It is simply inhumane to shut off the family's heating to collect the utility bill. The language of this Bill balances the cries for total banned on winter heat shutoffs, and the utility companies need to encourage people to pay their utility bills during the winter months. Last year alone, 500....5,076 households were shut off during the winter months. Senior citizens are especially susceptible to hypothermia, and we should not allow the seniors who try to pay their utility bills to freeze to death. I would greatly appreciate an 'aye' vote."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 1345. Is there any discussion? There being no discussion, the question is, 'Shall House Bill 1345 pass?'. All those in favor vote 'aye', all those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 109 voting 'aye', 5 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special Order of Business appear... under Subject Matter - Public Utility Reform, appears House Bill 1376, Representative Homer. Clerk, read the Bill."

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Clerk O'Brien: "House Bill 1376, a Bill for an Act to amend Sections of the Illinois Municipal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Homer."

Homer: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 1376 is a municipal utility winter shutoff Bill. What it does is provide for general order 172, which was the Illinois Commerce Commission rule adopted for those utilities regulated by the Illinois Commerce Commission in 1982. This Bill would include those same identical provisions for municipal utilities. It would prohibit the discontinuance of heat and gas under certain conditions that are already applicable by this rule to those utilities controlled by the Illinois Commerce Commission. Very simply stated, it is the position of this Bill that when the temperature is below freezing, that it is inhuman to cut of someone's utility service until they have been given a chance to work out a proper deferred payment plan. We would very respectfully urge your support for House Bill 1376."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1376. On that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 1376 pass?'. All those in favor vote 'aye', all those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 114...115 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special Order of Business, Subject Matter - Public Utility Reform, appears House Bill 1813, Representative Levin. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1813, a Bill for an Act to amend

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Sections of the Open Meetings Act. Third Reading of the Bill."

Speaker Breslin: "Representative Levin."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bills 1813 and 1814 are part of the Speaker's public utility package and focus on the reform of the structural and ethics procedures of the Illinois Commerce Commission. It's no secret that the public image of the Illinois Commerce Commission today is very, very negative. The perception of the consumer is that the Commission is not evenhanded, not independent of the utilities, and is, in fact, subject to influence in their decision on the part of the utilities. This sentiment has fueled the drive for an elected Commerce Commission. I think many people out there feel that any new method of selection, any new commissioners, would be an improvement over the current model. At the same time, we saw a few weeks ago for the first time in ten years, the Senate refused to confirm a nominee of the Governor, and this was Helen Schmidt, who is one of the commissioners. House Bill 1813 and 1814 are intended to help restore consumer confidence in the Commission by reforming some of the procedures by which the Commission operates. 1813 is a very simple Bill. It eliminates the exemption that currently exists in the Open Meetings Act for deliberation for decision on the part of the Commerce Commission. It does, however, continue to permit deliberations where the information being discussed is proprietary. I urge your support of House Bill 1813. Would be happy to answer questions."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1813. And on that motion, Representative Klemm."

Klemm: "Yes, will the Sponsor yield?"

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Speaker Breslin: "The Sponsor will yield."

Klemm: "Yes, Representative Levin, some time ago I had asked the question, because last year I had a similar Bill that I had introduced to put the ICC under the Open Meetings Act. One of the concerns that was expressed at that time and I had mentioned to you, and that was about motor freight tariffs and rates and things such as that, I think, that the ICC gets under that tends to be profit picture and more of an operation of a private nature rather than having it all exposed to the competition sitting in the room. Is that protected somehow?"

Levin: "Yeah, the intention of the Bill is to permit discussion of whether it's trade secrets or proprietary information. And I believe that the proprietary information type of a situation would fit this."

Klemm: "Alright. Well, then..."

Levin: "If it's not clear, you know, I'd be happy in the Senate to clear that up. But it is my intention that where there is proprietary information, where there are trade secrets, the current practice, even in the hearings, is that that may be done in private. And that is perfectly proper, you know, but with...you know, and that is my intention here."

Klemm: "So then, though it may not be a 'trade secret', quote, unquote, as we would use the term, that if a small trucking company is in there about rate increases, and their competition likes to know what they're making or not making on different jobs and carriers and that, they could exclude that from the Open Meeting to protect that person, even though it's not, you know, used deliberately to hide what they're doing."

Levin: "Right. If I may go by way of an analogy, the exemption...right now, the exemption from the Open Meetings Act is for deliberations leading to decision, and the



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result is that where you're before the hearing officer, that is subject to the Open Meetings Act. But right now, even though the hearings before the hearing officers are subject to the Open Meetings Act, where there is something that is proprietary, there is a trade secret, there is an 'and camera' hearing to determine whether or not, in fact, it is a legitimate trade secret or legitimately proprietary. And after the hearing officer makes that decision, if he decides it is, then it is excluded from the public sector."

Klemm: "I also understand that the ICC is, in effect, following the Open Meeting Act now. Is that correct?"

Levin: "They are following the Open Meetings Act, but the Open Meetings Act, as I said right now, exempts deliberation for decisions."

Klemm: "Okay, thank you very much."

Speaker Breslin: "There being no further discussion, the Gentleman from Cook, Representative Levin, to close."

Levin: "I just ask for a favorable Roll Call on House Bill 1813."

Speaker Breslin: "The question is, 'Shall House Bill 1813 pass?'. All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 114 voting 'aye', 1 voting 'no'. Strike that. Representative Ewing would like to be recorded as voting 'aye'; therefore, there are 115 voting 'aye', 1 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special Order of Business, Subject Matter - Public Utility Reform, appears the...appears House Bill 1814, Representative Levin. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1814, a Bill for an Act to amend Sections of an Act concerning public utilities. Third

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Reading of the Bill."

Speaker Breslin: "Representative Levin."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. As I indicated in my remarks in connection with House Bill 1813, House Bill 1814 is also part of the Speaker's package. And before I explain it, let me indicate that the Speaker Madigan's...involvement in public utilities is not new, that his endorsement and support in mediation in terms of this package comes from a long-standing involvement on his part. Many people do not know it, but many years ago before Speaker Madigan was elected to the General Assembly, indeed before he was elected to Con-Con, he was a hearing officer before the Illinois Commerce Commission. So his experience is a firsthand experience, and his concern is a very real one here. House Bill 1814 deals with two issues. First of all, it deals with the problem of the revolving door as far as commissioners and staff at the Illinois Commerce Commission. As I indicated in my remarks earlier, there is a perception on the part of the public that the Commission is not as independent as it should be. There is a perception that the Commission staff is not independently verifying the information given to it by the utilities, is not critically scrutinizing what the utilities have to say. And part of the reason for that is felt to be that somebody can come out of college, go to work for the Commission to get some experience in terms of the utility field, and then go work for the utility. And so there is really not a whole lot of motivation on the part of somebody working for the...the Commission to really be independent of the utilities, to carefully scrutinize them. House Bill 1814, the underlying Bill, would stop this potential for a revolving door policy by imposing a one-year limitation on

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post-employment for commissioners and staff. Unfortunately, we have seen instances where both staff and commissioners, who have recently left the Commission, turned up very shortly thereafter working for or representing a utility. Unfortunately, you know, in my own recollection, there was a Chairman of the Commerce Committee about 12 years ago who showed up very shortly thereafter. This is something that is perceived to not be fair by the public. The second part of the Bill deals with ex-party communications, and it would...it was developed in conjunction with Chairman G'Connor. It would prohibit ex-party communications on pending matters by the Commissioners and hearing officers and mandate the Commission to come up with rules and regs in terms of ex-party communications for staff. I urge your favorable support for House Bill 1814."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 1814. And on that Motion, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Madam Speaker. Will the Sponsor yield to a question?"

Speaker Breslin: "The Gentleman will yield."

Hoffman: "What impact do you think this will have on the ability of the Commerce Commission to hire the kind of staff that you and I would certainly want them to have, Representative Levin?"

Levin: "Okay. I think that it will have no negative effect at all. I think the key thing is how much...the kind of salary, the kind of remuneration that the Commission pays. And it's been unfortunate in the last several years that the Commission has seen fit not to spend all of the money that was available from the Public Utility Fund to adequately pay staff. And I think that that's a critical

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factor here. I think that a post-employment limitation will have very little effect on the attraction of good staff. I think if anything, it will encourage those people who really want to be outstanding in the field, who want to be independent, that they're going to know that they're going to have the ability to be independent and that the other people at the Commerce Commission are likewise going to be independent. And it's going to make it, I think, a better place for people to want to work."

Hoffman: "Can you give me another example in State Government where we have this prohibition?"

Levin: "This prohibition, you know, currently exists at the federal level with respect to most regulatory agencies, and that's where it was taken from. The ex-party communication portion exists not only at the federal level, but also with respect to a goodly number of the state agencies that, in fact, are involved with similar enterprises. The Department of Insurance, for example, currently has an ex-party communication prohibition. As far as other state agencies that currently have the post-employment ban, I do not know of any."

Hoffman: "How will this impact on people presently employed?"

Levin: "It would have no impact on persons that are currently employed. You cannot change the terms and conditions of employment in midstream."

Hoffman: "It would be prospective then by the time it goes into effect."

Levin: "That's correct."

Hoffman: "Would this have any impact on people who took a promotion after the implementation of this legislation, in other words, they move from one position to another?"

Levin: "I really can't answer that question. I, you know, I really don't know."

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Hoffman: "In other words, the question...is it by person or by position of employment?"

Levin: "Okay, it certainly would not affect people in their current positions. If people sought to enter into a new contractual relationship with a Commission, it might, in fact, impact them. I really...it's the first time that particular question has been asked, and I can't give you a firm answer."

Speaker Breslin: "The Gentleman...are you finished with your questions?"

Hoffman: "Thank you very much, Madam Speaker. Ladies and Gentlemen of the House, a regulatory agency of any kind is in a rather unique position. Over the years that I've been involved in the legislative process here in Illinois, I have seen us continually chip away at those agencies. And we are going to get, I believe, to the point where it'll be very difficult to get the kind of people and have the kind of relationship that we ought to have between the public and regulatory agencies and those people being regulated. This Bill, I think, is an example of that slow chipping away, not only on the part of the agency, but also on the part of the individuals who would work there to lock them out of any other employment by anybody who's regulated for a two-year period of time. It seems to me to be somewhat excessive."

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

Shaw: "Madam Speaker, I move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. All those in favor vote 'aye'...say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the question is moved. The Gentleman from Cook, Representative Levin, to close."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the

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House. Very briefly to close, as I indicated in connection with House Bill 1813, the public perception of the Illinois Commerce Commission is very, very negative at the present time. If, in fact, the staff had been doing a better job, if they had been more independent, we might not today have the need for CUB, because the staff would be uncovering some of the problems with the requests that the utilities have asked for. We may not have the push for an elected Commerce Commission. This Bill is a very, very important part of the package, a very important reform for the future to restore public confidence in the Illinois Commerce Commission and make it so that the consumers will feel that the commissioners and staff are independent, are doing their job, and they can once again rely upon the Commission. I urge your favorable support."

Speaker Breslin: "The question is, 'Shall House Bill 1814 pass?'.

All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 91 voting 'aye', 24 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special Order of Business under Subject Matter - Public Utility Reform appears House Bill 1872, Representative Dunn. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1872, a Bill for an Act in relation to energy efficient building standards. Third Reading of the Bill."

Speaker Breslin: "Representative Ralph Dunn."

Dunn: "Thank you, Mr. (sic - Madam) Speaker and Members of the House. House Bill 1872 is a Bill that if we pass, will let Illinois join the large majority of states that have enacted building energy efficiency legislation. This Bill, I want you to understand, does not impose any specific

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building codes on any community, but it does require that municipalities in counties that have building codes, they must adopt energy efficient standards. It makes available to local authorities for their construction and for their consideration, guidelines to be established by the Department of Energy and Natural Resources. The Bill is supported by the administration, and I have bipartisan Cosponsorship. I'll be glad to answer any questions, and I'd like to ask Representative Mulcahey to close please."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 1872. Is there any discussion? There being no discussion, the Gentleman from Winnebago, Representative...Excuse me. There is discussion. The Gentleman from Kane, Representative Kirkland."

