

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

124th Legislative Day

May 24, 1984

Speaker McPike: "The House will come to order. Members will be in their chairs. The Chaplain for today will be Father James Lennon, Pastor of Saint Peter and Paul Catholic Church in Naperville. Father Lennon is a guest of Representative Mary Lou Cowlshaw. Will the guests in the balcony please rise and join us in the invocation?"

Father Lennon: "Let us pray. O Mighty God, Heavenly Father, inspire us to thank God for the beauty and the gift of this day. Help us to realize that the most important gifts in our lives are our faith in God, our health of mind and body and spirit, our families who nourish and love us, our friends who encourage, support and correct us and finally, our job satisfaction. Give to us, we pray, courage without pugnacity, conviction without bigotry, charity without condescension and love of humanity without sentimentality. As Members of the Illinois House of Representatives, make us conscious of our responsibilities to You and to all of the people of this state. Inspire us to work for what is right and just, noble and honest, without counting the cost. May every hurting and alienated segment of society be our concern. And Heavenly Father, keep us ever alert in acknowledging that we are Your eyes and ears, hands and feet, to the citizens of this State of Illinois. For all of these things we place in Your hands through our Lord and God. Amen."

Speaker McPike: "We will be lead in the Pledge of Allegiance by Representative Ropp."

Ropp: "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 McPike: "Roll Call for Attendance. 114 Members answering a Roll Call, a quorum is present. Representative Greiman."

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Greiman: "Yes, Mr. Speaker, let the record show that Representative Taylor is excused this morning."

Speaker McPike: "Representative Vinson."

Vinson: "Representative Harris should be an excused absence, Mr. Speaker."

Speaker McPike: "Thank you, the record will so reflect. Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 1518, Olson, a Bill for an Act to amend Sections of the an Act to regulate solicitation and collection of funds for charitable purposes. First Reading of the Bill. Senate Bill 1519, Olson, a Bill for an Act to regulate solicitation and collection of funds for charitable purposes. First Reading of the Bill. Senate Bill 1727, Pierce, a Bill for an Act to exempt legal tender currency, gold and silver coinage and bouillion. First Reading of the Bill. Senate Bill 1848, Hastert, a Bill for an Act to amend the Unemployment Insurance Act. First Reading of the Bill. Senate Bill 1865, Olson, a Bill for an Act in relation to insurance fees and recovery of expenses incurred by the Department of Insurance. First Reading of the Bill. Senate Bill 1859, O'Connell, a Bill for an Act to amend the Illinois Municipal Code and Intergovernmental Cooperation Act. First Reading of the Bill. Senate Bill 1844, Braun, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 1855, Nelson - Preston, a Bill for an Act to amend the School Code. First Reading of the Bill."

Speaker McPike: "Representative Vinson, the Chair would like to call your attention to an error on page two of the Calendar under Special Order of Business - Education. The Clerk informs me that House Bill 3213 should read House Bill 3212. Representative Matijeich."

Matijeich: "How about 2939 under State and Local Government? I

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can't find that on the Calendar?"

Speaker McPike: "That passed the House yesterday."

Matijevich: "Alright. Okay."

Speaker McPike: "On page four of the Calendar, House Bills Third Reading, Short Debate, appears House Bill 1726, Representative Terzich. Representative Terzich in the chamber? Out of the record. House Bill 2481, Representative Mantino. The Gentleman in the chamber? Out of the record. House Bill 2567, Representative Younge. The Lady in the chamber? Out of the record. House Bill 2657, Representative Barnes. Would you like to have your Bill called? Read the Bill, Mr. Clerk."

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

Speaker McPike: "The Lady from Cook, Representative Barnes."

Barnes: "Mr. Speaker, I see Representative Leverenz isn't on the floor, and he has the Amendment to go on this Bill. Mr. Speaker, I think maybe we better wait for Representative Leverenz."

Speaker McPike: "Alright, take this Bill out of the record, and we will try to get back to it."

Barnes: "Thank you."

Speaker McPike: "House Bill 2837, Representative Ronan or Representative Stuffle. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2837, a Bill for an Act in relation to Local Government Infrastructure Assistance Program. Third Reading of the Bill."

Speaker McPike: "Representative Stuffle."

Stuffle: "Mr. Speaker and Members of the House. This particular Bill is the one that we amended yesterday with regard to an agreement put together between DCCA, the Speaker's Office, the Governor's Office and the existing Illinois Development Finance Authority. To put in place an Infrastructure

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Assistance Program within the existing Finance Authority with \$250,000,000 of potential revenue bond sales. The program, as I outlined yesterday, would be one where we basically provide a back-to-back bond issue. Helping local governments with infrastructure activities using state bonds, backing up local issues, and the program provides for insurance. It clearly and very well sets out terminology, and spells out that the state is not liable. It also provides for security against any purchases of bonds or against any potential defaults by local government, so, that the state bears no burden in the program. Probably no more important area needs to be covered nor has been studied in the last several years than this with regard to bringing economic development to Illinois, and with regard to being able to put in place a program that helps local units of government that currently don't have the wherewithall to engage in major acquisitions, sewer and water reconstruction and road and curb projects. I would ask for your affirmative vote, along with Representative Ronan and Speaker Madigan, the other two principal Sponsors of this Bill. And indicate to you again that we have worked in consort with the Speaker, myself, Representative Ronan, the Governor, DCCA and the existing Finance Authority, and ask for your vote on this Bill."

Speaker McPike: "The Gentleman has moved for the passage of House Bill 2837. On that, the Gentleman from DeWitt, Representative Vinson. Representative Vinson? Could we turn on Representative Vinson?"

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I rise in opposition to House Bill 2837, because of the contents of Amendment #1, at least part of the contents of Amendment #1, which was adopted yesterday. A

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provision of Amendment #1 exempts these particular bonds from taxation. That does not... That language is not, by the terms of the Amendment, inserted into the Income Tax Act. It would be the very first time in Illinois that we have sought to exempt bonds from state taxation. I believe that one of the beauties of the Illinois income tax is the fact that it is a flat tax. The fact that it is a no loophole tax. That we tax all sources of income equally and proportionally. Undoubtedly, if we begin exempting certain kinds of income from the Illinois income tax, the inevitable result will be a progressive tax in the long run. Beyond that, I do not see why we should exempt this particular set of bonds from the income tax, even if it were done in proper form, when we don't exempt from the income tax general obligation bonds. We don't exempt from the Illinois income tax health facility bonds. We don't exempt education facility bonds, transportation bonds or any other kind of bonds. This is a very bad exception to our general rule of a tax with no loopholes, and it is an exception that flies in the face of any reasonable effort to classify in that area. So, I would urge a 'no' vote on this Bill."

Speaker McPike: "Representative Stuffle, to close."

Stuffle: "Well, Representative Vinson, I think you've once reached your limit. You've named at least two specific authorities that are, indeed, exempt in their own statute. Particularly, you named the health facilities authority. In Section 1126 of that Act, they are specifically exempt, just as are these. So, you are totally wrong there. You're totally wrong on the Export Development Authority. You're totally wrong on the Housing Development Authority. I have in my hand the statutory provisions that exempt them. As well, this proposal came from your own Governor's

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Office, and if we sold every bond, all \$250,000,000 worth, which probably isn't likely, the whole revenue impact to the state of loss would be half a million dollars. Those figures too came from sources on your side of the political spectrum. So, I repeat to you, this Bill has been worked on with the entities I noted, the Governor and DCCA and our side of the aisle, the Speaker's Office. And, indeed, Representative Vinson's specific comments to the contrary about exemptions on bonds from the income tax are totally inaccurate. If anyone wants to see the specific statutes that prove him wrong, they're in my hand, and I ask for an affirmative Vote."

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

Vinson: "I rise on a point of personal privilege, Mr. Speaker. I would like to delay the vote for about 30 seconds so I can walk over and look at the Gentleman's statutory exemptions. If he is correct about that, then I would like to apologize and withdraw my objection. But I would like to see that first."

Speaker McPike: "Representative Pierce, for what reason do you rise? The Sponsor has closed."

Pierce: "Mr. Speaker, in response to the Gentleman from DeWitt, who wanted to simplify our income tax law and keep it simple, I wonder if he'd... he'd support not having investment tax credit go into effect July 1, which complicates our income tax. If he'd be willing to get rid of the agricultural equipment exemption on our sales tax which complicates that, and be willing to get rid of accelerated depreciation, which complicates our income tax. And I want him, while he's taking 30 seconds, he might look over that, especially the investment tax credit, which he agreed to delay a year which should be delayed permanently

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July 1, because it complicates our income tax and deprives schools and local governments of replacement tax income which is falling short of what we promised. Thank you, Mr. Speaker."

Speaker McPike: "Thank you, Representative Pierce. Representative Vinson."

Vinson: "Thank you, Mr. Speaker. First of all, I'd like to say that everything Representative Pierce said is certainly wrong, but, in addition, to that I would like to apologize to Representative Stuffle because he is correct. There are at least two statutory exemptions of bond taxation, and I misspoke when I said that, and I apologize to the Assembly for that. And I think Members ought to be advised that at least that part of my remarks were wrong."

Speaker McPike: "The Gentleman has moved for the passage of House Bill 2837. The question is, 'Shall House Bill 2837 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 83 'ayes', 25 'nos', none voting 'present'. House Bill 2837, having received the Constitutional Majority, is hereby declared passed. House Bill 2892, Representative Steczo. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2892, a Bill for an Act to amend Sections of an Act to revise the law in relation to clerks of courts. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Cook, Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 2892, I believe, was fully debated last week when it was called on Third Reading Short Debate, and at the request of Representative Vinson, I took it out of the record. What this Bill does is provide a \$3,500 stipend to clerks of the circuit court for the... the mandates that we

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have placed upon them during the last couple General Assemblies. This Bill applies to 101 of the 102 Circuit Court clerks, and if there's any questions, Mr. Speaker, I would be glad to answer them."

Speaker McPike: "The Gentleman moves for the passage of House Bill 2892. Does anyone stand in opposition? There being none, the question is, 'Shall House Bill 2892 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all... Representative Homer, to explain his vote."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen. I'm casting an 'aye' vote on this Bill. I would feel much better about the Bill if, in fact, the \$3,500 stipend went to the county or to the offices opposed as in the form of compensation to the clerk. I think it... I think we all recognize the clerks have deputies who carry out many of the functions, and although we certainly have added to their burdens in recent years with legislation, I think it would be preferable if that money went to the office as opposed to the compensation of the clerk."

Speaker McPike: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 31 'ayes', 12 'nos', 1 voting 'present'. House Bill 2892, having received the Constitutional Majority, is hereby declared passed. House Bill 2900, Representative Kulas. Out of the record. The hour of 9:30 having arrived the House will go to the Special Order of Business, page two of the Calendar, Education. On that Order appears House Bill 1186. Page six of the Calendar. Representative Steczo. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1186, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Cook, Representative Steczo."



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Steczo: "Thank you, Mr. Speaker, Members of the House. House Bill 1186 is the same Bill that this House approved as House Bill 1189 during the last Session. What this Bill does is seeks to address the whole question of equity for unit and dual districts. Myself and Representative Nelson tried to talk to each of you individually yesterday to indicate to you what effect this Bill might have on your districts. What the Bill does is, as I mentioned, attempt to seek equity in many districts throughout the State of Illinois. There have been many discussions among persons in dual districts seeking to create unit districts in those areas. However, they realize that with the taxing capacity for the educational tax rate that they currently have at \$1.84 creating a unit district that has capacity to tax at the education rate of \$1.60 is not an equitable solution for them. And the fact remains that they look upon that as a disincentive to reorganizing. So what House Bill 1186 does over a four year period would allow unit districts to for their educational rate only to levy \$1.84. Ladies and Gentleman of the House, for those districts that are currently in the process of discussing reorganization, this would be no increase at all. They currently have a \$1.84 capability, and it would continue under that level. There would be no decrease. Many units in the state that currently exist and who would be grandfathered in under this Bill have already reached the \$1.84 level and surpassed that. So, we are talking, in essence, about a very small number of unit districts that would be effected by this Bill that are currently in existence. I would be pleased to answer any questions for you. I would indicate to you that this is an equity Bill. This inequity has existed for a long time, and it's a means now, and we have an opportunity to try to correct it."

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Speaker McPike: "The Gentleman has moved for the passage of House Bill 1136, and on that, the Gentleman from DeWitt, Representative Vinson."

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

Speaker McPike: "He indicates he will."

Vinson: "Representative, my understanding is your effort with this Bill is to equalize unit and nonunit districts in terms of their property tax maximums. Is that correct?"

Steczko: "Representative Vinson, for the educational tax rate only. Not for all the tax rates."

Vinson: "Now, does that mean that there would be an increase in the maximum for some districts, without the voters in those districts having the opportunity to vote on that issue at referendum?"

Steczko: "In some cases there would be. If it were to be... if that situation were to occur in districts... if it would be applicable in some districts, that increase would be phased in over a four year period. I should mention, and we have tried to provide each individual Member with the information as to which districts would be affected, but approximately 70% of the districts in the State of Illinois are currently over the \$1.84. So we're talking about a small number of districts that it would affect."

Vinson: "To the Bill, Mr. Speaker?"

Speaker McPike: "Proceed."

Vinson: "I rise in opposition to the Bill. I think that it would be laudable to try to place equalized tax rate maximums for the various kinds of school districts in the state. There are two ways in which you can do that. You can take the districts which have low maximums and increase them as this Bill does, or you can take the districts which have high maximums and reduce them, which this Bill does not. Now, if you take the former approach, which this Bill does, by

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taking the districts which have low maximums and raising them, then you're in the position of saying to the taxpayers in those districts that we have decided, in Springfield, to raise the amount of money that they can be taxed. Mr. Speaker, would you recognize Representative Hoffman, please?"

Speaker McPike: "You concluded your remarks, Representative Vinson?"

Vinson: "I yield to Representative Hoffman."

Speaker McPike: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There seems to be some misunderstanding about this Bill at this present time, and, therefore, I would like to request that the Sponsor take it out of the record until we can get an understanding."

Speaker McPike: "Out of the record, and we will return to the Bill shortly. House Bill 1190 on page six of the Calendar. Representative Steczo. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1190, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Cook, Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. During the last Session of the General Assembly, we took a giant step forward in the State of Illinois in terms of local school district reorganization, and we took a giant stride toward making it easier and ending disincentives seeking to enhance that reorganization process. When this House passed Senate Bill 513 last year, we rekindled a lot of interest in terms of local school districts, of which there are over a thousand in the State of Illinois, seeking to become more efficient by going and considering either combining or considering the creation of unit districts in

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their areas. Unfortunately, when that Bill did pass, there were some items that we failed to address, items that, as it turned out later, needed to be addressed. This House Bill 1190, for all intents and purposes, contains clean-up language that... clean-up language on... that was needed as a result of passage of Senate Bill 513. However, it does make two changes. Two changes which I think benefit the whole process. First, we had placed a population and assessed valuation limitation in Senate Bill 513. We have been contacted by some school districts who indicate that they would like to be considered to create a unit district. However, they don't meet the population minimums, and they don't meet the assessed valuation minimums. House Bill 1190 addresses that question by allowing the State Superintendent of Education to grant a petition for the organization, and to grant a waiver in those specific instances. In addition to that, it provides that any petition for the dissolution of a school district must provide that all territory of the district to be dissolved will be annexed into another school district subject to referendum. We want to try to protect those situations where portions of some school districts are considered in reorganization types of plans, and others must have a place to go if they're not included in specific plans. So, Mr. Speaker, Members of the House, this Bill is clean-up of Senate Bill 513, adds those two provisions, and I would answer any questions or if there are none, would appreciate the support of the House."

Speaker McPike: "The Gentleman moves for the passage of House Bill 1190, and on that, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "The Sponsor of the Bill is absolutely correct, and I encourage your support of this legislation."

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Speaker McPike: "Further discussion? There being none, the question is, 'Shall House Bill 1190 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 111 'ayes', no 'nays', 1 voting 'present'. And House Bill 1190... Representative Mulcahey, 'aye'. 112 'ayes'. House Bill 1190, having received the Constitutional Majority, is hereby declared passed. House Bill 1839, page six of the Calendar, Representative Doyle. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1839, a Bill for an Act to amend Sections of the Public Community College Act. Third Reading of the Bill."

Speaker McPike: "Representative Doyle, on the Bill. Representative Doyle."

Doyle: "You got me? Mr. Speaker, ladies and gentlemen of the House. Bill 1839 came out of the Educational Committee thirteen to nothing. This is a Bill that authorizes the Illinois Community College Board to make grants to community colleges throughout the entire State of Illinois. This Amendment to this Bill deletes the existing Bill. This program provides competitive grants to community colleges needing additional funds for programs significantly impacted by advance technology. In order to qualify, a district must provide a 100% matching funds. This provision is different from last year's Bill which passed both the House and the Senate. I will be very happy to answer any questions that there may be."

Speaker McPike: "The Gentleman has moved for the passage of House Bill 1839. Is there any discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the Assembly. I rise in opposition to the Gentleman's proposal, not because

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it's not a proposal that might be good if we had the money to pay for it, but because this is another of many proposed new programs that we don't have the fiscal resources to pay for. We're in a position where we've got to go through one more year of fiscal discipline, and then we can begin taking a look at what good ideas and new programs are out there. But if we neglect to do that, if we do not exert the fiscal self-discipline this year, control our appetites, then we're going to be in the position that... right after the election that we were in right after the last election. And we're going to be in a position where we can't pay for everything we've promised the voters. I believe we ought to be upfront. I think we ought vote down those new ideas that we can't afford this year now. I believe that we ought to take the position that we can provide essential services, and we don't have to cut off essential services as long as we're willing to say that we're going to forego unnecessary new programs at this time. So, I would urge a 'no' vote on the basis of the fiscal situation of the State of Illinois."

Speaker McPike: "Representative Doyle, to close."

Doyle: "I just think this Bill speaks for itself, and in order to put things in the proper perspective, if we don't get our state moving on high technology, there won't be any economy in this state. For that reason, I ask for a favorable vote."

Speaker McPike: "The Gentleman has moved for passage of House Bill 1839. The question is 'Shall House Bill 1839 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 71 'ayes', 37 'nos', 1 voting 'present'. House Bill 1839, having received the Constitutional Majority, is hereby

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declared passed. House Bill 2364 page seven of the Calendar, Representative Pangle. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2364, a Bill for an Act to amend Sections of the Illinois lottery law. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Kankakee, Representative Pangle."

Pangle: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think we're all familiar with this Bill. It passed this House last year by a vote of 102. In 1974 when the lottery became a law, the intent was for all lottery money to go into the Common School Fund. What this Bill will do will place the... all proceeds and profits in the Common School Fund, which the original intent was. I'd appreciate a 'yes' vote."

Speaker McPike: "The Gentleman has moved for the passage of House Bill 2364. On that, the Gentleman from Cook, Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill has been discussed many times, as mentioned by Representative Pangle. I would simply point out that in my district two weeks ago, and in other districts throughout the state, and will continue to be held throughout the states, educational seminars have been held with teachers, administrators and parents involved in the school boards. The one item that has been most frequently mentioned as a remedy to the financial woes of this state as it relates to education is to provide that funds from the lottery be placed into the Educational Fund. And I might point out, as has been pointed out by Representative Leverenz on another occasion on this floor, that was the intent of the original lottery measure as

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passed by this House a number of years ago. So, I would point out to the Membership that this is an item that has been on the agenda for all facets of school administration, and I would wholeheartedly support this measure."

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

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

Speaker McPike: "Indicates he will."

Ropp: "Could you explain to me, Representative, from an administrative point of view, how this would be handled really?"

Pangle: "As far as what the book work of putting the money into the Common School Fund?"

Ropp: "Well, I understand that. That probably wouldn't be too difficult. I guess my concern is from someone who would be receiving these monies in a local school district. How are they going to be able to budget from one year to another, never knowing how much money the Lottery Fund may have? If, in fact, the lottery starts to go down, as it has since its beginning, wouldn't many programs be placed in jeopardy? Whereas, right now, coming from the General Revenue Fund, those dollars can be adequately budgeted for year after year. And if we think education needs more money, as I do, then we ought to fund it, rather than to dangle a carrot out in front of school administrators, never knowing quite how large or how much, how far in front that carrot is going to be in front of our nose."

Pangle: "Well, I would think that in the last ten years the money that's been received and the proceeds that's been received from the lottery money certainly would put the school districts in a different posture than which they're in today. Very possibly, if the state would fulfill the mandates that we have for funding of education, maybe it wouldn't also have the problems that we have today. I



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would imagine that if a problem would occur within the lottery somewhere down the road and the funding would not be up to the situation or what it should be, we could always introduce legislation making sure that we fund education in the manner that we're supposed to. I think what this Bill does, it clarifies for a lot of people out there that go every week and buy twenty or thirty dollars worth of lottery tickets, and their intent is, of course, to help education; at the same time, hopefully, win a large sum of money. If you go out to your schools and out to your PTA's and PTO's, the question that I get asked to me the most is, where does the lottery money go, and I thought the intent was for education and that's true. What this Bill will do, at the same time, will clarify and answer them questions to the general public. And let them know that we're not trying to pull the wool over their eyes, that we are trying to get the money that is received. The proceeds from it, from the lottery, will go into education."

Ropp: "If, in fact, the intent of the General Assembly was to put it all into education, is it not correct that legislation was offered in the form of an Amendment a number of years ago, and that Amendment failed?"

Pangle: "I wasn't here a couple of years ago."

Ropp: "Well, I think it would have had to have been something like eight or ten. Maybe Representative Giorgi could shed some light. Is he on the floor?"

Speaker McPike: "To the Bill, Representative Ropp."

Ropp: "Okay, to the Bill. In my best judgment on this particular issue, it would appear that the uncertainty that administrators throughout the State of Illinois would have, should this Bill pass, would be greater than the concern that we have for just increasing funds for education, which

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would give them a sure base on which to budget and plan for educational programs throughout the State of Illinois. It is my judgment that if this Bill passes and had it been into effect a year ago, the extension of the current income tax, which is to be shortlived as of June 1, would be extended indefinitely."

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

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

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

Pangle: "This Bill passed the House last year with a vote of 102. The override was only defeated by three votes. I would certainly appreciate a 'yes' vote. Thank you."

Speaker McPike: "The Gentleman has moved for the passage of House Bill 2364. The question is, 'Shall House Bill 2364 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 102 'ayes', 7 'nos', none voting 'present'. House Bill 2364, having received the Constitutional Majority, is hereby declared passed. Page sixteen of the Calendar, Senate Bills Third Reading, appears Senate Bill 294, Representative Jaffe. Out of the record. Senate Bill 1585, Representative Brookins. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1585, a Bill for an Act creating the Albert H. Roberts Memorial Statue Committee. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Cook, Representative Brookins."

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Brookins: "Yes, Mr. Speaker, this is a continuation of a Committee that was started so that we can complete and pay the bills for setting up of the Albert H. Roberts statue, and I ask for your passage of this Bill."

Speaker McPike: "The Gentleman has moved for passage of Senate Bill 1585. Is there any discussion? The Gentleman from Cook, Representative Piel."

Piel: "Thank you, Mr. Speaker. Will the Gentleman yield, please?"

Speaker McPike: "Yes, he indicates he will."

Piel: "You mentioned this was a ongoing Commission?"

Brookins: "Yes, it expired... it expired in June... it expires in June of '84, at which time the statue will be in place. And what we need is additional money so that we can pay for it, and then the Commission goes out... or the Committee goes out."

Piel: "So, it will be going out after this term then?"

Brookins: "That is correct."

Piel: "Alright, thank you very much."

Speaker McPike: "The Gentleman from Lee, Representative Olson."

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

Speaker McPike: "Indicates he will."

Olson: "Representative Brookins, in my recollection, as Senator Margaret Smith is here with us this morning, Brother Roberts was an early Republican from Chicago. Is that correct?"

Brookins: "That is correct."

Olson: "I rest my case, thank you very much."

Speaker McPike: "Representative Brookins, to close."

Brookins: "I urge your passage of this Bill."

Speaker McPike: "The Gentleman has moved for passage of Senate Bill 1585. The question is, 'Shall Senate Bill 1585 pass?' All those in favor signify by voting 'aye', opposed vote

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'no'. Representative Friedrich to explain his vote."

Friedrich: "Well, I might say that former Mayor Daley was... also sat in this hall as Republican."

Speaker McPike: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 108 'ayes', no 'nays', none voting 'present'. Senate Bill 1585, having received the Constitutional Majority, is hereby declared passed. Representative Brookins?"

Brookins: "Mr. Speaker, I'd like to take this opportunity to thank my colleague and Senator Smith also."

Senator Smith: "Out of the mintage of my heart, I say, 'Thank you.'"

Speaker McPike: "If the Chair could have your attention, there are a number of Senate Bills that do not, as of yet, have House Sponsors. In addition, the Rules Committee will meet today, and anyone that desires to have their Bill heard in Rules must file an exemption with the Clerk before noon today so that your Bill can be heard in Rules, and thereby be heard next week in Committee. So, you have to file an exemption with the Clerk by 12 noon. We will now return to the Special Order of Business - Education. House Bill 2574, Consideration Postponed, page eighteen of the Calendar, Representative Brummer."

Brummer: "Yes, thank you, Mr. Chairman, Members of the House. House Bill 2574 was previously a Bill expanding the bonding authorization of the State of Illinois. With Amendment #2, we have changed it so it no longer expands the bonding authorization of the State of Illinois, but it transfers from debt service bonds, six million dollars to be used for grants to schools to reconstruct buildings that have been condemned by action of the regional superintendent of schools prior to January 1, 1984, sponsored by Representative Hicks, Representative Ryder and myself. I

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believe with the Amendment #2 the... much of the question regarding this Bill has been removed, and I would ask for a favorable vote."

Speaker McPike: "The Gentleman has moved for the passage of House Bill 2574. On that, the Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I also join in asking for an 'aye' vote for the reason that we believe the Amendment that was passed has cleared up the objections concerning the bondings provision. I ask for an 'aye' vote."

Speaker McPike: "The Lady from DuPage, Representative Nelson."

Nelson: "Thank you, Mr. Speaker. I have a question of the Sponsor, will he yield?"

Speaker McPike: "He indicates he will."

Nelson: "Representative Brummer, is there a match that the local school district will be putting up to help pay for this renovation or reconstruction?"

Brummer: "Yes, they will have to do so under the formula that depends on a number of factors including, I think, assessed valuation and pupil count. But, yes, they will have to come up with the local match from the local level."

Nelson: "And I understand that the buildings which have been condemned cannot be used at the present time, and that the kids are scattered around in the district in basements and churches. Is that correct?"

Brummer: "Right, there are some of them in some church basements. Some of them in some mobile classrooms that they've moved in after the building... there were actually parts of two buildings. One entire building was condemned and part of another. They have vacated those buildings or the entire grade school, and they've moved in some mobile classrooms. And some of them are in church basements and various locations around town."

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Nelson: "Thank you very much. I, too, support this Bill, and would hope that we would get many green votes."

Speaker McPike: "Representative Brummer to close."

Brummer: "Yes, I would simply ask for a favorable vote."

Speaker McPike: "The Gentleman has moved for the passage of House Bill 2574. The question is, 'Shall House Bill 2574 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative Steczko to explain his vote."

Steczko: "Thank you, Mr. Speaker. Just for the record, I would like the record to show, and I believe the Chair should rule that, since this is just a transfer of bonding authority rather than an issuance of new bonds, it should require a simple Constitutional Majority."

Speaker McPike: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 108 'ayes', 2 'nos', none voting 'present'. House Bill 2574, having received the Constitutional Majority, is hereby declared passed. House Bill 2875, Consideration Postponed, page eighteen of the Calendar, Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House."

Speaker McPike: "Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2875, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker McPike: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. House Bill 2875, which was amended yesterday, provides for a Parenting Skills Program in local school districts grades six through twelve. The advantages to the Bill, first of all, are that we will be able to see that young people, as they are growing up learn the kinds of skills and the kinds of responsibilities that becoming a parent means. We anticipate that there will be a decrease in child abuse.

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This program will also enable local school districts to pick up Federal Funds. It will be controlled by the local districts themselves. The Bill has the strong support of the Illinois Department of Children and Family Services, the Department of Public Health, the Department of Public Aid, the Illinois Federation of Teachers, the Illinois Parent Teachers Association, the Illinois Home Economics Association, the Association of School Social Workers, the Illinois Public Health Association, the March of Dimes, the Caucus on Teen Pregnancy, the Child Care Association of Illinois. It has very strong support from all groups that are involved in issues of teen pregnancies, issues of parenting and child abuse. It is not opposed by the State Board of Education or the Illinois Association of School Boards. I'd be happy to answer any questions, and I would appreciate your affirmative votes."

Speaker McPike: "The Lady has moved for the passage of House Bill 2875. And on that, the Lady from DuPage, Representative Nelson."

Nelson: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes, she indicates she will."

Nelson: "Representative Currie, why are you presenting this Bill?"

Currie: "Because I'm Cosponsor, the principal Cosponsor of the Bill, and the first named Sponsor is not... not on the floor."

Nelson: "Did not we already defeat this Bill once?"

Currie: "The Bill was on Postponed Consideration, Representative Nelson. An Amendment was added to the Bill yesterday to clarify that this Bill is not about sex education in the schools. It is about parenting education."

Nelson: "Could you explain the difference to me?"

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Currie: "Parenting education involves teaching children child care, child development, family relationships, parenting skills. It teaches people that you shouldn't water down the formula with which you feed the baby. The point is to teach young people who may someday become parents what kinds of responsibilities that means that they have with respect to that child. This is a recommendation... the Parenting Education Program was a recommendation of the 1980 White House Conference on Children. It's one of the top sixteen priorities of the 1981 Illinois Conference on Children, and it was also discussed at Speaker Madigan's Conference on Education here in Springfield a few months ago."

Nelson: "Is it your belief that those skills can be taught to sixth graders, let's say?"

Currie: "I believe sixth graders can begin to learn about family relationships and about children and how infants and grownups react and relate together. I also... I think, too, that there are federal dollars available for parenting education programs, which, if the local school districts offer them, then would be a help to the local school district."

Nelson: "And it is your belief, Representative Currie, that it is more important that sixth graders and up or down whichever way..."

Currie: "It goes up."

Nelson: "Learn about parenting skills rather than math or language arts or geography or phys ed?"

Currie: "Oh, absolutely not, Representative Nelson. My contention is that in the kinds of courses in the curriculum already set for the sixth through twelfth grades there are appropriate places to make sure that parenting education is highlighted as well. There are health,



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physical education courses, there are many places in the present curriculum where a focus on parenting education will fit. Let me remind you that nothing in this Bill suggests, and the State Board agrees, that there would be any additional staffing needs on the part of the local school districts. This Bill does not say let us have a whole course in grade sixth through twelve, a separate course called Parenting Education. The local school district may set the curriculum and certainly would be likely, I would think, under the provisions of this Bill, to include parenting education within the rubric of some of the courses that already are set within that school curriculum."

Nelson: "So, you're saying that this really is something that can be taught for a period of time during health education or during some other course that's already a mandate that we've already said to the schools that they must teach?"

Currie: "Absolutely."

Nelson: "Then it's not very important."

Currie: "Well, I think it is Representative Nelson. With the increase in child abuse, with difficulties of infant mortality, I think this is an important issue. I can only remind you that when the White House Conference on Children and the Illinois Conference on Children established this as a very high priority for the eighties, I certainly, myself, am willing to accede to the advice of people who are expert in educational and children's issues. The Illinois Department of Children and Family Services supports this Bill. As I said earlier, even the Association of School Boards does not stand in opposition to House Bill 2875."

Nelson: "To the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

Nelson: "Thank you. I believe that this Bill is an important

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Bill, because it goes to the heart of the continuing debate over what we ought to be doing for children in this country in our educational system, and I believe that this is exactly the wrong way for the General Assembly to proceed.

We have on the books at the present time a number of instructional mandates, including mandates for daily physical education, for health education as well as a Core Curriculum Bill that this General Assembly passed last year. Certainly I have no objection to reducing incidents of child abuse in our society or for developing children who have an understanding of the responsibility and the cost of parenthood. But we cannot continually ask our school system to take on tasks that will in the end deprive our brightest kids of that time that they need to take the core curriculum courses that we already insist that they know. To my mind it is more important that we send children out of high school who have mathematical computation abilities who have a good understanding of the language or languages, if they chose to take that, and if we continually in this General Assembly mandate more and more courses like parenting education, our best, our brightest students will not find the time to graduate from high school with four years of history and four years of English and four years of a language and science. And for that reason and because I believe that there is no easy way to teach parenting without having those experiences one's self I can't imagine how this course could be taught from time to time during the day and effectively develop any understanding in young children or in sixth graders and up of the real responsibilities of being a parent day to day when you have total responsibility for that young child. I would ask for a 'no' vote."

Speaker Breslin: "The Gentleman from Cook, Representative

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Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. What is unfortunate about House Bill 2975 is that we need legislation like it in this state, with the increased numbers of children who are the subjects and the victims of child abuse of sexual abuse of children, with our divorce rate that is over 50% today, and keep in mind that over 50% rate includes people from our parents' generation where divorce was almost unheard of. So, in our children's generation, you can look forward to a divorce rate of maybe 65, 70, 75%. This Bill just states what should already be done in progressive, enlightened school systems today, to offer some instruction to children on the role of parenting, on the role and families on family obligations, with some hope that maybe a parent who may be unstable might learn from a child so that there is no abuse of that child, either physical abuse or sexual abuse. So, perhaps, a family that otherwise might split up may stay together, and that a child, when that child grows up to adulthood, may find ways of dealing with his spouse or her spouse, with his children or her children, so that the family can be unabused and could perhaps stay together. This Bill is unfortunately needed. It doesn't cost any money. The fiscal impact note indicates that there's little or no fiscal impact whatsoever. It costs nothing. It doesn't even take time out of the school day. It is simply restructuring what is already taught in some of the courses that are offered, to offer some curriculum on the proper roles that are needed within a family. I think this is probably the... the best Bill, perhaps, of this Session, because it is one that is only aimed at doing good and costs us nothing. I encourage an 'aye' vote."

Speaker Breslin: "The Gentleman from DeWitt, Representative

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Vinson."

Vinson: "Madam Speaker, Ladies and Gentlemen of the House. This is, if you really think about the concept, one of the worst Bills of the Session. Now, the supporters of this Bill have said two things. They said it doesn't cost any money, and it doesn't take any time out of the school day. Now, that means the Bill is absolutely nothing and a fraud or it means that there is going to be some mandate under this Bill. I prefer to think that the Sponsors are not offering an absolute fraud on the public in this Bill, and, in fact, that there is a mandate. And I believe that what that mandate is is that teachers, under this law, will have to teach things besides reading, writing, arithmetic and skills that are relevant to the work place that are relevant to the market that permit the children that we raise, and that we're suppose to be educating to get jobs in this world. I remember just last year several of the people who are now speaking for this Bill came in with a Bill to mandate curricula for high schools in this state to require that in order to get a certificate of graduation from high school in this state that you had to have so many hours of math, so many courses and credits in the... in English, in a variety of important core skills. Now, what they're saying is after making those requirements, they're going to come in and tell you that under the guise of a math class you have to teach parenting. What they're going to do next year is come in and tell you under the guise of a math class you got to teach health education or consumer economics or physical education or some other new idea that they want the schools to teach. What we've got to begin to realize is there are certain responsibilities in this society that parents and family have to assume, and have to take responsibility for, and, traditionally, have taken

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responsibility for. And there are another set of responsibilities properly assignable to our schools. Now, if we keep trying to thrust every new social problem into the schools, then the schools are not going to teach education. The schools are not going to teach people how to add and subtract, how to read and write and how to get jobs in this world. If you want to continue the decline of the performance of school children in the State of Illinois, this is exactly the kind of Bill you ought to be supporting. If, in fact, you want to improve the education system of the State of Illinois and to get some students out that know something, that are capable of functioning, that are literate and that can get jobs in this world, then you ought to be against this Bill and every idea like it that comes down the pike. There are proper assignments and roles in this world for parents, and there are proper assignments and roles for teachers. And teaching parenting is not a proper assignment and role for a teacher. I urge a 'no' vote on the Bill."

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

Piel: "I move the previous question, Madam Speaker."

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

Currie: "Thank you, Madam Speaker and Members of the House. One of the highest priorities in our school system is the teaching among our young people of the role of citizenship in the society. I cannot imagine a more important exercise of one's citizenship qualities than in one's relationships to the children that one brings into this world. Parenting

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education, finding out how to be a competent parent, a caring parent, a nonabusive parent is something that belongs at the heart of our core curriculum. Teachers' groups, that previous speakers have indicated should not have to be bothered with teaching items like this, support House Bill 2875. House Bill 2875 leaves the issue of the actual curriculum content to the local school districts. This is a Bill that says to the local school districts you're the ones who have charge of figuring out how we make sure this mandate is, in fact, carried out. The proposal is not to create a new course. We're not cluttering up the school day with additional course requirements. What we are saying is that in the health courses that the children now take, in physical education, in home economics, in science, let us make sure that the curriculum is broad enough to include this very vital, very important responsibility. This is a Bill that will bring money to Illinois school districts. An average of \$20 for each child in grades nine through twelve. It's a money-maker. It's a Bill that has strong support from all the organizations and groups who will be administering the program, and all those organizations and experts, individuals who are aware of the continuing problems of child abuse, the continuing problems of destruction of the family in the American society as we know it. This is a pro-family piece of legislation. It's pro-family for the children in school now, and it's a way of assuring that the family will continue to hold center stage in American society in the year 2000 and the year 3000. I would appreciate your support for House Bill 2875."

Speaker Breslin: "The question is, 'Shall House Bill 2875 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Cook, Representative...

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Kendall rather, Representative Hastert, to explain his vote."

Hastert: "Well, Madam Speaker and Members of the House. I look at the numbers going up on the board, and I guess I don't have to explain my vote. But this is just simply... is another mandate. Mandates that we've piled on our school system. A way to teach a type of moral education by teachers who many of them are not even married nor have children themselves. I think it's a bad idea, and I think the number of votes on this board..."

Speaker Breslin: "Representative Alexander to explain her vote."

Alexander: "Thank you, Madam Speaker. To the General Assembly, I have listened diligently to the pros and cons concerning this Bill. What you and I knew and recognized as the family nucleus twenty or thirty years ago does not exist today, and we are being naive when we take the attitude that child... the child abuse syndrome is not a reality. May I say to you what good is a job, a bachelors, a masters, an expert in math, in sciences, if you are a child abuser because you do not know better. With the increased teenage pregnancy situation that now exists, and young women calling themselves emancipated, but who really are not emancipated because they have not had parenting skills, we are, in fact, by not supporting this Bill advocating and perpetuating child abuse. The Honorable Judge Arthur Hamilton of the Circuit Court of Cook County, who has sit diligently day after day listening to these cases involving parenting and young people who do not know how to handle themselves and their children, have said that it is this kind of legislation is definitely needed in the school system. Twenty years ago, we didn't have computers. Men were not... and man was not sent to the moon. Times change, and this Bill, relative to parenting, is needed

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here in the State of Illinois. Thank you."

Speaker Breslin: "Does anybody else still wish to explain their vote? Mr. Clerk, take the roll. On this question there are 26 voting 'aye', 69 voting 'no' and 13 voting 'present'. This Bill, having failed to receive the necessary majority, is hereby declared lost. With leave of the House, I would like to recognize Representative Vinson for the purpose of recommitting a Bill. Representative Vinson, on House Bill 2899."

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would like to commit, with leave of the House, House Bill 2899 to the Interim Study Calendar?"

Speaker Breslin: "The Gentleman asks leave to recommit House Bill 2899 to the Interim Study Calendar. Hearing no objection, the Bill is recommitted. The next Bill on the Special Order of Call - Education is House Bill 2888, Representative Cullerton. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2888."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This Bill deals with seat belts on school buses. This Bill says that all new school buses, 1985 model year and in the future, shall be equipped with seat belts. It says that the state shall reimburse the local school districts for the cost of, the additional cost, involved with the seat belt being on the school buses. Now, the purpose, of course, of the legislation should be obvious. Seat belts would clearly offer our children an extra margin of safety. Now, while it's true that since 1978 when, school buses have been manufactured in a safer manner, there have been fewer deaths. It is also true that people and children are still killed when school buses get involved in fatalities... in crashes and fatalities result.



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But the main safety feature, the main benefit with regard to safety, would be a reduction of injuries, severe injuries, that occur on school buses because of accidents. The fatalities have gone down since 1979, but the injuries have not. But, perhaps, an even more important reason for this Bill, and one that the opponents really have no argument against is the educational benefit. As you know, we now have a law in Illinois that says that children in their passenger car must be in a car seat or in a seat belt, and we know that this has been a tremendous benefit to the state in cutting down in the number of deaths. Young children are using seat belts, certainly, at a greater rate than adults. When they get to school and get on the school bus, this educational process that we've begun in the family car cannot be continued because there are no seat belts in the larger school buses. Incidentally, we do have seat belts in the smaller school buses. So that really is the main advantage, I feel, for this particular Bill. Now, I want to make it very clear that the people who are opposed to the Bill, people who have been lobbying the Bill, are the school bus manufacturers. And they have an association called the National School Transportation Association, which sounds nice, but basically what it is, they are school bus manufacturers. And they are the ones that have been opposed to this Bill. Now, some of the arguments that are raised by the opponents I would like to address. First of all, they say that seat belts would cause internal damage and would impede rapid evacuation and can be used as weapons. Well, we learned, when we discussed the Child Passenger Safety Law, that as long as a child is over thirty pounds seat belts don't cause internal damage. If they're under thirty pounds, they do cause internal damage

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and that's why they have to be in a car seat. With regard to this issue of impeding rapid evacuation, there's a certain myth that... I don't know who started it, it's been perpetuated throughout the years, that if there's an accident, you're trapped in a bus or trapped in a car, you can't get out. What usually happens when a fire results, after a crash in either a car or a bus, is that the person is knocked unconscious, because they don't have a seat belt on. And then, of course, they can't get out anyway. What seat belts tend to do is keep people from becoming unconscious so that they can evacuate, if the bus or the car starts on fire. And, of course, to say that they'd be used as weapons is ludicrous. If that is the case, we would have to banned lunch boxes on school buses. Children do not use these as weapons. They talk about this issue of compartmentalization, and they're talking about how now we have these compartments on the school buses. And, therefore, we don't need seat belts. That only deals with frontal collisions. It has nothing to do with lateral collisions or rollovers, which really present the greatest risk to children who are not wearing seat belts. They talk about problems that... about workability, that these seat belts would not be used. Well, we have examples already. In New York, they have, not in the State of New York, but in certain school districts there, they've had this program for a number of years. And none of these problems they talk about, in terms of workability, have occurred. As a matter of fact, without any monitoring at all, they're showing about an 80% use of the children in New York. The cost I would like to address as well. Last year, there were 315 new school buses purchased in the State of Illinois. I believe 315 of them were by school districts that own their own school buses and 600 were by school

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districts that lease buses. The cost of putting these seat belts in the buses - we have an example. In Skokie, a school district has already passed an ordinance or a resolution saying that they... all new buses shall have seat belts. The cost was \$750 for the entire bus. The bus cost \$3,000... I'm sorry the bus cost \$30,000. The seat belts only cost \$750. The fiscal note, by the way, that has been filed by the State Board indicates the cost would be... to the state would be something like only \$350,000 a year. The school boards, I think, are suspicious of us, with regard to mandating them to buy something and then not paying for it. But if you look at the mandated programs and the funding, it's only the very, very, costly programs that we mandate that we don't fully fund. I'm talking about programs that cost over twelve million dollars. This would only be about \$350,000. The PTA, by the way, at their recent statewide meeting, endorsed this proposal. I know we've debated the issue of seat belts earlier in this Session, and a lot of the talk was about individual freedoms and the state not having the right to tell the person they should wear a seat belt. Well, that argument does not exist in this particular case. In fact, what we're saying is that parents who have taken the time to instruct their children how to wear seat belts, who now send their kids to school in a bus, and they really are, in most cases, almost mandated to send their kids to school on a bus, they should have the right to have those children in a seat belt. And right now they don't have that right at all. I'd be happy to answer any questions and would appreciate your support. I would point out that on this Bill I don't have any high paid and high powered lobbyists working for me, as was the case with the mandatory seat belts in cars. All I have are some women in Skokie who

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have already passed this thing in their own school districts, who feel very strongly about it. I feel very strongly about it, and we are fighting a well financed lobby that's opposed to it, the school bus manufacturers, who, incidentally, would not lose any money at all, if this was the law. But for some reason, they still say they are opposed to it. I would appreciate your support, and would be happy to answer any questions."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2888, and on that question, the Gentleman from DuPage... Excuse me, Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2888, a Bill for an Act in relation to passenger seat belts for school buses and inspection thereof by school boards. Third Reading of the Bill."

Speaker Breslin: "Representative Hoffman on the Bill."

Hoffman: "Thank you, Madam Speaker. Will the Sponsor yield for a question or two?"

Speaker Breslin: "The Gentleman will yield for a question."

Hoffman: "Would this Bill mandate that school districts have seat belts on their buses?"

Cullerton: "On new school buses. A very important point because the cost... the cost to retrofit is exorbitant. We're talking about only new school buses."

Hoffman: "It would mandate that this be included on all new buses?"

Cullerton: "And in the Bill, we say that, we, the state, are going to pay for it."

Hoffman: "Mandate that they put them on, and that we will pay for them and that money will have to come from somewhere else, obviously. Let me ask you a second question. Is this currently mandated in any state in the Union?"

Cullerton: "No, it's mandated in certain school districts throughout the nation, but not in the state."

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Hoffman: "Could a school district in the State of Illinois do the same thing?"

Cullerton: "Yes, and three of them so far have..."

Hoffman: "Three of them so far have, and they would like to cap that decision on all other school districts."

Cullerton: "No, I would to..."

Hoffman: "You would like to cap it on all the other school districts."

Cullerton: "Right, because I also would point out that we have to pay... We're saying in this legislation that we're going to pay for it."

Hoffman: "Alright, thank you, Mr. Sponsor. Madam Speaker, to the Bill."

Speaker Breslin: "Proceed."

Hoffman: "I would... I would point out to you at the present time, the padding on the back of school bus seats is designed to cushion the impact on a collision. As far as the Illinois Department of Transportation is concerned, it is questionable at this time whether seat belts will improve or worsen the safety in school buses. School districts have the authority to do this now. It may make more sense in some school districts than others. I think they ought to be... certainly, we shouldn't prevent them from doing that. The Sponsor pointed out that in smaller buses they already use seat belts. I would point out that in most cases smaller buses are carrying handicapped... handicapped children, which, to me at least, would appear to make some rather significant difference. I would point out to you that not only the associations that the Speaker mentioned or the Sponsor mentioned opposed to this, but so is the Illinois School Board... Illinois Association of School Boards. I appreciate the sincerity of the Sponsor. However, I think there are still some serious questions

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whether this is really in the best interest of young people who ride the buses, and, therefore, I stand in opposition to this legislation."

Speaker Breslin: "The Lady from DuPage, Representative Nelson."

Nelson: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield for a question."

Nelson: "Representative Cullerton, I believe that seat belts save lives, and I think that you have a worthy motive in mind here, but I have a question about the Bill on page two where you say that seat belts shall be required, and then you say that both the driver and the passenger shall be properly restrained with the lap belt assemblies before operation of a school bus. This is in lines ten through twelve. Are you... Could you explain to me how that would be enforced?"

Cullerton: "Well, the reason why we put that in was because the current law says that the driver must have a seat belt, and the driver must be properly restrained with the seat belt assembly. And so I just felt it would be consistent to say, if we're going to put the seat belts in the school buses for the children, we should say that they shall be restrained as well. And it doesn't require any monitoring. It doesn't require, in effect, any enforcement. What we found in other school districts, in New York, you get about an 80% usage without any monitoring, and I would point out that if some school districts wish to pay for monitors, and they have in Glenco, which is a little wealthier school district than most, they can certainly go ahead and do so. If I was running the program in my school district, I would handle it the way you handle hall guards and lunchroom attendants and crossing guards. I would have some students volunteer to make sure that the children put their seat belts on, but there's not mandated at all in the Bill."

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Nelson: "But if I am the driver of the school bus, and I drive away before all the kids on that bus are buckled in, I'm breaking your state law, right?"

Cullerton: "No, the driver is not... this language does not say that the driver is responsible for making sure that all the children are... have a seat belt on. And I would just say that the law right now says the driver must have a seat belt on. So, we're just saying that the same thing is true with the children."

Nelson: "Well, we're looking at the same lines, and if it doesn't say that, what does it say?"

Cullerton: "It says they shall be restrained with the lapbelt, but it doesn't say that the driver is responsible for monitoring it."

Nelson: "If the driver is not, who is?"

Cullerton: "It doesn't... No one is responsible for monitoring. We're not mandating that anyone monitor it in the legislation."

Nelson: "And there are no penalties in your Bill?"

Cullerton: "That's right."

Nelson: "So, if we vote for this, we vote for the hope that our kids will buckle up. Is that right?"

Cullerton: "Well, right now, they can't if they want to, because there's no seat belts."

Nelson: "I understand. Thank you very much."

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

Friedrich: "Would the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield."

Friedrich: "You indicated that the school bus people, manufacturers were against this. Well, how does the seat belt manufacturer stand since we're talking about \$750 a bus?"

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Cullerton: "That's a very interesting question, Dwight. There's two major manufacturers of seat belts in the nation. One of them is the Rupert Seatbelt Manufacturing Company. They happen to be in Illinois. So this is a good Bill for that particular company. They haven't contacted me, but they're up in Wheeling, and so a lot of money would stay in Illinois. And that particular business would probably be in favor of this particular language."

Friedrich: "I see. Well, I would think the seat belt people would be in favor of it. The other question is you had the Bill the other day on individuals who are going to fine... who are going to be fined \$25 if they don't buckle up. Why don't you have a penalty in this so if the kids don't buckle up they get fined \$25, too?"

Cullerton: "Well, you see, on that particular Bill, we're talking about the fact that seat belts are already in the car. And so what we are saying is you must wear them, and if you don't it's a petty offense. In this particular Bill, what I'm really concerned with is getting the seat belts into the buses. Right now, they're not even on the buses."

Friedrich: "Okay, and as soon as you get them in, then you want the \$25 fine then, once that they're there?"

Cullerton: "No, there's no penalty."

Friedrich: "You surely would want a penalty because they're not safe, and it ought to be against the law if you don't protect yourself."

Cullerton: "Well, I certainly would hope that there would be 100% usage, but I'm not putting any petty offense into this Bill."

Friedrich: "Would you object to a penalty if one was put on this?"

Cullerton: "Yes."

Friedrich: "But you don't object to making a penalty if I don't



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wear it."

Cullerton: "Not to adults, right."

Friedrich: "Oh, I see, thank you."

Speaker Breslin: "The Gentleman from Henderson, Representative Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This will be another mandatory program. The local school districts can install these seat belts if they wish, and now we're going to tell them that they must do it. I, personally, don't think it could be enforced. I think it's something that we should take a real strong look at. Now, as most of us know, we've been having trouble financing the transportation of school children, giving them the amount of money they need, and this would cost more money. We've had different figures quoted here of what this will cost, but I would estimate, what little I know about it, it would cost at least a \$1,000 per bus. And this would have to come out of probably our educational fund, which we can't afford to do that. So, therefore, I would hope that we would give some consideration. Another thing, in testimonies on this Bill in Committee, we were informed that there was very few accidents caused by students riding in the bus. You know, a few years ago, we put the cushion type in there... the back of the seats, which is much more... be of much more help to these young folks than having been wrapped up in a seat belt. Also, I doubt very much whether it would be enforced as I mentioned, because I don't think anybody is going to be able to enforce them. What we're doing here says, well, you spend the money and put the seat belts in there, but if they're not used, why, they won't be used. Now, most of our accidents, in testimony, we found out are caused by the loading and unloading of school buses. And that's where we probably

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need more education at is when these children are getting off and on the bus. But I think at this time we should take a strong look out of taking money that probably should go for education, and putting it on this seat belt Bill."

Speaker Breslin: "The Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Breslin: "He will."

Hawkinson: "Representative, I haven't talked to any of the manufacturers of the school buses, but I've talked to a couple of my superintendents of schools. And I have a few questions that they've asked me that I'd like to pass on. One is their concern for the capacity of the school buses. They commonly seat three pupils to a seat. Would each seat be provided with three belts under this proposal, or would you have one long belt per seat?"

Cullerton: "No, you have individual seat belts. If the buses are of the size where you can fit three children, you put three seat belts on the buses. And these seat belts are color coded so that there is no confusion as to which belt is to be used by each individual child."

Hawkinson: "Alright, thank you. One of my school districts is buying some new buses, and they got a quote from a manufacturer in Pontiac, Illinois, which I think is one of a couple of school bus manufacturers, Bailey and Sons. And the quote that they got from the factory for a 66 passenger bus was \$2,475 for the seat belt option, and there's obviously a difference between that quote and your \$750 figure. And I'm wondering if you can clear that up for me?"

Cullerton: "I got a feeling that they should go look for some other bids. I can tell you that in Skokie they just bought

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five new buses. It cost them \$750, additionally. In New York, there was a bus manufacturer that wanted to see how this worked and gave it to the school district for no additional cost. There... If you contact this seat belt manufacturing company, the Rupert, they would tell you it would cost about \$1,000. Okay? Installed. So that quote sounds to me like they're talking about retrofitting, which is if they took an old bus and had to put new belts on. And that is that very high cost, and that's why this Bill only applies to new buses."

Hawkinson: "Well, this quote also had a retrofitting cost on smaller used units of \$1,900 to \$2,100. Would that \$750 or \$1,000 figure, in your estimation, cover a 66 passenger bus?"

Cullerton: "Right, that's what these buses... that's what these quotes were for... for a larger bus. The smaller buses already have... are required to have seat belts."

Hawkinson: "One of the other matters that he drew to my attention was a study, and I don't see a date on the study. But it's from the Department of Transportation, National Highway Traffic Safety Administration, and it's a one page article talking about denial of a petition filed by the Physicians for Automotive Safety. And they sought that there be a mandate...that there be installation of seat belts on all school buses, and that talk about compartmentalization as a primary reason for the denial and statistics that you have sighted in the reduction of... Are you aware of that study?"

Cullerton: "Right, now compartmentalization came into being in about 1977 - 1978 through federal regulations. Incidentally, not surprisingly, the the school bus manufacturers who are using that as an excuse not to pass this Bill were opposed to it back then. What happened was

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that the deaths did decrease as a result of compartmentalization and other safety features were built into the regulations, but injuries did not. And, I readily concede that we're not talking... the primary responsibility here is not to save lives in school bus fatalities through school bus accidents, but this whole concept, now, of forty-two states having a child passenger safety law means that that's why this thing is back. And that's why it's so important."

Hawkinson: "The study I just mentioned rejected an argument that the seats would not be strong enough to hold the seat belts in times of an accident, which is in your favor. But, one other notion that one of the superintendents brought to my attention, which I have no idea whether it has any validity or not, but he tells me that school buses, including new school buses, are manufactured with only a plywood floor, and that there is some serious question about whether that kind of a floor on a bus could sustain weight of a seat belt on impact. Are you aware of that building in the bus, that component of bus construction?"

Cullerton: "It doesn't make sense to me. If we have seat belts on the smaller buses, I'm sure that they don't make those buses out of plywood floors. I'm almost positive that those federal regulations that were imposed back in '78 would have covered the situation, where the floors have to be... have to be stronger. I'm not... I don't specifically know the answer, but no one has ever told me, even the opponents, that the seat belts would not be... will not hold up under accidents. It doesn't make sense to me."

Hawkinson: "And, finally, Representative, it's been noted in debate that the school boards are opposed to this and my superintendent was, but his primary reason was it was

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another mandate without reimbursement, and you've cleared that up with your Amendment. Have you discussed your amended Bill with the School Board Association?"

Cullerton: "Well, I never amended it. I had it in the Bill right from the start. And... I've... I thought that that's what their main opposition would be with the issue of money. I looked at all these mandated programs, and I found out that all of the mandated programs are fully funded until you get up to the \$12,000,000 and above mandates and then, we, in the state, don't fully fund, but if we can't find 350,000 out of the state budget to pay for school... seat belts, I'd be surprised that we wouldn't be willing to appropriate that money every year."

Hawkinson: "Thank you."

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

DiPrima: "Yes, Madam Speaker, Ladies and Gentlemen of the House, about ten years or so ago, I introduced this type of legislation, and at the time I was advised, 'Look, he said, 'you know, we're going to take care of that. Give us a little time, you know, but at the present, table the Bill and we'll take care of it later on'. Well, you can see they haven't done nothing about it, and I urge you to support this legislation. Thank you."

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

Hallock: "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'. In the opinion of the Chair, the 'ayes' have it, and the previous question is put. Representative Cullerton is recognized to close."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of

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the House. I just wanted to make a few points that were raised in debate. The point about, maybe, some districts should do this if they want. Well, that really would say that the wealthier school districts can afford to provide seat belts for children, but the poor school districts, the ones that don't have that much money, their children should ride around in these buses without the benefit of seat belts. I don't think that's fair. I think it discriminates against the poor districts, and that's why I say the small cost of \$350,000 a year should be borne by the state and provided to every one. The Illinois Department of Transportation does not oppose the Bill. And, the issue about having seat belts for handicapped children is not well taken. We want them to have seat belts for all children so that they don't become handicapped children through injuries. I think that after we've already decided in this House that we should have a mandatory seat belt Bill, I can't see anyone who voted for that to not say that they couldn't vote for this. This really is, in my opinion, even a more... there is more compelling arguments for this particular Bill, and I would appreciate your support."

Speaker Breslin: "The question is, 'Shall House Bill 2888 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Representative Oblinger to explain her vote."

Oblinger: "Thank you, Madam Speaker. I had a question and, unfortunately, debate was cut off. And the question is, a member of our school districts here rent their buses, and I didn't know whether this applied to the rented ones as well as the ones they own, and that's why I'm voting 'present'."

Speaker Breslin: "The Gentleman from Cook, Representative Marzuki to explain his vote."

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Marzuki: "Thank you, Madam Speaker. I realize that given the present state support of education, this becomes a very difficult Bill to vote on. I think the provisions have been made in this Bill to handle all of the questions that have been raised. This gives people the opportunity to protect their own lives regardless of what the consequences are to the general bus rider. The inside of most school buses are like a tank, and I think that the question of whether this applies to everyone, it does, and whether it is leased equipment or whether it is owned equipment. And I would urge support of this Bill, recognizing that it is a very difficult vote, but it is a vote that may save a life and a life is worth the \$350,000 cost that is estimated by the Department."

Speaker Breslin: "Representative Kirkland to explain his vote."

Kirkland: "I think the educational value of this Bill far out weighs its cost. The education of wearing seat belts really is starting with generation of our children. Too many of us don't buckle up when we get in the car and our parents certainly didn't. These children will educate some of us and they'll go on to educate some their children in the habit of buckling up. I hate to see... I think it's unfortunate the Bill isn't going to make it here. The other thing I add, John, is that I think a court of common law court is going to find your bus driver negligent, and I think you have to make a decision and if the Bill gets out, put some specific language in the statute."

Speaker Breslin: "Representative Greiman to explain his vote."

Greiman: "Thank you, Speaker. Sometimes, once in a while, I think to myself, I'm uncomfortable about decisions that we collectively make. Just because we send out a message, a funny message. A kind of a kinky message. A week ago, when General Motors and the other people interested in the

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seat belt...mandatory seat belt use were around here, I had to fight my way into this hall, because there were groups out there battling me of lobbyists. All kinds of people, apparently, from every angle, every which way, were attacking Legislators to make sure that they voted for General Motors and Ford and Chrysler, the big manufacturers. So, okay, a lot of people were uncomfortable, perhaps, with that Bill, but the message was that we voted that and we passed that Bill. Now, we come, there is no great lobby here, and there is no... there is just some kids and some women who believe, some mothers who believe that this is the correct way to go. And the message that we're sending out is hey, if you want to move the General Assembly, get yourself some fancy lobbyists. That's the route to go, not the people... not people who care about things but get yourself some fancy lobbyists. That's the way to go. That's the message we send when we passed that Bill last week and if we defeat this Bill. But, I think we will pass this Bill."

Speaker Breslin: "Representative Zwick to explain her vote."

Zwick: "Thank you, Madam Speaker, Representatives. I really can't imagine why people are voting against this Bill in light of a lot of the votes that I've seen cast here recently. This is probably one of the most important issues that we deal with, and one of the few that we deal with that we really belong dealing with. What is more important than the lives of our children? There have been so many valid arguments that have been presented here today, an important point shedding light on this that Representative Greiman made, but what I also would like to mention that hasn't been brought up, is that one of the main reasons for bus accidents, the few that do happen, is that children are roaming around the bus, and that it's



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difficult to keep them in their seats. So, seat belts on the bus are also going to deter accidents from happening. They're going to protect our children's lives in case accidents do happen. They're going to discourage accidents from happening and, in many ways, are going to serve to be a wonderful example for them to grow up, for them to cooperate with their parents better when they're in a passenger car using seat belts. I mean they are all positive arguments for this Bill and, eventually, it is going to pass. I would urge you to do it now, which is the proper time, probably a little bit overdue, but I urge your support of the Bill."

Speaker Breslin: "Representative Levin to explain his vote."

Levin: "Thank you, Madam Speaker. I think this is a superb Bill. And one that I have found enjoys an awful lot of support from concerned parents. I have gotten a lot of communications from parents that are concerned. Particularly, every time they pick up the newspaper and they see another school bus accident, where kids are hurt and they're injured more than they should be, because there are not belts on the school buses. In addition, the kids want it. The kids, at this point, I know my kids, they get into a car - they want to buckle up. They feel uncomfortable if they can't, and when they get on the school bus, they can't buckle up. And the drivers want it, because they don't want the kids running around in the buses. They want them to be restrained, so they can more safely drive the buses and avoid accidents. I urge some more green votes."

Speaker Breslin: "The Lady from Champaign to explain her vote."

Satterthwaite: "Madam Speaker and Members of the House, I really resent this Bill being compared to the Bill that passed earlier in regard to automobiles. I think there is a

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significant difference. We know that the statistics show that it is safer in automobiles for people in the front seat to be in seat belts. Clearly, that has been shown in the studies. The problem with the studies on the school buses is that it has not been clearly shown that you are safer with seat belts. It is confusing, I think, when we see the old style buses that are not appropriately padded and look at the danger in the children riding in those buses. However, this law will not apply to those buses anyway. It would apply only to those that already are required to be much safer than the old buses are already. If we are, in fact, keeping children in their seats when they need to be evacuated quickly, we may be, in fact, endangering their lives more by seat belts than without, and for that reason, since there is not a clear definition of which is safer, then I think it is wrong for us to impose another standard on our local schools."

Speaker Breslin: "The Gentleman from Effingham, Representative Brummer, to explain his vote."

Brummer: "Yes, I rise as one who voted against the child restraint law. I felt it was an undue imposition on the parents. It should be a parental decision to be made. I voted against the mandatory seat belt law, because I felt that adults ought to make their own decision. But I really think that this is a totally different Bill. It's a... It's not only... It's obviously a different number and a different issue. But with regard to school buses, we already require all kinds of safety items. School buses transporting school children are special. We require that they be equipped with a stop arm, that they have special lights, that they be painted yellow, that they have large mirrors on them, and there is a whole host of safety equipment items that we require on school buses, because we're very

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concerned about the safety of school children. I find it ironic that we do not require school buses to be equipped with seat belts, which they clearly ought to be, and it's not a parent making the decision at that point, as to whether or not they can have their child wear a seat belt or not. If there is no seat belts, obviously, the parent can't make that decision at all. I do think this Bill has merit. I do think it should pass, even though there are not lobbyist here lobbying this particular Bill."

Speaker Breslin: "Representative Cullerton to explain his vote."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Representative Oblinger did ask a question, and I thought I would help answer it. I think that she may be... got the answer with regard to the school districts that lease buses. There, of course, would be an increase in the lease and that cost would... although I don't think it would pass on to the school districts in the first year, it would probably be spread out over a period of time. The state would also indicate that they will pick up increased cost in the lease. Ladies and Gentlemen, this is, believe me, a more important Bill, in my opinion, than the mandatory seat belt Bill that we already passed. If anyone really thinks that it's not going to be safer on our buses to have seat belts, I mean, think about it. That's just ludicrous. There is no reason... there should be no reason to not support the Bill, and I'd appreciate it if some people would change their mind and give me an 'aye' vote."

Speaker Breslin: "Representative Matijevich, to explain his vote."

Matijevich: "Madam Speaker, I had reservations originally, and I've attended a meeting of the public school district in my area, and the first thing they said about... talked about was mandatory cost. And then, I thought about what ought

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to be people who are precious to all of us, young kids. Just compare a school bus to any bus that travels across the highway, and you know darn well they build them cheaper than other buses, and that's a tragic circumstance. And, think of a school bus that has to make a sudden stop and your kids are in that school bus, how is that kid going to be saved? It is not going to be saved. And then when any school official tells me that you can't train kids to buckle up, the heck you can't. Kids will be trained to buckle up. This is to save kids. And I finally decided that ought to be my first priority. And I vote 'aye', and I think all of you, if you are interested in kids, ought to vote 'aye' too, and I urge you to consider that as your priority."

Speaker Breslin: "Representative Curran."

Curran: "Thank you, Madam Speaker. I don't know how many of you have shared the experience that I have had, but I have driven one of those school buses. I can tell you from the point of view of a driver that it will be substantially safer for the children in the bus, simply from the point of view of driver's attention. If you would have those children in their seats, and I think those seat belts would, obviously, focus them on their seats. How can anybody believe when we talk here about whether it's been proven - whether it's been laid out to us in granite in black and white, whether the seat belts for school children in school buses would be safer or not. How can anybody really believe? Ask yourself if you really believe that it wouldn't be safer for kids to be in their seats when that school bus is moving down the road at thirty miles an hour with a seat belt on. These are seven, eight, nine year old kids. A lot of these kids bang their heads when that bus stops at even five miles an hour. At thirty miles an hour,

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they might be disfigured for life. I think we should have more green votes up there. I think it's obvious. Thank you."

Speaker Breslin: "The Gentleman from Bond, Representative Slape. The Gentleman does not seek recognition. The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. My children are bused to school and have been for a number of years. We have, on a number of occasions, many occasions, called the bus company because the school bus starts up before the children are even seated in their seats, much less, buckled in their seats. This Bill just promotes the safety of children. If we can do little else in this General Assembly, we close car dealerships on Sundays. We do all sorts of mischievous and inane and insane acts. This is one that is only there for the protection of children. A child who, unfortunately, is involved in an accident while a passenger on a school bus. If that child is buckled into his or her seat, that child is likely to survive and likely to survive without disfiguring injuries. If that child is seven or an eight or a nine year old child is involved in that accident, when that person is not buckled into his seat, that little child is thrown all over this giant school bus. Perhaps thrown through a window, at least thrown into a steel pole or into the seat in front of that person. That could kill the individual, crush his chest, completely snap a neck. There has been all sorts of literature talking about the kind of injuries that can result to a child for not being buckled into a seat. This Bill promotes the safety of children. I'm voting 'aye'. I encourage all of you to vote 'aye' to protect the children. We can do at least that in this General Assembly."

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Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 54 voting 'aye', 54 voting 'no' and 6 voting 'present'. This Bill, having failed to receive the necessary Constitutional Majority, is hereby declared lost. House Bill 3099, Representative Hoffman. Clerk, read the Bill."

Clerk Leone: "House Bill 3099, a Bill for an Act to amend Sections of the Unemployment Insurance Act. Third Reading of the Bill."

Speaker Breslin: "Representative Hoffman."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 3099 is one of the agreed Bills in regard to the Unemployment Insurance Act. It makes a series of changes that are necessitated in order for Illinois to be in conformity with federal law. The provisions of this Bill were drafted by the Bureau of Employment Security. And the provisions have been agreed to by the employer community and organized labor pursuant to the agreed Bill process set up last year, and I would move that this Body approve House Bill 3099."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 3099. And on that question, is there any discussion? The Gentleman from Macon, Representative Dunn."

J. Dunn: "Yeah, I couldn't hear the Sponsor's explanation. What does this Bill do?"

Speaker Breslin: "Representative Hoffman."

Hoffman: "This Bill makes a series of changes necessitated in order for Illinois to be in conformity with federal law. And the Bill has been agreed to by the employer community and organized labor, pursuant to the agreed Bill process."

Speaker Breslin: "There being no further discussion, the question is, 'Shall House Bill 3099 pass?' All those in favor vote

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'aye', those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? The Clerk will take the record. On this question, there are 106 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 3110, Representative Madigan - Greiman. Representative Greiman. We'll take this Bill out of the record momentarily. Representative Braun on 3165. Clerk, read the Bill."

Clerk Leone: "House Bill 3165, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Breslin: "Out of the record. House Bill 3212, Representative Cullerton. Clerk, read the Bill. This Bill is on Third Reading, Short Debate."

Clerk Leone: "House Bill 3212, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This expands the Chicago Board of Education's power to sell and lease real estate. It allows for the Board to do what they do throughout the rest of the state, with regard to the sale of real estate, in that they can use real estate brokers to sell the property. It also has an Amendment on the Bill which deals with the money that is currently being paid to the Board of Education members as reimbursements for expenses. Right now, they are getting up to \$300 a month without showing any receipts. And this Bill would say that they have to show receipts before they can get reimbursed for that money. And I'd be happy to answer any questions. The Bill originally was on the Consent Calendar and then we took it off to add that Amendment. And I would appreciate your support."

Speaker Breslin: "The Gentleman moves for passage of House Bill

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3212. This Bill is on Short Debate. Does anyone stand in opposition? Does anyone wish to ask a question? Representative Dunn, are you in either of those categories? There being no further discussion, the question is, 'Shall House Bill 3212 pass? All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? The Clerk will take the record. On this question, there are 109 voting 'aye', none voting 'no', and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3218, Representative Greiman. Representative Greiman. House Bill 1186, Representative... Excuse me. Representative Greiman has returned to the floor for House Bill 3218. Clerk, read the Bill."

Clerk Leone: "House Bill 3218, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Greiman."

Greiman: "Thank you, Speaker, Ladies and Gentlemen of the House.

In the... This year, last year, years to come, we will be examining our educational system to determine whether our expectations for... and results are appropriate, based on the kind of resources we have committed to our educational system. This Bill is a first gleaning attempt to try and develop a teacher certification examination, not dissimilar from the kind of examinations that... state boards that doctors take, bar exams that lawyers take, and that's what this Bill is about. It is perspective in its application. It will not apply to teachers presently in the systems, and it has been, we think, worked out in a careful manner between the interest of the largest school district in the state and the downstate school districts as well. I would ask for a favorable vote."

Speaker Breslin: "The Gentleman moves for passage of House Bill



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3218. And on that question, the Lady from DuPage, Representative Nelson."

Nelson: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield for a question."

Nelson: "Representative Greiman, your intent and in your explanation of this Bill, you compared this to the bar exam? Are you expecting that the minimal competency test that is developed under your Bill will be as difficult to pass as the bar exam?"

Greiman: "Based on some of the lawyers that I deal with, I'm not so sure it's that difficult. No. I think it's going to test the kind of skills that they have. It's going to... It's saying that we may not be altogether happy with the product of the education schools, and we may want more. We may want a level of competency that doesn't just require getting a degree. But, you know, how difficult it is, is a subjective kind of thing."

Nelson: "And the difficulty of the test is to be determined by who, the State Board of Education or the group that you are creating here, which is the new State Teacher Certification Board?"

Greiman: "The State Teacher Certification Board will be the authority that will determine. Now, my guess is that they would be using tests that have been... that are presently being used by other states, national states, simply because those bugs will have been out of those tests. It takes a while to get it to develop a test. And so I imagine that's what they'll do. You will note that there are about twenty states that have similar teacher competency tests. So, we're not... While we're not the last, we're not the first either."

Nelson: "In those states that have minimal competency testing, has enough time elapsed for anyone to determine whether or

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not a program such as this actually makes for a better quality of teacher in the state?"

Greiman: "Well, I, you know, that's... only time will tell, I suppose. You know, that's a very... it's a very small increment each year, and the quality of teachers, hopefully, will be affected by this."

Nelson: "It is your intent, by requiring this minimal test to weed out teachers who cannot speak grammatically, or do sums, or what else?"

Greiman: "I think it's to establish they have competency, and I... you know, we... apparently, we may look at the glass as being half full or half empty. I look at it as raising to a level of competency without specifically suggesting to you that someone who, you know, uses ungrammatical language is no longer qualified to be a teacher. That's not what it's about. But, you know, grammar is certainly a basic skill that a teacher ought to have. Ain't that right?"

Nelson: "In your own mind, what is the difference between competency and literacy?"

Greiman: "Competency and literacy? Well, let me tell you, some of the great literature of our age has been written by men and women who were mildly literate. And I recall the... it was the Sacco - Vanzetti's letter, as he was being carted off, a great example of an illiterate who wrote wonderful prose. So, what's the question?"

Nelson: "Enough of that. One further question. Is it not also a part of your Bill, as it now stands, to do away with the dual system of certification in this state and to bring all teachers under one system of state certification?"

Greiman: "That was the Nelson Bill of last year, and we certainly have put that on... of limitations."

Nelson: "Thank you very much. To the Bill, Madam Speaker. I'm not convinced that minimal competency testing will actually,

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over a period of years' time, improve the quality of teachers in this state or any other, but I think it is a popular notion, and I congratulate Representative Greiman for latching on to it."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Madam Speaker. Will the Sponsor yield to a question?"

Speaker Breslin: "The Sponsor will yield for a question."

Hoffman: "Is my understanding correct that this Bill has a provision which will eliminate the Chicago certification process and put all teachers in this state under one certification board eventually."

Greiman: "That's right."

Hoffman: "So that we will eliminate the dual system which currently exists, and we will begin to integrate, to a greater degree than we have in the past, the Chicago school system and their rules and regulations and bring them into a greater degree of conformity with the other school districts across the state."

Greiman: "Well, I don't know what the rest of that meant. I'll answer your question. The question was whether we will bring it into a single system. The answer is affirmative. Yes. The other is somewhat subjective on your part. I don't know. I can't answer that."

Hoffman: "Alright. Thank you for the one direct answer, and the one that was somewhat oblique. Ladies and Gentlemen of the House, I think that that particular provision is probably the most significant provision in this Bill. Those of us who keep track of what's happening around the country in areas of education, we find that the experience in Florida and California has not been all it's cracked up to be in the paper. And the level of sophistication in this kind of

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testing, with the exception of the National Teacher's Exam leaves a great deal to be desired by psychometric standards. The experience that they are currently undergoing in Arkansas may tear that particular state's system apart, in the area of the teacher testing. However, I think, if, for no other reason, we should endorse this kind of a program because it does merge those systems and probably somewhere down the line, the rest of this can be cleaned up. And I stand in support of this legislation."

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

Marzuki: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I don't think anyone can be misled that this Bill is going to make mass improvements in teacher quality in this state. There are many other things that need to be done. This is, however, a small step forward. I think, as Attorney Greiman has said, this does not mean, the bar examination does not mean that we have all top-flight lawyers in Illinois, nor will this mean that we have all top-flight teachers, but it will tend to make those institutions that train our teachers a little more careful about who they turn out. Again, the final answer will come when we reward teachers as the primary contributors to our society that we will get the teaching that we really desire. This will give us, I believe, some small improvements, and I urge your support."

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

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

Speaker Breslin: "He indicates he will."

Hastert: "Representative Greiman, I have a few questions on this. First of all, would this be like a graduate record exam that a teacher might take?"

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Greiman: "Well, I think it would depend pretty much on the kind of examination that the Board come up with as, to what the character of that exam would be. I'm not... You know, we're not setting a narrow parameters for the Board. They can set the kind of examination they want to set."

Hastert: "Did I misunderstand? Did you say character exam, or the character of the exam?"

Greiman: "Character of the exam."

Hastert: "Of the exam. Okay. I didn't know if you were examining characters on this thing."

Greiman: "No. No. No. No. Nature of the exam."

Hastert: "Nature of the exam. So the Board then sets up a standard, a statewide standard. Is that correct?"

Greiman: "Yes."

Hastert: "And then, what's the time frame that the City of Chicago comes under this standard?"

Greiman: "1988."

Hastert: "1988, so within three years, basically."

Greiman: "Yes."

Hastert: "And this test would be... You're not really definitive now, whether this test is like a GRE test or not like a GRE test."

Greiman: "Yes. I... Apparently, it would be a similar kind of exam, yes. It's done at the level of leaving school. It's done after the professional education, but before there is a significant kind of experience factor."

Hastert: "And this is a preentry test before you get into the area of education, before you actually become a teacher?"

Greiman: "Before one would be certified as a teacher, but after one has gone through a normal school or college education school."

Hastert: "Alright. So, it's post school, preemployment. Now, you know, in this state years ago, we have what we call a

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provisional teachers exam... certificate where post education, preemployment for a grace period of a year, or eighteen months or two years, whatever it was. You had a lot of people come in the education area and actually work their way through the process, which in the 60's and 70's produced some very fine teachers. Would this... This wouldn't be like that at all?"

Greiman: "No. It wouldn't be. And I suspect that the dynamics of the teaching profession today would make that kind of arrangement somewhat obsolete. You know...."

Hastert: "Well, it's the supply and demand you're talking about."

Greiman: "Yeah. Right."

Hastert: "Then... The situation where a school district would ask a teacher to go on and complete a Master's Degree within a year or two to retain employment where they would have to take that GRE anyway, would that... do you feel that would be duplicative?"

Greiman: "No. One would be... One is an educational credit that one would have to earn, and the other is the passage of a test. So, I don't that they would be."

Hastert: "And one more question. I am exploratory here, and I appreciate your candid answers."

Greiman: "Sure. No problem."

Hastert: "If we just required students, postgraduate students or one of their merits of completing and applying for certification to take a type of a GRE test to keep it out of the bureaucracy of the state government, and the GRE basically, you know, measures reading and comprehension and mathematics and stuff, wouldn't that be a more cost effective way of doing this?"

Greiman: "Well, they could do that. And I think, firstly, I think you want to provide appropriate teacher input from Illinois teachers, and that's where that Council is set up,

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I think, to do that. Whether it'll be cost effective, I'm not sure. I don't think the cost of this is particularly much greater than the other. So, my answer would be, probably wouldn't make much difference."

Hastert: "Then, finally, if, in fact, that the input from teachers and the special board that's created here recommended that this be done, they wouldn't be prohibited from doing this, would it?"

Greiman: "No. Absolutely not."

Hastert: "Thank you very much."

Greiman: "Sure."

Speaker Breslin: "There being no further discussion, the Gentleman from Cook, Representative Greiman, to close."

Greiman: "Well, just very briefly. Part of the purpose of this is to pinpoint the preparedness programs of institutions that turn out our teachers. It's not an indictment of them. This is not a time in Illinois's educational history to point fingers. It's, instead, a time to join hands and to look at our system and to improve our system. And I ask for a favorable vote on 3218. Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 3218 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 110 voting 'aye', 1 voting 'no', and 3 voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 1186, Representative Steczo. Clerk, read the Bill."

Clerk Leone: "House Bill 1186, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Steczo."

Steczko: "Thank you, Madam Speaker, Members of the House. House Bill 1186, as was mentioned this morning, would allow unit

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school districts to tax at a maximum rate for education purposes, which is the same rate as presently available to dual districts in the State of Illinois. House Bill 1186 is a tax equity Bill because it does provide that those unit school districts will have access to the same property tax revenue for educational purposes. And I should reiterate, educational purposes only as rule those dual districts. As I had indicated earlier this morning, the purpose of House Bill 1186 is to try to encourage more dual districts to consider the whole reorganization process and to consider becoming unit districts. Presently, they feel that with a dollar and eighty-four taxing power, if they were to become unit districts and be able to tax only at a dollar sixty, there is no incentive for them. So, in essence, the current law as it stands, is a disincentive. With this Bill, it will change that. It will provide that...provide at least some type of incentive for those districts. It will also grandfather in some unit districts downstate that are between a dollar and sixty and a dollar and eighty-four. I should add, a majority of districts, unit districts downstate, are over a dollar and eighty-four and had been that way for a long time. The City of Chicago, of course, is a dollar and eighty-four, and this Bill will not apply to them. School districts in suburban Cook County are all dual districts, with one exception, and this Bill would not be applicable to them. So, Madam Speaker, Members of the House, the House took a strong stand last year on trying to encourage consolidations. Everybody agrees that a thousand and ten school districts in the State of Illinois is too many. This is one aspect that we have to try to at least remove some opposition that districts have had for many, many years and has acted as a real discouragement toward even the discussion of some...



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of consolidation and especially the creation of unit districts. I would urge the support of the House and would be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 1186. And on that question, is there any discussion? The Lady from DuPage, Representative Nelson."

Nelson: "Thank you very much, Madam Speaker. Ladies and Gentlemen of the House, this Bill, House Bill 1186, is the Bill that Representative Steczo and I tried very hard to get around and speak to individual Legislators about. We have worked for a long time to encourage consolidation through various measures, and one of the remaining tasks is to remove a barrier which presently exists. If you have in your district dual districts, they're not affected by this, except, and insofar as they may be considering or may wish to become unit districts. If they would like to consider that, at the present time, the barrier that exists gives them unequal access to a qualifying tax rate. And we believe that House Bill 1186 will go a long way toward removing that disincentive that's there right now. If you have districts, school districts in your legislative district that are already levying above the 1.84, they're also totally unaffected, because they are already above the point to which we are raising the rate, and I would encourage 'aye' votes."

Speaker Breslin: "Is there any further discussion? Seeing no further discussion, the Gentleman from Cook, Representative Steczo, to close."

Steczko: "Thank you, Madam Speaker. I concur with the remarks made by Representative Nelson. And, as I had indicated earlier this morning when this Bill was under discussion, this Bill is the same as House Bill 1189 which passed this House last year with 80 votes. And I believe that we

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should pass it with the same if not more this year. It is a tax equity Bill. It's something that's been needed for a long time, and I would encourage the support of the House."

Speaker Breslin: "The question is, 'Shall House Bill 1186 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 76 voting 'aye', 25 voting 'no', and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Greiman, for a Motion."

Greiman: "Yes. Speaker, I move that this Order, Special Order of Business - Education be continued until the call of...upon on the call of the Chair."

Speaker Breslin: "The Gentleman moves that this Special Order of Business on Education be continued until the call of the Chair. Is there any objection? Hearing no objection, the Motion carries. Representative Hoffman, for what reason do you rise?"

Hoffman: "Point of information."

Speaker Breslin: "State your point."

Hoffman: "How many items are left on this?"

Speaker Breslin: "Two."

Hoffman: "Thank you."

Speaker Breslin: "The next Order of Business is the Special Order - Labor and Business. The first Bill is House Bill 2373, Representatives Madigan - Daniels - Preston. Are you ready to proceed on that Bill, Gentlemen? Clerk, read the Bill."

Clerk Leone: "House Bill 2373, a Bill for an Act to amend the Workers' Compensation and Occupational Diseases Act. Third Reading of the Bill."

Speaker Breslin: "Representative Vinson."

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the Assembly. House Bill 2373 is a pure vehicle Bill designed

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to be the vehicle for any conceivable agreement which labor and business are able to effectuate on the workers' compensation problem facing the state. The two sides are both discussing the issue. The two sides both believe that we ought to advance the vehicle because otherwise it would die. In the event that the negotiations break down, either Representative Madigan, the Speaker, or Representative Daniels, the Minority Leader, would have their wish honored to table the Bill. Given those understandings, I would request that the Assembly advance the Bill to the Senate, so that we continue to have the opportunity to effectuate a compromise in this area because should we fail, the cost would be extraordinarily high. I would request an 'aye' vote on House Bill 2373."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2373. And on that question, the Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Breslin: "The Gentleman will yield for a question."

Klemm: "Yes, Representative Vinson, I'm just curious, since this is to be used for possible changes in workmen compensation, what is the progress and status of that summit conference that's going on? Do you have any report that you could give us so we'd know, because I... The Committee, there was really very little progress that we had heard. It seemed like there was...might be an impasse or maybe an unwillingness to do some changes, and I was just wondering if you have something you can impart to us."

Vinson: "Representative, I cannot report to you in any detail the nature of any progress which has occurred or which may have failed to occur. I did have conversations, yesterday evening, and again this morning, with the management

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members of the negotiations. They felt that advancing the Bill would be desirable at this point, and that we ought not preempt the possibility for progress to occur."

Klemm: "Well, I certainly not standing in opposition to it, I'm just curious. Have you heard our negotiations? Are they meeting both sides, working this thing out, or are we just sitting in a sort of a hold pattern for a while?"

Vinson: "I have to honestly report to you that I do not know the status or the progress of the talks."

Klemm: "Alright. Thank you very much."

Speaker Breslin: "The question is, 'Shall House Bill 2373 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 109 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2837, Representatives Madigan - Roman - Stuffle. Are you ready to proceed on this Bill? Clerk, read the Bill."

Clerk Leone: "House Bill..."

Speaker Breslin: "Excuse me. Excuse me, Mr. Clerk. Representative Preston."

Preston: "I'm sorry, Madam Speaker. My button does not seem to operate. I wanted to be voted on 2837. I have leave to be recorded as voting 'aye'."

Speaker Breslin: "That will be noted for the record, although we cannot change the Roll Call. Mr. Electrician, would check his buttons at some time? Do you want this Bill called, Representative Stuffle? The Bill has already passed. Very good. Thank you. House Bill 3108, Representative Roman - Vinson. Clerk, call the Bill."

Clerk Leone: "House Bill 3108, a Bill for an Act to amend Sections of the Illinois Development Finance Authority Act."

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Third Reading of the Bill."

Speaker Breslin: "Representative Ronan."

Ronan: "Yeah. Thank you, Madam Speaker. I have one question.

Did we call this back yesterday for an Amendment?"

Speaker Breslin: "Mr. Clerk, can you answer that question?

Amendment #1 was adopted yesterday, Representative Ronan."

Ronan: "Okay. Thank you, Madam Speaker. Basically then, the

Amendment is the Bill. What we did yesterday was amend the

Illinois Development Finance Authority Act. Basically,

what we did was change the conflict of interest provisions

so that officers, directors or anyone who owns more than

seven and a half percent of a corporation is allowed to bid

as long as they fully disclose and do what's right. I move

for the passage of House Bill 3108. It's been agreed to by

both sides of the aisle."

Speaker Breslin: "The Gentleman has moved for passage of House

Bill 3108. And on that question, the Gentleman from

DeWitt, Representative Vinson."

Vinson: "Thank you, Madam Speaker, Members of the House. I,

too, rise in support of House Bill 3108. I would emphasize

that under the new provisions, a full disclosure of

interest is required by members of the Authority and

persons with any conflict of interest must exclude

themselves from any involvement in proceedings of the

Authority. I would urge an 'aye' vote on the Bill."

Speaker Breslin: "The question is, 'Shall House Bill 3108 pass?

All those in favor vote 'aye', all those opposed vote 'no'.

Voting is open. Have all voted who wish? The Clerk will

take the record. On this question, there are 100 voting

'aye', 6 voting 'no', and 5 voting 'present'. This Bill,

having received the necessary Constitutional Majority, is

hereby declared passed. There have been three Bills added

to this Subject Matter Call with the concurrence of both

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sides of the aisle. They are House Bill 2762, House Bill 825 and House Bill 2464. The first Bill on this Call is Representative Mautino's, House Bill 2762. Is Representative Mautino present? Clerk, read the Bill."

Clerk Leone: "House Bill 2762, a Bill for an Act to amend the Unemployment Insurance Act. Third Reading of the Bill."

Speaker Breslin: "Representative Mautino."

Mautino: "Madam Speaker, I believe there is an Amendment prepared. I would like to take this Bill back to Second Reading for the purposes of an Amendment."

Speaker Breslin: "The Gentleman asks leave to return House Bill 2762 back to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. Representative Mautino, we have no Amendment prepared here. Would you like to take this out of the record for a moment?"

Mautino: "I would... Let me please do this. I would like to bring this legislation back to Third Reading until the Amendment is available and on the Members' desks, and at that time, bring it back to Second. I believe, if I leave it on Second now, I could have a problem."

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

Vinson: "I would also like to have included in the understanding leave to come back to this Bill when the Amendment is printed and distributed."

Speaker Breslin: "Very good. This Bill will then be moved to Third Reading. House Bill 825, Representative Ropp. Clerk, read the Bill."

Clerk Leone: "House Bill 825, a Bill for an Act to amend Sections of an Act in relationship to grade A milk and grade A milk products. Third Reading of the Bill."

Speaker Breslin: "Representative Ropp."