Kirkland: "Just a question. Does this require 71 votes?"

Speaker Breslin: "Parliamentary inquiry. How many votes does this Bill require to pass? While we are making that determination, I'd like to recognize the Gentleman from Bond, Representative Slape, on the Bill."

Slape: "Yes, Madam Speaker, I rise in support of House Bill 1872. This Bill contemplates that E and F will establish energy efficiency standards similar to those recommended by the American Society of Heating, Refrigerating and Air Conditioning Engineers. If all local authorities were to adopt these standards, the resident energy cost savings in this state for new single family homes only are estimated at \$10,000,000 in the first year in 1984, and will grow up to \$175,000,000 per year by the year 2000. I would ask for a favorable Roll Call."

Speaker Breslin: "The Lady from DuPage, Representative Karpziel, for further discussion on the Bill."

Karpziel: "Yes, thank you, Madam Speaker. Question. Representative, I'm sorry I have not read the Bill. I am

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just looking at the analysis. Is this Bill similar to that of the one in Wisconsin?"

Dunn: "No, this is much more flexible. This is a Bill that is permissive in this state. It says if you have building codes in your county or in your municipality, that you...then you must put in energy efficient codes, but it doesn't spell out what they have to be. It sets guidelines that you may use."

Karpiel: "The municipalities can set their own guidelines?"

Dunn: "That's correct."

Karpiel: "Under this Bill."

Dunn: "Right."

Karpiel: "Well, Representative, to the Bill. I think it's an excellent Bill, and I had thought about sponsoring such legislation myself, except that I thought it might be a little difficult to pass. I certainly am in favor of it and hope that we can pass it."

Speaker Breslin: "The Gentleman from Winnebago, Representative Mulcahey, to close."

Mulcahey: "Thank you, Madam Chairman, Members of the House. Now the savings of each community would be...would be tremendous if these standards were adopted. And I hope that every municipality and county will adopt strong energy efficient standards so that we will see the full impact of this particular legislation. But I want to underscore what Representative Dunn has said. This Bill does not require the adoption of a Uniform Building Code. Each local authority can make its own judgment. But every local authority that has a building code must set some energy efficient standard. And I would urge a strong favorable vote from both sides of the aisle."

Speaker Breslin: "Excuse me, Representative Vitek, did you still want to ask a question? I didn't mean to cut you off."



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Representative Vitek."

Vitek: "Thank you, Madam Speaker. A question of the Sponsor."

Speaker Breslin: "One last question of the Sponsor. Representative Dunn will yield."

Vitek: "Why does the Illinois realtors oppose this Bill?"

Dunn: "Their bulletin did not say they were in opposition to it. If it is, it's because it might cost more to build a house, they might think. And that's where they're mistaken, because actually it will make a saving to homeowners. May cost a few more dollars for insulation when they are building it. I talked to the realtors, and I didn't realize they were really in opposition to it."

Vitek: "Well, I'm sorry, but I have to oppose the Bill, because I have a list here that Eob Cook had, and they're opposed to the Bill."

Speaker Breslin: "Ladies and Gentlemen, the Sponsor...the Sponsors have closed on this Bill; therefore, there will be no further discussion. In answer to Representative Kirkland's question, this Bill requires 60 votes for passage. The question is, 'Shall House Bill 1872 pass?'. All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 101 voting 'aye', 9 voting 'no', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special Order of Business, Subject Matter - Public Utility Reform, appears House Bill 2019, Representative Greiman. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2019, a Bill for an Act to amend Sections of an Act providing remedies for leasees in relation to the failure of lessors to pay for utility services. Third Reading of the Bill."

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Speaker Breslin: "Representative Greiman."

Greiman: "Thank you, Mr. Speaker...Madam Speaker. About four or five years ago..."

Speaker Breslin: "Excuse me. Excuse me, Representative. Would you please correct the Board to be 2019? Thank you. Proceed, Representative."

Greiman: "About four or five years ago, this General Assembly passed a Bill which was enacted into law to provide for a method of allowing tenants, by receivers...by appointing receivers, to take over essentially and pay electric, and gas and heating bills where the landlord has failed to do that. The...there have been a few situations where this has been used. They have been used...it has been used to good advantage. This Bill essentially expands that concept and in a very real way improves it. It makes several changes. One change being it...it widens the scope from a three or more to two or more. It provides for electrical service to common areas. It allows for the utility company to restore service in the name of the leasee who requests it, pays the security deposit, and pays the most recent bill. It also provides for change in the notice provisions required under the Bill. Previously, the notices required were five days. Now they are 30 days before service can be shut off. The purpose of the Bill, obviously, is where the landlord is charged with paying the electrical or any utility service for the tenant and on behalf of the tenant and fails to pay for that, there should be some way, some way, that we can make sure that that tenant, by...that that tenant has a way to keep the utilities on. The...when the original Bill passed, and I believe now utility companies do not oppose it, because it is, after all, a way for them to get paid their utility charges. And sometimes, it may be the only way to have

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those charges paid. Accordingly, I would ask...I would move for passage of House Bill 2019."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 2019. And on that question, the Gentleman from Cook, Representative O'Connell."

O'Connell: "Question of the Sponsor."

Speaker Breslin: "The Gentleman will yield."

O'Connell: "Does this require that the.. if the tenant pays the utility bill, then is there a right of indemnification against the landlord?"

Greiman: "The current utility bill. Yeah, he could...he's advanced money on the landlord's behalf, so he could certainly have an action over against that landlord."

O'Connell: "Okay, if a landlord in the interim sells the building, does the subsequent purchaser of the building then assume the liability, or is the duty to indemnify assigned to the subsequent purchaser?"

Greiman: "Well, the Bill doesn't speak to that, and I charge for legal advice, Mr. O'Connell, but I suspect that you would have to look into the...some of the ancient forms of landlord and tenant to determine whether, by privity of estate or privity of contract, the landlord would have...the new landlord would have liability. My guess is that he would not have, but I really am not certain."

O'Connell: "Well, I'm just asking it for legislative intent, but I...I don't...I'm not aware of any other state, unless you are, that have enacted similar reimbursement indemnification laws."

Greiman: "Yeah, there are. Well, there are situations where...any situation where the tenant may have expended money for other purposes on the landlord's behalf, and the landlord may be liable. And I suppose under privity of contract, the new landlord might indeed be liable had

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he...if he took an assignment. But that would just be common law and not have anything to do with this Bill."

O'Connell: "Thank you."

Speaker Breslin: "There being no further discussion, the Sponsor, Representative Greiman, to close."

Greiman: "Thank you. I just ask for a favorable Roll Call. Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 2019 pass?'. All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 111 voting 'aye', 1 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Special Order of Business, under Subject Matter - Public Utility Reform, appears House Bill 2109. Representative Koehler. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2109, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Breslin: "Representative Koehler."

Koehler: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 2109, sponsored by Representative Monroe Plinn and myself, amends the Public Utilities Act to provide that the transportation by intrastate barges and commuter buses shall not be subject to economic regulation by the Illinois Commerce Commission. The Secretary of State would continue to regulate insurance for commuter buses, and Illinois Department of Transportation would have jurisdiction over enforcing safety regulations. This is part of the Illinois Commerce Commission's program to eliminate regulations which have become obsolete. The Bill was originally on Short Debate and came out of Committee 11

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to nothing. The Illinois river carriers support this Bill, and I know of no opposition. I would ask your support."

Speaker Breslin: "The Lady has moved for passage of House Bill 2109. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Breslin: "The Sponsor will yield."

Cullerton: "Now, I understand from reading the analysis that this is designed to deal with the issue of intrastate traffic on barges. Is that correct?"

Koehler: "That is correct."

Cullerton: "Well, Representative Koehler, the Bill is broader than that though, isn't it?"

Koehler: "Yes, it is. It deals with intrastate barges. There are four large companies here in the State of Illinois that deal only within the state, and it would take away...or it would deregulate those barges. But it does also affect commuter buses."

Cullerton: "Well, it affects transportation of persons or property by water, right? So would it affect, for example, in Chicago there is at the Northwestern Station, there is a...a service, a boat service."

Koehler: "Yes, but... 'Walenda'...bus...barge, I believe."

Cullerton: "Did you put this Bill in for the 'Walenda' people, so that they are not going to be regulated by the Interstate Commerce Commission?"

Koehler: "Well, it certainly would affect them, and it would affect them favorably. I think they would approve of this."

Cullerton: "Right, so that the commuters who take the...from the suburbs, like DuPage County, when they come into Chicago, and they get off at the Northwestern Station and they get on one of these commuter boats,..."

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Koehler: "Yes."

Cullerton: "...This commuter boat, which now might be regulated by the Commerce Commission, which would perhaps affect how much they could charge or gouge out of their customers, now we're, with this Bill, just eliminating that protection for those commuters altogether, wouldn't we be?"

Koehler: "Well, under this legislation, they would no longer be required to file their rates with the Illinois Commerce Commission. But upon checking about this particular barge line, we find that they have been a very, very good company. They have rarely had a rate increase and have given excellent service to the Chicago community. They have been good members of that community, and I have no problem with not regulating them."

Cullerton: "And could you tell me why the Bill deals with the transportation of passengers by commuter bus?"

Koehler: "Yes, it deals with the passengers by commuter bus, because the Illinois Commerce Commission does not regulate them at this time, and they want to make sure that they do not regulate them in the future."

Cullerton: "Okay, thank you very much."

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

Leverenz: "The Sponsor yield?"

Speaker Breslin: "The Lady will yield to a question."

Leverenz: "What are the names of the four barge companies that we are giving carte blanche to?"

Koehler: "The four barge companies are American Commercial Barge Line, Dravo Nechling Corporation, spelled D-r-a-v-o N-e-c-h-l-i-n-g Corporation, Ohio River Company and Valley Line Company. The barge companies in the State of Illinois do over 80,000,000 tons of business, and these barge companies do less than 5,000,000 tons of business."

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Leverenz: "And how will this help them?"

Koehler: "Well, it will help them only in the fact that they do not have to file their regulations with the Illinois Commerce...pardon. They do not have to file their rates with the Illinois Commerce Commission. Currently, they are and they will remain regulated by the Secretary of State, the Coast Guard, Department of Transportation. But the Illinois Commerce Commission would...feels that this has become obsolete and no longer necessary."

Leverenz: "Was this brought to you by someone else, or did you find that in riding a barge in your district, this would be a nice thing to do? Were you approached by a captain of a ship or what?"

Koehler: "Representative, a captain of a ship would have been very nice, but no, it was the Illinois Commerce Commission that approached me about this legislation, and I might remind you that I had said that the Illinois River Carriers Association is in favor of this legislation."

Leverenz: "The Illinois River Carriers Association, is that four barge companies put together? Is that the whole Association?"

Koehler: "I cannot answer that question."

Leverenz: "The 5,000,000 tons that these four barge carriers carry, will this help add to their bottom line? Are we going to be helping small business with this?"

Koehler: "We would hope so, Representative. Usually when one deregulates and takes away part of a burden of regulation, it is helpful, particularly to small business. Small business for many years has been saying, 'Get government off our back and give us fewer regulations.'"

Leverenz: "How often do they file with the ICC that which you are trying to unmandate and deregulate? When they deregulated the airlines, I don't know that it was all that good."

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Koehler: "Your question was how often...how often do they file?  
They file only when they want to change their rates. There  
is no set schedule."

Leverenz: "So if we left this on the books and they did not  
increase their rates, it would not have any affect at all,  
would it?"

Koehler: "That is correct."

Leverenz: "And the only way we would find that they increased  
their rates, if we did not use their service, is with the  
filing. Correct?"

Koehler: "That is correct. However, it would leave to the  
marketplace their ability to raise their rates. If they  
raise their rates, well then, of course, the competition  
would move in and take that business. Competition would  
keep...would encourage a lower rate."

Leverenz: "Well, then if you deregulate in this fashion, and  
competition moves in, you, in fact, are going to be doing  
harm to these four barge companies. Are you not?"

Koehler: "One would be providing good service at lower rates  
under this legislation."

Leverenz: "And the ICC doesn't want to do this anymore. Is that  
correct?"