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Ropp: "Thank you, Madam Speaker, Members of the House. House Bill 825 attempts to address two particular issues. First of all, it addresses the fact that we have a problem in our agriculture industry where we have cows that produce more milk than consumption is there to consume. The other problem is that we have a particular area of that milk that is in a form of two percent or skim because the Medical Association and some people legitimately feel that may cause some health problems through cholesterol. It doesn't affect everybody, but it does some. The surplus problem is causing some two billion dollars worth of tax revenue every year to pay for that. This Bill attempts to increase slightly the solids, not fat, which is the nutritional value in milk somewhat to the point of 21% increase, which means that youngsters, middle-age people and older people, for their food dollars, will receive more nutritional value in the area of calcium, protein and minerals. There are those people who have stated that Illinois should not be a state that passes this Bill without adjoining states being a part of that. Very frankly, I agree to that and have so amended it in an attempt to remove the opposition that some people have stated. This Bill, now, as amended, states that the surrounding states surrounding Illinois shall also pass legislation equal to Illinois' law before Illinois' law would become effective. And I say that since this Bill was introduced more than a year ago, the State of Wisconsin amended a Bill they had, doing the very same thing that we are attempting to do here today, including the provision that states around Wisconsin would also pass the Bill before it would become law. That Bill, in its amended form, did pass and was signed into law by the Governor of Wisconsin two weeks ago. It is an attempt, by this Bill to increase the nutritional value that all people in the State

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of Illinois will be able to enjoy. The fact of the matter that some have said that it will cost substantial amounts of money is not necessarily so true. Yes, there will be some slight increase, but the nutritional value far overshadows the increase in slight cost. Might I say that three packages of cigarettes will cost more per family of three than this Bill will cost when it becomes law. The attempt here is to show to the Federal Government that there is concern for increasing the nutritional value in milk, and I'm asking your support today to begin that process so that we can have a federal law that will do exactly what we're attempting to do today. As other states pass this kind of legislation, I am confident that they, too, will amend into their Bills the fact that adjoining states should comply with it. I support that idea as does, in my opinion, the opposition. I hope that you will give support to this legislation. It's an important nutritional piece of legislation, and I'll be happy to answer any questions that you may have."

Speaker Matijevich: "Representative Ropp has moved for the passage of House Bill 925. On that, the Gentleman from Perry, Ralph Dunn."

R. Dunn: "Thank you, Mr. Speaker. Will the Gentleman yield for a question or two? Representative Ropp, you said this cost as much as three packages of cigarettes. You mean a year or a day or a week?"

Ropp: "A year."

Dunn: "My analysis said it will cost twenty cents a gallon. That would only be fifteen gallon a year that people would drink, or something like that. Would that be right?"

Ropp: "The figures that I have are based on national figures of consumption throughout the country, and that's what the consumption per family of 2.7 individuals would equate out



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to, \$3.25."

Dunn: "Whether on public aid or whether they live on... wherever they live, it is still about the same amount of money?"

Ropp: "Yes, Sir."

Dunn: "The Farm Bureau is still in opposition to this Bill, I take it, according to our analysis. Is that right?"

Ropp: "That is incorrect. With the Amendment that puts the adjoining states complying with this law before Illinois' Act would become official, they have now withdrawn their opposition."

Dunn: "The Retail Merchants also?"

Ropp: "I've just talked to the Retail Merchants outside, and their main concern was that it become national. I'm asking and I expressed to them, that this is an attempt to cause that rippling affect that would eventually cause a national piece of legislation to be enacted. We have to start somewhere, and I'm asking your support in beginning today."

Dunn: "Well, Mr. Speaker, just a minute on the Bill."

Speaker Matijevich: "Proceed."

Dunn: "I don't know if we have to start any place or not. What the Sponsor of the Bill is trying to do is improve on mother nature. Milk is wholesome, and they have always taught me and I grew up on milk, I think most of us here have drank milk, and I don't see any use of using our surplus milk to add to the cost of people that are on public aid and people of low income to buy more of this dry milk that's been stored and probably for years. I think it's a bad Bill, and I'm going to vote, again, 'no' on it as I did last time. Thank you."

Speaker Matijevich: "The Gentleman from Kankakee, Representative Pangle. And Representative Breslin back in the Chair."

Pangle: "Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield for a question."

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Pangle: "What is the cost factor? Did you have that broken down per family?"

Ropp: "Per family of 2.7 people. That's what the average family in this country is comprised of, 2.7 people."

Pangle: "Alright. What about for, let's give an example, the school district of Cook County, what kind of an increase would that be for a school district?"

Ropp: "Very little increase because this really has no affect on whole milk and that's what they're consuming now."

Pangle: "Oh, so they would continue having whole milk and they wouldn't go into the additional increase."

Ropp: "That's right. This doesn't affect the milk that they would be purchasing because this deals more specifically with skim milk, which is low fat milk and 2%, milk which is also a lower fat than the considered whole milk, which is .3.2% butter fat."

Pangle: "And the surrounding states have also have legislation of this type that is pending?"

Ropp: "The only state that has this kind of legislation passed and signed into law is Wisconsin. Their Bill also states that surrounding states should also have similar legislation before Wisconsin, before their processors in Wisconsin, will begin to process milk complying and comprising these particular requirements that we're trying to address today."

Pangle: "Thank you."

Ropp: "I know of no other state that has this similar legislation. Others are talking about it."

Speaker Breslin: "The Gentleman from Macon, Representative Dunn."

J. Dunn: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in opposition to this legislation. I am not a farmer, not a dairy farmer. I don't own a creamery - don't work at a creamery and don't really understand all of the

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intricacies of milk productions, but people in my area back home have indicated to me that if this Bill passes, the net effect of this will be to require that all of us at home who have a gallon of milk in our refrigerator are going to have to use more than a gallon of milk from the cow to get that gallon of milk in our refrigerator. The net result of all this is that it's going to take more production to get that gallon of milk to us, and if that happens, the gallon of milk is going to cost more. We don't need, in these times, anything which increases the cost of what appears on our kitchen table at home to provide decent nutrition for our children. And I know the Sponsor has the best of intentions, but this Bill will just increase costs for everyone across the board in the State of Illinois, and the fact that it does contain an Amendment to say that implementation will be delayed is only an appeasement tactic to make it appear that the impact of this legislation will not be significant. It will be significant. It may only be delayed. And if this legislation is implemented, all of us are going to find that if people ever really do find out why the cost of milk went up, they will be outraged, because milk is something that appears in every refrigerator and every kitchen table all across the state. So, I would urge all the Members to take a long hard look at this piece of legislation and to think of the impact it's going to have back home. And I think we should defeat this legislation at this time - maybe take a look at some other concept, but this Bill should not pass this time, and I would urge a 'no' vote."

Speaker Breslin: "The Gentleman from Edgar, Representative Woodyard."

Woodyard: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield for a question."

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Woodyard: "Representative, do you know... The Bill as amended, has Prairie Farms removed their opposition to the Bill."

Ropp: "I don't think Prairie Farms has removed their opposition to this Bill, no."

Woodyard: "Thank you."

Speaker Breslin: "The Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Question of the Sponsor, Madam Speaker."

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

Mulcahey: "Representative, notwithstanding the cost factor involved here, whether it's going to go up, increase, or whether it's going to go down, the bottom line, I think, is probably the quality of the product itself. How is this going to improve the product itself, as opposed to the way it is right now?"

Ropp: "It will improve the nutritional value 21%. The flavor of the milk will also be increased, because, currently, we're consuming milk, a majority of the milk that is consumed is of 2% and skim milk, and you've heard a lot of people say it just doesn't taste like milk I used to consume when I was a kid. The fact of the matter is that when you were a kid, you were drinking whole milk which did contain more nutrition, more solids, not fat, than you're now percentage wise receiving now. It would taste better. It would have a sweeter taste, and it is the intent that more people would consume more milk and actually be healthier."

Mulcahey: "So, the nutrition value is improved."

Ropp: "That is correct."

Mulcahey: "Thank you. What is the Farm Bureau's position on this? The Farm Bureau's position on this?"

Ropp: "They support the Bill now, based on the Amendment which includes surrounding states passing similar legislation."

Speaker Breslin: "The Gentleman from Madison, Representative

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McPike."

McPike: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. As everyone is aware of on the House floor, last year, the Federal Government had a PIC Program that cost the taxpayers in this country \$18,000,000,000. We had welfare recipients in this state receiving money from that Program in excess of \$500,000 for one welfare recipient. Now, if you take a look at the milk program at the Federal Government level, which was not part of the PIC Program last year, you'll find the same type of abuse. In 1981, the Federal Government purchased 1.7 billion pounds of butter, cheese and milk. In 1982, it was 1.9 billion pounds. In 1983, it was 2.3 billion pounds. The Federal Government spent 2.9 billion dollars of taxpayer's monies purchasing milk products from farmers. Now, obviously, the only people that benefit from these programs are the farmers and those people that supply products or equipment to the farmers. Now we have a special program for the State of Illinois. In addition to making our contributions to the 2.8 billion dollars that we spent already for the dairy farmers, we now have another program that each individual in Illinois is going to be able to contribute more money to the dairy farmers, so that they can continue to make more and more, produce more and more milk so the Federal Government can buy more and more. At the same time, the price of milk in this state would probably be higher than the price of milk in any other state. I think this is a ridiculous way to throw away taxpayers' money. We should defeat the Bill."

Speaker Breslin: "The Gentleman from Jackson, Representative Richmond."

Richmond: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Would the Sponsor yield for a question?"

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

Richmond: "Representative Ropp, my question is directed toward the Amendment that you have had added to the Bill that pertains to what our neighboring state does before it becomes into focus here in this state. And my question is, did you not say that in a neighboring state, the Governor had just signed similar legislation? What state was that?"

Ropp: "The only state that has similar legislation is Wisconsin, which is signed into law. Their law will not go into effect, either, until the States of Illinois, Iowa, Minnesota and, I believe, Michigan will also have similar legislation."

Richmond: "Well, to me that presents an interesting situation. If we...if our Governor...if we pass this law and the Governor signs it, which one of us will give first between Illinois and Wisconsin?"

Ropp: "Neither one until the other adjoining states would also comply."

Richmond: "Well, wouldn't this same situation prevail as it goes around our boundaries?"

Ropp: "Not necessarily. Well, I... No. I don't know. Maybe... I don't understand your question."

Richmond: "Assuming that all of the other neighboring states passed similar legislation, I think, would have a catch - 22 situation."

Ropp: "No. What's going to happen later, Representative, is that the Federal Government, hopefully, would see this coming and would pass national legislation that would make it uniform, and then, these particular Bills would not necessarily be needed."

Richmond: "Thank you."

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

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

Speaker Breslin: "The Gentleman has moved the previous. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the previous question is put. Representative Ropp to close."

Ropp: "Thank you, Madam Speaker. Might I just correct a statement or two from the illustrious Agricultural Leader of the Majority Party. The fact of the matter is that not one dairy farmer received one penny from federal farmer programs. The fact of the matter is that we are attempting, by this legislation, to increase a nutritional value. And when this Bill passes, no farmer will either... no farmer will, at this point, get more money. The consumers throughout the state and the nation, eventually, will receive a superior product compared to what it is right now. To those who have said that milk is a most nutritious product, I naturally concur, but let me add to you that there are some who said, 'We need and we sell only fresh milk, and if this Bill passes, we can't have fresh milk'. Let me assure you that the milk that is sold as fresh milk today, oftentimes is from seven to ten days old before you get it into your refrigerator. How fresh is that? I think it's fresh enough that with this Amendment, it will continue to be a fresh, wholesome, nutritious product. There are those who said it's going to cost too much. One of the individuals who happened to be in the processing business, one of the most noted processors in the State of Illinois, spoke in a meeting in which I attended, in which he said the ice cream that we produce, which is sold under the 'Baskin Robbins' label, is of the highest quality in the state and was proud of it, and stated that it costs more than that cheaper stuff that you can buy. Let me say to you, Ladies and Gentlemen, this

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Bill attempts to address that same similar kind of logic. It will be a superior product that will cost slightly more, but will be far more nutritious for every citizen in the State of Illinois. I ask for your support so that we can have national legislation that will provide quality products, more nutritional in value, so that everyone will thrive. Those young people who are in the process of learning must, first of all, have a healthy body."

Speaker Breslin: "The question is, 'Shall House Bill 925 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage. Have all voted who wish? The Clerk will take the record. On this question, there are 48 voting 'aye', 49 voting 'no', and 11 voting 'present'. This Bill, having failed to receive the necessary Constitutional Majority, is hereby declared lost. House Bill 2464, Representative Greiman. Representative Matijevich, for what reason do you rise?"

Matijevich: "Madam Speaker, I would move to suspend and ask for leave and use of the Attendance Roll Call...suspension of the rule which require... prohibits any House Committee from meeting while the Legislature is in Session, so that the Rules Committee can meet at 1:00 p.m., and for the Members of that Committee, we will not meet in Room 114. We will meet in the Speaker's Conference Room. I would ask that...leave 1:00 p.m. in the Speaker's Conference Room. I ask leave and the use of the Attendance Roll Call for that purpose."

Speaker Breslin: "The Gentleman asks leave to use the Attendance Roll Call to suspend the rules so that the Rules Committee may meet while this House is in Session. Is there any objection? Hearing no objection, the rule is suspended. The Rules Committee will meet in the Speaker's Conference



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Room. At what hour, Representative Matijeich?"

Matijeich: "1:00 p.m."

Speaker Breslin: "At 1:00 p.m. Representative Bullock, for what reason do you rise?"

Bullock: "Thank you, Madam Speaker. I'd like to request suspension... First of all, I'd like to have House Bill 3229 recommitted or committed rather to Interim Study."

Speaker Breslin: "Representative Bullock asks leave to recommit House Bill... The number again, Representative Bullock?"

Bullock: "HB 3229."

Speaker Breslin: "House Bill 3229 to the Order of... recommitted to Committee and on the Order of Interim Study. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. Anything further?"

Bullock: "Did Representative Vinson handle 2899?"

Speaker Breslin: "Yes, he did."

Bullock: "Thank you."

Speaker Breslin: "The next Bill on the Order of the Special Order of Business - Labor and Business is House Bill 2464, Representative Greiman. Clerk, read the Bill."

Clerk Leone: "House Bill..."

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

Piel: "I would just ask that we waive Rule 65(b) while the present Speaker is in the Chair, Madam Speaker. That's the right rule."

Speaker Breslin: "The Gentleman asks leave to suspend the appropriate rule. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. Clerk, read House Bill 2464."

Clerk Leone: "House Bill 2464, a Bill for an Act in relationship to the protection of rights of privacy. Third Reading of the Bill."

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Speaker Breslin: "Representative Greiman."

Greiman: "Thank you, Speaker. Ladies and Gentlemen of the House, in our society, sometimes the technology gets ahead of the ethics and the ethos of our culture. That's what's happening and what will happen in interactive cable television. Interactive cable television is beginning in many parts of this country. That is the television where... cable television where you see it, and it sees you as well. It has that capacity. It has the potential for doing a number of functions for you: shopping, banking, mailing, polling, all kinds of personal informational questions can be resolved, excuse me, by interactive cable television. But it has, also, the potential for misuse. The potential to abuse that massive data that will be developed and collected about each one of you who will be in that system, sold, transferred out, given away, misused, manipulated. This television has the ability to look into your home, as a matter of fact, ultimately, will have that and to monitor and secure your home. That's a service you may want, for fire protection, for burglary protection, for things like that. So, it is an important coming industry, but with that must come protection of privacy. House Bill 2464 precludes an interactive cable television system from disseminating or giving out the information that it has in its computer banks, without the expressed consent of the subscriber. When the Bill was first drafted, I went to the...I should say, many people in the industry, as well as in the business community, had suggestions about the Bill. I received a long legal brief, and out of those discussions came Amendment #2 to House Bill 2464, which incorporated eighteen specific things at the request of the industry and the business community. One of the problems that was suggested was, what happens when you're sitting in your

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chair at home. You want to order the Ronco potato peeler, and you want to charge...charge to the American National Bank. That would mean that the company would have to disclose to Ronco to send you it. We have to disclose to the bank to pay it, and perhaps, to somebody else to reorder the item. And I thought that was a good point that the business community made. And I provided instead, an exemption for transactional items so that, if it requires disclosure to complete a transaction, which the subscriber has asked for, in that case, it would be equivalent and deemed consent. I provided a tightening of language that the business community asked for, as well. I made less penalties that the business community asked for, as well. I described what kind of attorney's fees could ever be gotten and made that only for good cause shown and purely, plainly in the discretion of the court. I think the Bill is in good shape now. It has the appropriate intentional requirement that Mr. Cullerton is so scrupulous about. I think it is a good Bill. The scriptures say, 'naked we come into the world and naked we go out', and I'm willing to accept that, but I don't accept being naked while I'm here and without the Television Privacy Act, we will be naked."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2464. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I was impressed with Representative Greiman's opening. It was a great quote from the scripture and were we voting on that, I would certainly vote 'yes', but we're not voting on the scriptures, we're voting on 2464, and I would urge a 'no' vote on it. I'll tell you why I would urge a 'no' vote. First of all, the... under Article XIV

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of the Criminal Code, Chapter 38.14-1, eavesdropping is prohibited and is a crime in Illinois. We don't need a new Bill to make eavesdropping a crime. Under the Communications Consumer Privacy Act, Chapter 38, paragraph 87-1, and so forth, we provide for protection of personal privacy for cable television subscribers. It prohibits any monitoring and collection of personal or private information without the subscriber's consent. We don't need this Bill to do that because that's already law. Finally, there are federal electronics surveillance statutes. The fourth Amendment to the Constitution of the United States, Article 1.6 of the Illinois Constitution also provide adequate guarantees of the right to privacy. We do not need this Bill for any reason to protect the privacy of cable television subscribers. We've already passed the legislation that does that. There is broader legislation in place that does that, that makes a violation of privacy of the subscriber a violation of criminal law, felony. This Bill is bad because it would attempt to freeze technology. It does much more than the privacy issues that are discussed. It freezes technology. It would attempt to keep Illinois in the 20th Century when we can move ahead in this field. This is a kind of Bill that somebody might have provided for back when the printing press came into existence or back when newspapers came on line, or back when television first came in or radio. You know, there is no reason, there is no reason why we should shrink from new technology, and there is particularly no reason why we should shrink from technology when there are already on the books substantial protections of privacy. I would urge a 'no' vote on this Bill because it's bad. It only touches cable television and, my golly, what about interactive telephones? You know, you can have a telephone

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system up there that's interactive that the person can use to communicate outward as well as receive telephone calls on, but this Bill doesn't regulate the telephone companies. If we're going to regulate that kind of interactive communications network, why just cable television? Why not the telephone company too? But he doesn't seek to do that. He is knee-jerk reacting to progress and while that's understandable in people, it's not something that we ought to endorse. We ought to move ahead and move forward down the road of technological progress, and we ought to vote 'no' on this Bill in order to do it."

Speaker Breslin: "The Gentleman from Fulton, Representative Homer."

Homer: "A question for the Sponsor."

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

Homer: "Representative Greiman, initially the Bill... Section 12, provided criminal penalties for violation of... originally willful violation, now intentional violation, of any of the provisions of the Act, but as I understand it, your Amendment #2 would limit that application, the criminal sanctions, only to specific violation of Section 3 of which there are three."

Greiman: "That's correct. That's the operative Section, so that, at the suggestion of the business community, I limited the application of it so that, obviously, only if there is an intentional disclosure of information, only then will it be that kind of penalty. But if it's some kind of minor technical thing that there has been a violation, that will not be a criminal violation."

Homer: "Okay. Thank you. Briefly to the Bill, Madam Speaker. I think that the Sponsor has made an attempt here to tighten up the Bill and to limit any possibility for criminal prosecution to some very delineated specific..."

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specifically prohibited behavior which would also have to be intentional, which is set forth in Section 3, as he's outlined, and there would be no criminal sanctions for some of the other directory provisions in the Bill. And I think, as amended, the Bill is in good form, and I certainly intend to support it."

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

Greiman: "Thank you very much. As Representative Honer suggested, the Bill is very, very narrow. Contrary to Representative Vinson's suggestion that it will retard... somehow retard technology, I never thought that Representative Vinson was the progressive and I the conservative; however, that's the characterization that Sam Vinson makes today. As far as the telephone company, it's regulated by the ICC. I would be perfectly glad to include it next year, and if Sam wants to join with me then, I will do that. As far as... As far as the present law... there is a present statute which touches on it, but it is not at all comprehensive enough to really solve the problem. And I might point out to you that the author of that legislation was Terry Steczo, and Representative Steczo is the hyphenated Cosponsor of this Bill. This Bill is a very modest kind of Bill, and I'll tell you why I filed it now. People said to me, 'Alan, why did you file this? We don't have any interactive systems presently in Illinois.' Because I thought, maybe if I filed it now, before all the special interests got their juices going, maybe we could have effective limitation on... on the destruction of our right of privacy. Because I know when the interactive systems get here, forget it. It won't get through... It won't get out of... out of Rules. It won't get out of the Reference Bureau. So if we're going to protect our

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privacy, we must begin this very day. I ask you to vote 'aye' on House Bill 2464."

Speaker Breslin: "The question is, 'Shall House Bill 2464 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 42 voting 'aye', 53 voting 'no' and 13 voting 'present'. This Bill, having failed to receive the necessary Constitutional Majority, is hereby declared lost. Representative Mautino asks leave to continue this Special Order of Business until the Call of the Chair. We will... Ladies and Gentlemen, we are now going to the Special Order of Call on Pensions. We are going to call those Bills that need Amendments. The Bills will be amended, and then they will remain on the Order of Third Reading until such time as people have time to study the Amendments. The first Bill on that Order of Call that needs an Amendment is Representative McAuliffe's Bill, House Bill 1216. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1216, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "The Gentleman asks leave to return this Bill from the Order of Third Reading to Second Reading for the purposes of an Amendment. Does the Gentleman have leave? The Gentleman has leave."

Clerk O'Brien: "Amendment #6, Slape - Wolf, amends House Bill 1216 as amended in the title and so forth."

Speaker Breslin: "Representative McAuliffe."

McAuliffe: "I think Representative Slape has the Amendment."

Speaker Breslin: "Excuse me. Representative Slape."

Slape: "Yes, Madam Speaker and Ladies and Gentlemen of the House, Amendment #6 to House Bill 1216 amends the Downstate Firemen's Article of the Pension Code, and it provides a 3%

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annual increase in benefits for dependents and widows over age 60. It also allows a widow to remarry at the age of 85 or later without losing her survivor's benefits."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #6 to House Bill 1216, and on that question, is there any discussion? Seeing no discussion, the question is, 'Shall Amendment #6 to House Bill 1216 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. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "We have decided that we will leave these Bills on the Order of Second Reading until later today, if that is agreeable. Very good. This Bill will remain on the Order of Second Reading. The next Bill is House Bill 2459, Representative Capparelli. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2459, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. Clerk, read the Bill... the Amendment."

Clerk O'Brien: "Amendment #1, Capparelli, amends House Bill 2459 on page nine and so forth."

Speaker Breslin: "Representative Capparelli."

Capparelli: "Yeah, Amendment #1 relieves the state for reimbursement... any liability to House Bill 2459. Move for adoption."

Speaker Breslin: "The Gentleman asks leave to... The Gentleman moves to adopt Amendment #1 to House Bill 2459, and on that question, is there any discussion? Representative Cullerton."



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Cullerton: "Did you indicate that this relieves the state from reimbursement liabilities?"

Capparelli: "Yes."

Cullerton: "Because the... the Sanitary District has requested this. Is that correct?"

Capparelli: "Yes."

Cullerton: "Alright. Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #1 to House Bill 2459 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. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "This Bill will remain on the Order of Second Reading. House Bill 2476, Representative Capparelli. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2476, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. Please read the Amendment."

Clerk O'Brien: "Amendment #1, Capparelli, amends House Bill 2476 on page one in line one and so forth."

Speaker Breslin: "Representative Capparelli."

Capparelli: "Amendment #1 makes the... Amendment #1 complies with the federal law. Amendment #2 reduces early retirement penalty from one (sic - one - half) to one-quarter percent and for early retirement. Move for adoption."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #1 to House Bill 2476, and on that question, is

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there any discussion? Seeing no discussion, the question is, 'Shall Amendment #1 to House Bill 2476 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. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Capparelli, amends House Bill 2476 as amended."

Speaker Breslin: "Representative Capparelli, Amendment #2."

Capparelli: "I'm sorry. I explained Amendment #2 at the same time."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #2 to House Bill 2476, and on that question, is there any discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, we just got a copy of the Amendment, and we haven't had a chance to analyze it, so I wonder if you could explain it one more time, Representative."

Speaker Breslin: "Representative... Representative Capparelli."

Capparelli: "What did Mr. Cullerton say?"

Speaker Breslin: "He has not had a chance to analyze the Amendment. Would you explain it again?"

Capparelli: "Amendment #2... Amendment #2 reduces early retirement penalty from one-half to one-quarter percent. Changes pension formula for employees 60 years of age or 20 years of service. Extends the minimum annuity formula to survivors and employees who are 65 years of age, and provides for an increase in the employers' contribution from 8.5 to 9 percent."

Cullerton: "Representative, if you could ask Representative Terzich, should I file a pension impact note as amended on this Bill?"

Capparelli: "They will all be filed. All the pension impacts will be filed."

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Cullerton: "What... What is..."

Capparelli: "That's why they're held on Second Reading."

Cullerton: "Right. Okay. Thank you."

Speaker Breslin: "The question is, 'Shall Amendment #2 to House Bill 2476 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. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Second Reading. House Bill... This Bill remains on Second Reading. House Bill 2595, Representative Hannig. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2595, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Are there any objections? Hearing no objections, the Gentleman has leave. Read the Amendment, please."

Clerk O'Brien: "Amendment #2, Mautino, amends House Bill 2595 on page one in line one and five and so forth."

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you, Madam Speaker. This is the agreed Amendment between Representative Woodyard, who had the prior pension Bill, Representative Hannig, who has this legislation, which allows for an individual to receive a prior service annuity, that reduction from twelve months to seven months of contributing service to the system. There are... There is no financial impact, as provided by the impact note, and it only involves one individual. And I move for the adoption."

Speaker Breslin: "The Gentleman moves for the adoption of

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Amendment #2 to House Bill 2595, and on that question, is there any discussion? Seeing no discussion, the question is, 'Shall Amendment #2 to House Bill 2595 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. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Leverenz, amends House Bill 2595 as amended in the title..."

Speaker Breslin: "Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker... Madam Speaker, Ladies and Gentlemen of the House. Amendment #3 would provide that a handful of employees that were at one time in the Illinois Bureau of Investigation would be raised, I understand, to the level of their annuity a higher amount than what they are now. They were under a Social Security plan, and they did pay into that. They were then brought over to the Department of Law Enforcement, and this would bring them under the regular retirement program. And I would move for the adoption of the Amendment. It would include, I understand, less than a dozen people."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #3 to House Bill 2595, and on that question, is there any discussion? Seeing no discussion, the question is, 'Shall Amendment #3 to House Bill 2595 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. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "This Bill will remain on the Order of Second Reading. House Bill 2671, Representative Greiman. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2671, a Bill for an Act to amend Sections of the Pension Code. Third Reading of the Bill."

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Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. Read the Amendment, please. Perhaps is there a Motion to be made, Representative Greiman?"

Greiman: "What Amendments have we adopted to this?"

Speaker Breslin: "Mr. Clerk, can you tell us what Amendments have been adopted? 1 and 3 have been adopted."

Greiman: "Yes. Alright. If the appropriate pension notes have arrived, Third Reading, Madam Speaker. Oh, it was on Third Reading."

Speaker Breslin: "Mr. Clerk, have the appropriate notes arrived?"

Greiman: "No. Okay. Well, it's not been amended so then it goes back to Third Reading automatically. Thank you."

Clerk O'Brien: "The pension impact note is filed."

Speaker Breslin: "Very good. Third Reading. House Bill 2674, Representative Greiman. Does this Bill need an Amendment, Representative Greiman, House Bill 2674? There are no Amendments filed on this Bill either, Representative Greiman. Representative Greiman, what is your pleasure?"

Greiman: "I believe it's been adopted, so nothing... no action is necessary."

Speaker Breslin: "No action is necessary."

Clerk O'Brien: "Amendment #1 has been adopted."

Speaker Breslin: "Very good. House Bill 2747... This is on Third Reading. We did not move it back. House Bill 2747, Representative McAuliffe. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2747, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an

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Amendment. Are there any objections? Hearing no objections, the Gentleman has leave. Please read the Amendment."

Clerk O'Brien: "Amendment #1, Capparelli - McAuliffe, amends House Bill 2747 on page one line one and five."

Speaker Breslin: "Representative McAuliffe."

McAuliffe: "Adoption Amendment #1."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #1 to House Bill 2747, and on that question, is there any discussion? Hearing no discussion, the question is, 'Shall Amendment #1 to House Bill 2747 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. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Capparelli - McAuliffe, amends House Bill 2747 as amended in the title and the introductory portion."

Speaker Breslin: "Representative McAuliffe."

McAuliffe: "Adoption of Amendment #2."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #2 to House Bill 2747, and on that question, is there any discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, I wonder if he could explain what the Amendment does."

Speaker Breslin: "Representative McAuliffe."

McAuliffe: "Increases the death benefits from 7,000 to 12,000 dollars upon the death of active duty police officers. Increases death benefits from 2,500 to 6,000 dollars upon the death of the retiree."

Cullerton: "It also increases the contribution by the police to the system. Right?"

McAuliffe: "Yes. It increases the contributions from 2.50 to 4

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dollars a month to pay for the benefits. No cost to the system."

Cullerton: "Right. Thank you."

Speaker Breslin: "The Gentleman has moved for the... The question is, 'Shall Amendment #2 to House Bill 2747 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. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "This Bill will remain on the Order of Second Reading. House Bill 2835, Representative Saltsman. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2835, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "Do you have an Amendment prepared for this Bill, Representative Saltsman, or does anyone, Mr. Clerk? Yes, Representative Brummer. Very good. The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. Read the Amendment, please."

Clerk O'Brien: "Amendment #1, Brummer, amends House Bill 2835 on page one."

Speaker Breslin: "Representative Brummer."

Brummer: "Yes, currently an employee, who could have but did not elect to participate in IMRF, may receive creditable service retroactively for 50 months. At... At that time, the employee has to contribute his or her share and the employer has to contribute their share. In the case of the Effingham County Board members, they had elected to participate or thought... attempted to elect to participate in 1972, were told by their local agent that they were not eligible. There was one time since then that

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they made inquiry and were erroneously told they were not eligible to participate. This is with regard to Board members. In 1982, they discovered that the Board members could join and, in fact, were eligible all along to join. At that time, the Board members elected to participate in Effingham County... elected to participate with regard to the Board members. The purpose of this Amendment is to temporarily suspend the 50-month limitation to allow these Board members to receive service credit as far back as the Board may elect to do. It creates a window within which they can do so. This provision lapses on July 1st, 1985. It would require that both the employee contribute their share and the employer contribute their share, and I would be glad to respond to any questions if there are any."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #1 to House Bill 2835, and on that question, is there any discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, I wonder if you could tell us the fiscal impact of the Amendment?"

Brunner: "We're getting that. We do not know at the moment. It will remain on Second Reading until there's a note filed."

Cullerton: "Alright. Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #1 to House Bill 2835 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. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Saltsman, amends House Bill 2835 on page three by inserting after line one the following."

Speaker Breslin: "Representative Saltsman."

Saltsman: "Thank you, Madam Speaker. Amendment #2 has a



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provision that the state shall have... not have to make any reimbursement, and it does not implement the State Mandates Act."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 2935, and on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, Representative Saltsman, it's my understanding that the Bill itself is opposed by the Pension Laws Commission because it will increase annual cost by over a million dollars. What this Amendment says, the state shall not have to pay that million dollars. Is that correct?"

Saltsman: "The State of Illinois, yes."

Cullerton: "Why... Why wouldn't you want to have the state pay it?"

Saltsman: "Because these are municipal workers that are not involved in state projects or state payrolls."

Cullerton: "So who's going to pay the million dollars?"

Saltsman: "It would probably be picked up with the annuitants and the contribution by the employer. But when we look at that amount of money, we're talking, probably, if everybody from the age 55 to 60 would retire at the same time, why that's what the impact would be. But you know yourself, as well as I do, that you can put any age limit on and people still can't afford to retire on pension, and we don't look for any type of mass exit of employees. So we don't think that the cost factor will be at that amount, and, as you know, the Pension Laws Commission does have to come with some type of a figure, but I think it's very high."

Cullerton: "Thank you."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #2 to House Bill 2935, and on that question, all those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the

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Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "This Bill will remain on the Order of Second Reading. House Bill 2891, Representative Madigan. Who is handling that Bill for Representative Madigan? Representative Cullerton. We'll skip over that Bill for the time being. House Bill 26... 2906, Representative Jaffe. This Bill is on the Order of Second Reading, Representative Jaffe. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2906, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Representative Jaffe. Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Jaffe, amends House Bill 2906 on page one in line two and so forth."

Speaker Breslin: "Representative Jaffe."

Jaffe: "Amendment #1 essentially guts the Bill, and what it does is provide that there is no penalty to be applied for a judicial pension in case a Judge retires on or after January 1st, 1985, with at least 25 years of service credit."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 2906, and on that question, is there any discussion? The Gentleman from Vermilion, Representative Stuffle."

Stuffle: "Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield for a question."

Stuffle: "Aaron, does this give Judges no discount?"

Jaffe: "Only after they've served for 25 years. As you know, a Judge doesn't go onto the bench until very late in life anyway, and they pay in probably the highest amount, with regard to their pension of anyone outside of the General

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Assembly. I think we're probably comparable, and so they pay in, I think, something like eleven, eleven and a half percent. And you have people sitting on the bench for 25 years, there are not too many of them, who now want to retire, and they cannot retire because they would be penalized. So this says that if they have paid in for a period of 25 years, and I don't imagine there are going to be too many people who meet that requirement, then they will not be penalized."

Stuffle: "Well, the 25 years of service credit wouldn't all have to be as a Judge. It would be any creditable service that they brought into that system on retirement."

Jaffe: "Well, that's right, but I... if they come in from another system, of course, they would have to pay in and do the things that is necessary."

Stuffle: "But that would be the case... Okay. We haven't done this for others. Correct? We've done it for downstate teachers and Chicago teachers, but we made them and the system pay for the discount being eliminated on those between 55 and 60, without the requisite number of years of service."

Jaffe: "I don't think you can count... you can really compare this with the teachers... With teachers, you know, you have hundreds of thousands of teachers who... this would apply to. This might apply to two, or three or four Judges statewide."

Stuffle: "But you're eliminating the discount completely without paying anything."

Jaffe: "That is correct, but they have to have 25 years of service."

Stuffle: "Thank you."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 2906, and on that question, is

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there any further discussion? The question is, 'Shall Amendment #1 to House Bill 2906 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. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, O'Connell, amends House Bill 2906 as amended in the title and the introductory portion of Section 1 and so forth."

Speaker Breslin: "Representative O'Connell."

O'Connell: "Thank you, Madam Speaker, Members of the House. Amendment #2 would permit Chicago... former Chicago policemen, who have become Judges, to transfer their credit time into the Judicial Retirement System. They would have to pay for the difference of the payments into the Policemen's Fund versus the Judicial Retirement System. I ask for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 2906, and on that question, is there any discussion? Seeing no discussion, the question is, 'Shall Amendment #2 to House Bill 2906 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. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Representative Jaffe, do you want this Bill moved to the Order of Third or held?"

Jaffe: "Yeah, moved... moved to the Order of Third. Hold on for one second."

Speaker Breslin: "Representative Jaffe."

Jaffe: "I understand that we need pension impact notes. Those will be filed later today."

Speaker Breslin: "Very good."

Jaffe: "So, why don't we leave it there until they're filed and

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then we can move it to Third."

Speaker Breslin: "Very good. We'll leave this on the Order of Second Reading. Going back to House Bill 2891, Representative Capparelli. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2891, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Are there any objections? Hearing no objections, the Gentleman has leave."

Clerk O'Brien: "Amendment #1, Terzich - Capparelli, amends House Bill 2891 on page one in line one and five and so forth."

Speaker Breslin: "Representative Terzich."

Terzich: "Yes, Mr... Madam Speaker, Ladies and Gentlemen of the House. Amendment #1 increases the minimum retirees' annuity for those whose termination was due to disability from 400 to 450. Increases the minimum survivors' annuity from 250 to 300 dollars. It also includes the post retirement increment for retirees who retired before September 1959, which is a clean up from the last post retirement benefit, and also, it eliminates a requirement of firefighters which respect to adopted children that... that may be over 50 years old that may still be eligible for benefits. And I would move for its adoption."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #1 to House Bill 2891, and on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #1 to House Bill 2891 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. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

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Speaker Breslin: "This Bill will remain on the Order of Second Reading. The hour of 12:00 o'clock having arrived, we will now go to the Order of...Special Order of Business on Criminal Law. House Bill 2211, Representative Greiman. Representative Greiman. We are on the Special Order of Business dealing with Criminal Law. We will wait for Representative Greiman and move on to Representative Preston's Bill, House Bill 2726, Representative Preston. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2726, a Bill for an Act in relation to local criminal correction systems. Third Reading of the Bill."

Speaker Breslin: "Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 2726 is the first attempt, successful attempt, I might add, if the vote goes as I anticipate it will, to deal with the prison overcrowding situation that we have here in Illinois. What House Bill 2726 does is to permit counties that opt to participate in the program to present to the Department of Corrections their program for alternatives to state... Stateville type penitentiary incarceration for nonviolent felony offenders, to house these offenders in alternate types of incarceration within the county, to set up other types of programs for these nonviolent felony first time offenders. The purpose of this Bill is two-fold. One, in this alternative type of program that a county may develop, a nonviolent felony offender may be put into a situation that has more rehabilitative possibilities for that offender, and secondly, Stateville prison and the state penitentiary system will be loosened up to be certain that violent felony offenders will no longer, in Illinois, obtain early release from prison because of the overcrowding situation."

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This Bill has the support of a whole coalition of organizations that are behind it. It has editorial support from WLS - TV in Chicago, #BBM in Chicago, from the, I think, it's the Champaign-Urbana Gazette in Champaign-Urbana, numerous newspapers and television stations. I urge and encourage your 'aye' vote."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 2726, and on that question, the Gentleman... the Lady from Cook, Representative Markette."

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

Speaker Breslin: "The Gentleman will yield for a question."

Markette: "Representative Preston, what is the cost factor on this program?"

Preston: "The cost factor on this Bill is a negative cost. The current costs of housing a... someone in one of the state penitentiaries, a convict in one of the state penitentiaries, is approximately 15,000 dollars per year. The estimated cost of this alternative program is about 5,000 dollars per year per offender. So that would mean the cost savings to the State of Illinois is approximately 10,000 dollars for every individual who would be put into one of these alternative programs."

Speaker Breslin: "The Gentleman from... from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. I rise in strong opposition to this Bill for a couple of reasons. Number one, it's been indicated that this is supposedly a measure that will keep nonviolent Class 3 and Class 4 first time offenders out of the penitentiary. Well, anyone who has any connection with the criminal justice system knows that nonviolent first time Class 3 and Class 4 felons never go to the penitentiary, and in testimony, we've asked for an example of even one such person that is in the penitentiary

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without response. And the reason for that is, we now have probation. We have conditional discharge. We have restitution programs. We have all of these nice things that the Sponsors are trying to sell this Bill with. Furthermore, everyone in this Assembly remembers that last year, we embarked upon a new probation system in this state that is supposed to coordinate, and enhance and improve the probation services of this state. The price tag for that program in the fourth year, if we get to that stage, is estimated at some 70,000,000 dollars for the State of Illinois. That new, enhanced probation system is supposed to provide the very types of things that this community corrections program is supposed to provide. Some of our sheriffs and law enforcement people were led to believe that this was going to be new money for construction of county jails. At least, that is the impression that they had. They are now not in support, as I understand it, of this proposal because they realize what's going to happen, that this is just going to be another system at the end of the line where we've gone through our brand new probation system, the person has received all the breaks, the county jail time, the counseling, the drug programs that are now available, and finally the community throws up its hands, not because we have a first-time offender but because we have a fifth and sixth time offender who needs to be incarcerated, and this program will step in and say, 'Stop. We ought to have one more try, even though we've spent 70,000,000 dollars on our probation program.' This is not a good program. It's not going to mean more money for your county jails. The system is set up so the only way the counties can quote, 'opt in', is if they actually reduce the number of felons being sent to the penitentiary. What I'm saying is that in the practical experience now, Class 3



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and Class 4 felons go for one of two reasons, either they're multiple-time offenders or else there's been a plea bargain down from a more serious offense, which results in their incarceration. This program is not going to do what it purports to do. We're spending 70,000,000 dollars in the fourth year on a new, enhanced probation system. This is unnecessary."

Speaker Breslin: "There being no further discussion, the Gentleman from Cook, Representative Preston, to close."

Preston: "Madam Speaker, I'd like to have Representative Johnson, the Cosponsor, close."

Speaker Breslin: "The Gentleman from Champaign, Representative Johnson, to close."

Johnson: "Thank you, Madam Speaker and Members of the House. I don't want to get in a debate or dialogue with Representative Hawkinson. Nobody on our behalf ever represented to anybody, or at least on my behalf or Representative Preston, that we're going to use this money to build new county jails. That isn't the thrust of the legislation. What this legislation is is a unique, novel and workable approach towards what people have said for years is a problem in Illinois, and that is distinguishing the violent criminals from those who can be useful citizens in society and at the same... same time maintain social supervision over those people. It's a law and order Bill... Bill in many ways because it makes that distinction and provides incentives to put violent criminals in prison and keep them there, at the same time allowing those who are not violent criminals to serve useful roles in society in a local option system. It doesn't provide a mandate of any sort on anybody. The Judge, in every case, has the final word, the discretion to deal with repeat or first-time offenders as he or she might see fit. All it

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does is provide a carrot for local units of government in a cross section of the community to provide a variety of programs for nonviolent offenders. There's no new money involved in this, as Representative Preston indicates. It's just... the statistics and analysis are all that it's going to mean, in the long run, substantial savings and in the short run, it's not going to mean any new money. It's an opportunity for us to provide tools for an effective law enforcement system and at the same time to avoid some of the revolving doors that our penitentiary systems, our penitentiary, our penal systems created. It saves money. It's a local option. It's not a mandate. It distinguishes and protects society in a very meaningful way from those offenders who are... who ought to be put away and at the same time doesn't turn the first-time nonviolent offender into a repeat offender and a member of the revolving door society so that he can go back out after he's been taught how to be a real criminal in the penitentiary system to commit the same offense again. Many papers, editorial boards, television and radio stations and a whole variety, a cross section of groups around the state have endorsed this program. I think it's an extremely novel and useful, effective way of addressing a problem that we certainly haven't addressed very well in the past. I urge a strong 'yes' vote from all parties, and all philosophies and all parts of the spectrum of our law enforcement system. It's a good Bill, and I urge a 'yes' vote."

Speaker Breslin: "The question is, 'Shall House Bill 2726 be... be passed?' All those in favor say... vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? The Clerk will take the record. On this question, there are 86 voting 'aye', 27 voting 'no' and none voting 'present'. This Bill, having

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received the Constitutional Majority, is hereby declared passed. The only other Bill appearing on this Order of Call is House Bill 2211, Representative Greiman. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2211, a Bill for an Act regulating transactions involving rebuilt, restored or salvaged vehicles or vehicle parts. Third Reading of the Bill."

Speaker Breslin: "Representative Greiman."

Greiman: "Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 2211 is the product of many months of work by the Coordinating Council Against Organized Auto Theft, which included the Secretary of State of Illinois, the Cook County State's Attorney, people in the insurance industry, people in the salvage industry, people in the towing industry, people in a dozen industries that are affected by this... by the terrible problem that we have in chop shops. If we are to stop chop shops, we must stop it by not just raising penalties. We must stop it by giving to the Secretary of State and to law enforcement people the power to take the profit, if you will, out of the... out of chop shops. This Bill is a comprehensive Bill which... which changes the identification of component parts. It redefines the material. It... It continues to change the entire law to give our law enforcement people a greater ability to go after a group of people who are known as retaggers, and body switchers, and choppers and strippers. These are the people that are causing you to have high insurance. These are the people that are causing our society to have lawlessness. The Secretary of State of Illinois is for the Bill. The... The Illinois Department of Law Enforcement is for the Bill, and I know of no opponent except organized crime."

Speaker Breslin: "The Gentleman has moved for the passage of

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House Bill 2211. Representative Greiman, for what reason do you rise?"

Greiman: "Having said all that, I would like to move the Bill to... return the Bill to the Order of House Bills Second Reading for the purpose of Amendment."

Speaker Breslin: "Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. This Bill is on Second Reading. Mr. Clerk, read the Amendment."

Clerk O'Brien: "Amendment #2, Greiman, amends House Bill 2211 by deleting everything after the enacting clause and so forth."

Speaker Breslin: "Representative Greiman."

Greiman: "I described the Amendment. I ask for its adoption."

Speaker Breslin: "Representative... The Gentleman has moved for the adoption of Amendment #2 to House Bill 2211, and on that question, the Gentleman from Effingham, Representative Brummer."

Brummer: "As I do not speak on behalf of organized crime, but I don't know if I'm for this Bill yet or against it. Representative Greiman, I think you spoke to one of the auto salvage dealers from my district. One time down in the rotunda you graciously spent some time talking to him about some of the concerns that they had and a good deal of it had to do with the... the tagging of title. How does this Bill deal with that issue?"

Greiman: "The Bill does not... does not change... does not completely change that. It does give the... those people some additional rights. I'm not sure precisely what..."