Koehler: "That is correct. The Illinois Commerce Commission  
believes that this regulation is obsolete. There is such a  
minimal amount that they do already, and they believe that  
the regulations offered by the Secretary of State,  
Department of Transportation, Department of Conservation,  
all of these regulations are enough for that...those  
particular four large lines."

Leverenz: "Is this then your Bill that you intend to run your  
reelection campaign on?"

Koehler: "That is not pertinent to the legislation before us,  
Representative."



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Leverenz: "Can we take this Bill out of the record until we get that answered?"

Koehler: "That...no."

Leverenz: "Thank you. To the Bill, Mr. (sic - Madam) Speaker. I thought this might be a pay raise for the barge companies, and we'd have to give them checks back. But apparently, I can't tell. The Representative says that on one hand we are going to help four barge companies. On the other hand, if we pass this Bill, we will then be allowing competition to move in on them and perhaps do harm to their business. And therefore, I'd urge a 'present' vote."

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

Shaw: "Yes, I'd like to ask a couple of questions about this Bill. Will the Speaker...will the Sponsor yield?"

Speaker Breslin: "The Lady will yield to a question."

Shaw: "You are attempting to...what does this Bill...I don't have the analysis, but I'm trying to figure out what this Bill does. You want the Commerce...Illinois Commerce Commission to regulate the barge companies. Is that right, in essence?"

Koehler: "Representative Shaw, what this Bill does it states that the Illinois Commerce Commission shall not regulate intrastate barges nor shall they regulate commuter buses. Currently, they do not regulate commuter buses, and the Illinois Commerce Commission wants to make certain that they do not have that responsibility in the future either."

Shaw: "Well, how would the Illinois Commerce Commission have that...doesn't the Coast Guard have something to do with the barges and that type of thing? Wouldn't that be under the Coast Guard?"

Koehler: "The Coast Guard is a federal agency, and yes, the Coast Guard does have a certain amount of responsibility for our waters."

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Shaw: "But yet the Coast Guard...the Commerce Commission has said they don't want the responsibility of regulating the...the large companies."

Koehler: "That is correct, Representative. They do not feel that they need to have those four barge companies, who do such a minimal amount of business here in Illinois, to file their rates with the Illinois Commerce Commission."

Shaw: "Alright, do you know of any other state where that this exists where that the Commerce Commission regulate the...regulate a barge company dealing with waterways?"

Koehler: "To my knowledge, I know of no other state that regulates intrastate barges."

Shaw: "Thank you."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman. Hoffman, Representative Hoffman."

Hoffman: "We move the previous question."

Speaker Breslin: "Okay, that is not necessary, Representative. There is no one else seeking recognition. Therefore, we will recognize the Lady from Marshall, Representative Koehler, to close."

Koehler: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I have presented before you today a piece of legislation that would deregulate four barge companies that do intrastate barge...barge traffic within the State of Illinois. They do a very small amount of the total barge traffic here in the state. I believe that this would be economically feasible for those small barge companies and would indeed be helpful to them in their business. Furthermore, the Bill makes certain that the Illinois Commerce Commission does not have the responsibility for regulating commuter buses. They feel that this would be better served by the Regional Transportation Authorities under which these commuter buses might operate. It is an

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excellent piece of legislation that has been advocated by the...by those who do the trafficking on the barge...barge trafficking on the rivers and by the Illinois Commerce Commission. I would appreciate your 'yes' vote."

Speaker Breslin: "The question is, 'Shall House Bill 2109 pass?'. All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 96 voting 'aye', 11 voting 'no', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. We will now return to Second Reading Special Order of Business. Next Bill, House Bill 799, Representative Matijevich. Clerk, read the Bill."

Clerk O'Brien: "House Bill 799. This Bill has been read a second time previously. Amendments #1 and 2 were adopted previously, and the Bill was held on Second Reading."

Speaker Breslin: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Matijevich - Stuffle."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Yes, Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the House, Amendment #3, my staff person, Caleb, who helped draft the Bill, helped draft this Amendment. It is a clean-up Amendment, because he said verbiage was included in Amendment 2, which he had not asked to be included in Amendment #2. For example, there's a state mandates exemption totally unnecessary, because the Bill deals totally with State Government. There is a mention of a Pension Code, which is totally unnecessary. There is reference to a county in which the dispute arose, and that's all been changed to mean Sangamon County, because

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that is the state seat of government. I move for the adoption of Amendment #3."

Speaker Breslin: "Is there any discussion? There being no discussion, the question is, 'Shall Amendment #3 be adopted?'. All those in favor say 'aye', all those opposed 'nay'. The 'ayes' have it. Amendment #3 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. The fiscal note is now filed, so we have moved it to Third Reading. Next Bill, House Bill 1260. Representative Mautino, House Bill 1260. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1260. This Bill has been read a second time previously. Amendments #1 and 2 were adopted in Committee."

Speaker Breslin: "Are there any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Are there any Amendments?"

Clerk O'Brien: "Floor Amendment #3, Winchester - Woodyard."

Speaker Breslin: "Representative Winchester. Representative Winchester."

Winchester: "Leave to withdraw Amendment #3."

Speaker Breslin: "The Gentleman has asked for leave to withdraw Amendment #3. Amendment #3 is withdrawn. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Winchester - Woodyard."

Speaker Breslin: "Amendment #4, Representative Winchester."

Winchester: "Leave to withdraw Amendment #4."

Speaker Breslin: "Amendment #4 is withdrawn. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Winchester - Woodyard."

Speaker Breslin: "Representative Winchester on Amendment #5."

Winchester: "Leave to withdraw Amendment #5."

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Speaker Breslin: "Amendment #5 was withdrawn. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Woodyard - Mautino-Winchester."

Speaker Breslin: "Amendment #6, Representative Woodyard."

Woodyard: "Thank you, Madam Speaker. After much discussion with all of the Sponsors of House Bill 1260, it has been agreed to propose Amendment #6. And we also had the aid of some little sunbeams, I think, shining down on us. This Amendment would place the Lieutenant Governor as Chairman of the Export Bonding Authority, and in line of succession, would also delineate the Attorney General as the next acting Chairman of that Authority. It also delineates the appointment of the eight people to the Authority. I would move for its adoption."

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

Mautino: "Yes, I stand in support of Amendment #6. And we are attempting, at this time, to put the Bill in shape for the Special Order of Business scheduled for tomorrow, and I recommend 'do adopt'."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #6 be adopted?'. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and Amendment #6 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. On the Order of Second Reading Special Order of Business, House Bill 1442, Representative Capparelli. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1442, a Bill for an Act authorizing public employees to grant public...public employers to grant public employees the right to designate

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representatives of their own choosing for collective bargaining. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Motions? Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Are there any Amendments?"

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

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

Capparelli: "Amendment #1 provides that nothing in this Act shall impair any existing rights that are in the Bill of last year, and the Amendment also clarifies that suits or violations of agreements involving employees of mass transit subsidized by federal funds will be brought in the Circuit Court at the party who is alleged to have committed a violation. I would ask for adoption of Amendment #1."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Madam Speaker. Will the Gentleman yield for a question?"

Speaker Breslin: "The Gentleman will yield for a question."

Vinson: "Representative, what does this Amendment do?"

Speaker Breslin: "The question is, 'What does the Amendment do?' Representative."

Capparelli: "Well, the Amendment actually doesn't do anything except keep the existing rights that were installed last year, and the second part of the Amendment makes them...any violation will be conducted in the county of that violation."

Vinson: "What rights that were granted last year are you referring to?"

Capparelli: "I couldn't answer that at this time."

Vinson: "Does this have an impact on the CIA labor contract?"

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Capparelli: "Would you repeat that please?"

Vinson: "Does this Amendment have an impact upon the CTA labor contract?"

Capparelli: "Not that I know, no."

Vinson: "I beg your pardon."

Capparelli: "No."

Vinson: "It does not?"

Capparelli: "No."

Vinson: "Then what does the language mean on the Amendment, page one, line eight, 'as established by Sections 2.15 through 2.19 of the Regional Transportation Authority Act and Sections 28 and 28A of the Metropolitan Transit Act'?"

Capparelli: "It's a good question."

Vinson: "I think so. Can you tell me what that language means if this Amendment has no impact on the CTA labor contract?"

Capparelli: "Not that I know of, no."

Vinson: "You can't tell me what this language means?"

Capparelli: "No, I can't, Mr. Vinson."

Vinson: "Mr. (sic - Madam) Speaker, I think it might be wise to take this Bill out of the record until the Gentleman can explain the Amendment."

Speaker Breslin: "Representative Capparelli, what is your pleasure? The Gentleman will take his Bill out of the record. The next Order of Business is House Bill 2012, Representative Madigan. Out of the record. The next Order of Business is House Bill 2290, Representative Madigan. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2290, a Bill for an Act to amend the Industrial Development Authority Act and the Income Tax Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

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Speaker Breslin: "Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Ewing."

Speaker Breslin: "Representative Ewing on Amendment #2."

Ewing: "Mr. Speaker...Madam Speaker, Ladies and Gentlemen of the House, this is the Amendment that we were talking about yesterday when this Bill was taken out of the record, and I hope that everybody will again put their attention on this Bill. This is the Amendment which would remove the authority to dip into the pension funds for \$40,000,000. Ladies and Gentlemen, I think that we have done enough with the pension funds. This Bill already contains bonding authority of \$225,000,000. That, added with the combined bonding authority of the two agencies, which would be united as a result of this Bill, add up to a billion dollars of bonding authority. Ladies and Gentlemen, we don't need to borrow \$40,000,000 from the Pension Fund, and I would ask for the adoption of this Amendment. It doesn't gut the Bill. It only removes that one part. If this Bill depends on that \$40,000,000, then maybe we ought to revise the legislation."

Speaker Breslin: "The Gentleman from Vermilion, Representative Stuffle."

Stuffle: "Will the Sponsor yield to a question or questions? Representative Ewing."

Speaker Breslin: "The Gentleman will yield to a question."

Stuffle: "If your Amendment goes on the Bill, what happens to the Insurance Fund in the Bill?"

Ewing: "I don't believe that we changed that, Representative."

Stuffle: "Well, if you don't change it, how can you fund it, since the Bill relies upon this money to fund the Insurance Fund in the Bill that protects the bondholders' interest and the interest under the Bill? How would you fund that?"

Ewing: "You're talking so fast, and you have your cigar in your



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mouth, and I can't hear you."

Stuffle: "I'm talking normal. I don't have my cigar in my mouth. I'll slow down for you though. How do you fund the Insurance Fund in the absence of the provisions that are in the Bill that you strike?"

Ewing: "Well, if you adopt this Amendment, you're not going to fund it with pension money. You'd have to do it with proceeds from the bonds."

Stuffle: "Does your Amendment propose any alternative?"

Ewing: "No, it doesn't."

Stuffle: "Does your Amendment propose a mechanism to use any of the bond proceeds to do that?"

Ewing: "No."

Stuffle: "Thank you. I think you've answered my questions on that Amendment, and I think that you've given adequate reason, even aside from the issue of the use of the pension funds to defeat the Amendment. I might add that the Amendment does something unlike that, which was done in taking \$71,000,000 from the pension funds. It gives them more than a promise. It provides statutorily for the return of their money at 10% interest on that money. Over a period of years, it would, in fact, yield at 10%, \$94,000,000 on a \$40,000,000 investment, a secured investment, I might add, and an alternative that Representative Madigan's provided in the Bill for an insurance fund that, in fact, protects the fund. In the absence of that protection, in the absence of those funds, as you've admitted, there is no protection. There is no insurance fund provision with regard to where the money comes from or the ability to insure the distribution of revenue through loans and guarantees that are provided for in the Bill."

Speaker Breslin: "The Gentleman from Hardin, Representative

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Winchester."