Brummer: "Well, their specific concern is that which appears on the title itself."

Greiman: "And the Secretary of State, as I understand, the Secretary of State has not yet agreed to that, to changing all of the... all of the titles so that they will no longer

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have those. They would still have those on their title."

Brummer: "So then I think it's fair to say that the auto salvage dealers are probably not in support of this Bill."

Greiman: "I don't know that. They were included in the negotiations."

Brummer: "Including those that are not involved in organized crime."

Greiman: "Yes, they're clearly not."

Brummer: "They are probably not in support of this."

Greiman: "I don't know that. They were involved with the... with the... in the negotiations, and they do have some things that were changed at their behest. So I don't know... just don't know..."

Brummer: "You don't know their position."

Greiman: "I don't know what their position is."

Brummer: "Okay. Well, let's adopt the Amendment, I guess. When are you going to consider this on Third Reading?"

Greiman: "Right now."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 2211. The question is, 'Shall the Amendment be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. The Gentleman now asks leave for immediate consideration of House Bill 2211. Are there any objections? Hearing no objections, this Bill may be heard immediately. Representative... Do we have to read the Bill again, Mr. Clerk?"

Clerk O'Brien: "House Bill 2211, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Breslin: "Representative Greiman."

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Greiman: "I wouldn't burden the House with hearing that again.

I... I spoke to the Bill itself. I think it is a good Bill. It has had a great deal of... of input from almost every... not... from every segment, including the people that Representative Brummer suggested, and it is a good Bill."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2211, and on... as amended, and on that question, the Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Madam Speaker and Ladies and Gentlemen of the House, I would rise in support of the Bill. I know that in the City of Chicago about once every three or four months the Police Department prints a bulletin about seven or eight pages long. Each page has got 15 or 20 known and suspected car thieves on the bulletin, and these people are known as car thieves. And they even specialize. Some specialize in stealing only Cadillacs. Some specialize in stealing Buicks, and they even have their own... their own locale. Some work at the Marriott Hotel. They specialize in the Marriott Hotel. Others work at the airport. They specialize in the airport. So they're specialists, and if we don't give the police some tools to help stop this, we're never going to cut it out. The automobile rates are so high in Chicago because there are probably 400 or 500 individuals who do that for a living. That's all they do, steal cars, and they know exactly what they want when they go out. They know how to get rid of them. They can strip a car in 10 minutes. So this is a way of getting back at that and, hopefully, lowering the insurance rates, and I would support this Bill."

Speaker Breslin: "The Gentleman from Edgar, Representative Woodyard."

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Woodyard: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield for a question."

Woodyard: "Yes, Representative, with the Bill amended, do you know the position of the auto recyclers now?"

Greiman: "On the auto recyclers?"

Woodyard: "Yes."

Greiman: "I don't know. I know that they're in the process, that they have been... that what we have done is brought everybody into this discussion. They were not... and they are in discussing it now."

Woodyard: "Thank you."

Speaker Breslin: "The Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Chairman (sic - Speaker). Will the Sponsor yield for a question?"

Speaker Breslin: "He will."

Hawkinson: "Representative, with your Amendment, is the Secretary of State in agreement with this Bill?"

Speaker Breslin: "Representative Greiman, the question is, 'With your Amendment, is the Secretary of State in agreement with your Bill?'"

Greiman: "Yes."

Hawkinson: "Thank you."

Speaker Breslin: "The Gentleman from Henderson, Representative Neff."

Neff: "Thank you, Madam Speaker. This Amendment does help the Bill some, but the question was brought up about the auto recyclers... recyclers, and to my knowledge, they're all opposed to this Bill because, even with the Amendment on it, because the extra work and the cost it's going to involve. I think maybe this legislation might be needed in Cook County in the City of Chicago, but I don't think it's needed downstate. Many of these people are small people

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that do a service to the community and the people; and, therefore, I think we're going to hurt some of them. And the fact is, I think some of these small ones you're just going to run out of business on this type of legislation."

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

Greiman: "Yes. I would again tell you that this is a... I think a good Bill. It is a Bill that has brought everybody into the process. I think they'll probably continue to be in the process. They were not before, and I believe that it is... it is important for us to strike out at organized crime and it's chop shop operation. It is vital to us."

Speaker Breslin: "The question is, 'Shall House Bill 2211 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 91 voting 'aye', 10 voting 'no', and 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. With leave of the House, we will continue this Special Order of Business until the Call of the Chair. The next Special Order of Business is Banking and Finance. House Bill 1063, Representative Pierce. We are on the Special Order of Business on Banking and Finance. Is Representative Pierce in the chamber? We will pass this Bill over, therefor, with leave to come back. We will now go to House Bill 2780, Representative Braun - Bullock. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2780, a Bill for an Act to amend Sections of the Foreign Banking Office Bank. Third Reading of the Bill."

Speaker Breslin: "Out of the record. House Bill 2961, Representative Keane. Representative Keane. Out of the



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record. House Bill 3024, Representative Turner. Is Representative Turner here? Clerk, read the Bill."

Clerk O'Brien: "House Bill 3024, a Bill for an Act to amend Sections of the Illinois Income Tax Act. Third Reading of the Bill."

Speaker Breslin: "Representative Turner."

Turner: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 3020 (sic - 3024) is... is a Bill which, very briefly, amends the Illinois income tax. It only makes technical changes in the Bill. It changes some Sections on page three from 'l' to 'k' and 'j' to 'm'. But basically, it's a technical Bill. As you know, we passed the state income... we amended the state income tax last year. We extended it for an additional year. So this is just a cleanup Bill in nature. There's no opposition to this Bill. You know, we... we appreciate your favorable vote on this very technical, cleanup Bill. We want to avoid any confusion in the future regarding the state income tax, and I think that these... these changes would do so."

Speaker Breslin: "The Gentleman moves for passage of House Bill 3024, and on that question, the Gentleman from Marion, Representative Friedrich. Excuse me. Ladies and Gentlemen, the Rules Committee is meeting right now at the hour of 1:00 o'clock in the Speaker's Conference Room. Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Turner: "Yes, I will."

Friedrich: "I don't know who did my analysis, but there's a picture of a car on it which I... suggests, what I guess suggests is a vehicle. Is that possible?"

Turner: "Representative, I own an old '75 Plymouth. I'm not certain about the car that's on that. Does it look like a

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Plymouth? Because if it's a Plymouth, it could very well be, but..."

Friedrich: "What's your plate number? Maybe I could identify it."

Turner: "I have no intention of doing anything with this Bill other than cleaning up our Income Tax Act."

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

Hastert: "Would the Sponsor yield?"

Speaker Breslin: "He will."

Hastert: "Well, Representative, the income tax that you talked about that we passed last year, I thought that would just automatically be cleaned up the end of this month of June. Isn't that correct?"

Turner: "I'm sure it would, but we don't want to, you know, continue on with errors in the legislation. We need to make sure... We've already gone 11 months with this error, and it really needs to be cleaned up."

Hastert: "Do you anticipate this piece of legislation that just has technical Amendments be passed before and signed by the Governor before the end that this income tax falls off?"

Turner: "I think so. The Governor is willing to take a good look at this Bill. He said that he thought it was okay."

Hastert: "You have... You have an agreement with the Governor on this Bill. Is that right?"

Turner: "Yeah, the Governor says, 'It's fine.'"

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

Hallock: "Mrs. Speaker, Ladies and Gentlemen of the House, we spoke about this Bill yesterday, and Representative Turner and I have spoken about the Bill further since then. As you look at the Bill, you'll see that all it really does, it changes in the Bill the letter 'k' to the letter 'm'.

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That's the entire Bill itself, and so if he's spoken to the Governor about it, it surely was a very short conversation, I'm sure. I just want our Members to know on this side that this is very truly a classic vehicle Bill, and I think it's a bad idea to have Bills floating around on the income tax when we are... intended on this side to let that Bill die on June 1st of this year."

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

Ronan: "Yeah, will the Sponsor yield for a question?"

Speaker Breslin: "He will."

Ronan: "Yeah, Representative Turner, what were the circumstances when you and the Governor discussed this piece of legislation? Was this... Was this over coffee or did you guys have lunch together? Really, why don't you elaborate for the Members of the House on when you and the Governor got together on this piece of legislation?"

Turner: "Turn me on. Actually, it was a very short conversation. As you know, there's been a lot of things happening in the state in the last 24 hours, and, you know, the legislation... this sort of took... it was secondary in terms of all the things that we discussed. And we just briefly, you know, in passing said, 'Hey, Governor, what do you think?' And he said, 'It doesn't sound bad.'"

Ronan: "When... So... So you and he were just kind of cruising around the Capitol..."

Turner: "Actually, it was after we got out of Session last night."

Ronan: "When you got out of Session last night, you two guys were just kind of walking around, and you said, 'Governor, I got this little Bill on the income tax, and I thought it something that you might like.' And he said, 'I sure do, Senator (sic - Representative). I think this is a fine proposal.'"

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Turner: "You know, I told him that... basically what the Bill would do, and he said, 'I see no problem with that.'"

Ronan: "Well, I... My only recommendation is that if you and the Governor think it's such a good idea, then I'd like the Governor to cruise on by and talk to me. Until he does that, I think I'll have to vote against it."

Speaker Breslin: "There being no further discussion, the Gentleman from Cook, Representative Turner, to close."

Turner: "Ladies and Gentlemen, as you know, legislation... we try to do the right thing in this House, and sometimes we are not always correct. And this was an error that we made last year, and I think that it's... it's important that we clean up this legislation. You never know when you may need it again, and, you know, some of the problems we have is you pass a Bill one year then you find that there's some technical flaws. And, of course, we do have some in the Income Tax Act, and I ask for your favorable vote to clean up this legislation before it dies on June... July 1st."

Speaker Breslin: "The question is, 'Shall House Bill 3024 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 23 voting 'aye', 84 voting 'no' and 1 voting 'present'. This Bill, having failed to receive the necessary Constitutional Majority, is hereby declared lost. With special leave, I would like... The Chair would ask leave to return or to continue this Special Order of Business until leave of the Chair. Hearing no objection, this Special Order of Business is continued. On the Order of State and Local Government, the first Bill on that Call is Representative Younger's House Bill 1004. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1004, a Bill for an Act creating the East St. Louis Depressed Area Land Use and Community

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Development Authority. Third Reading of the Bill."

Speaker Breslin: "Representative Younge."

Younge: "Madam Speaker and Members of the House, House Bill 1004 creates the East St. Louis Community Development Authority composed of seven members appointed by the Governor. The Authority will act as a local public developer to put together packages of development in the East St. Louis area. The East St. Louis area has a housing stock that is very advanced and old and deteriorated and there is a need for a full time around the clock development entity to provide and to develop houses for the some 3,000 people who are looking for new units of housing. The developer would have the jurisdiction in the area of East St. Louis, Allerton, Centerville and Brooklyn. The seven members would be appointed by the Board. The Authority would have the power to acquire land, to borrow money, to issue revenue bonds and to engage in land development for residential, commercial, industrial and public facility uses. Land development would only occur after there had been set into motion a comprehensive redevelopment process and a plan, and after that plan is approved by the municipalities, in which the plan would be acting, and the special districts, in which the plan would be enacted, after those approvals are gotten, then the Authority would have the power to go forward. The members of the Board would serve without compensation, and there would be an advisory committee that would help to put together the comprehensive long-range plan. And none of the powers of this Authority would be exercised in a particular district without the approval of the municipality in which they would be brought forth, and I ask for the passage of this Bill."

Speaker Breslin: "The Lady moves for passage of House Bill 1004,

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and on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, inquiry of the Chair, Madam Speaker."

Speaker Breslin: "Proceed."

Vinson: "Madam Speaker, I am looking at a Calendar of the House dated Wednesday, May 23rd, Special Order of Business State and Local Government Administration. On that Calendar, House Bill 1004 did not appear on that Special Order. Now, I suddenly see it on there today. I do not recall that leave was granted for placing that Bill on that Special Order, and I think that that might have been another case of the Clerk making a mistake on printing today's Calendar."

Speaker Breslin: "Mr. Vinson, we find that you are correct, that the Bill was not on Wednesday's Calendar. It has been placed on this Order of Call because it is in the same subject matter as all of the other Bills in this Order of Call, and that is how it has arrived in this Order. Representative Vinson."

Vinson: "Madam Speaker, is it not my recollection of the rule on Special Orders that you have to carry the listing of the Bills for three days on the Calendar or get leave to do that to amend it?"

Speaker Breslin: "You are... You are correct. Would the Lady like to ask leave at this point? Representative Vinson."

Vinson: "I wonder if we might take this Bill out of the record for a couple of minutes and then we can discuss that subject."

Speaker Breslin: "Representative Younge."

Younge: "That would be okay."

Speaker Breslin: "Very good. Out of the record. House Bill 1063, Representative Pierce. Has the Gentleman returned to the chamber? He has not. Out of the record. House Bill

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1726, Representative Terzich. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1726, a Bill for an Act to amend an Act relating to cost of hospital services. Third Reading of the Bill."

Speaker Breslin: "This Bill is on the Order of Short Debate. Representative Terzich."

Terzich: "Yes, Madam Speaker, Ladies and Gentlemen of the House, House Bill 1726 establishes a hospital... Medicaid hospital negotiator in the Department of Central Management Services to annually contract with hospitals for Medicaid service... services as a negotiator as appointed by the Governor. I'm sure that many of us are aware of the substantial increases in the cost of medical care and especially under our Medicaid program. At the present time, there is some Bills in the Senate or one Bill in the Senate that deals with this subject matter. This would set up a third party negotiator, which we believe that would be able to negotiate with the different services and also be an advisory to the not only the General Assembly, and the Governor and also let the Department of Public Aid administer the program. I... If there's any adjustments or agreements that can come in over at the Senate, I'm sure that we would be more than happy to welcome any additional input into the Bill. I think its time has come. It would be a great service to the State of Illinois and, hopefully, will reduce the high cost of medical care throughout the state, and I'd appreciate your support."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1726. This Bill is on the Order of Short Debate. Does anybody rise in opposition? As no one rises in opposition, the question is, 'Shall House Bill 1726 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The

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Clerk will take the record. On this question, there are 105 voting 'aye', 1 voting 'no' and 3 voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 2208, Representative Younge. Out of the record. House Bill 2334, Representative Madigan. Who is handling House Bill 2334 for Representative Madigan? Out of the record. House Bill 2384, Representative Matijevich. Out of the record. House Bill 2518, Representative Cullerton. Out of the record. House Bill 2620, Representative Capparelli - Giorgi. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2620, a Bill for an Act to impose a tax on jet aviation fuel and provide for its distribution. Third Reading of the Bill."

Speaker Breslin: "Representative Giorgi."

Giorgi: "It's Capparelli. He's not here now."

Speaker Breslin: "Do you want the Bill out of the record?"

Giorgi: "Out of the record..."

Speaker Breslin: "Out of the record. House Bill 2753, Representative Terzich. Out of the record. House Bill 2781, Representative Satterthwaite. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2781, a Bill for an Act to amend the Paternity Act. Third Reading of the Bill."

Speaker Breslin: "Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, this is an Amendment to the Paternity Act that would simply make it permissive when there is a court proceedings for a change in child support or to establish child support, that the Judge in that case could include within the order the court costs for opening that procedure. It would be purely discretionary on the part of the Judge where it seemed appropriate to do so. I'd be happy to try to answer any questions."



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Speaker Breslin: "The Lady has moved for the passage of House Bill 2781, and on that question, the Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Breslin: "Yes."

Brummer: "If the Digest is correct, this is in cases in which the court... relating to support, maintenance, education and welfare of the child."

Satterthwaite: "Yes."

Brummer: "I thought the court had that authority now."

Satterthwaite: "No, apparently, they do not. They have, in regard to cost for the mother if the mother, is seeking payment for the birth of a child, but not in regard to child support."

Brummer: "Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 2781 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 107 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2884, Representative Hicks. Representative Hicks. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2884, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Breslin: "Representative Hicks."

Hicks: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 2884 simply brings into line the Revenue Code with the statute providing for fees that the circuit clerks can charge bringing the fees in line together. It's a technical change in the law. I'd ask for passage, please."

Speaker Breslin: "The Gentleman has moved for passage of House

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Bill 2984, and on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill...', Representative Vinson."

Vinson: "Between potato chips, I had to swallow those. I apologize. Will the Sponsor yield for a question?"

Speaker Breslin: "The Gentleman will yield for a question."

Vinson: "Representative, I did not clearly hear the explanation on this. Would you run it by one more time?"

Hicks: "Yes, Sir, I'd be happy to. It simply brings the Revenue Code into compliance with the statute regarding fees that are charged by the circuit clerks. Actually changes the fees from the Revenue Act from 30 dollars to 45 dollars on... on tax delinquent properties, people who are seeking tax deeds. It currently is simply a technical change in..."

Vinson: "Is this a vehicle Bill?"

Hicks: "No, Sir, it's not."

Vinson: "Thank you. I have no opposition to it."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 2984, and on that question, all those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are... Representative Braun asks to be voted 'aye'. On this question, there are 113 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2931, Representative Zwick. Representative Zwick. Clerk, read the Bill. Out of the record. House Bill 3083. Representative Greiman, in the Chair."

Speaker Greiman: "Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3083, a Bill for an Act to amend the Illinois Lottery Law. Third Reading of the Bill."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the Bill which contains the Amendment that we adopted last night and an earlier Amendment that was adopted. The... The earlier Amendment has been substantially changed by the Amendment last night to delete material that the retail merchants substantially objected to, which would have created a constructive trust for money collected by lottery agents. The substantial portion of the Bill are, first of all, the deletion of the authority of the lottery to engage in advertising denigrating the work ethic. It would require a study by the Institute of Government at the University of Illinois as to who plays the lottery, the extent to which participation in the lottery causes people to become welfare recipients, the extent to which the lottery advertising appeals to compulsive gamblers, and how advertising might be revised to avoid such an appeal and the impact of the Lottery on the work ethic. The... There is a prohibition contained in the Bill which would prevent the lottery from conducting games which are coin or token operated devices. In other words, the lottery would not be able to conduct itself with the... with slot machines. Those are the major provisions of the Bill. I'll be glad to answer any questions."

Speaker Greiman: "The Gentleman moves for passage of House Bill 3083. On that, is there any discussion? The Gentleman from Macon, Mr. Dunn."

Dunn, J.: "The Sponsor yield for a question?"

Speaker Greiman: "Indicates he will."

Dunn, J.: "There has been, in this legislation, when it came up earlier, an Amendment to take the printing of the lottery tickets out of the competitive bidding process. Is that Amendment in this Bill at this time or not?"

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Vinson: "Yes. That provision is in the Bill. What it does is require a competitive negotiation process, not a competitive bidding process, and the purpose for that is that competitive bidding, under the Printing Act, is a... often a protracted process. The attempt by the lottery is to be able quickly through a competitive process, but not through the competitive bidding process, to get the instant tickets printed as quickly as possible."

Dunn, J.: "Thank you. Mr. Speaker and Ladies and Gentlemen, to the House, I hope you heard the explanation because what this does is to remove the printing of Lottery tickets from the competitive bidding process. I don't know what a competitive negotiation process is. I have a hunch though, that I would like to stand for election to the General Assembly in a competitive negotiation process. The competitive bidding process is what we have always and traditionally used in the State of Illinois to make sure that taxpayer dollars are spent when they are spent in the best and economical manner and in the fairest... in the fairest fashion, and I think we shouldn't move away from that now. I would have to urge the Members to oppose this legislation if you believe in the free enterprise system, and if you believe that competitive bidding is the best process and if you believe that we should continue that process, you should oppose this legislation and vote 'no'."

Speaker Greiman: "Further discussion? The Gentleman from DeWitt, to close."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I will tell the chamber that there are detailed rules which the Department of Central Management Services currently utilizes in other areas, which spell out the competitive negotiation process in detail, and I think it's appropriate in those cases where there is an urgent need to

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acquire materials to get a competitive process that is shorter than the competitive bidding process. The really major matters in this Bill deal with the prohibition of slot machines for operation of the lottery, the advertising language, which we have discussed on two other occasions, and the study. I believe that each of those things are most appropriate for this Assembly to legislate on. I believe the slot machine prohibition ought to be enacted because, without it the lottery could conduct itself via slot machines. There is no current prohibition on that. I don't think there is any conceivable way with slot machine lottery... with the slot machine lottery system that you could avoid heavy play of the lottery by juveniles, and I think that that would be a frightening thing. I believe that the lottery could become far more intrusive with the slot machine process. I don't think that we want to see a situation like you got at Las Vegas International Airport where the minute you get off the plane you're confronted with a slot machine. Now, absent... This Legislature approving a prohibition like this, we may well see that at O'Hara in the very near future. I would... I believe that that's very appropriate. I think it's appropriate for us to ask a reputable organization like the Institute for Government to study what the long term effects of this lottery are. Maybe, you know, maybe the study is going to demonstrate that we are not creating a new class, an additional class, of welfare recipients. Maybe it is going to say that we are not pandering to the worst interests of the compulsive gambler in the way that we promote the lottery. I hope it will say those things. At the very least, to the extent we are, I hope, that this study might suggest how we can avoid doing that, because I don't think it's appropriate for.. role for government to create a new

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class of welfare recipients or to play on the... the worst, the greatest failings of a class of our citizens like compulsive... like compulsive gamblers. Finally, the advertising language we have debated at length. I simply believe, and I think a lot of your constituents believe, that it's inappropriate, that there are areas where the lottery could go too far in their advertising program. Currently, there are no restrictions on the lottery in advertising. This is one relatively narrow drawn restriction which will keep the lottery from suggesting that you're better off playing the lottery than engaging in real work, and I simply think that that's an appropriate thing for this Assembly to say. I would request your 'aye' vote on 3083."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Bullock 'no'. Mr. Bullock."

Bullock: "Mr. Speaker, if it... the existing vote, I wish to verify the affirmative."

Speaker Greiman: "Mr. Bullock requests a verification of the Affirmative Roll. Mr. Clerk. Alright. The Gentleman from DeWitt requests a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Bullock."

Speaker Greiman: "No. Bullock votes 'no'. DiPrima. DiPrima goes from 'no' to 'aye'. Huff. Huff votes 'no'. Mr. Piel. Mr. Piel, for what purpose do you seek recognition?"

Piel: "Leave to be verified, please."

Speaker Greiman: "Well, we'll get there in a moment. Mr. Clerk, proceed. Mr. McAuliffe 'aye'. Mr. Friedrich goes from 'no' to 'aye'. Mr. McCracken goes from 'no' to 'aye'. Mr. Clerk, proceed with the Poll of the Absentees."

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Clerk O'Brien: "Harris. Oblinger. Taylor. White. And Mr. Speaker."

Speaker Greiman: "Alright. Mr. Clerk, what is the... what is the number? Could you tell me? Alright. There are 71 'ayes'. Mr. Clerk, proceed with the poll... with the.. poll the affirmative vote."

Clerk O'Brien: "Barger. Barnes."

Speaker Greiman: "Yes, Mr. Piel asks leave to be verified. Mr. Piel, you have that. Ms. Karpel asks leave to be verified. You have leave."

Clerk O'Brien: "Berrios. Brummer. Capparelli. Churchill. Countryman. Cowlshaw."

Speaker Greiman: "Ms. Wojcik requests leave to be verified. Does... have leave? You have leave."

Clerk O'Brien: "Cullerton. Daniels. Davis. Didrickson. DiPrima. Domico. Ralph Dunn. Ewing. Farley. Flinn. Virginia Frederick."

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

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

Speaker Greiman: "Yes, Mr. Ewing requests leave to be verified. Yes, you have leave."

Clerk O'Brien: "Dwight Friedrich. Giglio."

Speaker Greiman: "Mr. Leverenz. Does Mr. Leverenz have leave, and Mr. Kulas and Mr. O'Connell? Leave to be verified. Proceed."

Clerk O'Brien: "Hallock. Hastert. Hawkinson. Hensel. Hicks. Hoffman. Homer. Johnson. Karpel. Keane. Kirkland. Koehler. Krska."

Speaker Greiman: "Mr. Hensel asks leave to be verified. Leave."

Clerk O'Brien: "Kulas. Laurino. Leverenz. Mays. McAuliffe. McCracken. McGann. McMaster. McPike. Mulcahey. Nash. Neff. O'Connell. Olson. Panayotovitch. Pangle.

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Parcells. B. Pedersen. W. Peterson. Piel. Preston.  
Pullen. Richmond. Ronan. Ropp. Ryder. Satterthwaite.  
Tate. Terzich. Topinka. Tuerk. Vinson. Vitek. Wait.  
Winchester. Wojcik. Wolf. No further."

Speaker Greiman: "Mr. Preston goes from 'aye' to 'no'. Mr.  
Marzuki, for what purpose do you seek recognition?"

Marzuki: "From 'no' to 'present'."

Speaker Greiman: "Mr. Marzuki goes from 'no' to 'present'. Mr.  
Bullock, do you have questions of the Affirmative Roll?"

Bullock: "Wait. Wait."

Speaker Greiman: "Mr. Wait is down here in the aisle."

Bullock: "Tuerk."

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

Bullock: "Satterthwaite."

Speaker Greiman: "Mr. Laurino asks leave to be verified. He's  
right here at the well. You have leave. Proceed."

Bullock: "Satterthwaite."

Speaker Greiman: "Ms. Satterthwaite. Ms. Satterthwaite is in the  
chamber? Apparently not. How is Ms. Satterthwaite..."

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

Speaker Greiman: "Remove her from the Roll."

Bullock: "Pullen."

Speaker Greiman: "Ms. Pullen. Ms. Pullen is at the rear of the  
chamber."

Bullock: "Piel."

Speaker Greiman: "Mr. Piel. Mr. Piel in the chamber? Mr. Piel  
was verified. He had asked leave to be verified."

Bullock: "W. Peterson."

Speaker Greiman: "Mr. Peterson is back in his seat."

Bullock: "B. Pedersen."

Speaker Greiman: "Mr. Pedersen is back in his seat."

Bullock: "Olson."

Speaker Greiman: "Mr. Olson, did you say? Mr. Olson is in his



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chair."

Bullock: "Nash."

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

Bullock: "Mulcahey."

Speaker Greiman: "Mr. Mulcahey is at his seat."

Bullock: "McGann."

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

Bullock: "Mautino."

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

Bullock: "Leverenz."

Speaker Greiman: "Mr. Leverenz had leave to be verified."

Bullock: "Kulas."

Speaker Greiman: "Mr. Kulas had leave to be verified."

Bullock: "Homer."

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

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

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

Bullock: "Giglio."

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

Bullock: "Flinn."

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

Bullock: "Farley."

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

Bullock: "Domico."

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

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

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

Bullock: "Hoffman."

Speaker Greiman: "Mr. Hoffman is at his seat."

Bullock: "Countryman."

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

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Bullock: "Churchill."

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

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

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

Bullock: "Brummer."

Speaker Greiman: "Mr. Brummer is in his seat or in the next seat over, anyhow."

Bullock: "Barger."

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

Bullock: "Jack Davis."

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

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

Speaker Greiman: "Remove the Gentleman from the Roll Call."

Bullock: "Hensel."

Speaker Greiman: "Mr. Hensel is at his seat, although we had verified him before. We gave him leave. Further questions?"

Bullock: "No further questions."

Speaker Greiman: "Mr. Clerk. Yes, excuse... Mr. Homer has returned to the chamber. Return him to the Roll. On this Bill, there are 66 voting 'aye', 35 voting 'no', 8 voting 'present', and this Bill, having received a... Ms. Zwick. 69 voting 'aye', 35 voting 'no', 8 voting... 8 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Alright, on the Order of Special Order - State and Local Government appears House Bill 3084, 3084. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3084, a Bill for an Act to amend Sections of the Illinois Lottery Law. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments? Mr. Clerk, you want to

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change the board? Alright. Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Greiman: "Third Reading. Now... Mr. Vinson."

Vinson: "Mr. Speaker, I would ask leave of the House to table House Bill 3084."

Speaker Greiman: "The Gentleman... You the principal Sponsor, Mr. Vinson?"

Vinson: "Yes."

Speaker Greiman: "The Gentleman asks leave to table House Bill 3084. Does the Gentleman have leave? Leave is hereby granted, and House Bill 3084 is tabled. On the Order of Special Orders - State and Local Government appears House Bill 3085. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3085, a Bill for an Act to amend the state Printing Contracts Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Floor Amendments?"

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

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

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

Speaker Greiman: "The Gentleman asks leave to withdraw Amendment #1 to House Bill 3085. Leave is hereby granted. Amendment #1 is withdrawn. Further Amendments?"

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

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

Vinson: "Yes, Mr. Speaker, the Purchasing Act currently requires that contracts for the lease or rental of electronic data processing equipment must contain a clause stating that if the same vendor provides more favorable terms for similar equipment to any similar state or local government agency, the more favorable terms shall be applicable to all agreements or contracts made by the vendor within a similar

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Illinois state or local agency. The amended language... The language in the Amendment clarifies this... that this provision has application only to contracts entered into within a contemporaneous time frame and let under the same or similar financial terms or circumstances. I would move for the adoption of Amendment #2."

Speaker Greiman: "The Gentleman has moved for adoption of Amendment #2 to House Bill 3085, and on that, is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendment?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. On Special Order... Special Order - State and Local Government appears House Bill 3092. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3092, a Bill for an Act to amend Sections of the Illinois Health Facilities Planning Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Adams, Mr. Mays."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3092 amends the Health Facilities Planning Act to extend coverage of major medical equipment and batching of certificate of need applications for two additional years. This Bill was designed to maintain compliance with federal law in these two areas. I know of no opposition to this measure, and I would move for its passage."

Speaker Greiman: "The Gentleman has moved for the passage of House Bill 3092, and on that, is there any discussion? The Gentleman from Macon, Mr. Dunn."

Dunn, J.: "Just buying a little time, Mr. Speaker, until I read

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the Digest. Okay. Thank you."

Speaker Greiman: "There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 109 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Now we'll return... We're still on the Order of State and Local Government, but we'll go back to pick up some Bills which we had passed previously. On the Order of State and Local Government - Special Order appears House Bill 1004. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1004, a Bill for an Act creating the East St. Louis Depressed Areas Land Use and Community Development Authority. Third Reading of the Bill."

Speaker Greiman: "The Lady from St. Clair, Ms. Younge."

Younge: "Thank you, Mr. Speaker. There was an objection raised in reference to whether or not the rules have been followed in reference to the posting of this... on the Order of Business."

Speaker Greiman: "Proceed on the Bill. Just proceed on the Bill."

Younge: "Alright. I ask that you approve this measure to establish the... a local development Authority in the East St. Louis area. It is badly needed in order to stimulate and promote housing development in my district. Right now there is a great deal of land that is tax delinquent and is being used in a very wasteful manner, and this authority will stimulate housing production, will stimulate jobs. It will give people places to live and help to develop a quality of environment in my district; and so, therefore, I'll ask for your approval of this matter."

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Speaker Greiman: "The Lady from St. Clair has moved for passage of House Bill 1004, and on that, is there any discussion? The Lady from Cook, Ms. Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 1004, and I just want to say, the other day we had some legislation come up that enjoyed bipartisan support... And it occurred to me in the middle of the debate about that Bill that I had seen a very similar proposal suggested by Representative Younge when I first came down to the General Assembly. At that time, the Bill had not been... received the kind of acceptance that it obviously did in this General Assembly and had not passed before but passed this time. Well, this suggestion of Representative Younge's is no more, no less, than that which has been agreed upon and suggested by every conference that we've had on economic development that is encompassed in the Prairie State Plan and the other plans which now enjoy bipartisan support. And I think Representative Younge is to be commended for her vision and forward thinking approaches to the very serious economic development issues which our state faces and so encourage your vote in favor of House Bill 1004."

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

Huff: "Thank you, Mr. Speaker. I rise, also, in support of this Bill. This is a good, innovative Bill to put land that is now lying fallow on the tax rolls. This Bill should be adopted."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 92 voting 'aye', 16 voting 'no', none voting 'present', and

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this Bill, having received a Constitutional Majority, is hereby declared passed. Continuing on the Order of State and Local Government - Special Orders is a Bill that we passed over, appears House Bill 2208, 2208. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2208, a Bill for an Act in relation to county property tax abatement occupation and use taxes. Third Reading of the Bill."

Speaker Greiman: "The Lady from St. Clair, Ms. Younge."

Younge: "Mr. Speaker and Members of the House, this Bill is to extend to the counties the authority to raise revenue to abate the property tax of the county. As the revenue increases to the point to meet the level of the revenues that the real estate property tax generates to the county, the rate shall drop from .05 to .01 to continue to generate funds to offset inflation. By abating property tax 10% each year, starting the second year, tax relief is given to the point that a piece of property with a 1,000 dollar tax bill at the end of the fourth year, the tax saving on the property will offset the sales tax paid by said property owner. Based on the Illinois Income Table, 10,000 dollar income would justify payment of 175 dollars sales tax for the year - 700 dollars for four years. The tax savings of 100 dollars the second year, 200 dollars the third year, 400 dollars the fourth year for a total of 700 dollars saved in taxes. The fifth year of 325 dollars savings over the cost of a 175 dollar sales tax. The revenue so derived of the interest from the principal of sales tax in the secured fund would completely abate the total amount of real estate taxes. In the eighth year, an increased economy could cause a sooner day of tax relief from real estate taxes. I ask for your approval of this matter. If there are any questions, I'd be glad to answer them."

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Speaker Greiman: "The Lady from St. Clair has moved for the passage of House Bill 2208, and on that, is there any discussion? The Gentleman from Kendall, Mr. Hastert."

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

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

Hastert: "Representative, does this replace the property tax?"

Younger: "After a period of seven years, the amount of interest on the investments from the sales tax would replace the real estate property tax in... in the county."

Hastert: "Is that... The interest yield then does that... What... Is that a guaranteed yield?"

Younger: "It would... The investments would be... would be like pension funds, and the interest would be used and would be invested. And as the interest builds up, there would be an abatement of the real estate property tax."

Hastert: "So they're like pension funds, but you... you have no guaranteed rate. Is that correct?"

Younger: "It would be the rate of investment at that particular time of the prime interest rate."

Hastert: "So, if... if interests go down, then it might not replace property taxes at all. Right?"

Younger: "The likelihood of interests going down past 10% is very unlikely, so the fund would... the investment would build up, and if it didn't go down, then the real estate property tax would hold at that level until there is a sufficient fund to replace and abate the real estate property taxes with the investment fund."

Hastert: "Who collects these... Who collects this money then?"

Younger: "The money would be collected by the Department of Revenue and turned over to the county treasurer."

Hastert: "What's the cost of the collection, and enforcement and administration?"

Younger: "The state would... The state would get 2% of the tax



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collected for administration."

Hastert: "Now, let's say that the county had an increase in their budget, say they had to build a jail, or they had to put more squad cars out on the road or they had to pay their good circuit clerk more money, something like this, and the cost of county government went up. How would you account for this increase in cost? Sell more bonds?"

Younger: "The increase in cost would result from a 1% sales tax over and above the amount needed to pay for current government, and as that amount would build up, there would be money for an increased cost of county government."

Hastert: "Alright. Now, this affects all counties. Is that correct?"

Younger: "It would affect any county that chooses to adopt this plan and only by referendum. The people of that county, by a majority of vote, would have to adopt this plan."

Hastert: "Do you... Are these bonds, are they tax free?"

Younger: "We're not talking about bonds. We're talking about investments as a result of a sales tax and that investment fund building up to replace real property taxes."

Hastert: "So it's a sales tax. Right?"

Younger: "It's a sales tax."

Hastert: "And it's a five... sales tax at 5%. Is that correct?"

Younger: "That's correct."

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

Speaker Greiman: "Proceed, Sir."

Hastert: "Well, Ladies and Gentlemen of the House, I think this is certainly a far - reaching Bill. I think it certainly revamps the whole way that we finance local government. All this does is create a 5% sales tax on all gross receipts, all types of financial transactions that take place in the state. Certainly, if this is the type of change and movement of tax burden that you want to make,

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you want to abate property taxes and put it on people who buy... well, household goods and these types of things, then it's certainly something to look at. But I think this is certainly far-reaching, maybe more far-reaching than we care to address in this... this Session, and I would hope, maybe, we'd have a 'no' vote on this and be able to address this at another time."

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

Homer: "Will the Sponsor yield?"

Speaker Greiman: "Indicates that she will."

Homer: "Representative Younge, it's my understanding from the Bill that... that the... the 5% sales tax would be added on only in the unincorporated areas."

Younge: "No. There is an Amendment to correct that. It would be added on on a countywide basis, and the real estate taxes would be abated on a countywide basis, so this is by referendum and would affect the whole county, both in unincorporated and incorporated, municipals, and what have you."

Homer: "So, under the Amendment then, all... all establishments within the county, whether they be in a city, home rule city or unincorporated area, would... would fall under the purview of this additional tax."

Younge: "That's correct."

Homer: "And then everyone in the county would be eligible then to vote on this tax referendum."

Younge: "That is absolutely correct."

Homer: "But your... your concept conceptualizes that... that... that the money generated from this tax each year would be put in the fund, and it would be the interest earned on that fund that would be paid out to the taxing districts."

Younge: "That is correct."

Homer: "What happens to the principal amount that's in the fund?"

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What are... What happens to that?"

Younge: "The... The principal amount in the fund would... would stay there and would continue to draw interest."

Homer: "But into perpetuity? I mean, would it continue to grow year, after year, after year?"

Younge: "It would continue to grow for a period of nine years, and after a period of nine years, then it would not be needed. After nine years, the amount of the tax would go down to 1%, and then the 1% would be for additional cost of government, but the 5% would graduate down to 1%."

Homer: "Okay. But there's no provision in this Bill as to what ultimately would happen with this money that was in the fund."

Younge: "Well, the Bill says it would be used for additional costs or expenses of government."

Homer: "The principal that's in the fund could be used?"

Younge: "No, the interest."

Homer: "The interest could, but the principal could never be used."

Younge: "And the principle would stay there in order to pay the cost of... of county government."

Homer: "Okay. Thank you."

Younge: "Right. It would generate the investment funds for government, therefore, replacing the real property tax."

Speaker Greiman: "The Gentleman from Bond, Mr. Slape."

Slape: "Thank you, Mr. Speaker and Ladies and Gentlemen. I rise in support of House Bill 2208. All the Sponsor's trying to do is she's trying to offer an alternative to county voters where they would have to have a referendum and put this tax on themselves, and all the pitfalls and everything that have kind of been called to the attention here today, you can be assured are going to be debated in the election... or in the campaign that would precede the referendum. And

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to address Representative Homer maybe a little further, what happens to the fund is, it stays there to generate interest to run government. And over a seven-year period of time, the tax would go down, and as the tax goes down, it would go down to a 1% tax that would remain on. And the intent is that that 1% added to the principal would generate enough interest to cover any growth in government or expansion in government that might have to take place on... on the county level. It's a referendum. It's not going to be imposed on the voters. The people will have a choice. In fact, they'll even have to call for the referendum. It's... They'd have to... It's a front door referendum. They'd have to call for it themselves, and they'd have to decide. As the money's generated, why, of course, property taxes would be abated to equal the amount of interest that's being generated from the principal that would be collected from the taxes. It's an innovative approach to county financing. It's... It's... All we're doing here today is we're giving the counties in the State of Illinois an opportunity to... to avail themselves of it. If they don't avail themselves of it, well then, of course, they're going to stay on the real estate taxes as they have in the past. But it's just an option. It's an opportunity, and I don't think, you know, that we should be so concerned that we don't want to give local governments an opportunity to have different approaches to finance their operations. And I'd ask for a favorable vote."

Speaker Greiman: "Further discussion? The Gentleman from Knox, Mr. Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. I would rise in opposition to this Bill. We talk about it being an option and all of that, but can you imagine the effect on your retail community if your county had a 5% tax on everything that

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had to be purchased in the county? Who would buy a car in your community anymore, if you could drive somewhere else in the state? It seems to me what this would do, when it's not uniform throughout the state, is that it would drive people into the neighboring community to buy all of their products, and it would dry up your county completely. And I think it's a bad idea."

Speaker Greiman: "The Gentlemen from St. Clair, Mr. Flinn."

Flinn: "Well, Mr... Mr. Speaker and Ladies and Gentlemen of the House, the likelihood of the county boards passing such a proposition as this, and the likelihood of the voters voting for such a proposition as this, is very remote, to say the least. But in the event they did, I would like to point out to you... I would like to point out to you that in order to earn enough money to replace the property tax, say at 10%, you would have to tax the people 10 times that much. I'm amazed that one of the previous speakers, who has St. Clair's Square in his district, who would support the Bill. The first thing we'd have to do is figure out who's going to pay for the boards to board up St. Clair's Square, a big shopping center, which we get a lot of business from Missouri. Anybody from Missouri would be an idiot to shop in St. Clair's Square at eleven and a quarter percent tax as opposed to three and a half in Missouri now. We're already at six and a quarter. It'd be eleven and a quarter percent tax. Why, even Chicago, as bad as they are, are not that bad. New York City's not that bad. No where in the world can you find a... a sales tax, a local sales tax, that high. I... I started out by telling you that I don't believe it would ever pass the county board. If it did, I would move out of the county, and I don't think the people are that dumb or they wouldn't keep sending me back up here. But I'll tell you this, if this

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thing passes, I'd be ready to move, not only out of St. Clair County, but out of the state."

Speaker Greiman: "The Gentleman from Edgar, Mr. Woodyard."

Woodyard: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Flinn: "I'll move."

Speaker Greiman: "Mr. Woodyard."

Woodyard: "Yes, will the Sponsor yield?"

Speaker Greiman: "The Sponsor indicates he'll... she'll yield for a question."

Woodyard: "Are there provisions in the... in the Bill that... In other words, would you have an across the board increase in sales tax if that were what was voted on? Right now, as you well know, we've taken, at the state level, off the sales tax on food and drugs. Are there provisions in your Bill to be able to do that kind of thing, or would it just be flat increase across the board on every... everything?"

Speaker Greiman: "Ms. Younge."

Younge: "Yes, the increase in the sales tax would only, of course, be on a countywide level only after there had been a referendum and would only be... there would only be a sales tax having to do with service, occupations and use."

Woodyard: "Okay."

Younge: "And it would only be in those three categories, only after referendum."

Speaker Greiman: "Further discussion? There being none, the question... Ms. Younge, to close."

Younge: "Yes, I think that we have a delightful opportunity here, first of all, to have Representative Monroe Flinn move out of the county, and... That... That's something we really ought to have. We ought to have Monroe Flinn moving out of our county, St. Clair County. And secondly, I think that the people in St. Clair Mall would... that shop there, generally shop there because it's open on Sunday, and it's

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open at night. And Missouri does not have that advantage, so I think that they would continue to come there. You know we've reached the place where property ownership is onerous, onerous because of the tremendous increases in property tax. We have senior citizens that can no longer carry the burden of property tax, and they're just rising and rising. This is the 'Ogney', Plan which has been put together over a period of 14 years by Mr. Harold 'Ogney' who is sitting right here next to me. And this is a Bill provided and brought forth by a citizen to help us consider to how we can transfer from real property taxation as a means of financing county government to the sales tax. I think that because of the differences in the educational funding, because of differences in the property tax, is a real reason why we ought to be seriously looking at an alternative plan, and I ask you to give this plan an opportunity to be studied further and to be... looked at by the Senate. And I ask for your approval of this matter."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Representative Vitek, to explain his vote."

Vitek: "Well, it wasn't to explain my vote. I just wanted to know if it's legal to have a lobbyist sitting next to Mrs. Younge. Did he have permission to get on the floor here? I just want to know if we're breaking the rules."

Speaker Greiman: "He... No one has sought permission. I'm not sure that he's a lobbyist, but he's... he's probably a guest of Ms. Younge. But that's probably contrary to the rules. Let's proceed."

Vitek: "Okay."

Speaker Greiman: "The Gentleman from DeWitt, Mr. Vinson, to explain his vote, one minute."

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Vinson: "Yes, thank you, Mr. Speaker. Before I decide how I'm going to vote on this, I want to know if Mr. Flinn, when he moves out of St. Clair County, would be willing to move into McPike's district and run against him as a Republican. That might get me to vote for this."

Speaker Greiman: "Mr... The Gentleman from Marion, Mr. Friedrich, to explain his vote."

Friedrich: "Mr. Speaker, with all respect to the Sponsor, I sure would hate to lose Monroe Flinn, so I'm going to have to vote 'aye'... 'no'. 'No', excuse me."

Speaker Greiman: "Further discussion?"

Friedrich: "I'm for Monroe."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 33 voting 'aye', 62 voting 'no', 9 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby... is hereby declared lost. On Special Order - State and Local Government - appears House Bill 2334. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2334, a Bill for an Act to amend an Act in relation to mental health programs and services. Second Reading of the Bill."

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

Vinson: "Mr. Speaker, my recollection is that yesterday this Bill was on Second Reading, was amended, that the Amendment changed the title of the Bill. I requested, as a result of that, that the Bill be returned to Second Reading First Legislative Day. Mr. Cullerton, who handled the Amendment, shrugged his shoulders and said, 'Okay,' and the Chair so ordered. There was no Motion to override my objection, which is well founded in the rules on that point."

Speaker Greiman: "Yes, that's correct. It is my understanding,



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however, that we published a Supplemental Calendar, and the Bill was carried on the Order of Second Reading First Legislative Day yesterday. That would have put it on that Order of Business yesterday, and we move the Bill now to... so the Bill is now on Second Reading. Yes, Mr. Vinson."

Vinson: "I believe that what the rule calls for is on the next day the Bill shall be carried on the Order of Second Reading First Legislative Day, not that day, but the next day. It's a nice try, but there's really no cigar on this one."

Speaker Greiman: "Yes, Mr. Vinson, you were seeking recognition?"

Vinson: "Yes, Mr. Speaker, to call to the Chair's attention the precise..."

Speaker Greiman: "Well, we're... we're paying this Parliamentarian a great deal of money to advise the Speaker, so let me..."

Vinson: "I think he made a mistake yesterday with the advice..."

Speaker Greiman: "There'll be a role for you, if ever you leave the Legislature, and... but let me confer with the Parliamentarian. Mr. Stuffle, were you seeking recognition? Alright. Yes, Mr. Vinson, Ladies and Gentlemen of the House, the rule in question is Rule 36(d). Mr. Vinson has suggested that it provides that the rule says it must be on the next day. That is not what the rule says. The rule says that the Bill must be returned to the Order of Second Reading First Legislative Day, and that it must provide two days on the... two days before final passage. That is precisely what has happened. It was returned to the Order of... of Second Reading First Legislative Day yesterday, placed on the Calendar. It is today on the Order of Second Reading. Mr. Vinson."

Vinson: "Mr. Speaker, it says precisely, 'must be read by title,' on two successive days, and it was not read by title

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yesterday."

Speaker Greiman: "Well, we don't read Bills on First Legislative Day. You may recall that. We just don't do that. That's not our... That's not the practice of this House to read the Bills on First Legislative Day."

Vinson: "Mr. Speaker."

Speaker Greiman: "Surely, Mr. Vinson."

Vinson: "Respectfully, I would submit that the practice should be brought in conformity with the rules, and if the rule says you got to read it by title on two successive days, whatever the practice of the House is, when somebody makes and objection dependent on the rules..."

Speaker Greiman: "Mr. Vinson. Mr. Vinson. The purpose... The purpose of the rule is to provide time and notice for Members to add additional Amendments and be familiar with the Bill. It is essentially a notice provision. The notice provisions have been complied with. The ruling of the Chair that the Bill is on the Order of House Bills Second Reading. Mr. Clerk, read the Bill. Yes, Mr. Vinson. Yes, Mr. Piel, were you seeking recognition?"

Piel: "I just want to get a clarification from the Chair, Mr. Speaker, for the future reference. What you are saying now, from now on any time it goes back..."

Speaker Greiman: "Mr..."

Piel: "Wait a minute. Let me finish, Mr. Speaker. When it goes back..."

Speaker Greiman: "Mr... Mr. Piel. Mr. Piel. I have ruled. Mr. Vinson."

Vinson: "Is this... Is this a ruling of substantial compliance like Mr. 'Whalen' suggests that the Mayor's financial disclosure that that's all the standard..."

Speaker Greiman: "It would probably have to be in another forum than this one. Mr. Clerk, read the Bill. Mr. Vinson."

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Vinson: "I do appreciate the fact that even you can't keep a straight face on this one, but I do want to reserve the right to journalize a dissent from this egregious violation of the rules."

Speaker Greiman: "That is your right, Mr. Vinson."

Vinson: "Thank you."

Speaker Greiman: "Proceed, Mr. Clerk."

Clerk O'Brien: "House Bill 2334, a Bill for an Act in relation to mental health programs and services, amending an Act named herein. Second Reading of the Bill. Amendments #1 and 3 were adopted previously."

Speaker Greiman: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Greiman: "Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill was amended yesterday, as we all know, and the Amendment became the Bill. It required the community mental health clinics or agencies in Chicago that apply for grants-in-aid from the Department of Mental Health and Developmental Disabilities that they obtain review and comment on such applications by a local community mental health board that is representative of the area to be served, and including on that board, professionals in the field of mental health, consumers of the services and representatives of the general public. It's my understanding that outside of..."

Speaker Greiman: "Mr. Cullerton. Excuse me just for a moment. If you could just withhold your remarks for a second while we develop the... the appropriate procedures. Yes. Alright. Mr. Cullerton, we're going to interrupt you so that... to give the Clerk an opportunity to read the Bill a

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third time. It had not been read. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2334, a Bill for an Act in relation to mental health programs and services, amending an Act named therein. Third Reading of the Bill."

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

Piel: "Mr. Speaker, about a month and a half ago..."

Speaker Greiman: "Mr. Piel... Ask... Mr. Piel... If... I'm asking you for what purpose you seek recognition. Is it a point of order or for what purpose?"

Piel: "I'm asking you... It is a point of order."

Speaker Greiman: "Then make your point, sir."

Piel: "About a month and a half ago, we had a supplemental appropriation, and if you will remember, in that supplemental appropriation, they came up and said that this Bill had to be read on different days. Now, what you have just done, you've just completely abused the Chair, Mr. Speaker. If you cannot handle the Chair, get the real Speaker out here so that the rules can be abided by."

Speaker Greiman: "Thank you, Mr. Piel. Mr. Piel, if you are making a point of order, then you should make it, rather than argumentative. Mr. Clerk, the Bill has been read a third time. Is that correct?"

Clerk O'Brien: "Yes, sir."

Speaker Greiman: "Mr. Cullerton."

Cullerton: "Yes, as I was saying, my understanding is that outside of Chicago there are these mental health boards that are set up to do review, the grants-in-aids request, and we just want to have the same thing for Chicago. There is such a board set up, but it's not set up pursuant to state statutes, so that's the purpose of this Bill, and I would appreciate your support."

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Speaker Greiman: "The Gentleman from Cook has moved for the passage of House Bill 2334, and on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Yes, Mr. Piel, to explain his vote."

Piel: "Question of the Chair, Mr. Speaker. How many votes does this need to pass?"

Speaker Greiman: "We'll look at the Bill."

Piel: "According to the way I would figure, it seems it was heard on Second and Third today, we need 71 to pass it today."

Speaker Greiman: "We'll look at the Bill, Mr. Piel. This Bill takes 60 votes to... to pass, Mr. Piel. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 66 voting 'aye', 47 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of State and Local Government - Special Order - appears House Bill 2740. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 27..."

Speaker Greiman: "No, Mr... Mr. Clerk. We'll just back up for a moment and take that Bill out of the record. Mr. Clerk. On the Order of House Bills, Special Order - State and Local Government, appears House Bill 2384. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2384, a Bill for an Act to amend the Private Detective and Private Security Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Lake, Mr. Matijevich."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House, Amendments 4 and 5 have become the Bill, 2384. The purpose of Amendment 5 is to clarify certain provisions of House Bill 643 enacted into law by the Legislature on November

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17, 1993 - the Private Detective and Private Security Act of 1983. Paragraph (a) of Section 5 of that House Bill provided that the Act shall not apply to officers or employees of the United States, this state or any political subdivision of either while... while in the performance of official duties within the course and scope of their employment. However, a provision of that paragraph has caused confusion in some quarters as to whether police officers are exempt from the Act under Section 5... 5(f), which by its terms applies to all persons. To eliminate this confusion created by paragraph (a), a new paragraph (g) is added, which makes it clear that secondary and casual employment by police officers is permitted. The language used in the new paragraph is the same language used in the recent court case which interpreted the paragraph (f). That case was Peoria... Peoria Police Benevolent Association versus John 'Bears', number 83-CH5116 in Peoria County. By using the same language from this court case, instead of the same language in paragraph (f), it is not, and I emphasize not, it is not the intent of this language to imply that the language in paragraph (f) is narrower than that in the new paragraph (g). The language is different because police organizations have asked that the legislation include language from the court case because that... then it would be consistent with that case. Representative Stuffle and I have worked with the police organizations. This is now an agreed Bill. The other Section of the Bill, as Representative Tate told us when he put his Bill in Interim Study, and on this Amendment 4 yesterday, is part of House Bill 3100. It is now an agreed Bill, and we appreciate your support."

Speaker Greiman: "The Gentleman from Lake has moved for passage

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of House Bill 2384, and on that, is there any discussion?  
The Gentleman from Vermilion, Mr. Stuffle."

Stuffle: "Mr. Speaker and Members, merely to echo the sentiments of Representative Matijevec, that this Bill has gone through a number of changes, and now it has clearly been applied with regard to the intent that we always had with regard to last year's Bill. And this year's Bill, I think, Representative Matijevec has clearly spelled out the intent to cover the consent decree incorporated as an order in the case in Peoria - Police Benevolent versus 'Beara' and to apply the standards currently in the statutory provisions with regard to those who are trained as law enforcement officers in the training Section of the Act. And I would ask, too, for an 'aye' vote on behalf of all the police organizations on this Bill."

Speaker Greiman: "The Gentleman from Hardin, Mr. Winchester."

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As the spokesman on the Registration and Education Committee, I would like to encourage the Members on this side of the aisle to support this piece of legislation. I think Representative Tate and Representative Matijevec have resolved some differences that occurred in Committee, and I think it's now a good Bill and urge support."

Speaker Greiman: "The Gentleman from Cook, Mr. Bullock. Mr. Bullock, no? The Gentleman from Cook... from Macon, Mr. Dunn."

Dunn, J.: "The Sponsor yield for a question?"

Speaker Greiman: "Indicates he will."

Dunn, J.: "Does this Bill, as amended, have anything to do with the sale of burglar alarms?"

Matijevec: "No. That... That's the one provision we tried to work out in 3100 with the Amway distributors. That part of

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it we couldn't work out to any satisfaction of the retail merchants, but they do not oppose this Bill at all. We couldn't work that out though."

Dunn, J.: "Okay. And... And one other question. Can you explain... or two other questions... what the changes are with regard to examinations for social worker and examinations for structural engineers?"

Matijevich: "Yes, I explained that yesterday. The two provisions, which were part of House Bill 3100, permit the Department to extend a temporary certificate of registration for nursing home administrators for up to one year. It amends the Social Worker and Structural Engineering Act to require examinations be of a character to give a fair test of qualification. Those are the provisions of Amendment 4."

Dunn, J.: "I see that. Do you know why this statutory language change? Weren't the tests fair in the past?"

Matijevich: "I don't know. Representative Tate or Representative Winchester, who worked on this Bill for the Department, I was not a part of that part of the Bill, but... but I know it's all agreed to."

Dunn, J.: "Alright."

Speaker Greiman: "Further discussion? Mr. Vinson. There being no further discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 110 voting 'yes', none voting 'no', 2 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Special Order - State and Local Government - appears House Bill 2740, 2740. Mr. Clerk, read the Bill."



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Clerk Leone: "House Bill 2740, a Bill for an Act..."

Speaker Greiman: "Page 11 on the Calendar."

Clerk Leone: "...a Bill for an Act to amend the County Home Act.  
Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Giorgi."

Giorgi: "Mr. Speaker, this House Bill 2740 is as it appears in  
the Digest. It provides that a county board may sell,  
dispose of or lease a county home built after referendum  
approval, only upon referendum approval of the voters of  
the county. It's not a complicated Bill, very easy to  
support. And I urge everybody to vote for it."

Speaker Greiman: "The Gentleman from Winnebago has moved for the  
passage of House Bill 2740, and on that, is there any  
discussion? There being none, the question is, 'Shall this  
Bill pass?' All those in favor signify by voting 'aye',  
those opposed vote 'no'. Voting is now open. Have all  
voted who wish? Have all voted who wish? Mr. Clerk, take  
the record. On this Bill, there are 113 voting 'aye', none  
voting 'no', none voting 'present'. This Bill, having  
received a Constitutional Majority, is hereby declared...  
Mr. DiPrima 'aye', so that would be 114. This Bill is  
hereby declared passed. On the Order of State and Local  
Government - Special Order - appears House Bill 2753. Mr.  
Clerk, read the Bill."

Clerk Leone: "House Bill 2753, a Bill for an Act to amend an Act  
concerning the Des Plaines and Illinois Rivers. Third  
Reading of the Bill."

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

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House,  
last year the General Assembly passed legislation to  
restore the sanitary districts' construction fund. The  
purpose of this fund is to finance construction of smaller  
projects without the issuance of bonds, thereby realizing a

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savings in interest cost. Since much of the districts' activities involve flood control, this Bill expands the use for this fund to include the construction of flood control facilities. The Bill also restores the construction working cash fund and authorizes the issuance of bonds to create the fund. It further authorizes a one-half cent annual levy which will be used to maintain the authorized level of the fund without the issuance of additional bonds after the fund is created. This legislation will make the construction fund more fully effective and will result in tax savings of approximately three and a half million dollars by eliminating short... annual short term borrowing against the year's levy, and I would appreciate your support."

Speaker Greiman: "The Gentleman from Cook has moved for passage of House Bill 2753, and on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 65 voting 'aye', 38 voting 'no', 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Cullerton... The Chair recognizes Mr. Cullerton. Mr. Cullerton moves that the Order of Business - State and Local Government Administration be continued to the Call of the Chair. Does the Gentleman have leave? Leave is hereby granted. We'll now move, Ladies and Gentlemen of the House, to the Special Order - Nursing Home Reform. On that Order of Business appears House Bill 2878, which is on page 12 of your Calendar. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2878, a Bill for an Act to amend an Act

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concerning long-term care facilities. Third Reading of the Bill."

Speaker Greiman: "The Lady from Cook, Ms. Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. House Bill 2878 is a Nursing Home Care Reform Act Amendment. It provides for the creation of a twenty-four hour hot line for complaints of nursing home violations and abuse. It mandates public education programs in using that toll free hot line. It requires facilities to develop emergency plans for weather emergencies. It imposes fines up to 10,000 dollars for convictions of life or health threatening violations. It clarifies the responsibilities and opportunities of the Attorney General and the state's attorneys to go after homes that are not up to standard, and it provides strong public access to information about nursing home violations and charges. It implements recommendations from the Illinois Department of Public Aid to streamline the enforcement and inspectional system. As everybody in this House remembers, in 1979, the major Nursing Home Reform Act was adopted. We've now had almost five years of experience with that Act, the tangles, the red tape, the obstructions. We now have a better understanding of, and this... this Bill, House Bill 2878, is an attempt to streamline those proposals, streamline that enforcement, so that we can do a better, more effective, job of enforcing the standards that protect our most vulnerable citizens. The Bill is the result of a good deal of hard work and effort among provider groups, citizen organizations, good government groups, the departments of Public Health, the Cook County State's Attorney's Office, the Attorney General's Office. I'm happy to answer any questions, and I would much appreciate your support."

Speaker Greiman: "The Lady from Cook has moved for the passage of

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House Bill 2878, and on that, is there any discussion? The Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen, I rise in support of House Bill 2878. This Bill is the product of negotiations which have lasted close to one year, negotiations between representatives of the nursing home industry and representatives of organizations which represent patients in those nursing homes. In our judgment, this Bill and the changes embodied in this Bill will permit the Illinois Department of Public Health, the Attorney General of the State of Illinois and the various state's attorneys to move with dispatch where there are suspected violations of this regulatory law. Many times in the past, we have been told that violations of the law could have been avoided and that disastrous situations, such as the deaths which occurred in the nursing home in Chicago last summer, could have been avoided if there would be changes in the basic regulatory scheme of this law. Those changes are in this Bill. Those changes are supported by all of the organizations which serve as watchdog agencies over nursing homes operating in this state. At the same time, the Bill is supported by representatives of the industry itself, so that it is a very good compromise. It's a very good agreement. This will move in tandem with my support for increase in the amount of money supplied through the reimbursement formula to the nursing homes... nursing homes operating in the state. I would recommend an 'aye' vote."

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

Bullock: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of House Bill 2878 both as a Joint Sponsor and one who believes that this legislation, with Amendment #1, has significantly set the

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course for some rational discussion and hoped for resolution of the problem in Illinois. Let me just touch for a moment on a critical subject encompassed in this Bill. In this Bill, we address the subject of reimbursement. We understand, and I'm certain those of you who support this legislation understand, that the industry is unable to provide the levels of care and provide the level of compassion necessary with that care if inadequate funding and reimbursement is necessary. This legislation will allow some cost recovery for both support services and nursing care. The industry has looked at the Amendment and the Bill and supports both of those recommendations. I want to say at the outset that we should pay a tremendous amount of gratitude to the Speaker of this House, who has worked long hours in negotiation in fashioning the legislation. It should have bipartisan support. It certainly has bipartisan support at the Executive Branch levels. It's a good piece of legislation. It addresses a critical problem, and I think that we are... taking a step in the right direction and well on our way to resolving the crisis of care in Illinois in our long-term care facilities. And I'd urge an 'aye' vote."

Speaker Greiman: "The Lady from DuPage, Ms. Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise, as a Cosponsor of this legislation, to urge a 'yes' vote. The negotiations that have finally produced what is presently known as House Bill 2878 have been going on for nearly a year and a half. I believe that what we now have before us is a fair and equitable proposal that would be in the best interest of good government. That is, it does not impose any burdens upon those persons who operate good nursing homes in Illinois. In fact, it may even relieve some of those providers of health care

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services with some of the somewhat petty provisions that they have had to abide by through reporting procedures and so on with the Department of Public Health in the past. On... On the contrary, however, what the legislation does is that it makes it a very firm provision of this state that those providers of health care services in Illinois nursing homes who do not provide quality care, who abuse or who neglect one of the most, perhaps one of the most poorly able to... to protect themselves, those people who are not only old but frail, it does, in fact, make that kind of violation something that this state takes a very firm position against. That is a position in which I am sure all of you can join. I urge a 'yes' vote. Thank you."

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

Vinson: "Yes, Mr. Speaker, who is the Sponsor?"

Speaker Greiman: "The principal Sponsor of this is Representatives Madigan and Representative Currie."

Vinson: "Yes, would the Sponsor yield for... for questions?"

Speaker Greiman: "Yes, Ms. Currie, will you take the question? Yes. Proceed, Mr. Vinson."

Vinson: "Representative, this is a heavy and lengthy Amendment which I don't believe has received a great deal of review by the Members of this chamber at this point, and there are two or three problems that I would like to have clarified. In regard to conditional licenses, does this Bill provide for the issuance by the Department of conditional licenses?"

Currie: "Yes, it does, Representative."

Vinson: "Now, it's my recollection that a conditionally licensed home is not eligible for Medicaid reimbursement. Is that correct?"

Currie: "My understanding, Representative Vinson, is that if a home has had a full license and then is demoted, as it

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were, to a conditional license that would place Medicaid funds in jeopardy. The present statute provides for conditional licensure. If we've made a change in the conditional licensure provisions through House Bill 2878, it is to give the Department an opportunity to offer the conditional license more quickly. But even... even to the extent that Medicaid funds are at issue, in the question of conditional licensure, they are not denied the facility until there is actual decertification."

Vinson: "Until there's actual what?"

Currie: "Decertification, until the license is lifted. That's true under the provisions of House Bill 2878, as it is under the present Nursing Home Care Reform Act, and, in fact, I believe that's a federal requirement."

Vinson: "Okay. The current system for a public health inspector determining the facility's compliance with public health law, under that system, the inspector serves, if he discovers a violation, he serves notice of that violation. He writes a ticket to the... to the facility operator. Is that correct?"

Currie: "That... That's right, Representative."

Vinson: "Now, some versions of this Bill, at one point or another, would have the inspector simply provide a report to the Director of Public Health. Is that in this, or are we still in the... writing the ticket mode?"

Currie: "The Director of the Department of Public Health makes the decision under the provisions of this Bill. That... That decision can, of course, be delegated, but it is the Director that is... that is charged with responsibility to make the decision that a violation has occurred."

Vinson: "That a violation has occurred. Okay, now, where in this process does the operator have the right to present evidence that no violation has occurred?"

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Currie: "Before... Before the... the violation determination has been made by the Department and also on any kind of appeal that that facility owner or operator might choose to file."

Vinson: "Okay, now let me get this straight. The Director makes a decision that the facility has violated the law, and then after the Director makes that determination, is that when the facility has the right to a hearing where they can produce evidence that they are not in violation?"

Currie: "Yes. We did not change the... the process requirements with respect to the facility's opportunity to come in and appeal. It is our hope that changes in the handling, particularly of C violations, would make the occasions under which a facility might choose to appeal a violation notice from the Department would be many fewer. The point of the Bill is to try to streamline the Department's procedures so that the Department can focus its enforcement efforts against the facilities in which there are life or health threatening violations going on."

Vinson: "Okay. Now, in the situation where the Director's made a decision that a facility is in violation of the law, and the facility has chosen to exercise its due process rights to prove that it is not in violation of the law, who then determines whether the facility actually is in violation of the law?"

Currie: "The same procedures as apply under the present Nursing Home Care Reform Act. There is a provision for a... a request for a hearing, a hearing officer appointed by the Department of Public Health, evidence taken and so forth. We do not change the... the right to a hearing or the procedures under which the hearing happens."

Vinson: "The Director appoints a hearing officer?"

Currie: "If that's the present procedure, then that's the procedure in this Bill. There is a hearing... I know that



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there are frequently hearing officers appointed. I'm not certain whether it's the Department Director or somebody else who appoints that person, but we didn't change that."

Vinson: "But you have changed that procedure as to who determines whether the facility is in violation initially?"

Currie: "We have clarified that it is the Director of the Department who makes the determination that a violation notice is, in effect, made against the facility. Indeed, that's right, but we have not changed the hearing process. As I say, it is the handling of A, B and C violations that we think we have streamlined so as to encourage the Department to focus its efforts on homes that are causing real problems for the elderly and the disabled who live in nursing homes in the State of Illinois."

Vinson: "Thank you, Representative. Mr. Speaker, to the Bill."

Speaker Greiman: "Proceed, Sir."

Vinson: "This version of this longstanding effort in the nursing home area that you now have before you, Ladies and Gentlemen of the House, is certainly superior to past versions that we have seen. One way in which it is infinitely superior is that it does recognize the reality that if there is inadequate state reimbursement for nursing home patients, then there can be no way in which you can have an adequate level of care. In that respect, the Bill is infinitely superior. I am not positive, and I... and I would not hold the Sponsors of the Bill in any way accountable for this, I'm not sure that this is the... precisely the proper mix of reimbursement structure that we ought adopt in the final formulation to deal with this problem. There may be preferable ways of dealing with the reimbursement matter. This House has adopted, on other legislation, these kinds of nursing home reimbursement elements though, and the Sponsors ought not be held

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accountable for choosing to include these particular ones in the package. They may be the right ones. They may not be. We're nowhere near the end of this process though. For those reasons, I would not urge the Assembly to vote 'no' on this Bill today. We are in a position where we are working through a complex process, and it would be a mistake probably to vote 'no' on the Bill and to stop that process at this stage. I would suggest that Members who are concerned about the proper structure of reimbursement, Members who are concerned about whether there is adequate due process in the system, Members who are concerned that about the process for identifying violations, as to whether that is an effective way to deal with the problem, I would suggest that they vote 'present' on this Bill at this time just to indicate to the Sponsors that we're a long way from a final solution to this problem, but that the Sponsors are to be commended in some sense for beginning to understand the need to link reimbursement to reform."

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

Bowman: "Will the Lady yield for a question?"

Speaker Greiman: "Indicates she will."

Bowman: "Representative Currie, what is the intent of the Amendment to the Criminal Code found in new Section 12-19 on page one with respect to possible findings of abuse or neglect by physicians and nurses?"

Currie: "The Criminal Code language in no way exempts automatically medical professionals. What it does suggest is that a standard for a nurse or a doctor treating a... a patient in a nursing home is the general professional practice in community care standard that applies generally. For example, if a doctor wants to do some kinds of tests that require a resident to go without water from midnight to 8 a.m. that cannot be used as evidence of medical... of

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patient abuse in the event that the test was, in fact, indicated and the procedure required that kind of abstention from water."

Bowman: "Thank you, Representative Currie. Mr. Speaker, briefly to the Bill. I think the outstanding feature of this particular legislation is that it is a balanced approach. In the past, we have legislated either reform without reimbursement modifications or we have legislated reimbursement modifications without substantive reform. This particular piece of legislation combines substantive reform with reimbursement modifications. It is a balanced approach that recognizes all interests and, above all, protects our most vulnerable citizens. I urge approval by this chamber."

Speaker Greiman: "Further discussion? Ms. Wojcik, the Lady from DuPage."

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

Speaker Greiman: "Indicates that she will."

Wojcik: "Yes, Representative Currie, do I understand that House Bill 2978 provides for, in essence, automatic renewal of physical plant waivers, as long as the conditions in that part of the facility have not substantially deteriorated or the use of that part of the facility has not been completely changed?"

Currie: "Representative Wojcik, I wouldn't describe it as an automatic waiver program per se. Every application is evaluated with respect to its particular facts. The language in the Bill provides that... that the... the waiver can be renewed unless there is substantial deterioration or unless there is substantial rehabilitation or restoration, the effect of which would be to suggest that the... that the reason for the... the original reason

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for the waiver should no longer... no longer be... be present. In addition... In addition, if the Department has reconsidered a standard under which a waiver was initially granted, obviously, the reconsideration of that standard, the rewrite of the standard, might make... put the waiver in a separate situation. But basically you're right. The intent here is to say that a waiver can be renewed unless there is either substantial restoration, making the rationale for the waiver, that is, the lack of ability to spend a lot of money to fix a particular physical problem, unless that happens, or unless there is substantial deterioration in the physical piece of the plant that was the reason for granting the waiver in the first place."

Wojcik: "Thank you."

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

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

Speaker Greiman: "The Gentleman from St. Clair has moved the previous question be put. All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Alright. All in favor the previous question being put vote 'aye', those opposed vote 'no'. Mr. Clerk, take the Roll. On this Motion, there are 65 voting 'aye', 43 voting 'no', 1 voting 'present', and the Motion to close debate fails. Further debate? The Lady from DuPage, Ms. Karpziel."

Karpziel: "Thank you, Mr. Speaker. Will the Sponsor yield for some questions please? Representative, in... in talking to some of the nursing home operators, they were very concerned about the penalties Section of this original legislation, that the case of a minor offense they would be charged five dollars a day from the day the offense was discovered, and that could be something as small as not having a light bulb working or some very minor, minor kinds

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of things, and they would be being charged 500 dollars a day. And the larger violations, it was I think 1,000 dollars a day. Could you tell me now in the Amendment what the penalty Section includes? Is it the same or has that been changed?"

Currie: "As I said earlier, Representative Karpziel, we are anxious in this Bill to try to deemphasize the minor violations that do not directly threaten individual life, health and safety. C violations still can be, under the provisions of this Bill, subject to fines, but only if the operator fails to file a plan of corrections, or fails to follow a plan of correction or if the violation relates to some other kind of problem, an A violation, or a B violation or if the violation is repeated any number of times. So there isn't... it isn't a simple 'yes' or 'no', but generally speaking, it is our expectation that minor violations, dust under the bed, what have you, will not be subject to penalty provisions of 500 dollars a day on any kind of automatic or even likely basis. Only if the... if the facility fails to file a plan of correction or fails to implement a plan of correction once offered and so forth and so on."

Karpziel: "Well, if, for instance, on the day that an investigator comes to investigate a home and one of the light bulbs is out, in order to avoid a 500 dollar fine, does that operator have to file a plan of action to... just to put in a light bulb?"

Currie: "First of all, the Director would have to determine that there is a violation. It may well be that the facility could correct the violation before it were even cited. In the example you offer, clearly, if the facility were to go ahead and change the light bulb, the chances of any kind of fine under the provisions of House Bill 2878 would be about

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zero."

Karpiel: "Okay. Well, thank you. To the Bill."

Speaker Greiman: "Proceed."

Karpiel: "You know, the Bill is so complex that I haven't had a chance to read it, as I don't suppose many of us have, the Amendment on it. But I really think that this whole area of penalties and fines, when I'm talking about changing a light bulb, I'm not making that up. That's actually happened. I had an... Also, I had a home that was having their driveway blacktopped and their parking lot blacktopped on the day an investigator came, and they got a violation for not having the... the handicapped symbol painted on the parking lot. Well, obviously, the... the blacktopping people were there that day, and that person got fined or got cited. Under this Bill, if those kind of fines are still in place, and in order to avoid those kind of fines, they have to be filing a lot of paper work..."

Currie: "No."

Karpiel: "No, she's saying. Okay. Well, I certainly hope that that is cleared up, because I think this Bill is going to pass, and if that's the case, then I don't have any objection to that."

Speaker Greiman: "The Gentlemen from Livingston, Mr. Ewing."

Ewing: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Greiman: "Indicates she will."

Ewing: "Yes. Representative Currie, there's some things we'd like to be sure are clarified for the record in regard to this Bill, because it is very complicated and very involved. So I'd like to ask you the following question. Would the... And this is about minor C deficiencies and intermediate B violations and how they'll be treated. Am I correct in stating that it is your intent that C

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deficiencies will only be fined if there are 10 or more uncorrected ones?"

Currie: "I think that it's a similar question to the one Representative Karpiel just raised. Generally, C violations are unlikely to be fined, but can be. They can be if the operator of the facility decides not to file a plan of corrections, decides not to, as in Representative Karpiel's example, change the light bulb, or if having filed a plan of corrections, the facility decides to ignore it. I think the important point here is that there is no automatic fining under C violations that the facility cannot avoid if the facility, indeed, is prepared to change the light bulb or move on with respect to the blacktopping or what have you. The plan of corrections is very much in place, and the intent of the Bill, as I think I said earlier, is to make sure that the Department doesn't spend its time and energies on those violations which do not affect the life, the health, the safety of the resident. That's why the C violations are treated differently under House Bill 2878 than they are presently. It's just important for the record to make it clear that the fact that a fine is unlikely to be applied in the event of C violation doesn't mean it never can. A deliberate flouting of the plan of corrections, and the same thing, of course, is true with B violations. It is certainly not our intent to say that we're not going to catch up with somebody who is involved in health threatening conditions. What we're requiring of the facilities is the plan of corrections and implementation of that plan on a time schedule agreed to between the Department of Public Health and that facility, and very heavy fining in the event that the... the facility doesn't make the grade."

Ewing: "Thank you, Representative. I hope that doesn't cloud the

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answer with all the language, but... And one other thing, that B deficiencies will only be fined, I'm taking it then, if they are uncorrected according to the plan of correction that the home would file and that would be approved by the the Illinois Department of Public Health."

Currie: "Same answer. The problem, Representative Ewing, is that it is a complex Bill. In fact, the same provisions... That is if the facility doesn't offer a plan of corrections, it doesn't file a plan..."

Ewing: "No, but I... The question, Representative, was if they did, if a plan is corrected..."

Currie: "If they do, if they meet that obligation, under the present language of House Bill 2878, there is not a fine."

Ewing: "Yes, what law school did you go to?"

Currie: "I'm not, thank goodness, a lawyer."

Speaker Greiman: "Further discussion? The Lady from Cook, Ms. Topinka."

Topinka: "Yes, if I may ask the Sponsor some questions, Mr. Speaker."

Speaker Greiman: "Proceed."

Topinka: "I think you've got a pretty good start on this Bill. I know you've put in a lot of hard work. I do have some questions just to double check. You are going to be targeting homes, excuse me, that are suspect here, as far as abuse or neglect. There will be more visits. They will be more frequent. We're not going to see you at good homes because of this Bill. I mean, not you, but IDPH."

Currie: "No, there isn't... There is, Representative Topinka, a requirement that all facilities be inspected on a kind of annual schedule. We're not changing that provision. What we hope is that the targeting of the A, B and C violations will enable the Department, when it's finding homes in violation, to go after the places where the violations are



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serious. But we do not, under this Bill, change the schedule, the regular schedule, of inspection and enforcement that the Department presently has to comply with under the terms of the 1979 Act."

Topinka: "So, therefore, you're just hoping that IDPH..."

Currie: "Well, we think... we think by virtue of the changes with respect to the handling of B's and C's, the centralizing of the notice of violation in the hands of the Director of the Department, we hope that that will enable the Department to go after violations that are real and are life and health threatening, rather than spend the same energy on a dust ball in the corner, under the bed, at the furthest end of the second floor."

Topinka: "But more or less you're still leaving that up to the discretion and to the brightness of the IDPH."

Currie: "We are still requiring the Department to inspect homes on the schedule that is presently set out in the statutes. We... We would be very surprised to discover that the Department, with the opportunity to focus its energies on violations that are real and meaningful, would instead decide to focus its energies on the things that are not."

Topinka: "Yeah, well, I would hope that that would be the case. Now, are you increasing fines and penalties for abuse and neglect in this Bill?"

Currie: "We have established clear criminal penalties for abuse and neglect, Class 3, Felony 4, abuse Class 4 for neglect, and there also is a potential business offense against the owner or the operator of the facility in the event that gross neglect against the owner - operator is proved or a petty offense in the event that simple neglect is proved."

Topinka: "Okay. To the Bill. I think it's a pretty good idea as to what we're doing here now. I'm also happy to see that the Illinois Department of Public Health is now holding

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hearings. There were four scheduled in the State of Illinois to kind of look at some of the C violations which, going back to Representative Karpziel's suggestion here, might not be a bad idea, because some awfully petty things have been coming up, and I think those have to be looked at because it can become a point of harrassment as well. And I'm hoping that the object of this particular Bill, nor any other nursing home Bill, is not to put the good homes out of business, but to go after the bad ones. And on that basis, I'd recommend an 'aye' vote."

Speaker Greiman: "The Gentleman from McHenry, Mr. Klemm."

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

Speaker Greiman: "Indicates that she will."

Klemm: "Just a couple of short questions, Representative Currie. I thought the A, B, C classification is out of the Bill actually. Is that still in there for the violations?"

Currie: "The Amendment that we adopted yesterday reestablishes the A, B and C violations."

Klemm: "Okay. One other point, following through with Representative Karpziel's question, you had said that minor violations such as light bulbs and things such as that could possibly be corrected right at the spot and would not then constitute a violation. For perhaps legislative intent then, let me ask the question that if these are relatively minor violations, and if the facility were to take immediate action or to set to cause immediate remedial corrections of the violations, would they then be not included as a violation?"

Currie: "Certainly it's legislative intent that if an inspector is in a nursing home and finds a light bulb out and the... the facility immediately changes the light bulb, it would certainly be the legislative intent that the Director never

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find a violation in that facility at all."

Klemm: "But... But it would be written up as a violation?"

Currie: "No. I would think that it would be in the surveyor's report to the central office to the Director of the Department, but I cannot imagine, or I would be very surprised if the Director of the Department would decide to cite that facility for that particular violation."

Klemm: "Alright. So then you're saying that, yes, all these violations we're talking about, that Representative Karpziel has mentioned and others, yes, they would indeed be reported. They would be sent to the Director. The home would still have those 10 days, I guess it is, to respond, or whatever it is, and he probably will not cite those, but he could very well."

Currie: "I can't imagine... I mean, it certainly is my intent, and I would think that of the General Assembly, that in the circumstance you described, the facility is never cited, is never found in violation because of a light bulb that had burned out and was instantly replaced while the inspector was standing there right in the facility."

Klemm: "Alright. Well, then it's a little different than the impression I... I received when you explained it to Representative Karpziel, but I do appreciate that."

Speaker Greiman: "The Gentleman from Kendall, Mr. Hastert."

Hastert: "Would the Sponsor yield?"

Speaker Greiman: "She will yield for a question. Proceed."

Hastert: "Representative, in this Bill are there provisions of the individual thermostats in each room still in that Bill?"

Currie: "It is... It doesn't talk about... about the thermostat, but there is a general air flow temperature, humidity responsibility on the part... standard for the facility to... to respond to."

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Hastert: "And is that individually controllable by room by room or overall?"

Currie: "The Department will be able, under this language, to write standards. The point is to say that... that the facility has some responsibility for extremes of temperature and particularly for those medically at risk."

Hastert: "But you don't... lay out in this Bill precisely how it's going to be done? You're leaving that up to Rules and Regs."

Currie: "That's right. That's right."

Hastert: "And then, does this go along with some of the recommendations of the Legislative Investigative Commission?"

Currie: "With respect to reimbursement, which was one of the issues of the Legislative Investigating Commission, there is, I think, as several other of the speakers have mentioned, a reimbursement provision in the Bill."

Hastert: "Thank you."

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

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

Speaker Greiman: "It appears that it's not necessary. The Lady from Cook, will you be closing, Ms. Currie, or the Speaker? Mr. Speaker. The Gentleman from Cook, Mr. Madigan to close."

Madigan: "Mr. Speaker, Ladies and Gentlemen, to close, once again, this is the product of negotiations which lasted over a year. The Bill is supported by those who represent patients in nursing homes and by the representatives of the industry. It is being offered in conjunction with support for increase in the... reimbursement formula for nursing homes. I think it's a very good settlement, a very good agreement, and I would again recommend your 'aye' vote. Thank you, Mr. Speaker."

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Speaker Greiman: "The question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 90 voting 'aye', none voting 'no', 20 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Mays, it's a bit late. We will now go to the Order... Special Order - Education. Mr. Clerk, on that Order appears House Bill 3110. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3110, a Bill for an Act to amend an Act in relationship to the regulation of businesses and vocational schools. Third Reading of the Bill."

Speaker Greiman: "Mr... Mr. Speaker. And on that Bill, the Gentleman from Cook, Mr. Madigan."

Madigan: "Mr. Speaker, House Bill 3110 is an outgrowth of an expose in Chicago which documented that certain trade schools in Chicago have engaged in certain abuses relative to taking fees from students and never delivering the services which were the subject of the contract with the students. This was well documented by Channel 2 television in Chicago. In short, these trade schools were violating the spirit of the law but not the exact language of the law, and this Bill would provide for changes in that regulatory statute that would close the loopholes which have permitted certain abuse in the trade schools in Chicago. Again, I would recommend an 'aye' vote."

Speaker Greiman: "The Gentleman from Cook has moved for the passage of House Bill 3110, and on that, is there discussion? The Gentleman from Macon, Mr. Dunn. No? The Lady from DuPage, Ms. Nelson."

Nelson: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

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Speaker Greiman: "Indicates he'll yield for a question."

Nelson: "Mr. Speaker, I read a published report that, perhaps, part of what the deal was for passage of House Bill 3110 was that proprietary schools in Chicago might then be eligible for scholarship money. Is that a part of your plan?"

Madigan: "No."

Nelson: "Thank you."

Madigan: "Thank you."

Speaker McPike: "Representative McPike is in the Chair. Further discussion?"

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

Speaker McPike: "Proceed."

Nelson: "I believe that this is a very good piece of legislation, and I also support it. There were abuses up until this point, and I think that this will help curb some of those. The students, who attend these schools, are in need of jobs, are those people in our society who are not always college-bound students, and for schools to publish ads in the paper, as some of them do, suggesting that by attending and paying exorbitant amounts of money for trade school training and to be practically guaranteed a job when they have no intention of doing so is clearly wrong. And I think that this Bill speaks to that problem and will help curb some of the most atrocious abuses. Thank you."

Speaker McPike: "Further discussion? Being none, the Gentleman from Cook, Speaker Madigan, to close."

Madigan: "Mr. Speaker, the Bill has been well debated. Again, I would recommend an 'aye' vote."

Speaker McPike: "The Gentleman has moved for passage of House Bill 3110. The question is, 'Shall House Bill 3110 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish?"

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The Clerk will take the record. On this Bill, there are 113 'ayes', no 'nays', none voting 'present'. House Bill 3110, having received a Constitutional Majority, is hereby declared passed. House Bill 3165, Representative Braun. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3165, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker McPike: "Page 14 of the Calendar. The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker. With leave, I'd like to bring this Bill back to Second for purposes of an Amendment."

Speaker McPike: "The Lady asks leave to return House Bill 3165 to Second Reading for purposes of an Amendment. Are there any objections? Hearing none, leave is granted. Second Reading."

Clerk Leone: "Amendment #1, Braun, amends House Bill 3165..."

Speaker McPike: "Representative Braun, Amendment #1."

Braun: "Thank you, Mr. Speaker. Amendment #1 becomes the Bill essentially. It... It restates the technical clarification that this Bill is, and I move for its adoption."

Speaker McPike: "The Lady moves for the adoption of Amendment #1. On that, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, could you tell us what the need for the Amendment was?"

Braun: "Essentially, Representative, the Amendment clarifies the language, is a further clarification of the language which this Bill is. This Bill, itself, is a clarification of a legal error in drafting of the legislation which passed last year."

Cullerton: "Did the same people who drafted the Bill improperly last year draft the Bill improperly this year?"

Braun: "Representative, this... this... Yes is the answer, and

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this Amendment... this Amendment has not only been drafted by someone else from what I understand, but has been checked with all parties..."

Cullerton: "Well, I just want... I just want you to know that our staff helped draft this Amendment, and they do not work for Lincoln, Isham and Beale."

Braun: "Isham, Lincoln and Beale."

Cullerton: "Isham, Lincoln and Beale. They're not being paid the outrageous fees, I sure, that those lawyers..."

Braun: "Representative, I think, as both of us, as members of the legal profession, could look with envy at some of the... some of the fees that have been involved with the drafting of this legislation."

Cullerton: "But this one is finally... They finally got it right."

Braun: "This is it."

Cullerton: "Fine."

Speaker McPike: "Further discussion? The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. The previous speakers are both correct. I believe this is right, and I stand in support of Amendment #1."

Speaker McPike: "The Gentleman from Macon, Representative Dunn. Representative John Dunn."

Dunn, J.: "Does this Bill and proposed Amendment apply only to the City of Chicago?"

Braun: "Yes, Sir."

Dunn, J.: "Thank you."

Speaker McPike: "The Lady from Chicago, from Cook, Representative Braun, to close."

Braun: "I move the adoption of Amendment #1."

Speaker McPike: "The Lady moves for adoption of Amendment #1. The question is, 'Shall Amendment #1 be adopted?' All



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those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Hoffman, amends House Bill 3165..."

Speaker McPike: "Representative Hoffman, Amendment #2."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 extends the oversight powers of the Chicago School Finance Authority for an additional three years, and I move for the adoption of this Amendment."

Speaker McPike: "Gentleman moves for the adoption of Amendment #2. And on that, the Gentleman from Cook, Representative Levin."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to Amendment #2. There was a Bill that was presented in the Elementary and Secondary Education Committee to accomplish this objective; and, after a full and thorough debate, that Bill was defeated. There are a number of reasons for that, one of which is there was a feeling in Committee that there was no useful purpose served by the continuation of the School Finance Authority. It has not saved money. It has not provided scrutiny that was... otherwise be there. And more importantly, it has had the affect of prolonging school strikes in Chicago. The School Finance Authority has taken the position that they will not allow multi-year labor contracts, labor contracts like those existing with every other school district in the state. The affect of this, last year, was to prolong the strike, and we are told that the School Finance Authority is going to continue this policy if they're allowed to continue to exist. Moreover, the Bill that is currently before us, the underlying Bill, many of

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us feel is really not necessary; that, as somebody who voted for the 50 percent increase last year, it was certainly my intention, and some of you voted for it and I didn't like casting a vote for it - it was a hard vote - but that it be a permanent increase. The School Finance Authority disagreed and thought that there were technical problems with the Bill we passed last year; but, when requested on numerous occasions to provide a formal legal opinion setting forth why the legislation we passed last year was unnecessary, they have failed and refused to do that to this day. I know the un... the Chicago Teachers' Union is opposed to the extension of the School Finance Authority. It was thoroughly debated in Committee and; moreover, the legisla... the current law provides that if balanced budgets do not continue, the School Finance Authority will, in fact, come back into existence. And, moreover, even if it doesn't, the Authority will continue to exist for purposes of being able to approve budgets. It will simply lose some of the bureaucracy it currently has. I urge a... the defeat of Amendment #2."

Speaker McPike: "Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I also rise in opposition to this Amendment. As the previous speaker stated, this was thoroughly debated in Committee and was rejected there. It is totally unnecessary, because the language of the current authorization for this Chicago Authority allows for an automatic kick in of the Authority again if there is not a balanced budget presented by the Chicago School Board. I liken it to the situation of an overzealous parent who does not want to let the... cut the apron strings and allow the teenager some independence from the parent. And I would suggest that the parent in this

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case will still be able to step in if the teenager does not act responsibly. And so, I would suggest that a 'no' vote is appropriate on this Amendment."

Speaker McPike: "The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Amendment #2. I appreciate the efforts of my colleagues to kill us with kindness on this issue, but the fact of the matter is that the Finance Authority has an opportunity to participate in the budget process; and, insofar as this mistake cleanup is necessary, I believe that this is an appropriate Amendment to be done on this Bill at this time. So, I encourage an 'aye' vote for Amendment #2."