Winchester: "Thank you, Madam Speaker. I think just about every Legislator in the House has received correspondence in the last several weeks since we voted to take \$85,000,000 out of the pension system to fund State Government. If we come back and take another 40 or \$45,000,000 out of the pension system for this Bill - and I'm not saying that this Bill is a bad Bill. Even though it is sponsored by the Speaker, it does have some decent merits to it. But if Representative Stuffle is correct in his assessment and his questioning, then we do have some serious flaws with this Bill, and this Bill then would become untimely. I don't think that any Legislator on any side of the aisle here can justify to our schools, to our universities, to all those people who are so concerned, so nervous, about the amount of money that we've been taking out of the retirement system, I don't see how that we can justify taking another \$45,000,000. Again, I think there is some merit to this Bill. I think the Sponsor may...ought to put this Bill on Interim Study and let us study it some more during the next year and then come back with it some time in the next Session. But I just think that both sides are inviting a lot of trouble from our constituency if we approve this...if we don't approve this Amendment, or if we...if we fail to adopt this Amendment and push this Bill out, and it is signed by the Governor, we're going to be in a lot of trouble with our constituents."

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

Mautino: "Thank you very much, Madam Speaker. I would, as well, like to stand in opposition to Amendment #2 to 2290. I think that the learned Gentleman from the last Session's Revenue Committee knows full well that the return on the

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pension investments is in the area of eight to eight and a half percent. In the current legislation, there is a guaranteed ten percent return. And there is a difference, I would like to point out as well, between the Governor not funding the pension program as presented by Representative Winchester. It was not a reduction from the Fund itself. It was a nonfunding provision. I did not happen to support that legislation when it appeared before us, giving the Governor the opportunity and the authority to do so. But in this case, the ten percent return is better than the normal return that is currently being provided within that Pension Fund. The guarantee for the 20 year pay back is a good guarantee, as Representative Stuffle pointed out. When, in fact, the basis for the protection of the bond holders is built into the Pension Fund with the automatic proposal from the General Assembly used in the appropriation process, it makes it a very attractive tax-free investment for the generation of additional business and venture capital in the State of Illinois. If, in fact, Amendment #2 goes on, it will eliminate the securities built into this existing Bill, and I recommend most highly the defeat of Amendment #2."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Madam Chairman. Would the Sponsor yield to a question?"

Speaker Breslin: "The Sponsor will yield to a question."

Hoffman: "Representative Ewing, what is the position of the trustees of the various state pensions? What is their position on this legislation?"

Ewing: "Those representatives which I have talked to are adamantly opposed to the use of their pension funds in this Bill."

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Hoffman: "Do you know of any other situation in which a...pension funds or pension trustees are directed by the General Assembly to invest their beneficiaries' funds in particular kinds of investments?"

Ewing: "No, I don't, Representative. I know that this year, we seem to have directed quite a bit of attention to the pension fund by using some of it...directing them to invest some of it in...to housing and different things, and now we're going to borrow it for small business. It seems that there is a lot of new interest in using and directing how the trustees will invest these funds during this current Session."

Hoffman: "Would you then suggest, Sir, that the General Assembly or Representatives of the General Assembly in these various programs is usurping the constitutional and statutory powers of these pension trustees?"

Ewing: "Well, that certain could be one interpretation, Representative."

Hoffman: "Thank you. Madam Speaker, to the Amendment. I think when you receive and read the letters that you've received on 1046, I believe it is, and particularly that what we're looking at is the same kind of a situation here, and I rise in support of the Gentleman's Amendment."

Speaker Breslin: "The Gentleman from Cook, Speaker Madigan."

Madigan: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 2290 provides a major initiative in the area of economic recovery. Being brief concerning the provisions of the Bill, it provides a mechanism whereby the credit of the State of Illinois is made available to medium sized and small firms that wish to begin a business or expand a business. The essence of the program is that it will provide for the use of no state cash, a minimum amount of the use of the state credit and a maximization of a

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partnership between public and private. Private being banks, insurance companies and investment banks in the state, which would provide the initial commitment, and then the public would come into the picture in terms of the use of the state credit. In such a scheme, you must ask yourself, where will we get the base money to support this program? It would be easy to amend this Bill to provide that we would use the General Revenue Fund. But we're all familiar with the current condition of the General Revenue Fund. There is no money in that account. It is almost impossible for us to go to that account for our regular purposes, let alone a new program. In light of the condition of the General Revenue Fund, the Bill provides for the use of the state pension systems. There is a guaranteed required pay back in the legislation. One of the previous speakers alluded to the availability of \$225,000,000 in bonding authority. That \$225,000,000 is only available when you leverage the private participation against the loan which is provided in the Bill, and which this Amendment attempts to remove. I heartily recommend to you that given the current condition of the General Revenue Fund and given our desire to come forward with an economic recovery plan, we are compelled to do this minimal borrowing from the State Pension System, which contains a guaranteed required pay back. Thank you."

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

Vinson: "Madam Speaker, I would request a Roll Call vote on this Amendment."

Speaker Breslin: "We had intended that, Representative. The question is, 'Shall Amendment #2 pass?'. Representative Ewing to close on Amendment #2."

Ewing: "Thank you, Madam Speaker. The efforts of Speaker Madigan

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and the Sponsors of this Bill are certainly laudible. But, Ladies and Gentlemen, this is risk money. This is high risk money. And should we be putting our pension funds into that? I doubt it. Ladies and Gentlemen, we have an obligation to those constituents who have paid into those pension funds. We haven't been listening to them too well. If you've been reading your mail, you know how they feel about the use of this \$40,000,000. There are many things in this Bill in regard to that that have been brought up and talked about tonight, the repayment clause, for instance. But yet, there is no date when that repayment starts. It could start in 1990. Ladies and Gentlemen, if you want to protect the integrity of our pension systems, if we want to stop the rate on these funds - and they certainly are attractive, all that money sitting there - then you'll vote 'yes' on this Amendment. Thank you very much."

Speaker Breslin: "The question is, 'Shall Amendment #2 to House Bill 2290 be adopted?'. All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 45 voting 'aye', 70 voting 'no'. This Amendment, having failed to receive the Majority vote, is hereby declared lost. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Madigan - Stuffle."

Speaker Breslin: "Amendment #3, Representative Madigan. Representative Stuffle on Amendment #3. Representative Madigan on Amendment #3."

Madigan: "Madam Speaker, Ladies and Gentlemen, this Amendment is purely technical in nature. It has just been handed to me, and it's so simple that I really can't figure it out myself. I would move for adoption."

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Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 2290. Is there any discussion? On that question, the Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, it is my understanding that this Amendment would put back in the pension funds we didn't take out with Amendment #2. I question if it's in order."

Speaker Breslin: "Representative Ewing, would you repeat your parliamentary inquiry?"

Ewing: "If Amendment #2 had been adopted, which it wasn't, this Amendment would have restored those pension funds. I'm questioning whether it's in order now since Amendment #2 wasn't adopted, or will we have \$80,000,000 worth of pension funds?"

Speaker Breslin: "Representative Ewing, the Chair rules that the Amendment is in order. Is there any discussion on the Amendment? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Madam Speaker, Ladies and Gentlemen of the House, what this Amendment read against the Bill as amended does is to state - if you look on page four of the current Amendment - 'This Act shall make a continuing appropriation.' Now, how can, viewed against the constitutional requirement that appropriation Bills be required to the...be limited to the subject of appropriations, how can we make a continuing appropriation via this Amendment and this Bill and at the same time include substantive language in the Bill? And for those reasons, I would ask the Parliamentarian to rule the Amendment out of order."

Speaker Breslin: "While the Parliamentarian considers that question, I'd like to represent...to recognize the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Madam Speaker. On that point, I believe it

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is common practice to do so when the question of indebtedness arises to guarantee that funds will be available to retire debt, and I believe that there is ample precedent for that. We are not appropriating a specific dollar amount, and this is not an appropriation Bill in the normal sense of the word. And there is adequate precedent."

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

Madigan: "Madam Speaker, simply to place in the record the fact that the Illinois Supreme Court in the case of Lewis v. Ogilvie, has specifically held that the language held in this Amendment is correct and proper."

Speaker Breslin: "The Gentleman's point is well taken. The Amendment is in order. Is there any further discussion on the Amendment? There being no discussion, the question is, 'Shall Amendment #3 be adopted?'. All those in favor say 'aye', all those opposed 'nay'. Eccl Call is required. All those in favor vote 'aye', all those opposed vote 'nay'. Have all voted who wish? Representative Oblinger is recognized."

Oblinger: "Madam Speaker, Members of the General Assembly, at least I'm consistent. I voted against 1056. I didn't think we should retain \$75,000,000 from the Pension Fund, and I am going to be consistent again. I don't think we need to take \$40,000,000 from it. I heard bleeding hearts. I heard people who voted for 1056 accused of being robbers, stealers and even worse, and I think we have to be consistent. If you voted against 1056, you really should be voting against this."

Speaker Breslin: "Clerk, take the record. On this Motion, there are 65 voting 'aye', 51 voting 'no' and 1 voting 'present'. This Amendment, having received the required Majority, is



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hereby declared adopted. Are there any further amendments?"

Clerk O'Brien: "Amendment #4, Ewing."

Speaker Breslin: "Representative Ewing on Amendment #4."

Ewing: "Madam Speaker, that was purely a technical Amendment and not needed now, and I would move to withdraw it."

Speaker Breslin: "Amendment #4 is withdrawn. Are there any further Amendments?"

Clerk O'Brien: "Amendment #5, Ewing."

Speaker Breslin: "Representative Ewing on Amendment #5."

Ewing: "Madam Speaker, #5 was put in to do what #2 was supposed to do if #4 went on. But we have had a Roll Call on that. That would be dilatory. You want to put the \$40,000,000 from the Pension Fund in, so I move to withdraw it."

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

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. We would like to go back now to House Bill 1442, Representative Capparelli. House Bill 1442. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1442..."

Speaker Breslin: "Are there any Motions?"

Clerk O'Brien: "This Bill has been read a second time previously."

Speaker Breslin: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Are there any Amendments?"

Clerk O'Brien: "Amendment #1, Capparelli."

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

Capparelli: "Madam Speaker, I've talked with the Minority Leader, Mr. Vinson, and on page one of the Bill, lines seven and eight, I think we understand - not that he's for it. I don't know. But it is just protecting the existing rights

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that they already have, and I would ask for adoption of Amendment #1."

Speaker Breslin: "On that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the House. Representative Capparelli is indeed correct that we do have a disagreement on Amendment #1. I think Members of the House may be interested in knowing the nature of that disagreement. What Amendment #1 will do is to absolutely lock in the CTA labor contract. It will become impossible, if that becomes law, to have any reform in the existing CTA labor contract. The General Assembly will have placed itself in the position that we are in favor of the City of Chicago and the CTA having the highest paid bus drivers in the world, that we're in favor of continuing that kind of program forever and placing it beyond the reach of this General Assembly. If you want any reform in mass transit in Northern Illinois, then it is essential to defeat the adoption of Amendment #1 to this Bill, and I would urge a 'no' vote on the Amendment."

Speaker Breslin: "Is there any further discussion? There being no further discussion, Representative Capparelli to close."

Capparelli: "Madam Speaker, all this does is lock in what they already have. They're not asking for anything else. They just want to make sure of what provisions they had in the past that they will continue to have in the...until the contract is up in two or three years, and I would ask for adoption of Amendment #1."

Speaker Breslin: "The Gentleman has asked for adoption of Amendment #1 to House Bill 1442. All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there

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are...there are 55 voting 'aye' and 53 voting 'no'. The Chair recognizes the Gentleman from DeWitt, Representative Vinson."

Vinson: "Madam Speaker, I request a verification on this Amendment."

Speaker Breslin: "The Gentleman has requested a verification. Representative Capparelli asks to poll the absentees. Representative Slape, for what purpose do you rise?"

Slape: "Yes, would Representative Vinson give me leave to be verified please?"

Speaker Breslin: "Leave to be verified to Representative Slape."

Clerk O'Brien: "Poll of the Absentees. Brunsvold, Christensen, Flinn, Hicks, Leverenz, Mautino, Rea, Richmond and Tuerk."

Speaker Breslin: "Representative Tuerk, for what purpose do you rise?"

Tuerk: "Please vote me 'no' please."

Speaker Breslin: "Record Representative Tuerk as 'no'. Proceed with the verification please."