Speaker McPike: "Lady from DuPage, Representative Nelson."

Nelson: "Thank you... Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I also rise in support of Amendment #2 which is totally appropriate to this Bill. I am in disagreement with a previous Representative's analysis of what happened in Committee, which happened for partisan reasons, and the Bill, at that time, was defeated on a straight partisan vote. This Bill, which we are at the present time debating, House Bill 3165, is the result of bipartisan negotiation, and there is very good reason to keep the Chicago School Finance Authority with its present powers. We are not talking about a teenager here. We are talking about the Chicago Board of Education which, for the '84-'85 school year, is still estimating a deficit of 171 million dollars. For those who oppose this Amendment to say that the Chicago School Finance Authority will kick back in, reveals an ignorance of how long that would take. It would take at least two years for the Authority to be reinstated if it loses its powers when... if that were to happen. Therefore, I would urge all Members of the House

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to vote 'yes' on Amendment #2."

Speaker McPike: "The Gentleman from DuPage, Representative Hoffman, to close."

Hoffman: "I think the wisdom of this Amendment has been amply illustrated by the two previous speakers, and I move for the adoption of Amendment #2."

Speaker McPike: "Gentleman moves for the adoption of Amendment #2. The question is, 'Shall Amendment #2 be adopted?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment there are 96 'ayes', 5 'nos', 1 voting 'present'. The Amendment's adopted. Further Amendments?"

Clerk Leone: "Amendment #3, Hoffman, amends House Bill..."

Speaker McPike: "Representative Hoffman, Amendment #3."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is an Amendment which just clarifies that for the '84/'85 school year only, that the Chicago Board of Education shall not have any more budgeted positions paid for from its Education Fund that are budgeted for the current school year. The purpose for this, of course, is to give assistance to the Chicago Board of Education in maintaining their budget personnel levels. We know the financial difficulty that they face, and it's important that we give the General Assembly and the public, as well, the security of knowing that we want to address their problems. We want to help them solve their problem. We want the school to open in September, and this kind of a... of a... sending this kind of a positive message will be helpful in allowing us to do that. And I move for the adoption of Amendment #3."

Speaker McPike: "Gentleman moves for the adoption of Amendment #3. And on that, the Gentleman from Cook, Representative

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Cullerton. Representative Greiman in the Chair."

Cullerton: "Will the Sponsor yield? Representative Hoffman, are there any other school districts that have this positive signal sent to them?"

Hoffman: "There are no other school districts in this particular situation."

Cullerton: "I see. And basically then you're kind of saying they could do this on their own, but we want to send them a message."

Hoffman: "Well, rest assured that this is given in their best interest."

Cullerton: "This is designed to save money, this Amendment?"

Hoffman: "It's designed not only to be helpful in that direction, but it's also designed to make it possible to secure the kind of support that's found in the basic Bill."

Cullerton: "I think it's a good concept and... if it works in this area, and perhaps we could expand it to other areas of government."

Speaker Greiman: "Further discussion? Lady from Cook, Ms. Braun."

Braun: "Thank you. Thank you, Mr. Speaker. I think the discussion has been adequate on this, but I just wanted to add that I support the Amendment. I believe that it is a show of the intention of the School Board to be fiscally responsible in dealing with the finances of the Chicago public schools, and I encourage your support of the Amendment."

Speaker Greiman: "Further discussion? Mr. Hoffman, to close."

Hoffman: "I second the previous speaker."

Speaker Greiman: "Question is, 'Shall Amendment #3 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendment?"

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Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. Ms. Braun."

Braun: "Thank you, Mr. Speaker, with leave of the House, I'd like to have this Bill heard on the same day."

Speaker Greiman: "Ms. Braun moves that the appropriate rule be waived... be suspended and that the Bill be heard immediately. Does the Gentl... Does the Lady have leave? Lady has leave. Proceed. Mr. Clerk, read the Bill"

Clerk Leone: "House Bill 3165, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Greiman: "Lady from Cook, Ms. Braun."

Braun: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. One of the speakers on one of the earlier Amendments made the comment that this Bill... it may well be that this Bill is not absolutely necessary because I think the intent of the General Assembly, in passing Public Act 83-15, was clear that we intended for the taxes which were extended at that time, the tax rate extension that occurred at that time would be permanent. However, there has developed some controversy over an eight month period of time, only, with regard to whether or not the taxes are actually extended for that period of time. It results from the fairly complicated way in which the School Board extends its taxes in a fiscal year, as opposed to its calendar year. This legislation will clarify the intent of the General Assembly and make the language clear which, frankly, probably could have been taken care of by the addition of the words 'and thereafter' in the last Bill. And I would encourage your support for this very important cleanup legislation."

Speaker Greiman: "The Lady from Cook has moved for the passage of House Bill 3165. And on that, is there any discussion? The Gentleman from DuPage, Mr. Hoffman."

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Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this legislation and request all the Members on this side of the aisle to give the Lady the kind of support she deserves."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? McAuliffe 'aye'. Mr. Clerk, take the record. McAuliffe 'aye'. On this Bill there are 89 voting 'aye', 15 voting 'no', 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Yes, Mr. McAuliffe? Well, Mr. McAuliffe, I'm going to have to leave it the way it is under our rules. The Journal will reflect that you wish to vote 'no', but we can't change your vote, Sir. On the Order of Special Order, House Bills - Education, appears House Bill 2278. Mr.... On page seven of the Calendar. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2279, a Bill for an Act to revise the public school system in the City of Chicago. Third Reading of the Bill."

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

Huff: "Yes, Mr. Speaker, I rise to seek leave to have this Bill heard on the Order of Special Order."

Speaker Greiman: "The Gentleman from Cook moves to return the Bill to the Order of Second Reading for the purpose of Amendments. Does the Gentleman have leave? Leave is hereby granted, and the Bill is on Second Reading."

Clerk Leone: "Amendment #3, Huff, amends House Bill 2278."

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

Huff: "I'd like to have leave... I'd like to have leave to withdraw Amendment #3."

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Speaker Greiman: "Gentleman asks leave to withdraw Amendment #3.

Gentleman from... On that, is there any discussion?

Gentleman from DuPage, Mr. Hoffman."

Hoffman: "Yes, inquiry of the Sponsor. What did Amendment #3 do?

Representative Huff."

Huff: "Well, Mr. Hoffman, I think it does the same thing that

Amendment #4 does that I'm going to offer right after that

with the exception on line 23. This deals with the initial

term; and, on Amendment 4... I really don't know."

Speaker Greiman: "Well, Mr... Mr. Hoffman, the Gentleman... This

Amendment has not been adopted."

Hoffman: "Alright."

Speaker Greiman: "The Gentleman is withdrawing his own Amendment,

and he's within his... within his rights to do so."

Hoffman: "Amendment #3 has not been adopted."

Speaker Greiman: "Has not been adopted."

Hoffman: "Thank you. I'm sorry."

Speaker Greiman: "Amendment 3 will be withdrawn. Further

Amendments?"

Clerk Leone: "Floor Amendment #4, Huff, amends House Bill 2278."

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

Huff: "Yes, Mr. Speaker, Amendment #4 makes some technical

changes and clarification with regards to the number of

Board members that will be elected to this Subdistrict

Board. It also provides that the Board will work with the

Chicago Community School Study Commission."

Speaker Greiman: "Gentleman from Cook has moved for the adoption

of Amendment #4 to House Bill 2278. And on that, is there

any discussion? There being none, the question is, 'Shall

the Amendment be adopted?' All in favor signify by saying

'aye', those opposed 'no'. In the opinion of the Chair,

the 'ayes' have it, and the Amendment is adopted. Further

Amendment?"



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Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. Yes, for what purpose does the Gentleman from DeWitt seek recognition?"

Vinson: "Is it just a press conference over in that corner of the... the floor?"

Speaker Greiman: "It is a press of bodies but not a press conference. The Gentleman from Cook, Mr. Huff."

Huff: "Yes, Mr. Speaker, I now ask leave to have House Bill 2278 heard for immediate consideration."

Speaker Greiman: "Gentleman asks leave to waive the appropriate rule in order to allow immediate consideration of House Bill 2278. Does the Gentleman have leave? Gentleman has leave. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2278, a Bill for an Act to revise the law of a public school system in the City of Chicago. Third Reading of the Bill."

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

Huff: "Yes, Mr. Speaker, I move for its adoption."

Speaker Greiman: "Gentleman has moved for passage of House Bill 2278. And on that, is there any discussion? The Gentleman from Cook, Mr. Piel."

Piel: "Thank you, Mr. Speaker. Will the Gentleman yield?"

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

Piel: "You know, I mean, it might be a merely Bill, but, you know, just moving for the adoption without explaining exactly what the Bill does is a little bit too merely. Could you explain a little bit about it, Doug?"

Huff: "Well, we... Okay. I'd be happy to. The Bill creates a subdistrict... semi-autonomous subdistrict with its own local school board. That's basically all it does."

Piel: "Okay. Now, just one quick question. According to our first analysis on this, it says the legislation abolishes the Chicago Board of Education. Is that correct?"

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Huff: "No, no. No, it doesn't do that. You asked me that last time, Piel. I thought we had clarified that. It doesn't do that."

Piel: "Oh. You know, you withdrew one Amendment and put another Amendment on, you know. I'm..."

Huff: "Well, I explained what the Amendment does, and that's.... to the extent that I explained it, that's what it does."

Piel: "Thank you very much."

Huff: "You're welcome."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. The Lady from Cook, Ms. Braun, to explain her vote. One minute."

Braun: "Well, I just wanted to express support for this proposition, and it appears that it... the votes are there. And so, I'm going to not take the time of the House. Thank you very much, Mr. Speaker."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 71 voting 'aye', 32 voting 'no', 6 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. With leave of the House, we will now go to Special... to a Bill that is on Special Order - Elections. House Bill 3230. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3230, a Bill for an Act to create the Judicial Vacancy Merit Selection Act. Third Reading of the Bill."

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

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3230 would provide for the creation of a merit selection procedure for the filling of judicial vacancies. Today, judicial vacancies are filled by the Supreme Court

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at their sole discretion. This Bill would provide for the vacancies only, not initial selection, but vacancies only that there would be a screening panel consisting of six lawyers and five lay people in each Judicial Circuit and Judicial District. The lawyers would be selected by vote of the practicing attorneys within the circuit or within the district. The lay people would be appointed, one by the Governor and one each by the Legislative Leaders. This Screening Commission would take applications from people who would want to apply to the Supreme Court to be appointed to a judicial vacancy. The Commission would evaluate the applications and then make recommendations to the Supreme Court. The Commission would send three names for each vacancy. The Court would be required to select from among the three. However, if the Court chose not to take any of the three, the Court could simply return all of the names to the Commission and, thereby, begin the process again. Let me repeat, it provides for a judicial merit selection system for judicial vacancies only, the appointments to be made by the Illinois Supreme Court."

Speaker Greiman: "The Gentleman from Cook has moved for the passage of House Bill 3230. And on that, is there any discussion? There being none, the question is, 'Shall this...?' Oh, I'm sorry. The Lady from LaSalle, Ms. Breslin. I'm sorry. I didn't see you."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I rise in opposition to this Bill. Number one, I don't approve of merit selection as a concept to begin with, and I think it is certainly unnecessary in the area of vacancies. We are creating, by this legislation, 24 new commissions. I repeat, 24 new commissions. These commissions are going to be appointed by particular people, many of whom have no connection whatsoever with your Judicial District. There

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will be five non voting members. They will be appointed by the Governor and the four Legislative Leaders that happen to be existing at any particular time in this General Assembly. Today, that means three people out of the City of Chicago and two people out of DuPage County who have no connection to my Judicial District and no connection to the majority of the Judicial Districts that appointments will be made to. That is five. That is not a controlling number, but it is very close to a controlling number of the Judicial Districts. While the commissions are not paid commissions, they will have expenses. First of all, the Bill provides that the members shall have their expenses paid. In addition to that, the Commissions have the authority to hire a staff, which may be... hire staff personnel is what the Bill says, which may be employed, and they must also publish notices of the vacancies and all potential nominees. That's going to cost money, and it could cost a lot of money. I remind you that this is only to fill vacancies, vacancies which could exist for a very short period of time. I would also ind... advise you that there are many occasions where vacancies are for such short periods of time that the Illinois Supreme Court decides, in its discretion, never to fill those vacancies, but just to wait for the elections to occur. There is no provision in this Bill for leaving those vacancies open. I believe that, first of all, the Bar Association of this state already provides the necessary screening function that this Bill seeks to impose. The Bar Association polls all of its members for elected office. They could well do so for vacancy offices, and the Supreme Court could rely on their... their judgment, if they so chose. Most of the people could be screened in that fashion. This particular procedure is not efficient. It wastes time. It is costly

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and, I believe, a bad idea. I urge a 'no' vote."

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

Jaffe: "Yes, Mr. Speaker and Members of the House, I rise in support of this concept. You know, for a long time we've talked about merit selection of Judges, and I think that this is really the first step on the road to that particular concept. This is ... It's a good Bill. It creates judicial vacancy boards in each of the Circuit and Judicial Districts, and it then provides for having these boards filled by laymen and also by lawyers. Then they make their recommendations to the Supreme Court, and the Supreme Court then picks out from that particular list. If we are indeed serious about merit selection of Judges, and we've given it a lot of lip service in this particular House, I think we ought to at least take the first step. And this is the first step in that direction. It's true this only deals with vacancies at this particular time, but we can only deal with vacancies through statutory law. The others will have to come through a Constitutional Amendment. We ought to try this system out, see if it works well; and, if it does work well, perhaps in the next Session of the Legislature or shortly thereafter, we should come in with a Constitutional Amendment for the rest. This is a good concept, and it should be supported by this entire House. And I would urge an 'aye' vote on it."

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

Dunn, J.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just rise to announce that I plan to vote for a Bill of which I am a Cosponsor."

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

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, I'd,

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first of all, like to commend Speaker Madigan for his sponsorship of this legislation. I think it shows that the Speaker is concerned about the problems that come up with our judicial system. And it certainly represents a recognition on his part that he can evolve his thinking, because I remember just a couple years ago, the Speaker was very much in opposition to the concept of merit selection. But what he has today is a Bill which I think it's time has come. I think it resolves a lot of the problems that have been raised, as far as just having the Bar Associations involved in the process. It involves lay people as well as attorneys, and I highly recommend its adoption."

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

Madigan: "Mr. Speaker, Ladies and Gentlemen, in conclusion, let me reiterate that this Bill applies to judicial vacancies only. It would give the power of appointment to the Supreme Court, where it resides today. The Court would make appointments from a list of nominees sent to it by a Screening Commission composed of both lawyers and lay people. I think it's a good Bill. I would recommend an 'aye' vote."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Gentleman from Marion, Mr. Friedrich, to explain his vote. One minute."

Friedrich: "Well, Mr. Speaker and Members, I fear anything that removes the selection of the Judges away from the people. This is one branch of government that is getting less and less responsive to the people, and I think anything we do in the direction of so-called merit selection, selection by the few instead of the people, is going in the wrong direction."

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Speaker Greiman: "The Gentleman from Knox, Mr. Hawkinson, one minute to explain his vote."

Hawkinson: "Thank you, Mr. Speaker. I'm in agreement with the last speaker, but that's the reason I'm voting for this Bill. I believe that since the people have no choice right now in the selection of judicial vacancies, that this will at least give the people some selection in those recommendations. And that's why I favor this Bill."

Speaker Greiman: "Gentleman from Effingham, Mr. Brummer, one minute to explain your vote, Sir."

Brummer: "Yes, I, in explaining my 'yes' vote, this Bill deals only with vacancies. Those vacancies currently are not filled by election. They are filled by appointment. This would bring various aspects of the merit selection into that current appointing process. I think it's a reasonable proposal, and I would urge 'aye' votes."

Speaker Greiman: "The Lady from Cook, Ms. Braun, to explain her vote."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I attended some meetings over the summer regarding the issue of merit selection; and, at those meetings, the people who were involved with talking about merit selection cautioned against us talking about Greylord and Operation Greylord and the public response to it and the legislative response to it. Somehow or another, we weren't supposed to confuse the two issues. Well, without confusing the two issues and certainly with all due deference to those Judges who are fine Judges, and there are many of them on our benches, the fact of the matter is I think the Greylord indictments and the reaction particularly of the public to them has indicated a need for reform and a need for change in this state regarding our judicial system. This Bill only applies to vacancies, and it seems to me appropriate

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that we send a signal back to those taxpayers, back to those voters who saw the spectacle of corruption in the judicial... judicial system paraded across the front pages of the newspapers all this last year, we ought to send a signal back to those people that the General Assembly is concerned about this problem. We are being responsive and that we do care about the quality of the Judiciary that we have. I would encourage your support for this fine proposal. I'm delighted that the Speaker has seen the light on this issue. No offense, Mr. Speaker, but that he has seen fit to undertake this effort. I think it's responsive on his part, and I hope that we will be responsive in this General Assembly to something that the public has made very clear that they want to see reform in the area... in the area of. I'm sorry for my dangling participle, but that's a fact. It is an area that's badly in need of reform, and I think this is a responsive action by this General Assembly. This Bill is well crafted and well put together, and I encourage your support."

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

Vinson: "Mr. Speaker, Ladies and Gentlemen of the Assembly, it would appear the Speaker needs some help on this, and I think we ought to give it to him. I think we ought to give it to him not because this is anything great, because it... but it is a minor improvement on the situation at present. Currently, we do have a situation where the Judges appoint Judges. I think it would be moderately better in Cook County to have the benefit of the Supreme Court appointing those Judges rather than the people who have been brought into the Greylord thing, as Representative Braun said. And I would urge an 'aye' vote."

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



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Sir."

Klemm: "Thank you.. Thank you, Mr. Speaker. In our county, of course, we have our elected Judges fill the vacancies. So, when we say we'd remove from the electorate, actually, those sitting Judges who were put there by the voters are, in fact, the ones who are determining which people... which persons should fill those vacancies. And I think that's better than having people removed from our area, removed from the whole process, perhaps, for whatever reason they want, doing the appointing. I'd rather go with the people that were elected in the first place do the appointing. And that's the reason I'm voting against this Bill."

Speaker Greiman: "The Lady from Sangamon, Ms. Oblinger, to explain her vote. One minute, Ma'am."

Oblinger: "Mr. Speaker and Members of the House, I rise in opposition to this Bill. It may not be merit selection now, but you heard the Chief Sponsor of the Bill say that this is the first step to show our good faith in merit selection. We had the Superintendent of Public Instruction now appointed, not elected. We've heard that we're going to have the Circuit Clerk appointed and not elected. And here we are going again taking some more power from the people the first step. If Chicago and Cook County want to do this, great. I invite them to. Downstate we know our Judges. We don't vote just by running down a list. We know all of them, and we have fine Judges, and I think this is the way we want to go."

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

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the merit selection of Judges. I rise in support of it; because, in the essence of what we have now, the appointments are made by the Supreme Court.

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I think this would be a satisfactory idea, and I'm going to vote 'aye'."

Speaker Greiman: "The Gentleman from Cook, Mr. Shaw, one minute to explain your vote. Mr. Shaw. No? Alright. No. Mr. Clerk? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 63 voting 'aye', 40 'no', 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Now, on the Special Order - Elections appears House Bill 2424. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2424, a Bill for an Act to add Sections to the Election Code. Third Reading of the Bill."

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

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple Bill. All it does... says is no public employer shall refuse to allow an employee to be absent himself from his services of employment on the date of a primary election when he gives a 30 day notice which says an employee can take time off without pay or vacation time, if he does so on election day. It excludes people who are on the essential services such as policemen, firemen. It's a good Bill. I ask for an 'aye' vote."

Speaker Greiman: "The Gentleman from Cook has moved for the passage of House Bill 2424. And on that, is there any discussion? The Gentleman from Lee, Mr. Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I direct an inquiry to the Chair. Mr. Speaker, I direct an inquiry to you."

Speaker Greiman: "Yes, Sir."

Olson: "I believe the elements of this Bill preempt home rule; and, if so, I believe it would require 71 votes for passage."

Speaker Greiman: "We'll give it a perusal, and we'll get right

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back with you."

Olson: "Will the Sponsor yield?"

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

Olson: "Representative Nash, is it fair to say that there was some controversy over this subject in the recent primary in Chicago?"

Nash: "There sure was."

Olson: "And, as I understand, the elements of the Bill that you are offering now would make this mandatory, across the State of Illinois, in all elements of government."

Nash: "Yes, it will. In reference to what happened in Chicago last primary, employees requested the time off with pay or without pay, taking time off without pay or vacation time 30 days before election, and then it was rescinded a couple days before election. But it will make it statewide."

Olson: "It has been alleged downstate that at least a half a dozen and perhaps fifty people get out and politic on election day in Chicago. Is that correct?"

Nash: "That's correct."

Olson: "Well, downstate most of our county and municipal employees stay right on the job from eight to five and do their politicking before they go to the polls and following the closing of their offices. Mr. Speaker, to the Bill."

Speaker Greiman: "Proceed, Sir."

Olson: "I would tend to suggest that the elements which would recommend that people who are employees of cities and municipalities and county government be urged by ward committeemen, precinct committeemen, whoever they might be, to go out and solicit votes on the day of election is not in the best interest of the citizens of the State of Illinois. And I would suggest a 'no' vote on 2424, and I would also seek to receive the Parliamentarian's rule on the vote issue."

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Speaker Greiman: "Furth..."

Olson: "And... Excuse me. If it receives the requisite votes, we would ask a verification of the Roll."

Speaker Greiman: "Further discussion? The Lady from Cook, Ms. Braun."

Braun: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The previous speaker was actually very nice about it. This Bill, it seems to me, goes in the absolute wrong direction. It is in the direction in opposition to reform, and it suggests we go back to the old days when one could go into city hall on election day and discover a ghost town, because all the people who worked there who had jobs that the taxpayers paid for were out working in the precincts. Now, this last election day, went around to city hall, and there were actually people there working. And you know what? They seemed to be happy about it. They were happy that they weren't being forced to go to work. Many of them liked the idea of being able to do their normal job and actually perform the functions that they were hired for, rather than being called on to perform this extracurricular activity. I think it's a real mistake for us to roll back the clock and say again, and send a signal out of this General Assembly that we believe it is a good idea to have people forced to go out and work in elections in order to keep their public service, governmental jobs. I think it would be a real error to pass this Bill, and I encourage a 'no' vote."

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

Preston: "Thank you, Mr. Speaker. Just in reference to the comments of the previous speaker, I don't know exactly under what force of power people are forced to go out and work precincts on election day. It may that they want to

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get involved in the political process, and it may be, in some quarters, considered unfair a couple of days before an election to say that people who had expected to get involved in politics, as they had been doing for many, many years, were told all of a sudden by a new administration that they could not do that. I think this Bill... I wasn't sure whether or not I was going to vote for this Bill before, but I think I'm certainly going to support it now."

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

Dunn, J.: "The question I have is if an employee is allowed to take a day off on election day, is he or she paid for this day off or not?"

Speaker Greiman: "Yes, proceed."

Nash: "May I answer the question? An employee who requests, 30 days before election that he wants to take a vacation day or time off without pay, shall be granted."

Dunn: "Alright. Thank you."

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

Vinson: "Yes, Mr. Speaker, inquiry of the Chair."

Speaker Greiman: "Yes, Mr. Vinson."

Vinson: "This Bill is on page seven on the Calendar, 2424. It is... Do I take it that Amendment #2 is the only one that has been put on the Bill, not #3?"

Speaker Greiman: "Well, we can't tell. We only have the enrolled Bill here, but we'll look at the computer and we'll see what it says."

Vinson: "Okay. I just want to be sure of that, because I don't show an Amendment #3 in my file."

Speaker Greiman: "You might ask the Sponsor. I suspect he may be able to answer that, Mr. Vinson."

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

Speaker Greiman: "Sponsor will yield for a question."

Nash: "Amendment #2 is the Bill. That's the only thing that's on

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the Bill."

Vinson: "It's just Amendment #2."

Nash: "Yes. Amendment #2 struck everything after the enacting clause. That is the Bill."

Vinson: "And there is no Amendment #3."

Nash: "No."

Vinson: "Thank you."

Nash: "Amendment #1 was withdrawn, and Amendment #2 is the Bill."

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

Cullerton: "Will the Sponsor yield?"

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

Cullerton: "Representative Nash, do you we still need this?"

Nash: "We sure do."

Cullerton: "Okay."

Nash: "It's a good reform Bill."

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

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As I said in my opening remarks, this is a very simple Bill. All it does is what happens in private industry now. It allows an employee who wants to take time off, vacation time or time off without pay on election day, to be granted that time off if he makes his request in proper time. I ask for an 'aye' vote."

Speaker Greiman: "With respect... Let me, before I put the question, respond to Mr. Olson's parliamentary inquiry. With respect to the application of the powers of a home rule unit, Section 6 of the Constitution. The Bill itself seeks to preempt Subsections (H) and (I) of Articles... of Section 6 of Article VII of the Constitution. Under those Subsections, that is to say, Subsection (H) and (I), only a simple majority or a Constitutional Majority of 60 is necessary. Were it to be (G) of that Section, it would

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require a three-fifths vote. Therefore, this requires 60 votes. Question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Gentleman from Cook, Mr. Huff, to explain his vote. One minute."

Huff: "Yes, Mr. Speaker, this Bill attempts to put public workers back in a form of political servitude. I don't think it's right. And now that Alderman ... is the... the Mayor and... I wonder if you really need this. I think a 'no' vote is appropriate vote."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 46 voting 'aye'... Mr.... Mr. Nash, the Gentleman from Cook, requests a Poll of the Absentees. Yes."

Clerk Leone: "Poll of the Absentees."

Speaker Greiman: "Mr... 'aye'. McNamara 'aye'. On this Bill there are 47 voting 'aye', 58 voting 'no', 6 voting 'present'. And the Gentleman from Cook, Mr. Nash, requests that the Bill be placed on the Order of Consideration Postponed, and the Bill will be so placed. On the Order of Special Order of Business... Yes, Mr. Vitek, for what purpose do you seek recognition?"

Vitek: "On a point of personal privilege."

Speaker Greiman: "Yes, Sir."

Vitek: "117 Members here. How in the hell did you get elected without political support of your precinct captains? And you vote 'no' on a Bill like this. You ought to be ashamed of yourselves."

Speaker Greiman: "Alright. Alright. We will now proceed on the Order of Special Order - Election. On that Order appears House Bill 2470. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2470, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

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Speaker Greiman: "The Lady from Cook, Ms. Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. House Bill 2470 applies only to candidates for ward committeeman only in the City of Chicago. The effort in the Bill is to codify several Federal Court rulings. It would re... It would bring the requirements for petition filing in line with those four township committeemen in the County of Cook, and it would lift the caps for both offices. I'm happy to answer any questions, and I would appreciate your support."

Speaker Greiman: "The Lady from Cook has moved for the passage of House Bill 2470. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 96 voting 'aye', 3 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Special Order - Elections, appears House Bill 2717. Mr. Clerk, read the Bill. It's on page eleven of the Calendar."

Clerk Leone: "House Bill 2717, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

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

Jaffe: "Mr. Speaker and Members of the House, this was a Bill that we had previously passed, put on the Governor's desk, and the Governor has vetoed it. I think the reason that he vetoed it is because he thought that it really dealt with the last gubernatorial election, but really it deals with all gubernatorial elections from here on in. And I think that we ought to address it now that that election is over with. And basically what it says is that in gubernatorial



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elections, when there is a difference between the highest number of votes and the number of votes received by the gubernatorial candidate receiving a second highest number of votes, and that amount is less than one-half of one percent, then what happens is that the Board of Elections automatically orders a recount of all votes cast for Governor and that we do it at state expense. It may be that this thing will never happen again; that we'll never have an election that is that close in the State of Illinois. However, the reason for it is that where you have a contest like this, that contest very often runs into the millions of dollars with attorneys' fees and everything else. And the easiest way to do it is really to have the State Board of Elections just step in and do it. The costs would be somewhere around 400,000 dollars if it ever happens again, which it may never happen again. Most enlightened states now do this. I see no reason why Illinois should not do it. It doesn't deal to any past elections. And, therefore, the Republicans on the other side of the aisle should not get all upset about it at this time. So, I would urge an 'aye' vote on this Bill, and I'd be happy to answer any questions."

Speaker Greiman: "Gentleman from Cook has moved for the passage of House Bill 2717. And on that, is there any discussion? The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I rise in opposition to House Bill 2717. The issue, as Representative Jaffe has so accurately stated, is not the last election. It is future elections. And that's really what matters on this. I would point out to you that no less a respected election authority than Cook County Clerk Stanley Cusper last year estimated the cost of a full recount in suburban Cook County to be a minimum of

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600,000 dollars and, conceivably, as high as 750,000 dollars. I do not believe that we ought to be mandating these kinds of costs when there may be a situation where there is no question about the outcome of the election. We are now moving toward computerized systems that are highly reliable, and we need no recount in many of those cases. To impose those costs on the taxpayers of Illinois is just simply unnecessary. Beyond that, Mr. Speaker, there's another point. Why would you single out a single office for an automatic recount? There are many offices that are as important to the people of the state as the Office of Governor is. We elect Supreme Court Justices in this state. Those are important offices. We elect sheriffs and mayors. Those are important offices, as well. And I don't believe that you should single out a single office in the election law process for some kind of mandatory recount. Now, there is plenty... there are plenty of mechanisms available for a candidate currently if he believes that the election has been improperly conducted to achieve a recount. And we ought to just go along with those processes which adequately guarantee the sanctity of the electoral process and reject something that just imposes high costs in unnecessary situations on the taxpayers of this state. I would urge a 'no' vote."

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

Olson: "Thank you... Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would join Representative Vinson in our objections to this particular piece of legislation. We debated it at length last year. I think our concerns were valid at that time, and they remain valid. I seriously question the estimated costs offered by the State Board of Election as to the recount cost. I think it would be

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significantly higher. And, therefore, I would urge a 'no' vote on House Bill 2717."

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

Piel: "Thank you, Mr. Speaker. Will the Gentleman yield for a question, please?"

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

Piel: "Representative Jaffe, could you... I don't have a, you know, a copy of the fiscal note on this. Could you tell us approximately what this would cost?"

Jaffe: "I will tell you exactly..."

Piel: "Your figures."

Jaffe: "I will tell you exactly what it will cost. If you'll open up your Digest to page 1075, there's a fiscal note right there. It was prepared by the State Board of Elections which says that it would be 35 dollars per precincts. There are 11,634 precincts in the State of Illinois, and the cost would be 470,190 dollars."

Piel: "407,000. And where is this cost coming from? Where is the money going to come from?"

Jaffe: "It's going to come from.."

Piel: "The counties or the municipalities or..."

Jaffe: "No, no, no. I explained that in the Bill. It comes from the State Treasury. You understand, this only goes into effect if the difference between the election is only one-half of one percent. That means it's a very, very close election. We're not talking about every election. It's only one-half of one percent, you know, or less. So, this may never, ever go into effect at all. In the last fifty years, probably, we've only had one gubernatorial election that was that close. However, if we're going to have an gubernatorial election that close, what we ought to do is we ought to have a recount that..."

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Piel: "Are you closing, or are you answering my question?"

Jaffe: "I answered your question."

Piel: "Oh, you're trying to close now."

Jaffe: "No, I'm just answering your question. I want to enlighten you."

Piel: "I'm enlightened. I really am. So, you're saying 407,000 dollars, right? You're... I like the way you sort of..."

Jaffe: "That's what the State Board of Election said."

Piel: "... casually beat around the bush and say that the State Treasury is going to pay for it."

Jaffe: "That's what I said."

Piel: "Well, yeah, but, you know, Mr. Jaffe, I don't know if you realize that or not. You and I are the State Treasury. We are the taxpayers of Illinois. So, basically, what you're saying is the taxpayers of Illinois are going to pay the 400,000."

Jaffe: "That's what I said."

Piel: "Don't you think that... Right now, you don't think that the candidates, if they feel that they have been wronged, should pay this themselves."

Jaffe: "Not at all. I think that where... It seems to me that elections are so expensive, at this particular time, and especially gubernatorial elections. You know darn well that someone can't run for Governor of the State of Illinois unless he has a bankroll of about two million or three million dollars. And if it comes to the point where there's an election and the election is only one-half of one percent difference, I think what ought to happen is the State Board of Election ought to pick up the tab and have a recount and not require those people to go in and actually find out how they're going to raise another million or two million dollars..."

Piel: "Moving on."

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Jaffe: "Don't you want your answer?"

Piel: "I... I think I've got it. I think I've got it. Thank you. Moving on. You know, Stanley Cusper comes up with a figure of, you know, a lot more of what it would cost..."

Jaffe: "Wait a second."

Piel: "Wait."

Jaffe: "I don't know that Stanley Cusper has ever come up with any figure at all. The fiscal note indicates a figure that's given by the State Board of Election. What someone represents to be a ..."

Piel: "Did you have this Bill last year?"

Jaffe: "Pardon?"

Piel: "Did you have this Bill last year?"

Jaffe: "I did have it last year. I explained that in the..."

Piel: "Yeah, but don't you remember? Mr. Cusper was the one that testified in Committee last year on what the costs were. And your remark was you don't know where Mr. Cusper ever came up with a figure like this."

Jaffe: "The fiscal note from the State Board of... Let me just say this. I have a fiscal note from the State Board of Election. Mr. Cusper will not conduct the recount. It will be done by the State Board of Elections. Now, if you understand that, then you will understand that the State Board of Elections would then be the one that would come up with the cost figure."

Piel: "Thank you. Basically what we're talking about, Ladies and Gentlemen, we've got two different figures. The State Board of Election is talking about a figure of 407,000 dollars, and any way you cut it, it's not peanuts. If you were to take the Cook County Clerk's estimate on what it would cost for suburban Cook County and break that down statewide, you're talking about between two and three million dollars. So, either we're talking about a half a

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million to three million dollars. Any way you look at it, you're talking about a lot of money, and I would ask you to think very seriously about this Bill before you vote for it. Thank you."

Speaker Greiman: "Gentleman from DeKalb, Mr. Countryman."

Countryman: "Will the Sponsor yield?"

Jaffe: "Absolutely."

Countryman: "Who actually performs the recount under your Bill?"

Jaffe: "The State Board of Elections."

Countryman: "Well, they didn't perform the original count. Is that correct?"

Jaffe: "But it's conducted under their supervision. So, it would be done in any fashion that they deemed appropriate."

Countryman: "Would it be done under the... with the same election counting equipment that counted it originally?"

Jaffe: "Well, what the Bill... It doesn't go into actual details. What we say is it's done under the jurisdiction of the State Board of Elections. How they want to do it is their business."

Countryman: "Would they have to make rules on how to do this?"

Jaffe: "I would imagine possibly so."

Countryman: "Is this recount automatic, I mean, that is, that no one has to request it?"

Jaffe: "It is automatic if it's less than a half of one percent. That's correct, and that's what most enlightened states do. I must tell you that there are probably a dozen or two dozen states that do that already."

Countryman: "That's not true, is it, of any other election in Illinois; that there's an automatic recount?"

Jaffe: "That is correct. This is the first step. I mean, let's see how it works with the gubernatorial election. You wouldn't want to do it with a State Rep. race, okay? And the reason that you wouldn't want to do it is because it's

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not going to cost you two million dollars to have a recount. But if you're going to do that with a gubernatorial, by the time you've hired attorneys, by the time you've hired staff and everything else to go forward in this type of a thing, it's going to cost several million dollars. I think, if you want a good election, an open election, you vote for the Bill."

Countryman: "Does... Mr. Jaffe, does this eliminate the discovery recount provisions with regard to gubernatorial elections that would come within its... its..."

Jaffe: "No, it doesn't... it doesn't eliminate anything. All that it says is that in addition, if there is a difference of one half of one percent or less, then there is an automatic recount."

Countryman: "Thank you. To the Bill, Mr. Speaker."

Speaker Greiman: "Proceed, Sir."

Countryman: "Ladies and Gentlemen of the House, I was on the State Board of Elections during the last gubernatorial election, and I, frankly, don't think that this is a Bill that's necessary. I think that we ought to... any Bill that we make ought to apply equally to all constitutional offices and probably all offices in the State of Illinois, as opposed to singling out the gubernatorial race. I believe they're grossly underestimating the costs that this would incur. They've haven't outlined a proposal as to what actual machinery would recount the... the votes, how they go about dealing with the problems of hanging shaft and the many problems that occur in recount, changing numbers and those sorts of things. And for those reasons, I would suggest a 'no' vote on this Bill."

Speaker Greiman: "There being no further discussion, Representative Jaffe, to close."

Jaffe: "Yes, Mr. Speaker and Members of the House, I think

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there's been a lot of nitpicking on this particular Bill. I think what the opponents are basically saying is if there's a very close election, let the person with the most money actually buy the election, because that's the person that could actually go out and hire the lawyers and spend a million dollars or two million dollars in order to have the recount. If you don't have that amount of money, well, of course, you can't go forward to do it. I would sort of tell the people on the other side of the aisle that we're not refighting the gubernatorial election of last time. We're talking about gubernatorial elections in the future. And as I said, these types of situations happen maybe once every fifty years. I mean, it's not a yearly expense or anything else to that effect. The Gentleman who spoke on the other side of the aisle fully realized that, but I think it's the difference in concept. The concept is, are you going to let the guy who, in the... in the very tight election, who has the money actually be the one who can prevail, because he can buy the election? If you believe in buying a close election, you know, vote with Representative Vinson. But if you believe in good government, vote with me."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Mr. Piel, for what purpose do you seek recognition?"

Piel: "Should this receive the requisite number of votes, I would ask for a verification, please."

Speaker Greiman: "Gentleman advises us he wishes a verification. The Gentleman from Cook, Mr. Marzuki, to explain his vote."

Marzuki: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think that the citizens of Illinois deserve, in the case of electing its chief executive officer, to have a



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man in office who actually won the election. When the voting is as close as has been pointed out by Representative Jaffe, I think it's only fair to the people to have a decent recount. A recount that depends on your finances is one that is not going to represent all of the people of Illinois. There is no use redoing the last election, but, most certainly, we should try to take care of any election in the future, no matter how remote it is."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this... Mr. Jaffe, you request a Poll of the Absentees? Mr. Jaffe requests a Poll of the Absentees. Poll the absentees."

Clerk Leone: "Poll of the Absentees. Berrios. Bullock. Capparelli. DeJaegher. Harris. Krska. Laurino. Taylor. Terzich. White and Younge."

Speaker Greiman: "On this Bill there are 51 voting 'aye', 52 voting 'no', 4 voting 'present'. And this Bill, having failed to receive the Constitutional Majority, is hereby declared lost. On the Or... Special Order - Elections, appears House Bill 2853. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2853, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

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

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2853 is a State Board of Elections Bill, which was originally sponsored by Representative Yourell. I was the Cosponsor. In the absence of Representative Yourell, I have moved on as the lead Sponsor and Representative Nash, the Chairman of the Elections Committee, has come on. Basically, what House Bill 2853 does, it restates repealed language in Public Act 83-1055 of last year, which was the basis for determining nominating petition signature requirements. We have,

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around the State of Illinois, many subdivisions, political subdivisions, that is, who have established local political parties; and, as a consequence, the statewide standard would not be applicable under that provision. As a consequence, by the repealer provision here, we resolved this problem. I would move for an affirmative vote and would be pleased to answer any questions.

Speaker Greiman: "Gentleman from Lee has moved for the passage of House Bill 2853. And on that, are... is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 112 voting 'aye', none voting 'no' and none voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills, Special Order - Election, appears House Bill 2862. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2862, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

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

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2862 amends the Election Code, and what it does, it eliminates the requirement that a voter seeking the absentee ballot, due to the temporary physical incapacity or hospitalization, provided in that, provide an affidavit from the attending physician or Christian Scientist practitioner. What's happened, the handicapped people, when they apply for an absentee ballot, has to get that certification from the doctor, whereby some doctors charge the handicapped person a fee for that visit. And what it does, it also singles out the handicapped person

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when they apply for the ballot. And what we're trying to do is eliminate that; and, if they're going to be away and they want to file, they should be... have the right and be entitled to apply for the absentee ballot just like an ordinary person without anybody knowing that they're temporarily physically handicapped. And that's the intent and the purpose of the Bill. I'd appreciate your support, and I'd be happy to answer any questions if there are any."

Speaker Greiman: "Gentleman from Cook has moved for the passage of House Bill 2862. Is there any discussion? The Gentleman from Cook, Mr. Levin."

Levin: "Yeah, Mr. Speaker, Ladies and Gentlemen of the House, I would rise in opposition to this Bill. I think it's an open invitation to return to the bad old days. We're talking about absentee voting for people who are temporarily physically incapacitated. Who is going to make that determination? Unfortunately, under the... in the bad old days, it was, in fact, the precinct captain who really made that determination. We're talking about hang nails or who knows what else. You know, I think we've begun to really clean up our Election Code in a bipartisan effort over the years. And, you know, I don't think we want to take a step backward with this legislation. I would urge a 'no' vote."

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

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, rise in opposition to this Bill. I think there's a grave question here in terms of who determines who is handicapped and who is not. I think that's a medicinal issue and that a doctor's statement... It only asks that that statement be filed every five years. I think that's ample time and that it does not cause an undue burden on handicapped people. And for that reason, I speak

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against this Bill."

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

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd first ask that if this receives the requisite vote, that a verification be offered. I would just like to direct a couple of questions to my good friend, Representative Giglio. Would you yield? Thank you very much."

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

Olson: "We have some... some indications that in some spots outside of Cook County or DuPage or anyplace like that, that we had an extraordinary number of absentee ballots cast in the 1982 election. For example, in Hamilton County, which is relatively small in southern Illinois, there were 603 absentee ballots cast. Could you make a speculation as to whether or not you think that would be an inordinate amount and that there might be some other abuses around that state?"

Giglio: "Well, I think you're correct in that, but actually what the intent of this Bill is is right now to follow the federal guidelines and removing the provision that says you're handicapped to go after that slip that you have to get from the doctor. This, in no way, is going to encourage these people to take an absentee ballot that don't... that want to skirt the law or do anything they want. I was remembering - it was brought out in Committee - those that perjure themselves or lie are still punishable. And that's the only intent that I think there's a misconception from the previous two speakers; that this seems to be some sort of underground network to have people apply for ballots and stay away from the polls. It's not. It is to remove the... the so-called handicapped being singled out to apply for the absentee ballot. As you

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and I know, if you and I want to stay home from the polls, that's all we have to do is apply for the absentee ballot. The clerk will mail it to your house. You fill it out. You swear. You sign it, and you send it back in. The handicapped person has to get that signature on an affidavit from the physician before he can apply for that absentee ballot. And that's all we're trying to do with this Bill."

Speaker Greiman: "For what purpose does the Gentleman from Jefferson, Mr. Hicks, seek recognition?"

Hicks: "Yes, Mr. Speaker, a point of personal privilege. Having run in an election where Hamilton County was the county that cast not just 603, but 633 absentee ballots, that is in no way, in the past ten years, was outside of the ordinary, having cast within ten percent of the same number of absentee ballots in every single election for the past ten years. And I would say that's not an extraordinary high number of absentee ballots in a county that has a retirement age of... some 80 percent of the population are at the retirement age. It's a retirement type of community. Many people are not able to go to the polls."

Speaker Greiman: "I guess your county was mentioned in debate. Proceed, Mr. Olson."

Olson: "Thank you. I have one additional question for Representative Giglio. Frank, would there be a reasonable expectation that there exists in this proposal the element of potential for abuse, or do you think this would be negated by the good standards that most people conduct themselves by?"

Giglio: "I don't... I don't look for an increase in... in abuse, if this legislation passes both Houses and eventually is signed by the Governor. Like I say, the... the lady that brought it to my attention is a member of the State Board

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of Election, who also testified at hearings in Washington, D.C., pertaining to the absentee ballot for handicapped people, and that's where this Bill originally came from, through talking with her."

Olson: "Thank you very much."

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

Cullerton: "Will the Sponsor yield?"

Speaker Greiman: "Indicates that he will."

Cullerton: "Representative Giglio, did you indicate that the State Board of Elections is in favor of this Bill?"

Giglio: "The lady that testified is a member of the State Board of Election who asked me to Sponsor the Bill, and that's Miss Theresa Petrone."

Cullerton: "Well then, why would Representative Olson be opposed to the Bill?"

Giglio: "Well, I think Representative Olson has a prerogative to be for or against. He was Vice Chairman of the Board of... or the Committee on Elections and when Miss Petrone testified, and perhaps some of the questions were not answered properly in the Committee."

Cullerton: "I see. Well, you indicated earlier that if someone... someone still has to sign an affidavit saying that they are temporarily incapacitated. Is that correct?"

Giglio: "No, this would... It is my understanding that it would remove... If I was incapacitated or temporarily handicapped, right now I'd have to get an affidavit from an attending physician..."

Cullerton: "Right. But you still..."

Giglio: "... and that singles me out."

Cullerton: "Right. But you still have to get an affidavit saying that you are... the individual voter still has to sign an affidavit."

Giglio: "Right. You're correct in that."

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Cullerton: "Okay. So, if there was any fraud involved, there could still be a prosecution."

Giglio: "That's correct."

Cullerton: "Okay. Fine, thank you."

Speaker Greiman: "The Gentleman from DeKalb, Mr. Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Once again, I'll state I come from the Board of Elections, as my previous place, and I know all eight members of the Board of Elections and know Mrs. Petrone. And I know that the State Board of Elections has not endorsed this Bill. Furthermore, I'll state, as a point of personal privilege, that my father-in-law suffered polio in 1951 and is classified, in all respects, a handicapped person, probably in the minds of the law. I do not think that the integrity of the election process in the State of Illinois should be sacrificed because we're doing it in the name of handicapped people. Those people are perfectly willing to go out and get these sorts of certificates. We haven't seen any movement coming from any sort of handicap organization asking for this Bill. We, in Illinois, must examine and look at the fact that we have a low morale in our election process. And the only way to protect that morale is to preserve the integrity of our present law and vote 'no' on this Bill. Thank you."

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

Giglio: "Thank you, Mr. Speaker. I just want to reiterate a few points. Number one, don't get this confused with an incapacitated ballot that people have where they're permanently handicapped where they have five or seven years to vote. And also, keep in mind that every time some of these people apply for the affidavit from a doctor or practitioner they're charged. This is, in no way, shape or

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form, intended to increase the fraudulent way of getting the people to vote, only to take the so-called stigma away from people to single themselves out if they're handicapped. So, I would ask for your favorable support."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Giglio requests a Poll of the Absentees. Mr. Giglio withdraws his request for a Poll of the Absentees. On this Bill there are 47 voting 'aye', 61 voting 'no', 2 voting 'present', and this Bill, having failed to receive... Yes, Mr. Giglio."

Giglio: "Mr. Speaker, could you put this on Postponed Consideration?"

Speaker Greiman: "Gentleman asks leave to place the Bill on the Order of Postponed Consideration. The Gentleman has leave. The Bill will be so ordered. On the Order of House Bills, Special Order - Elections, appears House Bill 3033. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3033, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

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

Olson: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3033 is a State Board of Elections Bill which was originally carried by Representative Yourell and myself. In his absence, I have moved to lead Sponsor and Representative Nash has come on board. Before we move to the passage stage, there is a late Amendment. I ask permission... leave to return this to Second Reading for the purpose of an Amendment."

Speaker Greiman: "Gentleman from Lee asks leave to return the Bill... House Bill 3033 to the Order of Second Reading."



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Does the Gentle... Mr. Cullerton, did you want to speak to address the issue of whether it should be... Oh, okay. Fine. Alright. Does the Gentleman have leave? The Gentleman has leave. And this Bill is returned to the Order of Second Reading. Mr. Clerk."

Clerk O'Brien: "Amendment #3, Olson, amends House Bill 3033..."

Speaker Greiman: "Gentleman from Lee, Mr. Olson, on Amendment #3."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of House. Before we move to Amendment #3, it is necessary that we table Amendment #2, and I would so move to table Amendment #2 to House Bill 3033."

Speaker Greiman: "The Gentleman from Lee has moved that we... for the tabling of Amendment #2 to House Bill 3033. All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is tabled. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Olson."

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

Olson: "Amendment #3 provides that the State Board of Elections shall determine if nominating petitions are in conformity with the Election Code. If they are not in conformance, the candidate's name shall not be on the ballot. This applies to statewide office petitions, legislative office petitions, representative office petitions. Let me give you a little reading on why this Bill was actually necessary. Recently, in the last election, the State Board ruled a candidate's petition was not valid, and a Circuit Judge caused him to place him on the ballot. So, what actually happens, it requires now that State Board of Elections examine the nominating petitions to see if they're in conformance, provides that the State Board determines petitions do not conform to the law, that the

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candidates shall not be on the ballot and requires the State Board to tell the candidate of such a result. As a consequence then, what we are doing is putting the State Board of Elections in a posture to make determinations. Amendment #3 actually took the county clerks out of the situation, and I would move for passage of House Bill 3033, but I would be happy to accept questions."

Speaker Greiman: "Gentleman from Lee moves for the adoption of Amendment #3 to House Bill 3033. And on that, is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, would the Gentleman accept a question?"

Olson: "Yes, Sir."

Speaker Greiman: "He indicates he'll yield for a question."

Cullerton: "You were a hyphenated Cosponsor with Representative Yourell...."

Olson: "Yes."

Cullerton: "... when this Bill was filed along with Representative Countryman, right?"

Olson: "Yes."

Cullerton: "Now, how would our dearly departed Representative Yourell vote on this Amendment?"

Olson: "He would have supported the Amendment, because this is the Cusper Amendment."

Cullerton: "I didn't ask about Cusper. I asked about Yourell."

Olson: "Well, yes, he would have supported this. He asked, when he was leaving here for the final days, he said, 'Myron, will you please carry this good piece of legislation?'"

Cullerton: "If nothing else happens, make sure that this Amendment gets on to take the county clerks out. Is that right?"

Olson: "It takes the county clerks out. That was Stanley Cusper's request."

Cullerton: "And was it Representative Yourell's request?"

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Olson: "I don't know. The request came after Representative Yourell left."

Cullerton: "I just want to help out his replacement so he knows how to vote on it."

Olson: "Representative McNamara, if you vote for this fine Bill, you will be a credit to Representative Yourell."

Cullerton: "No, the Amendment. How is he voting..."

Olson: "Well, he will... I know Mc... Mr.... Representative McNamara will support this Amendment."

Speaker Greiman: "Let's carry our conversations outside of the chamber, shall we? Proceed."

Cullerton: "Well, the county clerks want to be out of the Amendment... the Bill now?"

Olson: "They're out of the challenge position. The State Board will continue."

Cullerton: "Why did they... When you originally drafted the Bill, you had them in."

Olson: "They were in. Then they were out."

Cullerton: "Was that a drafting error?"

Olson: "I was not here when table 1... Amendment #1 was tabled and table 2... Amendment #2 was adopted. Representative Yourell carried the Bill at that time. There was a technical error, I think, with 1."

Cullerton: "Thank you."

Olson: "Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Amendment #3 be adopted?' All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and Amendment #3 is adopted. Further Amendment?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading."

Olson: "May I have leave to call the Bill..."

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Speaker Greiman: "Gentleman from Lee moves to suspend the provisions of Rule 37(c) to allow immediate consideration of House Bill 3033. Does the Gentleman have leave? Gentleman has leave. Mr. Clerk, call the Bill."

Clerk O'Brien: "House Bill 3033, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

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

Olson: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I think we've discussed the issue in the conversation and the question/answer period. What we are doing now is permitting the State Board of Elections, without the assistance of local election authorities, to properly challenge candidates' petitions to get on the ballot who may not be in good form. I ask for an affirmative vote on 3033."

Speaker Greiman: "The Gentleman from Lee has moved for the passage of House Bill 3033. Is there any discussion? The Gentleman from Cook, Mr. Levin."

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

Speaker Greiman: "He indicates he will."

Levin: "Representative, is there a time limitation in the Bill on time by which the... the State Board can challenge a petition?"

Olson: "At the end of the filing period, Representative Levin. After the filing period."

Levin: "I mean, is there X number of days after the filing period, or can they go up to the date of the... date of the primary?"

Olson: "I think... I think it would be within the provisions of the Election Code."

Levin: "Okay. That's your intent."

Olson: "Yeah. Our intent is to... is to prevent people from being filed because, under the constitutional constraints,

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the State Board was not in compliance with Section 10."

Levin: "Okay. But if we get past the time for filing a challenge, and the State Board has not itself instigated a challenge, then they would be barred from doing it too."

Olson: "That's correct."

Levin: "Thank you."

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

Jaffe: "Would the Gentleman yield?"

Speaker Greiman: "He indicates he will."

Olson: "Yes."

Jaffe: "Let me understand this. You're saying... Let's take the instance of a State Rep. You file your nomination petitions. Is that correct? And no one contests those petitions. The State Board can still knock you off. Is that what you're saying?"

Olson: "No, I'm not saying that. I'm saying if it's improperly filed, without the necessary supporting documentation, the State Board can challenge."

Jaffe: "Well, at the present time, they can't do that."

Olson: "They can't, because..."

Jaffe: "If they can't, what do you need the Bill for? I don't understand. Where you have a situation where no one is contesting your petitions..."

Olson: "As I mentioned to Representative Levin, Aaron, it was not included in Articles VIII and X."

Jaffe: "But let me just, you know, let's just walk through it. You, as a State Rep., file your petitions."

Olson: "Right."

Jaffe: "Nobody objects to your petitions and, yet, the State Board can knock you off under your Bill. Is that correct?"

Olson: "If you are improperly filed without the supporting documentation."

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Jaffe: "Well, but that's really dependent upon the State Board. I mean, it's not dependent upon anybody else. I mean, if someone doesn't like you at the State Board and determines that your petitions are improperly filed..."

Olson: "No, a..."

Jaffe: "... they can knock you off."

Olson: "A Circuit Judge in the recent primary, even though the elements were not proper, certified the man to the ballot, even though..."

Jaffe: "Yeah, but then that puts you in the position of having to go to court. So, you're saying that where you file for State Rep., nobody contests you, if the State Board deems your petitions to be improper, for whatever purpose, they could throw you off."

Olson: "No, that isn't what is list... Let me..."

Jaffe: "That's what you keep on telling me."

Olson: "Let me just go through this with you step by step, if that be satisfactory. Nominat... Nomination papers shall be determined to be in conformity if they include the following: properly completed statement of candidacy, which we all have to file; candidate's name as it should appear on the ballot; the residence; title of office; district which the officers political party candidate represents; notarized signatures of candidates. And then you have the petition sheets. And..."

Jaffe: "Yeah, but... but what you're saying, basically, is if the State Board determines that there's a technical thing wrong with it, they can throw you off the ballot. I mean, no matter what you say, that's what it gets down to. Mr. Speaker, to the Bill. I would rise in opposition to the Bill, because I think you have a situation under that Bill that's very, very clear. What you've been say... in essence done is you go, and you go to the State Board of

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Elections now, and you've empowered them to knock anybody off the ballot that they want to, really for any technicality. At least now, at the present time, you have to have someone challenging those petitions to say they are, in fact, wrong. You know... to the individual if he's knocked off the ballot by the State Board of Elections, he has to go to court. I think that this is a bad concept. I think if someone wants to knock you off the ballot, they ought to at least file objections so you know exactly what you've been accused of, but not in this particular case. The State Board just knocks you off, tells you they're knocking you off, and then you go to court. I think it's a bad concept. I'm going to vote "no".

Speaker Greiman: "Gentleman from Bond, Mr. Slape."

Slape: "Yes, would the Gentleman yield, please?"

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

Olson: "Yes."

Slape: "Representative Olson, if I arrive at the State Board of Elections and file my petitions, and I don't have my statement of candidacy, can they... under your Bill, would they refuse to accept my petition?"

Olson: "I'm sorry. I was distracted. I just caught the first part of your question, Mike."

Slape: "Okay. If I arrive at the State Board of Elections, and I accidentally forgot to include my statement of candidacy, under this Bill, would they refuse my petitions?"

Olson: "Would they refuse your petitions?"

Slape: "Or would they wait, and they ..."

Olson: "No. No, they would not. They would not refuse your petitions. Maybe I can, if I may, respond to..."

Slape: "Well, what would be the sequence of events, then? Would... I would file, and then later on I would notified that I wasn't a candidate."

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Olson: "If you didn't have everything in order, under Article VII of the Constitution, they may now challenge you. But they were not included in Articles VIII and X. This was to put that in the proper perspective. You also have an appeal period."

Slape: "But they would accept them, and then... and now, instead of... if my opponent or somebody from... someone else wants to come in and ask to see my petitions, now the State Board will go through the petitions and determine if they're not numbered right or if they're not legible or... make this determination."

Olson: "What they ordinarily do, and I hope both you and I have had the good experience not having them challenged, at the time of the filing, they would call the shortfalls to the attention of the candidate. And you still would have the due process provision. This is not designed to disable anyone from being able to file. It's not designed for the State Board of Elections to be capricious. It merely is bringing in conformity in Articles VIII and X the same provisions which they now enjoy in Article VII."

Slape: "Well, if the State Board - they're supposed to be a government administrative office, and they're administrating the Election Code in the State of Illinois - then what do they do? They call me and tell me they found some discrepancy, and they give me five days to make them good, or what happens then? Or do they just throw me off the ballot?"

Olson: "You would be immediately notified by certified mail."

Slape: "Of what - that I'm no longer a candidate?"

Olson: "No, that you would have an opportunity to come in."

Slape: "And I have an opportunity to come in and either dispute their findings or to correct the findings?"

Olson: "You can dispute them; but, of course, you can't correct



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them once you've filed them."

Slape: "Oh, okay. Thank you."

Olson: "Thank you."

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

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As acting Chairman of the Committee on Elections and Cosponsor of this Bill, I would ask Representative Olson to commit this Bill to Interim Study. It needs a little studying, and I see there's a lot of problems with it. If not, I will ask all Members on my side of the aisle to vote 'no' on this Bill."

Olson: "... any other comments?"

Speaker Greiman: "Yes, Mr. Olson, are you going to comply with that wish or not? No? Alright."

Olson: "Take it out of the record for a minute, and we'll visit with Representative Nash."

Speaker Greiman: "Alright. We'll take this Bill out of the record. Proceed on the... Still on the Order of Special Order - Elections, appears House Bill 3127. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3127, a Bill for an Act to permit certain elected officials to take time off from employment for the purpose of attending official meetings. Third Reading of the Bill."

Speaker Greiman: "Gentleman from Macoupin, Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. I hope this Bill is not as controversial as some of the others we've heard today. It's simply an attempt to try to provide that for those Members who want to serve on county boards or school boards, that their employers, indeed, will have to give them time off. Unfortunately, while many... many businesses in our state encourage their state... their

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employees to participate in government and to serve on county boards and to serve on schools boards and, perhaps, even to run for State Representative, we find that there are a few who simply refuse to allow their employees to serve these worthwhile governmental bodies and functions. So, I have introduced a Bill to provide a law that would require, upon certain conditions being met, that the employer would be required to give the employee time off to attend a regularly scheduled meeting of a school board or a county board where a quorum of the membership is expected to be present and where business is expected to be discussed. At the request of several Members of the Committee, I have adopted amendments to provide that employees... or employers of over... of less than 25 employees would be exempt from this Bill. Representative Barger brought this to my attention. It is not our intention to put an undue hardship on some of the very small businesses where they may only have two or three or four employees. We've also exempted out counties of over 500,000. Those Counties of Cook and DuPage and the very large counties have a more professional type of county board and more professional type of school boards. And those individuals that are elected to those offices generally can receive the type of compensation to allow them to serve on those boards without having to hold an outside job. The Bill also provides that the employer could ask for written verification to ensure that the employee, indeed, did attend the school board meeting or the county board meeting; that he was not simply playing hooky. And it provides that the employer must receive the notice 48 hours prior to the employee taking the time off. The employer, except for those school boards in our state, would not be required to provide compensation to the

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employee during the time when they absented themselves from the... from the job. The Bill is supported by the AF of L-CIO, the United Mine Workers', the Illinois Education Association, and I might add that the employer groups have not taken a position opposed to this Bill. And for that reason, I would commend them. This Bill is simply an effort to try to bring more people into government at the lowest level, the grassroots level, the school board level, the level of government where many of the important decisions are made about who will teach our children or where our county board will spend our tax dollars. It's an important Bill, and it's a good Bill. And it passed out of Committee 12 to 1, and I would ask for your 'yes' vote."

Speaker Greiman: "The Gentleman from Macoupin has moved for the passage of House Bill 3127. And on that discussion, Mr. O'Connell, the Gentleman from Cook."

O'Connell: "Question of the Sponsor, please."

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

O'Connell: "Representative, you had a made a distinction between Cook County and downstate. Is Cook County out of the Bill?"

Hannig: "We have exempted counties of over 500,000."

O'Connell: "What was the rationale?"

Hannig: "Representative Barger had explained to me, and I represent downstate counties of less than 50,000, that the Counties of Cook and DuPage, for example, actually pay a salary for their county board members sufficient enough to allow them, perhaps, to not need an outside job. In the areas that I represent, for the most part, these individuals are paid a very small amount of money to show up at the county board meeting."

O'Connell: "Okay. What about school districts?"

Hannig: "This is also exempted because of the same reasons. For

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the most part..."

O'Connell: "Well, I would submit that I'm in a... in Cook County, and our members of our school boards certainly are serving with no compensation."

Hannig: "Well, I would apologize if I, in any way, perhaps, put Cook County and DuPage County people at a disadvantage in that respect. My intentions are, basically, to try to address a problem in downstate county. I was not trying to slight the Cook County people. It was just an Amendment that Representative Barger had brought and asked me to..."

O'Connell: "Well, I... I can appreciate the intent of the Bill. I think it's admirable. My only concern is why should Cook County School Board members, of which they serve at no pay with very long and tedious hours and very difficult situations, why should they be precluded from their day off from an employer simply because they're in Cook County, when there is no rational distinction in terms of the salary between Macoupin County and Cook County School Boards, at least?"

Hannig: "The problem I was trying to address by this Bill is one, at least in my particular district, that is limited to the downstate areas. I have no quarrel with... with Cook County. And Amendment 3, which we adopted, was the Amendment which... or Amendment 2... no, 3, actually took these areas out."

O'Connell: "Could I ask you, was there opposition to having Cook County or counties over 500,000 in there as to... as applies to school districts, not county boards, school districts?"

Hannig: "Representative Barger asked me to present the Amendment in Committee, and I simply did so to comply with his intentions of exempting those areas."

O'Connell: "For school boards as well as county boards?"

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Hannig: "That's correct."

O'Connell: "What I... May I ask, if there is no opposition from any single individual or if it's agreeable to you, would you have any objection, if the Bill does get into the Senate, is to request the Senate Sponsor to include school districts?"

Hannig: "Yes, if there is no opposition to the school districts in Cook and DuPage, I will be more than happy to help you with that."

O'Connell: "Thank you."

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

Wolf: "Thank you, Mr. Speaker. Would the Sponsor yield to a question, please? Representative Hannig, the Bill applies to county boards, school districts and such, and it indicates that permission can be obtained to absent himself from employment to attend an official meeting. County board, as such, has a number of committees that meet not only once a week but, in a number of cases, it will meet several times a week. In your interpretation of official meeting, do you also include these subcommittees of the county board meeting on various... various issues?"

Hannig: "By definition, we are limiting it to those committees or to those meetings where a quorum of the elected membership is expected to be present."

Wolf: "Of the entire body?"

Hannig: "That's correct. So, I would expect that probably to be just those meetings where all the members would meet for county board business."

Wolf: "Thank you."

Speaker Greiman: "Gentleman from Knox, Mr. McMaster."

McMaster: "Will the Sponsor yield?"

Speaker Greiman: "Indicates that he will."

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McMaster: "Gary, a few things to, perhaps, clear some of this up.

As I understand this Bill, it only pertains to membership on the county board. It has nothing to do with someone being a member of a school board. Isn't that right?"

Hannig: "No, the Section 1 says any elected official of a county board or school district may take the time off. So, the idea is to try to..."

McMaster: "You are then including school board membership?"

Hannig: "Yes, that's correct."

McMaster: "Okay, thank you. Another question. You are saying essentially that an employee of a private business or organization will have his pay docked while he goes to these meetings, isn't that right?"

Hannig: "That's correct. We would expect that, in the case of, at least, private business, that we would not expect them to necessarily, by law, provide a day's pay for an individual when they did not provide a day's work. Certainly, they could do so if they so desired, or we would expect the employee to take a sick day or a personal day."

McMaster: "Continuing further - but you do designate that a school teacher, if he or she is a member of a county board, will receive pay as a teacher while they are attending that county board meeting and also receiving a per diem for going to the county board meeting. Is that not true?"

Hannig: "Well, basically that is correct."

McMaster: "Well, why do you insist that the teachers can be paid twice in one day but a member of private business cannot be paid but once in a..."

Hannig: "Well, first of all, I would think it would be unfair to put the burden on our private industry and ask them, necessarily, to pay an employer... and employee to... their day's pay. But on the other hand, our school teachers find themselves in the posture where, for the most

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part, they are not given any personal days and, certainly, I don't think it's appropriate for them to take a sick day. And, consequently, since in most cases, the per diem is not that great and perhaps can only represent traveling expenses, I think that it's not necessarily unfair for these, in effect, state employees to be asked to be reimbursed by the school district."

McMaster: "But the school district might very possibly have to hire a substitute teacher and pay that substitute for that day while the regular teacher is attending a board meeting. Is that not true?"

Hannig: "In some cases, that, certainly, could be true, Representative."

McMaster: "I think that is one of the problems with the Bill, Gary. I understand what you are trying to do. I think that anyone, whether they be a school teacher or an employee of private business, should have the opportunity to have the day off to attend a meeting of a board to which they were elected. But I also feel that there should not be a differentiation between them. In other words, I think the school teacher should also be docked if they wish to be a member of that elected board, whatever it might be. I think you would also find that the way the Bill is written, that, yes, the employee can attend a county board meeting, but also a regularly constituted committee meeting of that county board, if indeed that committee is going to have a quorum of those people elected to the county board in attendance at that committee meeting. I think you would find both are covered by the same language. I think there are some problems with the Bill, Gary."

Speaker Greiman: "Further discussion? The Gentleman from DuPage, Mayor Barger."

Barger: "Thank you, Mr. Speaker. To the Bill. This particular

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idea of allowing people to take part in county board and school board meetings is a good one. There is only one basic flaw in this though. In most of the suburban communities and in many of the rural areas, school board meetings are held at night so everyone can attend. Gives the citizens an opportunity to see what is going on. The same is desirable in county board meetings. I would much more strongly favor allowing all of the citizens the opportunity to attend these meetings if they want to and this can be done by the simple expediency of the organization involved holding their meetings in the evening instead of in the daytime when they have privacy from the citizenry. Thank you."

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

DeJaegher: "Gary, at one time, you had a Bill that encouraged participation. Now, basically what you've done with this Bill is gutted the Bill so badly that there is no participation. Originally, you... you gave everybody in the State of Illinois the opportunity for participation, and for some particular reason, you have backed off and I don't know why you have backed off. I think the Bill could have been passed in its original form. I think that you could have got the support of the House. I think that everybody encourages participation, and I think everybody wants to become involved in the election process. That Bill that you had originally gave these people that particular right. But now you are excluding, and by exempting certain areas that this Bill does not address itself to, regarding businesses and et cetera, I think is wrong. Hopefully that you will not pursue this particular Bill in its form that you have it at this particular time, that you will hold this Bill in Committee. You will



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redraft this Bill. You will bring this Bill back again to us next year in the original form that you had it. Thank you."

Speaker Greiman: "Further discussion? The Gentleman from St. Clair, Mr. Flinn."

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

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

Hannig: "Well, thank you, Mr. Speaker. I find myself somewhat in a dilemma. In an effort to try to accommodate some of those Members of the Committee who felt that perhaps the Bill was drafted too broadly, we have accepted some Amendments to try to narrow the provisions of the Bill. Now, I find that perhaps some of the other Members of the Legislature would disagree with those provisions. But in closing, I would simply say that this Bill is introduced and offered to you today in an effort to try to allow individuals who want to serve on county boards and want to serve on school boards to have an statutory right to do so. I might say that the problem with the teachers are that we simply do not allow, for the most part, teachers to have personal days. And, certainly, I don't think it's appropriate that they would take sick days to attend these meetings, and so I think it would be more appropriate that we simply give them the day off, as we probably would if it was a state employee who could take a sick day if they were working for the Governor's Office or some other state employee. For those who would wish to have their meetings at night, that would be fine. This Bill would not be necessary. But, nevertheless, that is not necessarily the

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case through most of the state... through most of the counties in our state. The Bill, in Committee, had no opposition. The school boards did not testify against it. Employer groups did not testify against it. When a similar Bill went through the Legislature last year, none of these groups testified against it. It is simply a Bill that I have introduced at the request of members of my legislative district in order to try to correct some problems that we do have. I think if you believe that everyone should have the right to participate in government, to participate at all levels and think that that is important to our democracy, then you should vote 'yes' on this Bill. I would ask for your 'yes' vote."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Representative Cowlshaw for... to explain her vote, one minute."

Cowlshaw: "Mr. Speaker, Ladies and Gentlemen of the House, my 'no' vote on this Bill is because I do not want to be, nor do I believe that the General Assembly should be in the position of endorsing double-dipping, which is precisely what this Bill does. It says that we shall pay public school teachers for teaching, although they are not performing their duties that day, at the same time the county is paying them whatever amount the county may be paying them for being on the county board. I do not want to be in the position of endorsing double-dipping. Thank you."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Yes, the Lady from Sangamon to explain her vote, one minute."

Oblinger: "Mr. Speaker, Members of the General Assembly. This is not double - dipping. If you are paid fifty dollars a day

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as a teacher and twenty-five dollars a day as a county board member, they will subtract the twenty-five dollars from your salary and you will get twenty-five dollars from your teaching salary."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 75 voting 'aye', 33 voting 'no', 5 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Representative John Matijevich in the Chair."

Speaker Matijevich: "The Special Order of Business - Elections and Selection, appears House Bill 3134, McGann, on page 14 of your Calendar. The Gentleman from Cook, Representative McGann. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 3134, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

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

McGann: "Thank you, Mr. Speaker, Members of the Assembly. House Bill 3134 amends the Election Code, puts a cap on the amount an election authority can charge for supplying computer tapes. Now, many election authorities have computerized their operation so this Bill is to set the cap where we will be charging an equitable amount, but not overcharging. Amendment 2 became the Bill at the request of Representative Olson and other Members of the Election Committee that felt as though the hundred dollar cap was too restrictive. So we went around the counties, we found out an equitable plan in each county, according to their population, we have set individual caps. We have the support of both sides of the aisle on this Bill, and rather than take any further time, I'll be glad to answer any questions and I would ask for an affirmative vote."

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Speaker Matijevich: "Representative McGann has moved for the passage of House Bill 3134. The Gentleman from DeWitt, Representative Vinson, Sam Vinson."

Vinson: "Yes, Mr. Speaker. At the time that this Bill was moved to Third Reading, I had requested an impact note. Subsequently, we engaged in discussions as to the position of this Bill in regard to Speaker Madigan's memo on impacts. And I have had discussions with all of the relevant parties and would want, at this time, to withdraw that note and make sure that there is no cloud on the record of this Bill."

Speaker Matijevich: "It's clean as a whistle, and the note is filed anyhow. The Gentleman from Lee, Representative Myron Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I join with Representative McGann in urging support for this Bill. He asked if I would cosponsor the Amendment which put into a reasonable number the amount of monies that would be... have to be spent for the cost of these tapes. I would urge an 'aye' vote for House Bill 3134."

Speaker Matijevich: "The question is, 'Shall House Bill 3134 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 98 'ayes'... 99 'ayes', 7 'nays', 2 answering 'present'. House Bill 3134, having received the Constitutional Majority, is hereby declared passed. House Bill 3181, Hicks. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 3181, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

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

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

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House Bill 3181 as amended provides that precinct committeemen, at this time, can be appointed as deputy registrars in their precincts. We are simply saying that now they can be appointed as deputy registrars on a county-wide basis. This does not take in account Cook County whatsoever. It's simply those areas where you have precinct committeemen. We did address one problem with Amendment #1 that Representative Olson had on the Bill whereby that also precinct committeemen could knock off anyone off the rolls in those other precincts or county-wide areas where they found someone to be incorrectly registered or no longer available to vote. I'd be happy to answer any questions."

Speaker Matijevich: "Representative Hicks has moved for the passage of House Bill 3181. On that, the Gentleman from Vermilion, Representative Larry Stuffle."

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

Speaker Matijevich: "Indicates he will."

Stuffle: "Representative Hicks, can you tell me if House Bill 3181 gives elected precinct committeemen the same right that we gave last year to appointed deputy registrars in Senate Bill 1301? That is, to register anyone in the county and to be able to register from any location in the county."

Hicks: "Yes, that's the intent of the Bill, is to be able to have a precinct committeeman to act anywhere in the county in any different locations or as many locations as they see fit to do."

Stuffle: "To the Bill, Mr. Speaker and Members of the House."

Speaker Matijevich: "Proceed."

Stuffle: "I think this is an excellent Bill if we are serious about voter participation and if we are serious about getting people out to work in downstate Illinois. On

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behalf of Democrats or Republicans, we ought to give them the wherewithall to do that. We know how difficult it is in downstate, with the absence of patronage and the absence of incentives today, to get people to work the precincts in many cases. We need voter participation. The only way you can get to that end is get them registered and this is an excellent piece of legislation toward that end that supplements Senate Bill 1301 from last year."

Speaker Matijevich: "Gentleman from Lee, Representative Myron Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Addressing the issue of 3181, we've had some earnest conversations on the subject. There remains, in the minds of many, the question of the necessity of having, in downstate areas, of people having the ability to move around the county and register voters. The Amendment, which was offered by myself, which also permitted people to travel around the county to challenge voters, would appear to give it some balance. I have had a significant number of phone calls, some letters and some other correspondence with people on this subject from the downstate area of Illinois. And even despite the fact that we have the Amendment in place which would permit registrars to challenge in the county under the proper context of the State Board challenge system, I reluctantly will have to suggest that we offer a 'no' vote on this Bill."

Speaker Matijevich: "Representative Hicks, to close."

Hicks: "Yes, Mr. Speaker. I'd simply ask for 'aye' votes on this Bill. It's a good Bill. It's a Bill that addresses a concern in downstate, southern Illinois and in all counties in Illinois, whereby you would have precinct committeemen who want to get out and do a good job in registering the voters and doing the job they are elected to do. And I'd

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ask for an 'aye' vote."

Speaker Matijevich: "Representative Hicks has moved for the passage of House Bill 3181. Question is, 'Shall House Bill 3181 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 73 'ayes', 38 'nays', 1 answering 'present'. House Bill 3181, having received the Constitutional Majority, is hereby declared passed. Johnson, Gentleman from Champaign, Representative Johnson. Johnson wants to be recorded 'aye'. 74 'ayes' and 37 'nays', 1 answering 'present'. House Bill 3181, having received the Constitutional Majority, is hereby declared passed. House Bill 3183, Saltzman. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 3183, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Peoria County, Representative Saltzman. Don Saltzman on House Bill 3183."

Saltzman: "Thank you, Mr. Speaker. If a person applies to register for voter registration and the registration officer cannot register an applicant because of the applicant's inability to furnish the required two forms of identification, the registration officer shall present the application with the form, written in English and Spanish, outlining the legal requirements for voter registration in Illinois and identifying forms of identification which is acceptable. List of applicants whose registration was refused because of their failure to present the required forms of identification shall be maintained for three months and shall be open for inspection by deputy registrars appointed under this Act. I have received no opposition to this Bill since I started as a Sponsor.

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Appreciate your vote."

Speaker Matijevich: "Representative Saltsman has moved for the passage of House Bill 3183. The Gentleman from McLean, Representative Ropp."

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

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

Ropp: "Representative, as I read our analysis, it says this registration information must be written in English and Spanish. Why is it, if this is a big concern, have we included only two languages?"

Saltsman: "Because this seemed to be the area of... this ethnic group... where the biggest problem was, and we had some in the area of Peoria, Chicago and so on."

Ropp: "Well, we've got some people... lot people in this country any more who are oriental and I'm... I guess I... I question why we just have Spanish or why we need any other than just English."

Saltsman: "They do have the largest amount of citizenry, probably, in the State of Illinois, outside of the other groups that, at this time, are disadvantaged without education."

Ropp: "Okay, thank you."

Speaker Matijevich: "Gentleman from Lee, Representative Olson, Myron Olson."

Olson: "Would the Sponsor yield?"

Speaker Matijevich: "Proceed."

Olson: "Representative Saltsman, for the benefit of some of those who might have been engaged in other conversation and didn't really have an opportunity, of course, to hear what the intent of this Bill was when you discussed it in our Elections Committee, could you reiterate the necessity for and the intent of the Bill?"

Saltsman: "Well, by maintaining this list for three months,



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Representative, we think that that gives our deputy registrars a chance to find some disadvantaged people who have not been registered and will be able to possibly help them find this type of identification to be able to give them the chance to be able to vote in the upcoming election."

Olson: "One other question. Is there a possibility, under this legislation, that only the deputy registrars could see the lists or would this be a matter of public record, for anybody in the Election Authority, that is?"

Saltsman: "Well, I don't know if this would be a matter of public record. It would be available for everybody. I wouldn't want it to break the law. But, at this time, it says deputy registrars, and they would be the ones who would be able to help the person and I don't know who else would possibly want to check someone out to see if they had been rejected or not."

Olson: "Thank you very much."

Speaker Matijevich: "Representative Saltsman to close."

Saltsman: "Yes, I have had no opposition from the county clerks and no one else on this legislation. I ask for a favorable vote."

Speaker Matijevich: "Representative Saltsman has moved for the passage of House Bill 3183. The question is 'Shall House Bill 3183 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 99 'ayes', 13 'nays'. And House Bill 3183, having received the Constitutional Majority, is hereby declared passed. We have... Representative Myron Olson, for what purpose do you rise?"

Olson: "Thank you, Mr. Speaker. While we're still on this Special Order of Business, I would like to recommend that

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House Bill 3033 be placed in Interim Study."

Speaker Matijevich: "The Gentleman asks leave that House Bill 3033, is it? 3033 be placed in the Interim Study Calendar. Does he have leave? And House Bill 3033 will be committed to the Interim Study Calendar of the Elections Committee. Special Call of environment Bills, we have some Bills that should be returned back to the order of Second Reading for purposes of Amendment. House Bill 303... Representative Vinson."

Vinson: "I didn't hear what Order of Business we're now on."

Speaker Matijevich: "We're on the Special Call of the Chair on environment Bills to return to the Order of Second Reading for purposes of Amendment."

Vinson: "Is that... Is that listed on page two of the Calendar in the Special Orders?"

Speaker Matijevich: "No."

Vinson: "Would you tell me just precisely how we got to that one?"

Speaker Matijevich: "Under the rules of the Chair where the Speaker has the discretion of calling Bills on Special Subject Matter. We are now on the matter of Bills relating to the environment. The Subject Matter - Environment, Representative Vinson."

Vinson: "That's the provision in the rules that you used to berate former Speaker Ryan on when he utilized that to expedite the business of the House."

Speaker Matijevich: "Not me, in fact... in fact, I didn't think he really took advantage of that rule. I never berated... I berated him for just about everything else, but not that. And to show our fairness, I'll call now on Representative Dwight Friedrich, the Gentleman from Marion, for the purpose of a Motion."

Friedrich: "Yes, Mr. Speaker."

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Speaker Matijevich: "And Ryan would have never done that, I know."

Friedrich: "Mr. Speaker, Members of the House, for those of you who are not aware of it, every year the Reference Bureau goes through the statutes to... for on revisory things to change. And there are no substantive changes, but it always results in a rather large Bill. The one this year is 1,225 pages, and there's nothing substantive in it. But because of the cost of printing and because of the lack of interest in reading it, I would like to move to suspend the provisions of Rules 5 (c), 20 (i) and 32 (b) in Order that Senate Bill 1957 does not have to be printed and put on your desk. It makes a stack about a foot high, and I think you would not be interested in reading it anyway. But in order to save money, and if anyone wants a copy, we will provide. But I do make that Motion, Mr. Speaker."

Speaker Matijevich: "The Gentleman asks leave and use of the Attendance Roll Call that the House Bill aforementioned the rules be suspended whereby that Bill must be printed. Does he have leave? Leave, and the Attendance Roll Call will be used for that purpose."

Friedrich: "Thank you, Mr. Speaker."

Speaker Matijevich: "Thank you, and now we are on the Order of Special... On the Subject Matter of Environment, and the first Bill on that call will be House Bill 3036, Breslin. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 3036, a Bill for an Act to amend Sections of the Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "The Lady from LaSalle, Representative Breslin."

Breslin: "This Bill should be on the Order of Second Reading, Mr. Clerk. And I would like to withdraw Amendment #1 on the

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Order of Second Reading.: It was moved back to Second yesterday, and I believe remained there."

Speaker Matijevich: "According to the sheet, it's on... You're correct. It is on the Order of Second Reading."

Breslin: "Withdraw Amendment #1."

Speaker Matijevich: "The Lady asks leave to withdraw Amendment #1. Does she have leave? Leave, and Amendment #1 is withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Breslin, amends House Bill 3036."

Speaker Matijevich: "The Lady from LaSalle, Representative Breslin, on Amendment #2."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. Amendment #2 does exactly what I wanted to do with Amendment #1, except for the placement of fees in the Hazardous Waste Fund. I decided that all monies that could be recouped by the Attorney General should go into the Hazardous Waste Fund under this provision of the Bill. However, any funds collected under this Subsection which were received because of the action of the State's Attorney should be retained by the county in which he serves. Since it is the... he served at the expense of the county, the county should be able to recoup its money in that regard. The other thing that... that the Amendment does, I would remind you, is that it allows the board, as well as the court of competent jurisdiction, to award cost and reasonable attorney fees. It also adds that they could receive expert witness, and the cost of consultants, Attorney General have prevailed, in a case prosecuted under the Environmental Protection Act. And that includes the entire Environmental Protection Act, not just those cases dealing with hazardous waste prosecutions."

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Speaker Matijevich: "Representative Breslin moves for the adoption of Amendment #2. All in favor say 'aye', opposed 'nay', and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. House Bill 3037, Keane. The Clerk will read the Bill. Is that on Second?"

Keane: "I believe that this is on Third and would ask for leave to bring it back."

Speaker Matijevich: "The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 3037, a Bill for an Act to amend the Illinois Hazardous Material Railroad..."

Speaker Matijevich: "The Gentleman from Cook, Representative Keane, asks leave that House Bill 3037 be returned to the Order of Second Reading for the purpose of an Amendment. Does he have leave? Leave, the Bill is on Second Reading. Amendments from the floor? The Gentleman from Cook, Representative Keane."

Keane: "Yes, Mr. Speaker, I would ask leave to withdraw Amendment #1, which I should have done..."

Speaker Matijevich: "The Gentleman asks leave to table Amendment #1. Does he have leave? Leave, and Amendment #1 is tabled. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. House Bill 3038, Barnes. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 3038, a Bill for an Act to amend an Act to create the Illinois Health and Hazardous Substance Registry Act and the Illinois Cancer Registry Act. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Cook, Representative Barnes, asks leave that House Bill 3038 be returned to the Order of Second Reading for the purpose of an Amendment. Does she have leave? Leave, the Bill is now on Second Reading."

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Clerk O'Brien: "Amendment #3, Barnes."

Speaker Matijevich: "The Lady from Cook, Representative Barnes.  
Jane Barnes."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House,  
Amendment #3 to the Cancer Registry Act deletes 'positions'  
and adds 'laboratory or other facilities' in place of  
'hospital'."

Speaker Matijevich: "Representative Barnes moves for the adoption  
of Amendment #3. All those in favor say 'aye', opposed  
'nay', and Amendment #3 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Barnes."

Speaker Matijevich: "The Lady from Cook, Representative Barnes,  
on Amendment #4."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House,  
Amendment #4 deletes a provision that would have allowed  
the Department of Public Health to require any person,  
firm, association, corporation or other organization to  
submit information as desired by the Department for the  
health and hazardous substance registry. And this is an  
agreed Amendment on both sides."

Speaker Matijevich: "Representative Barnes moves for the adoption  
of Amendment #4. All in favor say 'aye', opposed 'nay',  
and Amendment #4 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. House Bill 3044, Mautino.  
The Clerk will read the Bill."

Clerk O'Brien: "House Bill 3044, a Bill for an Act to amend the  
Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "Representative Mautino asks leave to return  
House Bill 3044 back to the Order of Second Reading for the  
purpose of Amendment. Does he have leave? Leave, and the  
Bill is now on Second Reading. Amendments from the floor?"

Clerk O'Brien: "Amendment #1, Mautino, amends House Bill 3044."

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

Mautino: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3044 is the funding mechanism, the fee Bill for the Waste Cleanup Bond Act, which is embodied in House Bill 3175. The Amendment #1 to 3044 sets forth the fees as they pertain to the manufacturers of hazardous and toxic waste in this state. The fee set forth in Amendment #1 are identical to those that have been embodied in the Senate legislation that passed, I believe, with 31 votes today. This is the result of approximately ten task force committees and 1,800 pages of testimony that addressed the question of how we set forth the funding mechanism to cleanup hazardous waste in this state. Since, in fact, the posture of this administration has been to use General Revenue Fund, taxpayers dollars, to cleanup sites that have either, number one, been abandoned by the individual proprietors or those entities like 'Luminous Processing' in Ottawa, where the facility was there, but the owner was not to be found or money to be made available from their bankrupt corporation. This Amendment sets forth the mechanisms whereby the generators of those toxic wastes and hazardous wastes would provide the funding for the cleanup provisions. The EPA has identified 27 sites eligible for possible Super Fund. This legislation would bring about approximately 4.4 million dollars in amended form for cleanup, the funds provided by the generators. I guess the question in this legislation, in this Amendment, is how do we fund the cleanup provisions when there are about 800 sites in this state that have yet to be addressed. Do we do it under the General Revenue Fund and take our millions of dollars that should be available for education and human resources and use that money, or should

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we get the funds under a fee Bill from those that generate the waste? This administration and this Governor does not have a proposal that would fund the cleanup. This Amendment, Amendment #1, and Amendment #3 would address those concerns and provide those funds. In order for the General Assembly to be responsible, we have to implement a funding mechanism. This is that mechanism, and I move for adoption of Amendment #1."

Speaker Matijevich: "Representative Mautino moves for the adoption of Amendment #1. Those in favor say 'aye', opposed 'nay', and Amendment #1 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Mautino."

Speaker Matijevich: "The Gentleman from Bureau, Representative Mautino, on Amendment #2."

Mautino: "Mr. Speaker, because Amendment #2 only has one page and the second page was amended, I withdraw #2 and go with #3."

Speaker Matijevich: "The Gentleman asks leave to withdraw Amendment #2. Does he have leave? Leave, and Amendment #2 is withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Mautino."

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

Mautino: "Amendment #3, Mr. Speaker, provides for a little less funding as it pertains to those individuals who recycle, reclaim or reuse toxic waste. It reduces those taxes that are provided by 50% in Amendment #1. This brings in about 1.1 million dollars and it says to the generators and the processors out in the industrial area that if, in fact, you do treat your waste, there will be no 100% fee placed upon you, but it will be a lesser fee. There would be no duplication with this Amendment, whether the hazardous waste were generated by the treatment or disposal of that



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hazardous waste, which treatment or disposal has been subject to a fee under the disposal provisions. So, this eliminates any double fee that was questioned earlier by many of the Members who had been talking with the commerce and industry individuals. And I move for adoption of Amendment 3."

Speaker Matijevich: "The Gentleman from Bureau moves for the adoption of Amendment #3. The Gentleman from McHenry, Representative Klemm."

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

Speaker Matijevich: "Indicates he will, proceed."

Klemm: "Representative Mautino, I followed your Amendment #1 and 2 briefly, and I didn't get a chance to check on #3. So, maybe you could clarify it for me. But I noticed on the fee schedules that you had previously scheduled, I found a discrepancy in some of the amounts. In other words, I found some of the large... the large producers, I guess, of hazardous waste, getting charged less than the small producers or the small generators. And I was wondering if that makes sense. If we're trying to as a policy in Illinois, trying to eliminate hazardous waste, wouldn't it almost be an incentive that they be charged more per gallon for the more they create than it would be the other way around?"

Mautino: "We've based the fees on the volume provided and produced by the generators. What I think you'll find is the small providers would be charged \$250, as opposed to those that are producing over ten million gallons up to \$50,000."

Klemm: "Okay, well Amendment 3, if I were to produce a 1,000 gallons, it would be about two and half cents a gallon, right?"

Mautino: "Right."

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Klemm: "If I were producing 10,000 gallons it would be about five cents, is that right for the next category?"

Mautino: "Yes, the problem there..."

Klemm: "And then in the next one I go back to two and a half cents. Why do you penalize the producer of hazardous waste from 1 to 10,000 gallons paying twice what the one above and below it does. I mean it doesn't make sense."

Mautino: "You have to put it in concept of Amendment #3 which, I have addressed."

Klemm: "That's what I'm talking about."

Mautino: "Amendment #3 addresses only those individuals who recycle and reuse and treat."

Klemm: "Well, okay, but that's not my point. My point is that why where it says less... I'm on Amendment 3... to a 1,000 gallons it's two and a half cents a gallon, and if you produced up to 10,000, you pay five cents. That's more, and I can understand that. But then when you go to 100,000, it goes back to two and a half cents. I mean why this up and down and up and down. Why don't we charge them either the same or get more astringent as they produce more?"