Clerk O'Brien: "Alexander, Berrios, Bowman, Braun, Breslin, Brookins, Bullock, Capparelli, Cullerton, Currie, DeJaegher, DiPrima, Domico, Doyle, Farley, Giglio, Giorgi, Greiman, Hannig, Homer, Huff, Hutchins, Jaffe, Keane, Krska, Kulas, Laurino, LeFlore, Levin, Matijevich, McGann, McPike, Nash, Panayotovich, Pangle, Preston, Bhen, Rice, Ronan, Saltsman, Satterthwaite, Shaw, Slape, Steczo, Stuffle, Taylor, Terzich, Turner, Van Dwyne, Vitek, White, Wolf, Younge, Yourell and Mr. Speaker."

Speaker Breslin: "The Gentleman from Kankakee, Representative Pangle, for what purpose do you rise?"

Pangle: "I'd like to change my vote to 'no' please."

Speaker Breslin: "Record the Gentleman as voting 'no'. Representative Vinson, do you have any questions of the Affirmative Roll Call?"

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Vinson: "What is the count?"

Speaker Breslin: "The count is 55 voting 'aye'. Strike that. 54 'ayes', and 55 'nos' and 1 voting 'present'. Do you have any questions of the Roll Call?"

Vinson: "Representative Braun."

Speaker Breslin: "Is Representative Braun in the Chamber? She is not in her seat. Representative Braun is in the chamber."

Vinson: "Representative Cullerton."

Speaker Breslin: "Representative, Representative Levin asked to be verified. May he be verified? The Gentleman may be verified. Representative Cullerton. Representative Cullerton is in the chamber."

Vinson: "Representative DeJaegher."

Speaker Breslin: "Representative DeJaegher is in his seat."

Vinson: "Representative Doyle."

Speaker Breslin: "Representative Doyle is in his seat."

Vinson: "Representative Giglio."

Speaker Breslin: "Representative Giglio. Is Representative Giglio...Representative Giglio is in his seat."

Vinson: "Representative Giorgi."

Speaker Breslin: "Representative Giorgi. Is Representative Giorgi...Representative Giorgi is on the floor."

Vinson: "Representative Hannig."

Speaker Breslin: "Representative Hannig. Is Representative Hannig in the chamber? The Gentleman is not in the chamber. Remove him from the Roll Call."

Vinson: "Representative Homer."

Speaker Breslin: "Representative Homer is in...by his seat."

Vinson: "Representative Satterthwaite."

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

Vinson: "Representative Steczo."

Speaker Breslin: "Representative Steczo is in his chair."

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Vinson: "Representative Stuffle."

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

Vinson: "Representative Van Euyne."

Speaker Breslin: "Representative Van Euyne. Representative Van  
Duyne. Is the Gentleman in the chamber? The Gentleman is  
not in the chamber. Remove him."

Vinson: "Representative Huff."

Speaker Breslin: "Representative Hannig has returned to the  
chamber, so add him to the Roll Call. Representative Huff.  
Representative Huff is in his seat."

Vinson: "Representative Domico."

Speaker Breslin: "Representative Domico. Representative Domico.  
Is the Gentleman in the chamber? The Gentleman is not in  
the chamber. Remove him."

Vinson: "Representative Taylor."

Speaker Breslin: "Representative Taylor. Representative Taylor.  
The Gentleman is not in the chamber. Remove him."

Vinson: "Representative Krska."

Speaker Breslin: "Representative Krska is in his chair."

Vinson: "Representative Nash."

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

Vinson: "Representative Preston."

Speaker Breslin: "Representative Preston. Representative  
Preston. Is the Gentleman in the chamber? The Gentleman  
is in the chamber. Representative Taylor has returned to  
the chamber. Add him to the Roll Call."

Vinson: "Representative Kulas."

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

Vinson: "Where?"

Speaker Breslin: "Down front."

Vinson: "No further questions."

Speaker Breslin: "Clerk, what is the call? What is the...Roll  
Call? There are 52 voting 'aye', 55 voting 'no'."

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Representative Capparelli, for what purpose do you rise?"

Capparelli: "Verify the 'no' Roll Call."

Speaker Breslin: "Please verify the negative vote, Mr. Clerk."

Clerk O'Brien: "Barger, Barnes, Birkinbine, Brummer, Churchill, Cowlshaw, Curran, Daniels, Davis, Deuchler, Didrickson, John Dunn, Ralph Dunn, Ebbesen, Ewing, Virginia Frederick, Dwight Friedrich, Hallock, Harris, Hastert, Hawkinson, Hensel, Hoffman, Johnson, Karpiel, Kirkland, Klemm, Koehler, Mays, McAuliffe, McCracken, McMaster, Mulcahey, Neff, Nelson, Oblinger, O'Connell, Olson, Pangle, B. Pedersen, W. Peterson, Piel, Pierce, Pullen, Reilly, Ropp, Tate, Topinka, Tuerk, Vinson, Wait, Winchester, Wojcik, Woodyard and Zwick."

Speaker Breslin: "Representative Capparelli, do you have any questions of the Negative Roll Call?"

Capparelli: "Representative Mays."

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

Capparelli: "Representative Ebbesen."

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

Capparelli: "Representative Zwick."

Speaker Breslin: "Representative Zwick. Representative Zwick.

Is the Lady in the chamber? The Lady is not in the chamber. The Lady is in the chamber."

Capparelli: "Representative Tate."

Speaker Breslin: "Representative Tate. Representative Tate is in his chair."

Capparelli: "Representative Reilly."

Speaker Breslin: "Representative Reilly. Representative Reilly.

Is the Gentleman in the chamber? The Gentleman is not in the chamber. Remove him."

Capparelli: "Representative Davis."

Speaker Breslin: "Representative Davis. Representative Davis.

Is the Gentleman in the chamber? The Gentleman is not in

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the chamber. Remove him."

Capparelli: "Representative John Dunn."

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

Capparelli: "Representative Doris Karpel. No, she's back here."

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

Capparelli: "Representative Ewing."

Speaker Breslin: "Excuse me, Representative. Representative Ewing is in the chamber."

Capparelli: "Representative Olson."

Speaker Breslin: "Representative Olson is in his seat. Representative Reilly has returned to the floor. Add him to the Roll Call."

Capparelli: "That's all."

Speaker Breslin: "Clerk, can you tell me how many are voting on this question? Representative Mautino, for what purpose do you rise? Representative Mautino requests leave to be voted 'aye'. Representative Rea rises to request leave to be voted 'aye'. Does anyone else seek recognition? Representative Brunsvold requests leave to be voted 'aye'. Representative Leverenz requests leave to be voted 'aye'. Representative Nash, for what purpose do you rise? The Gentleman asks how he is recorded."

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

Speaker Breslin: "On this question, there are 56 voting 'aye', 54 voting 'no' and 1 voting 'present'. This Bill, having received...this Amendment, having received the necessary Majority, is hereby declared adopted. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Capparelli."

Speaker Breslin: "Representative Capparelli on Amendment #2."

Capparelli: "Amendment #2 exempts all police office and full-time paid firefighters from the Bill."

Speaker Breslin: "Is there any discussion on Amendment #2? There

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being no discussion, the question is...excuse me.  
Representative Hoffman from DuPage."

Hoffman: "It's my understanding that the Amendment includes  
police officers and full-time paid firemen as employees."

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

Cullerton: "Yes, perhaps I can answer that question. The  
Amendment #2 adds after the word 'Commissions' on line  
eight of page two, under the definition of public employee.  
And if you read that Section, it defines public employee,  
and then says what is not included as a public employee.  
There is...the word 'except' is on page...line six."

Hoffman: "My..."

Speaker Breslin: "Is there any further discussion? Is there any  
further discussion? There being no further discussion,  
Representative Capparelli to close."

Capparelli: "The Bill just defines public employees, and  
firefighters and firemen are not considered employees. And  
I would ask for adoption of the Bill."

Speaker Breslin: "The question is, 'Shall Amendment #2 be  
adopted?'. All those in favor say 'aye', all those opposed  
say 'nay'. In the opinion of the Chair, the 'ayes' have  
it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Capparelli."

Speaker Breslin: "Amendment #3, Representative Capparelli."

Capparelli: "#3 only includes that all collective bargainings  
must be in writing, and the word 'written' before the  
phrases 'in collective bargaining'."

Speaker Breslin: "Is there any discussion? The Gentleman moves  
for passage...adoption of Amendment #3. All those in favor  
say 'aye', all those opposed say 'nay'. In the opinion of  
the Chair, the 'ayes' have it, and the Amendment #3 is  
adopted. Further Amendments?"



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Clerk O'Brien: "Floor Amendment #4, McPike - Greiman."

Speaker Breslin: "Amendment #4, Representative McPike.

Representative Greiman on Amendment #4."

Greiman: "I'd like to withdraw Amendment #4, Madam Speaker."

Speaker Breslin: "Amendment #4 is withdrawn. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, McPike - Greiman."

Speaker Breslin: "Amendment #5, Representative Greiman."

Greiman: "Thank you, Madam Speaker. Amendment #5 does two things basically. Firstly, it provides the right to strike in the Bill, so that there is no ambiguities with respect to that and sets out a series of requirements before there can be such a strike. Secondly, it provides the exclusion of police, fire personnel, personnel at correctional institutions from this right to strike. Now, the previous Amendment did that. This does not conflict with that, but if anything, it adds and expands. It makes clear...crystal clear that these personnel do not have the right to strike. Accordingly, I would ask for adoption of Amendment #5 to House Bill 1442."

Speaker Breslin: "On that question, the Gentleman from Cook, Representative Eirkinbine."

Birkinbine: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Breslin: "The Sponsor will yield for a question."

Birkinbine: "Mr. Greiman, I don't have the Amendment in front of me, but as I remember from reading it early, you are saying that those people who work in corrections facilities, because of the...the safety of the people involved and...I'm sorry, as far as public safety is concerned, they do not have a right to strike. Is that right?"

Greiman: "We are saying that those, by definition, will create the clear and present danger to health and safety of the

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public and are, therefore, prohibited. That's...correct."

Birkinbine: "Can you tell me...thank you. Can you tell me why the police in, if you will, the north shore that you like to refer to, in our area, why, if they strike, that is not a threat to the public safety and well-being? If the police in Skokie were to go on strike, why is that not a threat to the public safety?"

Greiman: "The police is a broad, generic term, Mr. Birkinbine. And police...if this covers police in Skokie, and if they are...allows them rights to collectively bargain, then indeed they would be prohibited from striking as well. And police even in Kenilworth - you have police in Kenilworth, is that right? I suppose. Even they would be prohibited from striking. So they would be prohibited from striking. Nothing in this provi...it would limit that right."

Birkinbine: "Then this provides the right to strike for whom?"

Greiman: "This provides the right to strike for other public employees. Now perhaps you should read the Bill, Mr. Birkinbine. You would find that this is a general public employees' Bill. It is not a policemen's Bill. We've had some police Bills and fire Bills, some teacher Bills and other assorted groups, but this Bill is for public employees, so that we are saying public employees indeed have the right to strike, but police and folks like that do not. That's the exclusion. That's the narrowness, and indeed the people in...the firemen in...I'm sorry. The policemen in Skokie, as in Winnetka, would not be able to strike."

Birkinbine: "Why, in Section C though, do you only refer to those at a correctional institution and not police and fire in general? Maybe I'm missing it."

Greiman: "Well, I think you're perhaps not reading it. It says we recognize that the duties performed by police and fire

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personnel and personnel at correctional institutions are essential to the health and safety of the public. They're all in there: police, fire, personnel at correctional institutions. And then we say such strikes are deemed to create a clear and..."

Birkinbine: "I see."

Greiman: "So you are..."

Birkinbine: "I apologize. I misread the Bill. I read 'at correctional facilities', and you say 'and'. It's my mistake. Thank you for..."

Greiman: "You are forgiven for that lapse, Sir."

Birkinbine: "I greatly appreciate that. Madam Speaker..."

Greiman: "Does this mean you'll join in the Bill?"

Birkinbine: "Absolutely not."

Greiman: "Oh."

Birkinbine: "Madam Speaker, I would request a Roll Call on this vote, and I would also make the additional point of speaking to the substance of the Amendment itself that what is totally ignored in something like this is that public employees, by their very definition, are unique and distinct in that when you're talking about public employees, be they office workers or what have you, they...they are one and onlies. If indeed your town hall, if indeed your teachers - admittedly this does not deal with police and firemen, but if they, as public employees, were to go on strike, you don't have anywhere else to turn. It's not like a hardware store going through a strike, because there's always another hardware store on another corner or a certain gas company going on strike, because there is another gas station on the corner. We only have one group of public employees. When they go on strike, you don't have anywhere else to turn. That's why, to make up for that right to strike that they should, and in most

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cases, do lose by working for the public, we compensate them better than most other areas. And that is right. It is the responsibility of the people who run our municipalities to make sure that such people are adequately rewarded, and indeed they are. You name any sort of municipal work and any instance where such public employee openings have been available, and I'll show you a waiting line of people who just can't wait to get in and indeed have lined up around the corner and, in fact, instances where, I think, the City of Peoria is a good example, where they had some openings for public employee work, they had to rent the Bradley Field House to accommodate all the people, because they knew they were getting in on something good. You've got to give something up. It's just not right. People should not be allowed to strike, if indeed they are working on the...as a public employee. You and I don't have the right to strike, and we shouldn't and neither should any other public employee. Thank you."

Speaker Breslin: "The Gentleman from Adams, Representative Mays."

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

Speaker Breslin: "The Gentleman will yield to a question."

Mays: "Representative Greiman, is Amendment #5 similar to Amendment #4? I don't have a copy of that Amendment on my desk."

Greiman: "Yes, Amendment #5 and 4 were the same. 4 was put in there just in case Amendment #1 should not have been adopted, but Amendment #1 was adopted. Therefore, Amendment 5 perfectly dovetails on Amendment #1."

Mays: "How about that. I got a question. On Amendment #4 - that's the only reference I can use..."

Greiman: "Same thing. That's alright."

Mays: "...I think we're establishing a new legal standard here, unless you can clarify other words. On lines 21 and 22,

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you talk about other evidence of lack of clean hands by the public employer. Is lack of clean hands a known legal term?"

Greiman: "Absolutely. That's the one thing...absolutely. You see, one of the things...I felt so badly, and the last speaker, Mr. McPike, and I spent so much time drafting this, and then Mr. Birkinbine didn't even bother reading it. And, you know, you feel badly when that happens, because in addition to the prohibition of striking on the part of the fire and police personnel, it also gives a public employer the right to go into the Circuit Court and under our Anti-Injunction Act...our Injunction Act and Anti-Strike Act, allows them to enjoin that strike if it's against the...if it creates a clear and present danger to the health or safety of the public. That's not just police and firemen. That's any public employee. If they do that, then they can be enjoined. Now, indeed it would be a terrible thing of an employer somehow did something and didn't have clean hands. But the Document of Clean Hands is an equitable principle in law, and indeed, it is appropriate in an injunction statute."

Mays: "Do we do anything for lack of clean hands for the union that may want to go on strike?"

Greiman: "Oh, absolutely. If that, in fact, their conduct becomes a clear and present danger to the health and safety of the public, they will be enjoined, and they should be enjoined. Absolutely."

Mays: "To...to the Bill."

Speaker Ereslin: "Proceed."

Mays: "Well, one more question. One more question. We've got binding arbitration in here also, provisions for binding arbitration, Alan. Does that also apply to the other employees covered under this Bill? We have..."

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Greiman: "I'm sorry. I didn't...I didn't hear you. I was distracted for a moment."

Mays: "We have provisions for binding arbitration in this Bill. Is that just for the police, and firefighters and correctional officers who are not allowed the right to strike?"

Greiman: "Yeah. The answer is yes, although...although I wouldn't know that, because I'm only coming forward on Amendment #5. But I am told that that's yes. That's correct."

Mays: "To the Bill."

Greiman: "To the Amendment."

Mays: "To the Amendment. Thank you, Mr... I would just echo those remarks of the previous questioner, Representative Birkinbine, on the detrimental effects of this Bill. I think that if you went back to your districts and polled the peo...the residents and even part of the people that are covered by collective bargaining agreements, as they may well be right now, I think you would find that this right to strike provision would be absolutely deplorable to them, and I would suggest that you do vote 'no' on this Amendment."

Speaker Breslin: "Representative Woodyard from Vermilion."

Woodyard: "Thank you, Madam Chair...Speaker. Representative, would this also...or could it also apply to Legislators? Could we organize and strike for better working conditions or something like that for facilities?"

Greiman: "I think we are probably excluded from the Act. I hope we're excluded from the Act. I am not going to lead a strike. I am perfectly happy with the working conditions. I don't know the answer to that, but I don't think so. I don't think we're covered."

Speaker Breslin: "The Gentleman from Fulton, Representative

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Homer."

Homer: "Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield."

Homer: "Representative Greiman, would the lack of clean hands defense apply...would that be available to employees who are policemen, firemen or employees of the Department of Corrections?"

Greiman: "No, I think they're in different Sections. I think quite clearly the Clean Hands Doctrine would be those employees that come under the...the Section B. But Section C is an absolute prohibition."

Homer: "So if there were a strike under Section C of one of those prohibited classes, the employer could bring an action for an injunction pursuant to this Act, and there would be no defense of lack of clean hands. Is that correct?"

Greiman: "I think that's clear."

Homer: "Yes. Okay, thank you."

Greiman: "That's certainly the intent of the drafter."

Homer: "That would be the legislative intent here."

Greiman: "I believe that is correct."

Homer: "Thank you."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you. Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Breslin: "The Gentleman will yield."

Hoffman: "On...to Amendment #5. On line 23, 24 and 25, you refer to the 'an Act relating to disputes concerning terms and conditions of employment' and indicate that the court is limited, or the jurisdiction in court is limited to that Act. What does that Act say? What are the limitations in that Act?"

Greiman: "I'm sorry. What's the question? Could you propound

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that again."

Hoffman: "On line 23, 24..."

Greiman: "I heard that line, but what's the bottom line question?"

Hoffman: "What are the limitations in that Act. It says that..."

Greiman: "I think that's the way they express it, that whatever...we have an anti...an Injunction Act, and whatever the limitations of that Act are, we would be...we would be bound by clearly, you know, for example, in terms of venue, in terms of jurisdiction, in terms of appropriate court. We would be bound by those limitations, and I guess....limitations. That's the common way that it's expressed in all of these Acts."

Hoffman: "I understand, but in the...in the Act relating to disputes concerning terms and conditions of employment, are you suggesting that those are the limitations that are in that Act, or are there other limitations in that Act that would affect the application of the injunction, which is not included in the language of this Section?"

Greiman: "Well, if you'll notice, it says that the jurisdiction of the court. So if there are other limitations that do not relate to jurisdiction, then they would not be the concern of Subsection E. It only addresses the jurisdiction. You'll notice on line 23, it says, 'The jurisdiction of the court under this Section is limited', etcetera, etcetera. So that any other limitations that might be in the Act would not be effective or would not impact on a request and a prayer for injunction."

Hoffman: "Thank you very much."

Greiman: "You're welcome."

Hoffman: "I'm not sure that I'm satisfied with that explanation, but thank you very much."

Speaker Breslin: "The Gentleman from Cook, Representative



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Leverenz."

Leverenz: "We humbly move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The question is moved. The Gentleman from Cook, Representative Greiman, to close."

Greiman: "Thank you, Madam Speaker. This seems to be a simple, actual matter, actually. It seems to me that a 'no' vote on this says that you want police and firemen to be able to strike. I mean, that's what you're really saying. Forget what your judgment is on the Bill when it comes on Third Reading. But on Second Reading, if you turn your back from this particular Amendment, remembering that the strike...the right to strike is probably a commonlaw right that they have once this Bill...once there is a collective bargaining, so that if we had no right to strike written into this Bill, they would have the right to strike anyhow. This Bill limits that right...this Amendment limits the right to strike. So if you are against this Amendment as far as the right to strike is concerned, then you are saying, 'We want a wholesale wide open right to strike. If, on the other hand, you oppose the last part of it, that's the part that excludes firemen, and policemen and correctional people from having a right to strike. So a vote 'no' means you want police and firemen to strike, that you turn your back to public safety. I say adopt this Amendment."

Speaker Breslin: "The question is, 'Shall Amendment #5 to House Bill 1442 be adopted?'. On that question, those in favor vote 'aye' and those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 56 voting 'aye',

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49 voting 'no' and 1 voting 'present'. This Bill...this Amendment, having failed...having received the necessary Majority, is hereby declared adopted. Are there any further Amendments? Excuse me. Representative DeJaegher. Representative DeJaegher, did you want to vote on this question? Are there any further Amendments?"

Clerk O'Brien: "Amendment #6, Tuerk."

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

Matijevich: "Well, you know, he's doing a better act than Ed Kornowicz did. I would...I would hope the Docrman would go up there and bring Bob DeJaegher back here, please."

Speaker Breslin: "Representative Hallock, for what purpose do you rise?"

Hallock: "Madam Speaker, I just want to know why Representative DeJaegher was in the balcony hassling Dick Klemm's wife."

Speaker Breslin: "I would wait until he came back in the chamber, but he may not come back into the chamber. Representative Vinson."

Vinson: "Would you please instruct Representative Greiman to explain the Clean Hands Doctrine to Mr. DeJaegher?"

Speaker Breslin: "Representative Tuerk on Amendment #3...#6, excuse me."

Tuerk: "Well, Madam Speaker, as long as we're all in a jovial mood, I would just move for the adoption and hope that that would be adopted, but I know that woudn't be the case."

Speaker Breslin: "Representative DeJaegher has now joined us. Is there discussion on..."

Tuerk: "Are we ready to proceed with Amendment 6, or do we want to keep the show going?"

Speaker Breslin: "Yes, Amendment #6. On Amendment #6, Representative Tuerk."

Tuerk: "As I understand part of Amendment 5, it allows for court

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action to stop a strike, but that action is limited by the Anti-Injunction Act, which is embodied in Chapter 48 of the statutes. What Amendment #6 does is to eliminate the restriction placed on a court issuing an injunction. In other words, by the Bill, which is cleverly drafted, it ties the hands of the court. And what this Amendment does, that if the court issues an injunction, it puts some meat on the bones, so it gives it some force of law. And that's what the Amendment does, and I would move for the adoption of the Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #6. Is there any discussion? Is there any discussion on Amendment #6? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, Representative Tuerk, I'm sorry because of the noise, I really didn't understand what your explanation of that Amendment was. As I understand it, it deletes the provision which limits jurisdiction of the court to an Act relating to disputes. Now I don't understand that the effect of your Amendment is."

Tuerk: "The effect of the Amendment is that when a court does issue an injunction, it puts some meat on the bone to where it has some force, by law, and therefore is effective. It...the way the Bill is drafted, cleverly so, that it does eliminate that restriction or actually the Amendment eliminates the restriction placed on the court issuing the injunction to stop a strike. What it does is gives the court the opportunity to issue the injunction, and it would have some force."

Speaker Breslin: "The Gentleman from Cook, Representative Greiman, to answer that question, perhaps."

Greiman: "Thank you. Well, the...I didn't hear a question, but I'd like to address the Amendment."

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Speaker Breslin: "Excuse me. I don't believe Representative Cullerton was finished. Representative Cullerton had been...he is finished. Representative Greiman, proceed."

Greiman: "Well, what this simple three word little deal does is to return us about 100 years back in the labor history. In the late days of the 19th Century, there were things called 'yellow dog contracts'. There were union busting, organization busting, anti...anti-union injunctions issued. It was the...it was the most incredible time. Only the superelite, only the superelite, who control the courts in this country were able to keep working people from organizing. That was the history of it. And in order to develop a balance, the General Assembly in this state, the Federal Government, every other state, provided injunction Acts which gave fairness and balance in the jurisdiction of enjoining labor strife. And indeed what this little three, four word deal does is to wipe out in a single moment, 100 years of progress in human relations and in labor relations. And we're going to defeat this and soundly. We are not going to go with Mr. Tuerk back into the mid-19th Century. And Republicans shouldn't go with him either. If he wants to go there, God bless him, but he'll go alone."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the Gentleman from Peoria, Representative Tuerk, to close."

Tuerk: "Madam Speaker and Members of the House, what I was attempting to do with this Amendment and these four words that he speaks of is not to take things back 100 years, but just to put some force of law into what Representative Greiman was attempting to do with the previous Amendment and the Bill. If he wants to prevent strikes, this Amendment will help do that, because it gives some force to the court. The way things are right now, the court has no

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force at all. It could...offer the injunction or issue the injunction, but there is really no meat on the bone, and that's what this Amendment attempts to do is put some meat on the bone. And it doesn't take us back 100 years. It brings us right up into the 1980s, and I would offer this as a good Amendment and ask you to adopt it. And I'd like to have a Roll Call on this one."

Speaker Breslin: "The question is, 'Shall Amendment #6 to House Bill 1442 be adopted?'. All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 42 voting 'aye', and 64 voting 'no', 3 voting 'present'. This Amendment, having failed to receive the necessary Majority, is therefore declared lost. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

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

Vinson: "Madam Speaker, I have filed a request for a fiscal note as amended and a request for a state mandates note as amended. I would point out that Amendment #5, which was adopted, provided for compulsory arbitration for correctional employees of the State of Illinois and clearly has a fiscal impact on the Bill. And an earlier Amendment was adopted which clearly has a fiscal impact on the ETA and the CTA, which are units of local government for the State of Illinois."

Speaker Breslin: "Yes, Representative. I am aware that a fiscal note as amended has been filed."

Vinson: "I beg your pardon?"

Speaker Breslin: "I am aware that a fiscal note as amended has been filed, and a fiscal note as amended has been... as

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requested has been filed and is in the presence with the Clerk."

Vinson: "Could we examine that note prior to movement?"

Speaker Breslin: "Surely. Surely you say. In addition to that, a state mandates fiscal note has been requested. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. A State Mandates Act fiscal note has been filed to House Bill 1442, indicating that the Bill's permissive in nature and does not require local government action or compliance. And therefore, I would move that the Amendments adopted to House Bill 1442 would not require an additional state mandates fiscal note to be filed."

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

Vinson: "Madam Speaker, the fiscal note as amended, which you purport to have been filed, does not bear anybody's signature. It says there would be no cost to the Department of Labor under House Bill 1442. The specific point that I raised is that because of the compulsory arbitration for correctional employees in the State Department of Corrections, because of that compulsory arbitration there would clearly be increased cost to the State of Illinois and the Department of Corrections. This can, in no way, substitute for a fiscal note for that purpose, and I would ask you to rule that this does not constitute a fiscal note."

Speaker Breslin: "On that question, the Gentleman from Cook, Representative Cullerton. The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, to reiterate one more time, the fiscal note has been filed. It's been prepared by the State Mandates

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Review Office of the Department of Commerce and Community Affairs. It's dated clearly on the note. The note makes it very clear that the Bill is permissive in nature and does not require local government action or compliance. The Amendments don't change that in any way; and therefore, I've made my Motion. And I would ask that we adopt the Motion."

Speaker Breslin: "Is there any further discussion on the Gentleman's Motion... on the Gentleman's Motion? Representative Vinson, you have already spoken once in debate. For what purpose do you arise on this Motion?"

Vinson: "For purposes of parliamentary inquiry."

Speaker Breslin: "State your question."

Vinson: "What about the fiscal note? That's my inquiry."

Speaker Breslin: "Representative Vinson, the Chair has been advised by the Parliamentarian that we do not look beyond the fiscal note. The fiscal note has been filed as requested, as amended. It is, therefore, accepted as filed. That is the ruling of the Chair. On the Gentleman's Motion on the State Mandates Act, the Gentleman has moved that the State Mandates Act does not apply as amended. And on that Motion, all those in favor vote 'aye', all those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 65 voting 'aye', 48 voting 'no', and the Motion passes. Third Reading. Now, the Chair would ask your indulgence to go to two more Bills on Third Reading that have to be brought back to Second Reading. They are House Bill 1054, Representative Christensen - Yourell - Erummer - Erockins. Will one of you handle that Bill? Representative Erummer. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1054, a Bill for an Act to amend the

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Environmental Protection Act. Third Reading of the Bill."

Speaker Breslin: "Representative Brummer."

Brummer: "Yes, I would like leave to bring this back to Second Reading for the purpose of a technical Amendment."

Speaker Breslin: "Does the Gentleman have leave? There being no opposition, the Gentleman has leave. Are there any Amendments?"

Clerk O'Erien: "Amendment #4, Yourell - Currie."

Speaker Breslin: "On Amendment #4, Representative Currie."

Currie: "Thank you, Madam Speaker. I'd like leave of the House to table Amendment 3 so that we can adopt Amendment 4."

Speaker Breslin: "The Motion is to table Amendment #3. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment #3 is tabled. Are there any further Amendments?"

Clerk O'Erien: "Amendment #4, Currie."

Speaker Breslin: "Representative Currie."

Currie: "Thank you. Amendment 4 does precisely the same thing that Amendment 3 did. It's just that it does it technically in an accurate fashion. I urge adoption of Amendment 4."

Speaker Breslin: "Is there any discussion? There being no discussion, the question is, 'Shall Amendment...' There is discussion from the Gentleman from Bureau, Representative Mautino."

Mautino: "What does it do?"

Currie: "This is the Amendment that deals with liquid bans bringing liquids, under the provisions of what is presently what we call 171 on January 1, 1985, other hazardous liquid... hazardous wastes, in terms of landfill disposal, in 1987. The point of the Amendment was to tighten the language so that we maintain the burden of proof upon the generator to show the Agency that there was no economically



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reasonable nor technologically feasible alternative. We have insured that that standard of proof is still in this Bill and that, in addition, the Agency may reject, may deny a permit, as I say, January 1, 1985, for liquid hazardous wastes, January 1, 1987, for other hazardous wastes in the event that the Board has already prohibited or limited the disposal of that particular item in landfills. We also establish as a criteria, the Agency should use, in making... citing decisions, the effect of a hazardous waste landfill on hydrogeologic characteristics, that is, aquifers. And we establish... we tighten up the language having to do with the Environmental facilities protect... Finance Authority in terms of providing demonstration project money for alternate treatment methodologies for hazardous waste.

Mautino: "One quick question. The Finance Authority money is bonding money, is it not? Usually for the development of programs, and that normally goes to who?"

Currie: "Pardon me? I'm sorry."

Mautino: "I'll ask the question on Third Reading. That's alright."

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

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

Speaker Breslin: "The Sponsor will yield for a question."

Vinson: "Am I correct in believing that you previously tabled Amendment #3?"

Currie: "Yes."

Vinson: "And am I correct in believing that all Amendment #4 does is what Amendment #3 did, except to add in the title of the Bill which was inadvertently left out of Amendment #3?"

Currie: "You are correct."

Vinson: "So, we are not really voting on a substantive issue at

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this point. We're simply reinserting the title into the Bill."

Currie: "I believe I pointed out that it was technically... technical problem, and this was substantively exactly the same as Amendment #3."

Speaker Breslin: "Is there any further..."

Vinson: "Madam Speaker, that is my understanding as well, and I would ask for 'aye' votes on Amendment #4."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the question is, 'Shall Amendment #4 be adopted?'. All those in favor say 'aye'. All those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 2184, Representative John Dunn. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2184, a Bill for an Act to amend the Illinois Public Aid Code an Act concerning custodians of public monies. Third Reading of the Bill."

Speaker Breslin: "Representative Dunn."

Dunn: "Thank you, Mr. (sic - Madam) Speaker and Ladies and Gentlemen of the House. Amendment #1, if it's possible, makes House Bill 2184 a better Bill."

Speaker Breslin: "Leave.. First of all, we need leave to bring this Bill back to Second Reading."

Dunn: "Can we have leave?"

Speaker Breslin: "Is there any objection? There being no objection, leave is granted."

Dunn: "Okay. I move for the adoption..."

Clerk O'Brien: "Amendment #1, John Dunn."

Dunn: "Move the adoption of Amendment #1. This Bill has been cleared with the other side of the aisle and is supported

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by the Department of Public Aid and puts the Bill in form. It makes it so good that it can make the Consent Calendar list."

Speaker Breslin: "Is there any discussion? There being no discussion, the question is, 'Shall Amendment #1 to House Bill 2184 be adopted?'. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. One more Bill, Ladies and Gentlemen, House Bill 2231. Please, just one more. House Bill 2131 (sic - 2231), Representative Winchester. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2131."

Speaker Breslin: "Representative Winchester."

Winchester: "Thank you, Madam Speaker. It was thought that this Amendment was offered in Committee. It was offered in Committee; but, because of a clerical mistake, it was not recorded ... report."

Speaker Breslin: "Okay. Representative, we have to ask for leave to bring this Bill back to Second Reading."

Winchester: "I'm sorry."

Speaker Breslin: "House Bill 2231 on page 30. Does the Gentleman have leave to bring this Bill back? There being no objection, the Gentleman has leave. Proceed, Representative Winchester."

Winchester: "It was thought that this Amendment was offered in Committee, and it was adopted; but, because of a clerical mistake, it was not reported to the Clerk. And therefore, it's not shown on the Bill. And it would just extend the authority of the Secretary of State to issue multi-year plates not only to small trucks, but also to recreational

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vehicles and so forth. It's a clean-up Amendment for the Secretary of State for this Bill, and I would ask for a favorable 'do adopt'."

Speaker Breslin: "Is there any discussion? There being no discussion, the question is, 'Shall Amendment #2 to House Bill 2231 be adopted?'. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative McPike for the Adjournment Resolution."

McPike: "Thank you, Madam Speaker. Allowing the Clerk sufficient time for reading of Messages from the Senate, I move that the House now stands adjourned until tomorrow at the hour of 9:00 a.m. Nine a.m."

Speaker Breslin: "Leaving limited time for the Clerk for Perfunctory Session, we move to adjourn until 9:00 a.m. tomorrow morning. All those in favor say 'aye', all those opposed 'nay'. The 'ayes' have it. We are adjourned."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills of the following title and the passage of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Bills #11, 16, 24, 39, 49, 70, 76, 83, 85, 100, 105, 117, 122, 135, 141, 179, 182, 193, 212, 214, 216, 219, 223, 239, 243, 245, 272, 289, 290, 299, 315, 316, 330, 332, 333, 335, 345, 354, 357, 364, 365, 400, 413, 417, 419, 454, 455, 471, 472, 473, 492, 500, 501, 504, 513, 514, 527, 529, 530, 532, 541, 559, 561, 572, 583, 590, 593, 594, 595, 604, 607, 608, 621, 688, 695, 700, 702, 703, 712, 725, 731, 743, 749, 780, 790, 799, 826, 858, 909,

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479, 489, 490, 498, 503, 507, 517, 518, 520, 521, 531 (sic  
550), 537, 543, 551, 564, 565, 568, 569, 573, 574, 576,  
578, 582, 588, 589, passed by the Senate May 24, 1983.  
Kenneth Wright, Secretary.' Senate Bills First Reading.  
Senate Bill 300, Braun, a Bill for an Act making an  
appropriation to the ordinary and contingent expense of the  
Illinois Arts Council. First Reading of the Bill. Senate  
Bill 319, a Bill for an Act to amend the Illinois Lottery  
Law. First Reading of the Bill - Sponsor is Bastert.  
Senate Bill 328, Leverenz, a Bill for an Act making an  
appropriation... certain appropriations. First Reading of  
the Bill. Senate Bill 331, Oblinger, a Bill for an Act to  
amend the School Code. First Reading of the Bill. Senate  
Bill 337, Piel - O'Connell, a Bill for an Act to amend the  
Illinois Abortion Law. First Reading of the Bill. Senate  
Bill 341, Giorgi - DeJaegher, a Bill for an Act to amend  
the Revenue Act. First Reading of the Bill. Senate Bill  
355, Jaffe, a Bill for an Act to amend the Crime Victims'  
Compensation Act. First Reading of the Bill. Senate Bill  
381... Correction. Senate Bill 382, Barnes - Daniels, a  
Bill for an Act making appropriations to the Environmental  
Protection Trust Fund Commission. First Reading of the  
Bill. Senate Bill 437, Topinka, a Bill for an Act to amend  
the Liquor Control Act. First Reading of the Bill. Senate  
Bill 450, Giorgi, a Bill for an Act to amend the Illinois  
Optometric Practice Act. First Reading of the Bill.

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Senate Bill 463, Brookins - Panayotovich, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 490, Brunsvold, a Bill for an Act to amend the Vehicle Code. First Reading of the Bill. Senate Bill 543, McAuliffe, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 582, Churchill, a Bill for an Act in relation to inheritance and transfer taxes. First Reading of the Bill. Senate Bill 195, Taylor, a Bill for an Act to provide assistance to persons who require organ transplants. First Reading of the Bill. Senate Bill 203, Bullock, a Bill for an Act to amend the Juvenile Court Act. First Reading of the Bill. Senate Bill 208, McMaster, a Bill for an Act to amend the Township Law. First Reading of the Bill. Senate Bill 213, Wolf, a Bill for an Act relating to fees and indexing liens. First Reading of the Bill. Senate Bill 215, Wolf, a Bill for an Act to amend the Revenue Act. First Reading of the Bill. Senate Bill 225, Wolf - Domico, a Bill for an Act in relation to the practice of public accounting. First Reading of the Bill. Senate Bill 223 (sic 233), Oblinger, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. That was Senate Bill 233. Senate Bill 237, Hoffman, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 240, Oblinger, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. Senate Bill 241, Bullock, a Bill for an Act to amend the Illinois Enterprise Zone Act. First Reading of the Bill. Senate Bill 242, Yourell, a Bill for an Act to amend the Election Code. First Reading of the Bill. Senate Bill 244, Yourell, a Bill for an Act to amend the Election Code. First Reading of the Bill. Senate Bill 247, Leverenz, a Bill for an Act to amend an Act in relation to the construction, operation,

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regulation and maintenance of the System of Toll Highways. First Reading of the Bill. Senate Bill 249, Keane - Dwight Friedrich, a Bill for an Act relating to the use and distribution of grant funds disbursed by agencies of State Government. First Reading of the Bill. Senate Bill 266, Bullock, a Bill for an Act in relation to the salaries and fees of the clerks of the Supreme and Appellate Courts. First Reading of the Bill. Senate Bill 286, Karpel, a Bill for an Act to amend the Unemployment Insurance Act. First Reading of the Bill. Senate Bill 292, Terzich, a Bill for an Act to amend Sections of an Act in relation to construction, operation and maintenance of a deep waterway for the Water Power Plant and Sanitary District of Chicago. First Reading of the Bill. Senate Bill 16, White - Kirkland, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. First Reading of the Bill. Senate Bill 24, Levin, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 85, Nash - Churchill, a Bill for an Act to amend the Election Code. First Reading of the Bill. Senate Bill 100, Hicks - Winchester, a Bill for an Act in relation to oil, gas, coal and other surfaces and underground resources. First Reading of the Bill. Senate Bill 105, Virginia Frederick - White, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 122, Wolf, a Bill for an Act to authorize the State of Illinois' State Department of Transportation to convey all rights, titles and interest in certain property located in Granite City. First Reading of the Bill. Senate Bill 135, Terzich, a Bill for an Act to amend the Illinois Highway Code. First Reading of the Bill. Senate Bill 11, Van Dwyne, a Bill for an Act creating the Illinois National Guard Study Commission. First Reading of the Bill. Senate

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Bill 70, McMaster, a Bill for an Act making uniform penalties for the removal or vandalizing traffic control signs and devices. First Reading of the Bill. Senate Bill 76, Koehler, a Bill for an Act in relation to chykopapain. First Reading of the Bill. Senate Bill 83, Shaw, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 117, Oblinger, a Bill for an Act to amend the Wildlife Code. First Reading of the Bill. Senate Bill 141, Koehler, a Bill for an Act to incorporate Eureka College. First Reading of the Bill. Senate Bill 179, Giorgi, a Bill for an Act to amend the Illinois Horse Racing Act. First Reading of the Bill. Senate Bill 193, Johnson, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 219, Oblinger, a Bill for an Act to amend the Election Code. First Reading of the Bill. Senate Bill 223, Hoffman, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 245, Nash, a Bill for an Act to amend the Illinois Physical Therapy License Act. First Reading of the Bill. Senate Bill 272, McCracken, a Bill for an Act to amend the Juvenile Court Act. First Reading of the Bill. Senate Bill 290, Churchill - O'Connell, a Bill for an Act to revise the law in relation to the criminal jurisprudence and the Code of Civil Procedure. First Reading of the Bill. Senate Bill 299, Nelson - Virginia Frederick, a Bill for an Act to amend the Juvenile Court Act. First Reading of the Bill. Senate Bill 316, Virginia Frederick, a Bill for an Act to revise the law in relation to coroners. First Reading of the Bill. Senate Bill 330, Hannig and White, a Bill for an Act in relation to vocational education. First Reading of the Bill. Senate Bill 332, Hensel and Klemm, a Bill for an Act in relation to county boards in Illinois and various probation departments to



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develop programs of public service employment. First Reading of the Bill. Senate Bill 335, Pullen, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 345, Fullen, a Bill for an Act in relation to safe deposit boxes. First Reading of the Bill. Senate Bill 354, Karpiel, a Bill for an Act to amend the Condominium Property Act. First Reading of the Bill. Senate Bill 357, Jaffe and White, a Bill for an Act to amend the Crime Victims' Compensation Act. First Reading of the Bill. Senate Bill 365, Jaffe, a Bill for an Act to amend the Crime Victims Compensation Act. First Reading of the Bill. Senate Bill 400, Cullerton, a Bill for an Act to amend the Dental Practice Act. First Reading of the Bill. Senate Bill 413, Berr... Terzich - Perrios, a Bill for an Act to amend the Voluntary Health Services Plan Act. First Reading of the Bill. Senate Bill 417, Jaffe, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 419, White - Friedrich, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 454, White, a Bill for an Act to amend the Lead Poisoning Prevention Act. First Reading of the Bill. Senate Bill 455, Nash - Eullock, a Bill for an Act to amend the Hospital Licensing Act. First Reading of the Bill. Senate Bill 471, Hopp, a Bill for an Act to amend the Soybean Marketing Act. First Reading of the Bill. Senate Bill 472, Ropp, a Bill for an Act to amend the Apple and Peach Marketing Act. First Reading of the Bill. Senate Bill 473, Ropp, a Bill for an Act to amend the Egg Market Development Act. First Reading of the Bill. Senate Bill 492, Nash, a Bill for an Act creating the Illinois Insurance Laws Study Commission. First Reading of the Bill. Senate Bill 500, Nash, a Bill for an Act to amend the Election Code. First Reading of the Bill. Senate Bill

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501, Brummer, a Bill for an Act to amend the Probate Act. First Reading of the Bill. Senate Bill 504, Brummer, a Bill for an Act concerning public utilities. First Reading of the Bill. Senate Bill 513, Kirkland, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 529, Nash, a Bill for an Act to amend the Illinois Banking Act. First Reading of the Bill. Senate Bill 530, Nash - Bullock, a Bill for an Act to amend the Foreign Banking Office Act. First Reading of the Bill. Senate Bill 541, Hawkinson - O'Connell, a Bill for an Act to amend the Code of Criminal Procedure. First Reading of the Bill. Senate Bill 559, Oblinger, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 561, Hoffman - Kirkland, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 572, Terzich, a Bill for an Act to create the Sanitary... create sanitary districts and remove obstructions in the Des Plaines and Illinois Rivers. First Reading of the Bill."

Clerk Leone: "Senate Bill 583, Levin, a Bill for an Act to amend the School Code and the Illinois Administrative Procedure Act. First Reading of the Bill. Senate Bill 593, Barnes, a Bill for an Act to amend the Illinois Highway Code. First Reading of the Bill. Senate Bill 594, Barnes, a Bill for an Act to amend the Illinois Highway Code. First Reading of the Bill. Senate Bill 621, White, a Bill for an Act to amend the Specialized Living Centers Act. First Reading of the Bill. Senate Bill 659, Hannig, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. Senate Bill 688, Hicks - Brummer, a Bill for an Act to amend the Wildlife Code. First Reading of the Bill. Senate Bill 695, Johnson, a Bill for an Act to amend the Code of Civil Procedure. First Reading of the Bill. Senate Bill 700, Jaffe - O'Connell, a Bill for an

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Act relating to the disclaimer of interest in property. First Reading of the Bill. Senate Bill 702, Jaffe - O'Connell, a Bill for an Act to amend the Code of Civil Procedure. First Reading of the Bill. Senate Bill 703, Jaffe - O'Connell, a Bill for an Act to amend the Principal and Income Act. First Reading of the Bill. Senate Bill 712, Satterthwaite, a Bill for an Act to amend the Illinois Purchasing Act. First Reading of the Bill. Senate Bill 725, Nash, a Bill for an Act to amend the Common Trust Fund Act. First Reading of the Bill. Senate Bill 731, Cullerton, a Bill for an Act to amend the Retailers' Occupation Tax Act. First Reading of the Bill. Senate Bill 743, Satterthwaite, a Bill for an Act to amend an Act in relationship to the regulation of the University of Illinois. First Reading of the Bill. Senate Bill 790, Karpel - Kirkland, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 799, Hannig, a Bill for an Act in relationship to the payment and disposition of monies. First Reading of the Bill. Senate Bill 909, Virginia Frederick - Nelson, a Bill for an Act to amend the County Home Act. First Reading of the Bill. Senate Bill 911, McAuliffe, a Bill for an Act to establish a State Surplus Property Revolving Fund. First Reading of the Bill. Senate Bill 963, Preston, a Bill for an Act to amend an Act creating the Judicial Advisory Council of the State of Illinois. First Reading of the Bill. Senate Bill 970, Oblinger - Friedrich, a Bill for an Act in relationship to the Lincoln Home National Historic Site. First Reading of the Bill. That was Oblinger - Frederick. House (sic - Senate) Bill 1012, Nash, a Bill for an Act in relationship to the protection of patents. First Reading of the Bill. House (sic - Senate) Bill 1067, Tate, a Bill for an Act to amend the Illinois Public Aid Code. First

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Reading of the Bill. House (sic - Senate) Bill 1095, Oblinger, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 1098, O'Connell, a Bill for an Act to amend the Probate Act. First Reading of... Senate Bill 1120, Hastert, a Bill for an Act to amend an Act to Use Tax Act and the Service Use Tax Act. First Reading of the Bill. Senate Bill 1147, Terzich, a Bill for an Act in relationship to the actuarial statements and the practice under the Illinois Pension Code. First Reading of the Bill. Senate Bill 1157, Cullerton, a Bill for an Act to amend the Code of Civil Procedure. First Reading of the Bill. Senate Bill 1166, Pullen, a Bill for an Act relating to safety deposit boxes, safes and vaults. First Reading of the Bill. Senate Bill 1220, Nash - Preston, a Bill for an Act in relationship to the Court of Claims. First Reading of the Bill. Senate Bill 1315, Nash, a Bill for an Act in relationship to the Illinois Commerce Commission. First Reading of the Bill. Senate Bill 1324, Nash - Bullock, a Bill for an Act to amend the Illinois Credit Card Act. First Reading of the Bill. Senate Bill 1344, Hicks, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 1348, Ropp, a Bill for an Act to create the Water Use Act. First Reading of the Bill. House (sic - Senate) Bill 1200, Greiman, a Bill for an Act to permit certain burials on Sunday and legal holidays and prohibit conduct in relation hereto. First Reading of the Bill. Senate Bill 1115, Flinn, a Bill for an Act to amend an Act in relationship to the community currency exchange and the ambulatory currency exchanges. First Reading of the Bill. Senate Bill 971, Terzich, a Bill for an Act relating to the investigation and prevention of fire. First Reading of the Bill. Senate Bill 604, Greiman, a Bill for an Act in relationship to

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divorce. First Reading of the Bill. Senate Bill 595, Greiman, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. First Reading of the Bill. House Bill 858... Senate Bill 858, Matijevich, a Bill for an Act to amend the Illinois Professional Engineering Act. First Reading of the Bill. Senate Bill 590, Steczo, a Bill for an Act to amend the Illinois Emergency Services and Disaster Agency Act. First Reading of the Bill. Being no further business, the House will now stand adjourned till Wednesday, May 25th at 9:00 a.m."

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