Mautino: "Maybe because you are looking at three different categories. The first category you discussed at five cents is the acutely hazardous waste. The other category is the hazardous waste, which is treated on site, but still considered hazardous after they have treated it. The third one, the third area, is the hazardous waste which is not treated, but is treated offsite. There's three different classifications in the Bill."

Klemm: "Well, okay, I realize that, and you've done that in those too. You've done the same thing I'm questioning you in these others. Instead of being consistent, you skip around. On one it was five cents a gallon, then it goes

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down to two cents, then it goes up to five cents, then it goes back down to two cents. And the big producer got the 4/10 of a cent. On another one you did two and a half cents and then if you were in the middle, you only had to pay one cent, and then if you did more, you went up to two and a half and, then if you did even more, you went down to one. You were up and down and up and down on it. There's no consistency is what I'm saying, and I don't know if it was intentional or if it was an oversight because you picked volume and the dollars to round it off. But it doesn't compute very well, and I was wondering if there was an intentional reason for that and if you could explain that?"

Mautino: "The intentional reason is because there are three different categories, acute and hazardous and off site. I am, by Amendment #3, providing that if you do treat it, etc., and recycle, then it would be a lesser charge, two and a half cent charge. We're trying to make it much better for individuals."

Klemm: "Well, I have just received some new information, but I was within your category itself now. I wasn't skipping back and forth. So, within the one category, you were jumping around in different rates, and I think you should look that over and I mean it, because I think you've got a good idea. I think another point is that those who produce more hazardous waste, acute hazardous waste, should probably pay a bigger premium than one it was trying to not produce much. I think we're reversing it. I think that if we're going to try to support eliminating hazardous waste the more we charge them because they're the ones who, perhaps, will create more problems. They should maybe pay more than the other way around, but, I mean, it's something we can talk about later on."

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Mautino: "I'd be happy to sit with you, Dick, and possibly come up with a solution. That has been brought to my attention before."

Klemm: "Okay, thank you very much."

Speaker Matijevich: "Representative Mautino has moved for the adoption of Amendment #3. Those in favor say 'aye', opposed say 'no'. Amendment #3 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. House Bill 3179, Mautino. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 3179, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Bureau, Representative Mautino, asks leave that House Bill 3179 be returned to the Order of Second Reading for the purpose of Amendment. Does he have leave? Leave, and the Bill is on Second Reading. Amendments from the floor?"

Clerk O'Brien: "Amendment #2, Mautino, amends House Bill 3179."

Speaker Matijevich: "The Gentleman from Bureau, Representative Mautino, on Amendment #2."

Mautino: "The Bill itself, 3179, addresses the question of surface impoundments, and their use determination definition. Amendment #2 to that legislation defines specifically what is and what is not an injection well, which, in the original legislation, is including what are considered dikes around an impoundment area. This Amendment is as follows: 'Surface impoundments include, without limitation, holding storage, settling and aeration pits, ponds and lagoons. Surface impoundments do not include artificial retaining walls designed to minimize products fill damage.' Basically, it addresses the question of dikes, and I move for the adoption of Amendment #2."

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Speaker Matijevich: "Representative Mautino moves the adoption of Amendment #2. Those in favor say 'aye', opposed say 'no', and Amendment #2 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. We'll be at ease for a moment. Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 1395, McGann, a Bill for an Act to amend the Public Community College Act. First Reading of the Bill. Senate Bill 1692, Keane, a Bill for an Act to amend the Revenue Act. First Reading of the Bill. Senate Bill 1728, Deuchler, a Bill for an Act to amend the Park District Code. First Reading of the Bill. Senate Bill 1756, McGann, a Bill for an Act to create the Business Opportunities and Sales Act. First Reading of the Bill. Senate Bill 1793, McGann, a Bill for an Act to amend the Unified Code of Corrections. First Reading of the Bill. Senate Bill 1798, Christensen - Pangle, a Bill for an Act authorizing conveyance of certain property owned by the Board of Trustees of the University of Illinois. First Reading of the Bill. Senate Bill 1840, Karpziel, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill. Senate Bill 1845, McGann, a Bill for an Act to amend the Workers' Compensation Act and Workers' Occupational Disease Act. First Reading of the Bill. Senate Bill 1853, McGann, a Bill for an Act to amend the Illinois Highway Code. First Reading of the Bill. Senate Bill 1857, DeJaegher and Brunsvold, a Bill for an Act relating to civic centers. First Reading of the Bill. Senate Bill 1861, Karpziel, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. First Reading of the Bill. Senate Bill 1862, Koehler, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill."

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Speaker Matijeich: "Committee Reports."

Clerk O'Brien: "Representative Matijeich, Chairman of the Committee on Rules, met pursuant to Rule 29 (c3). The following Bills have been ruled exempt: House Bills #... Senate Bills #1223, 1374, 1384, 1385, 1395, 1399, 1401, 1420, 1425, 1429, 1430, 1448, 1459, 1462, 1481, 1483, 1491, 1518, 1519, 1522, 1538, 1589, 1596, 1598, 1602, 1607, 1618, 1629, 1631, 1644, 1650, 1657, 1664, 1685, 1691, 1692, 1705, 1707, 1708, 1714, 1727, 1728, 1734, 1735, 1746, 1747, 1755, 1767, 1781, 1791, 1793, 1798, 1797, 1801, 1811, 1812, 1824, 1839, 1840, 1841, 1844, 1845, 1848, 1855, 1857, 1859, 1861 and 1862."

Speaker Matijeich: "Messages from the Senate."

Clerk O'Brien: "Messages from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to advise the House of Representatives that the Senate has passed Bills of the following titles, and passage of which I am instructed to ask concurrence of the House of Representatives, to wit: Senate Bills #1866, 1867, 1870, 1873, 1875, 1876, 1878, 1879, 1880, 1881, 1882, 1883, 1887, 1889, 1896, 1905, 1911, 1925, 1927, 1928, 1929, 1930, 1933, 1935, 1936, 1938, 1939, 1940, 1941, 1943, 1944, 1945, 1946, 1947, 1949, 1950, 1951, 1953, 1954 and 1957, passed by the Senate May 24, 1984. Kenneth Wright, Secretary'. 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 titles, and passage of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Bill #1920, passed by the Senate May 24, 1984, by a three-fifths vote. Kenneth Wright, Secretary.'"

Speaker Matijeich: "Representative Vinson, let's try this for Speaker Ryan's type of activity. On the Calendar on page

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two, House Bills Second Reading, Subject Matter - Exclusion of Liver Transplantation Cost from Health and Accident Insurance Coverage. How did that sound, Sam? The Bill is on Second Reading. Are there Amendments? House Bill 2321, Representative Topinka."

Clerk O'Brien: "House Bill 2321, a Bill for an Act concerning the exclusion of liver transplantation costs and health and accident insurance coverage. Second Reading of the Bill. Amendment #1 and 2 were adopted in Committee."

Speaker Matijevich: "Amendments from the floor?"

Clerk O'Brien: "No Motions. No Floor Amendments."

Speaker Matijevich: "Third Reading. We'll leave that. Representative Vinson, I understand there's a note on the way, but it has not been filed yet. Representative Mautino, for what purpose do you rise?"

Mautino: "I would like, as the second major Sponsor of 2321, to make a statement. It's still in the posture now of Second Reading, did you say? We have an Amendment. I don't know if Representative Topinka is here? She's here. We have an Amendment that is being prepared. We would like to move the Bill to Third with the opportunity to bring it back for that final Amendment tomorrow for the record."

Speaker Matijevich: "You want the Bill moved to Third?"

Mautino: "Yes."

Speaker Matijevich: "Well, we have a slight problem. We can't move it now because there's been a request, unless whoever filed that request would withdraw it for the impact note. Representative Vinson, for what purpose do you rise?"

Vinson: "Leave to withdraw the impact note."

Speaker Matijevich: "One moment. Is Representative McPike on the floor? Representative Vinson... Representative Vinson, we're going to take that Bill out of the record now, until McPike comes back. I think we can comply with that. Out

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of the record for a moment, and we'll get back to it when we get back to that Subject Call. It's on Second Reading now. It's been read and held on Second. The Chair will now call those Bills on Third Reading that are on Special Orders of Business that need Amendments, and on that the Chair... the Bill is House Bill 2566, Wojcik. The Clerk will read the Bill. 2566."

Clerk O'Brien: "House Bill 2566, a Bill for an Act to amend the Illinois plumbing license law. Third Reading of the Bill."

Speaker Matijevich: "The Lady asks leave that House Bill 2566 be returned to the Order of Second Reading for the purpose of an Amendment. Does she have leave? The Bill is on Second Reading."

Clerk O'Brien: "Amendment #4, Wojcik, amends House Bill 2566 on page three and so forth."

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

Wojcik: "Yes, Mr. Speaker and Members of the House. I ask leave to table Amendment #2 and 3."

Speaker Matijevich: "The Lady asks leave to table Amendment... Amendments #2 and 3 to House Bill 2566. Does she have leave? Leave, and those Amendments are tabled. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Wojcik."

Speaker Matijevich: "The Lady from Cook."

Wojcik: "Yes, Mr. Speaker and Members of the House. Amendment #4 merely freezes the status quo of the Bill. If you're using a licensed plumber in water plant facilities, they can continue to do so. If not they do not have to go out and hire licensed plumbers. I move for the passage of Amendment 4."

Speaker Matijevich: "The Lady moves for the adoption of Amendment #4. The Gentleman from Peoria, Representative Tuerk."

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



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Speaker Matijevich: "She indicates she will, proceed."

Tuerk: "I noticed this Amendment, and I have no objection to the Amendment, but it involves only water facilities or plant facilities as opposed to the present setup of a private water company, for example, that I'm interested in in Peoria, is able to make various hookups at the hydrants and so forth. This Amendment does not cover that situation. Is that correct?"

Wojcik: "Yes."

Tuerk: "Are there plans to cover that situation in a later Amendment or in another Bill?"

Wojcik: "Yes, there are."

Tuerk: "In other words, it's the intention of the Sponsor and of this Body to keep the status quo in that category also."

Wojcik: "Yes."

Tuerk: "Thank you."

Speaker Matijevich: "There being no further discussion, Representative Wojcik has moved the adoption of Amendment #4. Those in favor say 'aye', opposed 'nay', and Amendment #4 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Wojcik."

Speaker Matijevich: "The Lady from Cook, Representative Wojcik, on Amendment 5."

Wojcik: "Mr. Speaker and Members of the House, I move to withdraw Amendment #5."

Speaker Matijevich: "She asks leave to withdraw Amendment #5. Does she have leave? Leave, and Amendment #5 is withdrawn. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. With leave of the House, we'll return back to the Bill on Second Reading that we held. House Bill 2321, and the Gentleman from Madison, Representative McPike."

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McPike: "Thank you, Mr. Speaker. I would ask leave that... to have the request for a fiscal note withdrawn."

Speaker Matijevich: "Representative McPike asks leave to withdraw the fiscal note request on House Bill 2321. Does he have leave? Leave, and there being no request for a fiscal note on the House Bill 2321, Third Reading. With leave, the House will now return to those Bills on Special Order... Special Call which must be moved back to Second for the purposes of an Amendment. On page fourteen of your Calendar appears House Bill 3162, Bullock - White - Braun. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 3162, a Bill for an Act to amend the Illinois Lottery Law. Third Reading of the Bill."

Speaker Matijevich: "The Representative from Cook, Representative Braun, asks leave that that Bill 3162 be returned back to the Order of Second Reading for the purpose of an Amendment. Does she have leave? Leave, and the Bill is on Second Reading. Are there Amendments?"

Clerk O'Brien: "Amendment #3, Braun."

Speaker Matijevich: "The Lady from Cook, Representative Braun, on Amendment 3."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 is another school funding proposal, and what it will do is allow for a surcharge on lottery sales to fund schools in Illinois. And I urge its adoption or I'm entertaining questions you may have."

Speaker Matijevich: "Representative Braun has moved for the adoption of Amendment #3. Is there any discussion? The Gentleman from McLean, Representative Ropp."

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

Speaker Matijevich: "She indicates she will yield."

Ropp: "Representative, with the Bill that we've already passed that puts all these funds into education, how does this,

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your Amendment, be effective?"

Braun: "Thank you, Representative. What it essentially does, this Amendment will add an additional pot of money, statewide, for the schools, and will allow for this surcharge on the lottery to go into the school districts where they're generated in order to fund those school districts throughout the state."

Ropp: "This then, in effect, would give direction to the Bill that was previously passed that puts it all in the Educational Fund then this begins to pick from that Educational Fund, and put it into the districts from whence it cometh."

Braun: "Interesting. No, it really doesn't do that, because the Amendment itself establishes something called the... I'll tell you in a minute... but it is in that direction. I support it, the proposal, because you know, most of our constituents thought the lottery money was going to go for schools anyway, and I supported the previous proposal. But this one is called the Local School Fund. So these dollars would go into a Local School Fund so that they wouldn't get comingled with GRF."

Ropp: "In other words though, if my county comes up with 'X' amount of dollars from the lottery here, then they'll get all the amount of money."

Braun: "They get it all. That's right. That's right."

Ropp: "Is that a good idea?"

Braun: "I know."

Ropp: "You think it's a good idea?"

Braun: "I think it's a wonderful idea. That's why I want to adopt the Amendment."

Ropp: "Okay, thank you."

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

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Topinka: "Mr. Speaker, may I ask at least a confirmation from the Sponsor. She's kind of soft-spoken, and now that I've reached 40, you know, my ears hurt. I didn't quite hear you. Well, I mean it's...it's, you know, running rampant. But anyway, did I just hear you say... I just want to confirm for my own benefit."

Speaker Matijevich "I was going to say forty is young for a witch."

Topinka: "I'm going to sit here in my conical hat."

Speaker Matijevich: "One a week for you, Judy."

Topinka: "Yes, it's been a bad week. But anyway, if you could confirm for me, now that I wear my conical hat, and I'm forty and I fly on Halloween, did I hear you say that you would get the money back from this to your school fund, to your county fund to the proportion that was expended. It comes back to that district."

Braun: "Absolutely, on the local..."

Topinka: "I did hear correctly. Okay, I just wanted to double check that I did hear correctly. Thank you."

Speaker Matijevich: "Representative Braun, to close."

Braun: "Thank you. Thank you, Representative. I encourage your support for this fine proposal."

Speaker Matijevich: "Representative Braun, moves for the adoption of Amendment #3. Those in favor say 'aye', those opposed say 'no'. Amendment #3 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading."

Braun: "Mr.... Mr....."

Speaker Matijevich: "Representative Braun?"

Braun: "With leave of the House, I would like to have this Bill considered now on Third Reading."

Speaker Matijevich: "We better wait. We haven't cleared that. So, we better wait."

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Braun: "That's fine. Alright, thank you."

Speaker Matijeich: "Announcement from the Chair. Supplemental Calendar #1 is being distributed. Those Members who are interested in picking up Senate Bills as House Sponsors, please fill out the appropriate forms for that purpose. The Chair will now proceed to Third Reading, Subject Matter - Pensions, and on that, we are at this time calling House Bill 1210, 1211 and 2671. On those Bills, all the appropriate notes have been filed. So, on that Order of Business, appears House Bill 1210, LeFlore. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 1210, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Matijeich: "The Gentleman from Cook, Representative LeFlore. Robert LeFlore, on House Bill 1210."

LeFlore: "Thank you, Mr. Speaker, Members of the House. House Bill 1210 as amended removes a \$400 ceiling on certain survivors' benefits and provide them with a 50% retirement pension payable to the annuity at the time of death. The survivor of benefit will take effect on December the first, 1985. I'll be willing to answer any questions, if there is a question. I don't know of any opposition at this time."

Speaker Matijeich: "Representative LeFlore, has moved for the passage of House Bill 1210. The Gentleman from DeWitt, Representative Vinson. Sam Vinson."

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

Speaker Matijeich: "Indicates he will, proceed."

Vinson: "Representative, who does this provide a benefit for?"

LeFlore: "It would provide benefit for those spouse who are retiring after December 1, 1985... before December 1, 1985, I'm sorry."

Vinson: "And what would be the cost of the benefit?"

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LeFlore: "What would be the cost?"

Vinson: "Yes."

LeFlore: "According to the pension impact note, Representative, the estimated cost would be about \$505,000."

Vinson: "Representative, as I see the increase in actuarial liability is about \$11,000,000 now, isn't that correct?"

LeFlore: "I didn't hear you."

Vinson: "The increase in actuarial liability is about \$11,000,000. Isn't that correct?"

LeFlore: "I think you're looking at the wrong thing. Are you looking at Amendment 2?"

Vinson: "Okay, I see now. With the Amendment, the increase in actuarial liability is about \$6,000,000. Right?"

LeFlore: "Something like that."

Vinson: "To the Bill."

Speaker Matijevich: "Proceed."

Vinson: "Mr. Speaker, I rise in opposition to the Bill, and I do so because of the extraordinarily difficult position we are beginning to put local government and taxpayers into with these constant pension increases. Now, this is a pension increase which effects, only benefits, certain teachers in the Chicago school system. And I would call to the attention of the chamber the fact that right now my recollection is we're dealing with a situation where the general corporate levy for the city, some 46% of it, is required for pension costs. We are getting to the point where we are strangling local government's ability to finance itself and the local taxpayers with these escalating pension benefits. I don't believe we ought to continue to do that. I believe that we've got to stop this business of leap-frogging pension benefits and increasing their value constantly with the constant drain on our taxpayers, and I would urge a 'no' vote. The Civic

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Federation is opposed to this Bill."

Speaker Matijevich: "Representative LeFlore, to close."

LeFlore: "Mr. Speaker, this pension benefit only goes to..."

Speaker Matijevich: "I'm sorry, I didn't see Representative Terzich's light. Let's back up. The Gentleman from Cook, Representative Terzich."

Terzich: "Yes, Mr. Speaker. With regard to the Bill that, as amended and appeared before the Pension Laws Commission, it should be noted that the Chicago Teachers' Pension Fund is one of the few retirement systems that does not provide a survivor's benefit that is equal to 50% of the retirement benefit. This is simply an ad hoc change. It can be seen from the Amendment that the major of the ad hoc increase does not commit this system to indefinitely in the future. And it would be possible to reassess the situation later on. So, this is nothing more than an ad hoc increase. And I would like to bring to the attention that since there is no additional funding... would be provided by this Amendment, which is the Bill, it should be noted that during the past year the aggregate experience of the fund was quite favorable, and it resulted in a decrease in the end funded liability of approximately \$80,000,000, and an increase in the funded ratio from 49% to 55% funded. So, this is a small adjustment, which the Chicago teachers do not enjoy the survivors' benefits that the other systems do have, and it only effects the Chicago system, and I would urge its support."

Speaker Matijevich: "Representative LeFlore to close."

LeFlore: "I think the last speaker made it very clear. I feel that it's unjust to the Chicago teachers because the downstaters, teachers, are receiving this benefit already. What I am... asking for affirmative vote on this particular Bill. Thank you."

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Speaker Matijevich: "Representative LeFlore has moved for the passage of House Bill 1210. The question is 'Shall House Bill 1210 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this there are 61 'ayes', 47 'nays', and the Gentleman from DeWitt, Representative Vinson, for what purpose do you rise?"

Vinson: "To seek a verification of the affirmative vote."

Speaker Matijevich: "The Gentleman from DeWitt, Representative Vinson, asks for a verification of the affirmative vote, and Representative LeFlore asks for a Poll of the Absentees. The Clerk will poll the absentees."

Clerk O'Brien: "Poll of the Absentees. Domico. John Dunn. Harris. Hicks. Levin. Mautino. McAuliffe. Koehler. White."

Speaker Matijevich: "The Clerk will now call out the affirmative vote. When your name is mentioned, remain in your seats and raise your hand."

Clerk O'Brien: "Alexander. Barnes. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Cullerton. Curran. Currie. DeJaegher. DiPrima. Doyle. Farley. Flinn. Giglio. Giorgi. Greiman. Hannig. Homer. Huff. Jaffe. Keane. Krska. Kulas. Laurino. LeFlore. Leverenz. Markette. Marzuki."

Speaker Matijevich: "One moment. Leave for Steve Nash to be verified. Leave. Proceed."

Clerk O'Brien: "Matijevich. Mays, I'm sorry not Mays. McGann. McPike."

Speaker Matijevich: "One moment. Representative McNamara, for what purpose do you rise? Change from 'present' to 'aye'. McNamara, 'aye', and Brookins asks leave to be verified. Leave."



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Clerk O'Brien: "Nash. Oblinger. O'Connell. Panayotovich. Pierce. Preston. Rea. Rhem. Rice. Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Slape. Steczo. Stuffle. Terzich. Turner. VanDuynes. Vitek. Wolf. Young. McNamara. Mr. Speaker."

Speaker Matijevich: "Leave for Lee Preston to be verified. Representative Vinson on questions of the Affirmative Roll Call. Proceed."

Vinson: "Representative Bowman?"

Speaker Matijevich: "Representative Bowman? Is Representative Bowman here? I don't see him here. How is he recorded?"

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

Speaker Matijevich: "Remove him."

Vinson: "Representative Bullock?"

Speaker Matijevich: "Representative Bullock? Larry Bullock? I don't see him here yet. How's he recorded?"

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

Speaker Matijevich: "Remove him."

Vinson: "Representative Currie?"

Speaker Matijevich: "Return Woods Bowman to the Roll Call, and Currie is in the aisle over here in the rear."

Vinson: "Representative Jaffe?"

Speaker Matijevich: "Representative Jaffe is..."

Vinson: "In the press box."

Speaker Matijevich: "In the press box getting his press release. Now you wonder how he does it. Proceed."

Vinson: "Mr. Laurino?"

Speaker Matijevich: "Laurino. I don't see Representative Laurino in the back. How is he recorded?"

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

Speaker Matijevich: "Remove him. Proceed."

Vinson: "Mr. McGann?"

Speaker Matijevich: "Representative Andy McGann? He's in the

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aisle."

Vinson: "Representative Panayotovich?"

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

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

Speaker Matijevich: "Remove him."

Vinson: "Mr. Pierce, I'm sorry. I see him there now."

Speaker Matijevich: "Ellis Levin wants leave to be verified. No, he wants to be recorded 'aye'. Ellis Levin, 'aye', and be verified. Leave. Proceed."

Vinson: "Mr. Richmond?"

Speaker Matijevich: "Mr. Richmond? I don't see Bruce back there. How is Mr. Richmond..."

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

Speaker Matijevich: "Remove him. Proceed."

Vinson: "What happened with Mr. Richmond?"

Speaker Matijevich: "He's off the Roll Call."

Vinson: "He's off the Roll, you say?"

Speaker Matijevich: "That's right."

Vinson: "Okay. Representative Satterthwaite?"

Speaker Matijevich: "Satterthwaite is in her chair."

Vinson: "Mr. Van Dwyne?"

Speaker Matijevich: "Representative Van Dwyne is in his seat."

Vinson: "No further questions."

Speaker Matijevich: "No further questions. What is the count, Mr. Speaker... or Mr. Clerk? 59 'ayes', 47 'nos', and Representative Brummer asks to be recorded as 'aye'. Are there any further... What's the count now, Mr. Speaker or Mr. Clerk? 60 'ayes'... For what purpose does Mr. Hicks rise? Oh, I'm sorry. Does anybody else desire to switch their votes or be recorded? Oh, 60 'ayes', I thought it was 59. 60 'ayes', 46 'nos', and House Bill 1210, having received the Constitutional Majority, is hereby declared

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passed. House Bill 1211. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 1211, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Robert LeFlore, on House Bill 1211."

LeFlore: "Mr. Speaker, Ladies and Gentlemen of the House. 1211 as amended provides that the Chicago teachers who was absent from work from October 14, '83 to October 28, 1983, due to the labor dispute, will receive service credit for the benefit that was lost. ...laws benefit because they was on strike. Now, the teachers themselves who is... would be eligible for this benefit is willing to pay half, the other be picked up by the local government. I would answer any question, if there is any opposition to this Bill."

Speaker Matijevich: "Representative LeFlore has moved for the passage of House Bill 1211. The Gentleman from DeWitt, Representative Vinson. Sam Vinson."

Vinson: "I would urge 'no' votes on 1211. It's an expensive matter. All of this comes home to roost with the taxpayers, and, by golly, we shouldn't be sitting down here sticking it to the taxpayers. So, I'd urge a 'no' vote."

Speaker Matijevich: "Representative LeFlore has moved for the passage of House Bill 1211. 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 49 'ayes', 52 'nays', 4 answering 'present'. House Bill 1211, having failed to receive the Constitutional Majority... Representative LeFlore, for what purpose do you rise?"

LeFlore: "Mr. Speaker, I would like to put 1211 on Postponed."

Speaker Matijevich: "The Gentleman asks leave that House Bill

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1211 be placed on the Order of Postponed Consideration.

Does he have leave? Leave, and this Bill will be placed on

the Order of Postponed Consideration. The next Bill is

House Bill 2671, Greiman. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 2671, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Greiman. Alan Greiman, on House Bill 2671."

Greiman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2671 is a Bill which has been put in at the request of the Chicago School Teachers Pension and Retirement System. The Bill, in chief, raises the... the Retirement Fund and allows it to be able to own convertible debt and stocks with a total book value of up to 50% of its total investments. At the present time, it has only allowed to only go to 40% of its total investments. It believes that it will be better stable to make flexible investment decisions based on that, and that, of course, has no cost. Another... Amendment 1 and 3, which are to be read together, do other technical changes in the... in the operation of the retirement system. The only one that has any kind of impact would be providing that a retiree would have up to two years service credit for employees who had military service, regardless of whether the employee was employed a teacher before entering service. So, it's giving recognition of two years for military service for a retiree. Presently, a retiree could only use that service if the retiree was in the service... was in teaching at the time. This allows for two years. It's a relatively small impact. That's what House Bill 2671 is about. I ask your approval."

Speaker Matijevich: "Representative Greiman has moved for the

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passage of House Bill 2671. The Gentleman from DeWitt,  
Representative Vinson."

Vinson: "Yes, Mr. Speaker, an inquiry of the Chair?"

Speaker Matijevich: "Proceed."

Vinson: "Is the Calendar correct that only Amendments 1 and 3  
have been added to this Bill?"

Speaker Matijevich: "One moment. Mr. Clerk..."

Vinson: "Mr. Speaker, I'll accept Mr. Greiman's assurance of  
that. To the Bill. The Bill, as introduced, I would have  
supported. I think it's a good concept and would have  
supported the Bill itself. Amendment #1 granted a  
substantive pension benefit, however, which as I understand  
it, was somewhat scaled back by Amendment #3. I think that  
it is bad practice, and we ought to reject the practice of  
introducing legislation which is good pension legislation,  
administratively improving the system, which what the Bill  
did, and then using that legislation, when it comes to the  
floor, for the purpose of granting substantive of benefits.  
I think that's a bad practice. Nothing contrary to the  
rules about it, and I don't want to suggest that the  
Sponsor is in anyway violating the rules. He's just  
engaging in bad government, and I would urge a 'no' vote to  
reject this end run on bad government."

Speaker Matijevich: "Representative Greiman, to close."

Greiman: "Yes, thank you. I would, of course, again  
Representative Vinson..."

Speaker Matijevich: "One moment, I didn't see Representative  
McGann's light before. Let's back up one moment.  
Representative Andy McGann."

McGann: "Thank you, Mr. Speaker. Would the Sponsor yield to a  
question?"

Speaker Matijevich: "Proceed."

McGann: "Representative Greiman, in one of your Amendments here

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you cover an inequity that occurred in the pension laws, as far as Chicago teachers are concerned. When they went off to war, World War II, they came back, they found themselves not being covered. Is that correct?"

Greiman: "Yes, this increases benefits for veterans for men... for men and women who have served in the armed forces."

McGann: "And which they were not covered before, for which other pension groups have considered a veteran."

Greiman: "Yes, that's correct."

McGann: "So, what we're doing here is we're repairing an ill that occurred, giving some treatment to it, so that we can help these people that have been discriminated through these years. I would certainly support this fine piece of legislation, and I hope everyone would give an 'aye' vote for our veterans who are school teachers that have been deprived of these benefits through the years."

Speaker Matijevich: "Representative Greiman, to close. Representative Greiman, to close."

Greiman: "Yes, thank you. Representative McGann has well spoken. This provides a relatively small benefit. It has a very, very small impact on the fund. On the other hand, the benefits in the managerial provisions that have been requested by the fund, as well as this provision which was requested by the fund, are very important to the fun. Mr. Vinson, of course, has reached back into his... into his brief case, and he's picked up speech #63, which doesn't apply to this Bill either, but it's okay. You know, we understand he has to get these speeches out during the day. The Bill is a good Bill. It provides necessary reform for the pension system, and the benefit that it gives, the small benefit, which, as the impact note indicates, is extremely small, is for many women who have served in the armed forces for two years, whether or not the period was

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prior... was subsequent to their beginning teaching. I ask for your approval of House Bill 2671."

Speaker Matijevich: "Representative Greiman has moved for the passage of House Bill 2671. The question is, 'Shall House Bill 2671 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 55 'ayes', 49 'nays', 5 voting 'present'. And Representative Greiman, the Gentleman from Cook, for what purpose.."

Greiman: "... the absentees."

Speaker Matijevich: "Gentleman asks for a Poll of the Absentees. The Clerk will call out the absentees. Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Bullock. John Dunn. Flinn."

Speaker Matijevich: "Flinn 'aye'."

Clerk O'Brien: "Harris. McAuliffe. Richmond. Taylor. White and Wolf."

Speaker Matijevich: "What's the count, Mr. Speaker... or Clerk? 56 'ayes', 49 'nays', 5 voting 'present', The Gentleman from Cook, Representative Greiman, asks leave that House Bill 2671 be placed on the Order of Postponed Consideration. Does he have leave? And this Bill will be placed on the Order of Postponed Consideration. Next Bill, House Bill 1216. The Sponsor is not here, I understand. Representative Terzich. Leave for Representative Terzich to handle 1216? The Clerk read the Bill."

Clerk O'Brien: "House Bill 1216, the Bill is being held on Second Reading."

Speaker Matijevich: "Has the pension impact note been filed, Mr. Clerk?"

Clerk O'Brien: "Pension impact note is filed."

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Speaker Matijevich: "Third Reading. One moment. Representative Slape, for what purpose do you rise? I'm sorry."

Slape: "Mr. Speaker, I would like to... As Sponsor of Amendment... House Amendment #6 to House Bill 1216, I would like to move to table that Amendment that was put on earlier in the day."

Speaker Matijevich: "Alright. Let's leave and make sure that... Leave, the Bill is returned to Second Reading. I may have said Third Reading. Leave, the Bill is on Second Reading. And Representative Slape asks leave to table Amendment which? Leave to table Amendment #6. Does he have leave? Leave, and Amendment #6 has been tabled. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "And all requests have been complied with? Third Reading."

Clerk O'Brien: "Notes are filed."

Speaker Matijevich: "And the Gentleman from Cook, Representative Terzich, asks leave for the immediate consideration of House Bill 1216. Does he have leave? Leave. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 1216, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

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

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, when... this Bill has to do with the offset provision which was passed in 1976. And with regard to the offset, it was to stop individuals from collecting on both their pension benefits and workmen's compensation payments, which would then sometimes total up to 131 percent of salary. This Bill was reviewed by the Pension Laws Commission."



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They did adjust the benefit under the system. The Downstate Firemen's Pension Fund, the duty disability benefit is 65 percent of salary, and many of the retirement systems provide duty disability benefits of 75 percent. Thus, instead of allowing a fireman to receive the total disability income of a hundred percent of his final salary, this will provide the same as others downstate and provide it with the 75 percent offset. There is a very, very minimal cost involved since what would happen is that the workmen's compensation would pick up the difference between the 65 and the 75 percent. And I would move for its approval."

Speaker Matijevich: "Representative Terzich has moved for the passage of House Bill 1216. Is there any discussion? Seeing none, the question is, 'Shall House Bill 1216 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 87 'aye'... 86 'ayes', 21 'nays', 1 answering 'present'. House Bill 1216, having received the Constitutional Majority, is hereby declared passed. House Bill 2476, Capparelli. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 2476, a Bill for an Act to amend Sections of the Illinois Pension Code."

Speaker Matijevich: "Out of the record for the moment. Leave to return to it. 2747, McAuliffe, and the Sponsor is not here. Out of the record, I think. Leave to return to that Bill. 2835, Saltsman. Clerk will read the Bill."

Clerk O'Brien: "House Bill 2835, a Bill for an Act to amend the Pension Code. This Bill is being held on Second Reading for a Mandates Act note."

Speaker Matijevich: "Have the requests been complied with, Mr..."

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

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Speaker Matijevich: "Alright. Third. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. And Representative Saltsman asks leave for the immediate consideration of House Bill 2835. Does he have leave? Leave. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 2835, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

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

Saltsman: "Thank you, Mr. Speaker. House Bill 2835 is a Bill that will lower from one-half to one-quarter percent the amount of loss in pension per month for members of the IMRF. According to a cost study by the IMRF, the cost would be around one-tenth of one percent, which is very small. Older employees, at the top salary range, might retire and be replaced by new employees at the bottom salary scale and could result, too, in a savings to some of the employers. It would also allow those with health problems who want and need retirement to do so without suffering a large penalty. I ask for passage of this Bill."

Speaker Matijevich: "Representative Saltsman has moved for the passage of House Bill 2835, and the Gentleman from Cook, Representative Cullerton."

Cullerton: "Okay, the... Amendment #2 didn't gut the Bill, did it? Or Amendment #1 didn't gut the Bill, did it?"

Saltsman: "No, it didn't, and the mandate impact has been received on that, Representative Cullerton. That was the impact that we needed... gut the Bill."

Cullerton: "Right. We have the... The pension impact note on Amendment #1 is filed, and it says it's a relatively minor

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cost impact. Right? Okay. And then what is... The pension impact note was already filed on the Bill originally. Right?"

Saltsman: "Yes."

Cullerton: "Okay. And we're exempting this from the Mandate's Act. Right?"

Saltsman: "Yes."

Cullerton: "We're leaving Amendment #2 on? Okay."

Speaker Matijevich: "There being no further discussion, the question is, 'Shall House Bill 2835 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 93 'ayes', 9 'nays', 2 answering 'present'. House Bill 2835, having received the Constitutional Majority, is hereby declared passed. Page five of the Calendar. Page five of the Calendar, Third Reading, appears House Bill 15, O'Connell, John O'Connell. The Gentleman wish to proceed? Out of the record. No. Read the Bill."

Clerk O'Brien: "House Bill 15, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

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

O'Connell: "At this time, Mr. Speaker, may I have leave to put this Bill into Interim Study?"

Speaker Matijevich: "The Gentleman asks leave to place House Bill 15 in the... on the Interim Study Calendar. Does he have leave? Leave, and House Bill 15 will be placed on the Interim Study Calendar. Alright. For the edification of the Members, if you want to move a Bill off the Calendar to Interim Study, there are forms here available, and it... it... it can be done in that manner. House Bill 91, McAuliffe. The Gentleman is not here. Out of the record."

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House Bill 239, Mautino. Does the Gentleman wish to proceed? Out... Out of the record. House Bill 315, Davis. Out of the record. House Bill 328, Hallock. Out of the record. House Bill 569, Braun. Out of the record. House Bill 704, Younge. You want to proceed? Read the Bill."

Clerk O'Brien: "House Bill 704, a Bill for an Act to amend Sections of the Illinois Community Development Finance Corporation Act. Third Reading of the Bill."

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

Younge: "Thank you very much, Mr. Speaker. House Bill 704 amends the Community Development Finance Corporation Act. This Corporation was signed into law on the 23rd of February, 1983. In order for the Community Development Finance Corporation to be audited, the Auditor General recommended Amendment #1, which states clearly that there is hereby created a state agency and a corporate body of the State of Illinois. And he has asked for that Amendment so that the proper wording will be there, too, for auditing purposes. In addition to that, this Bill amends this Community Development Finance Corporation to make clear that the Corporation will have the power to train and identify and recruit new entrepreneurs. And with that, I ask for your support of this matter."

Speaker Matijevich: "Representative Wyvetter Younge has moved for the passage of House Bill 704. Is there any discussion? Seeing none, the question is, 'Shall House Bill 704 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 94 'ayes', 15 'nays', 1 answering 'present'. House Bill 704, having received a Constitutional Majority, is hereby declared passed. House Bill 809, Greiman. Clerk will read

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the Bill."

Clerk O'Brien: "House Bill 809, a Bill for an Act to provide family counseling services through circuit courts. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Cook, Representative Greiman. Alan Greiman."

Greiman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. One of the most difficult situations that lawyers who observe domestic relations cases and who handle those cases can see is the handling of custody... child custody cases, child visitation cases. They are the bitterest. They are the meanest kind of cases that I know that I have handled in my years. And the truth of the matter is that lawyers are not necessarily equipped or able to handle these in... with the kind of sensitivity that is required. And it is because of that that 809 has been offered to this Assembly. 809 provides a nonmandatory establishment of mediation service. There need not be mediation unless the particular Circuit decides that it's important and valuable. It is... the mediation and counseling services will be directly through and under the courts. They will be funded by the... by addition to the divorce filing or dissolution filing fees. You will recall that we increased the dissolution filing fees two years ago, in order to fund domestic violence shelters, but the Supreme Court of Illinois has held that there is not sufficient connection between a shelter for domestic violence victims and divorce litigants; that the class of people who are paying are not quite coterminous, as it were, with the class of people who are accepting and receiving the services. That's not true if you limit the mediation services to people in families who are... who are in or about to be in the courts. I would suggest to you that you consider this Bill. I think

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it will serve to alleviate some of the stress, some of the anger, some of the terrible trauma of separation, of custody, child custody and of child visitation battles."

Speaker Matijevich: "Gentleman from Cook, Representative Greiman, has moved for the passage of 80... House Bill 809. Gentleman from Champaign, Representative Johnson. Tim Johnson."

Johnson: "Well, that was a good speech, not even a canned speech, and I appreciate it. But could you tell us more specifically what the Bill does?"

Greiman: "Yes. If you'll note here, the Bill, which is basically Amendment 2, provides for each service... each Circuit Court may establish voluntary programs of family counseling services, including marriage, domestic violence, child abuse counseling, dissolution of marriage mediation services to be available to families as provided in another Section, which is Section 5 of the Act. And the services can be merged with other court services. They can be contracted out. They can be by employee. It leaves to the Circuit Court of each Circuit the concept of how they believe they can best in their Circuit handle it. There may, for example, be differences between a Circuit like Cook County and Circuits downstate. And so, it's left to the... to the Circuit Court to establish its own kind of... of program, that which would be more sensitive to the needs of that community."

Johnson: "Does... Is there still contained in the Bill, and I presume there is - there's a number of Amendments - the provision for an increase of 15 dollars for the filing fee in divorce cases and a 15 dollar increase in the marriage license fee?"

Greiman: "That's... that's... Not a marriage license fee, no. Just for filing of divorce... filing of the dissolution

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cases."

Johnson: "Okay. Let me just ask you, not really as a devil's advocate question, but a sincere question, the Crocker versus Finley case that you've alluded to held among, other things, in that case, the five dollar fee that we... that we would add... five dollars for the dissolution filing fee to go into this domestic fund and so forth. The Court held, among other things, that the five dollar additional fee was not a fee for the court services, but a tax on matrimonial litigants for a social welfare program and not... and unreasonably interfered with their access to the courts under Article I, Section 12 of the Constitution. And also, that the fee was arbitrarily imposed on a narrow group of matrimonial litigants, and it violated their rights of due process and an equal protection."

Greiman: "That's right."

Johnson: "How is... How is this Bill going to withstand constitutional scrutiny..."

Greiman: "My answer..."

Johnson: "... where the..."

Greiman: "My answer to that, of course, is that the class of people that are paying are, by and large, the class of people who will be the beneficiaries. In the Crocker case, I think the Court said that those people who are the payors are not necessarily connected as beneficiaries of the... of the services to be rendered and that their... In this case, I think to the contrary, there is a close connection. It is a court service, and it's paid for by the... administered by the courts, paid for by people who are seeking the courts so that, in my..."

Johnson: "There's still... There's still language though, Representative Greiman, in the case that would... that would indicate that... that this, as far as the test the

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Court applied, really isn't any different. I'm not... I'm not trying to put myself in the position of the Court..."

Greiman: "Well, no, I know. I understand, and what I'm suggesting is that a different rule will obtain because of the character of the closeness of the payors and the closeness of the beneficiaries. I appreciate that, and I think it's a close question. But I think that it will withstand the test of the Constitution."

Johnson: "Have the... the circuit clerks or county officials of whatever relevant county officials would be involved, taken a position on this Bill?"

Greiman: "Pardon?"

Johnson: "Well, have Illinois circuit clerks, or whatever their association is, taken a position on the Bill?"

Greiman: "Well, it would be run by the Judges and, in fact, by the Circuit Courts, not by the clerks."

Johnson: "I mean, are they in favor of the program?"

Greiman: "The Circuit..."

Johnson: "Circuit clerks."

Greiman: "The Circuit Courts?"

Johnson: "Circuit clerks."

Greiman: "I don't think they have a position, because they don't... they don't really run the program. The program is run by the... by the Circuit Court."

Johnson: "I understand that, but I didn't say they ran the program, but they would be integrately involved in it, I would think."

Greiman: "I don't think they have a position on it."

Johnson: "Okay. How about Judge Gully in the Administrative Office?"

Greiman: "Pardon?"

Johnson: "How about Judge Gully and the Administrative Office of Illinois Courts?"



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Greiman: "They have not... They're not against it, as far as I know, and they did the fiscal note, in fact, for it."

Johnson: "Which is what? What's the fiscal note?"

Greiman: "Well, it would be funded by... by contributions, and you would have no impact because, obviously, if they didn't have the funds to go on, they wouldn't go on. The program is totally funded by additions to the... to the Fund and the Fund is to be administered by the Court Administer's Office."

Speaker Matijeovich: "Gentle... Gentleman from Livingston, Representative Ewing. Tom Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I would just have a comment on this. I see that this would be funded by an increase in the marriage license. Is that correct?"

Greiman: "No. It's funded by an increase in the dissolution of marriage filing fees."

Ewing: "I see. Well, I know that we... I have, at least, received a great deal of comment from clerks about our continual process of adding to these fees for whatever good purposes we might believe down here. I think if this is such a wonderful attribute for our court system to have this extra service, we should find another way to fund it and that we should vote 'no' on this Bill."

Speaker Matijeovich: "Representative Greiman, to close."

Greiman: "Well, I suppose if I said we should fund this out of General Revenue funds, Mr. Ewing would jump to his feet and say, 'Why don't we do this on a user basis? That's the current... That's 'are courant' to do it on a user basis. The truth of the matter is this is a good program. It will affect and properly and beneficially impact upon people who are going through the trauma of child custody battles. I know of no litigation, no litigation that is as evil, as

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difficult, as mean, as cruel and as wicked as visitation and custody matters, and this will help to alleviate that kind of bitterness, that kind of anger. And it appropriately... it's an appropriate funding source, and it will not cost the state, as such, any money. It will not cost the counties, as such, any money. And I believe it is a good concept and should be passed."

Speaker Matijevich: "Representative Greiman has moved for the passage of House Bill 809. Question is, 'Shall House Bill 809 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 57 'ayes', 51 'nays', 1 answering 'present', and Representative Greiman asks for a Poll of the Absentees. Representative Bres..."

Clerk Leone: "Poll of..."

Speaker Matijevich: "One moment. Representative Breslin, for what purpose are... Breslin 'aye'. Start at 58, and there's a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Bullock. Christensen. DeJaegher. John Dunn. Harris. Huff. Taylor and White."

Speaker Matijevich: "There are 58 'ayes', 51 'nays', 1 answering 'present'. Christensen 'aye'. No, no. 'No'. Christensen 'no'. I'm sorry. What's your pleasure, Representative Greiman? Representative Brummer 'aye'. 59 'ayes'. And what's your pleasure? 59 'ayes', 50 'nays'. DeJaegher 'aye'. Was that 60? 60 'ayes', 52 'nos'. And, Representative Vinson, for what purpose do you rise?"

Vinson: "Request a verification of the affirmative."

Speaker Matijevich: "Gentleman asks to request the affirmative. Nash asks leave, as usual, to be verified. Does he have leave? Leave. The Clerk will... will announce the Affirmative Roll Call. Representative Vinson, for what

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purpose do you rise?"

Vinson: "In order to give the Senate Rules Committee a chance, I withdraw the verification."

Speaker Matijevich: "The Gentleman asks leave to withdraw the verification. And House Bill 809, having received the Constitutional Majority, is hereby declared passed. We will... Leave of the House, we'll now return to House Bills Third Reading, Subject Matter - Pensions, and the first Bill on that Call is House Bill 2476, Capparelli. Clerk will read the Bill. 2476. I'm sorry. I have the wrong number. Just a minute. Hold on. 2459, I'm sorry. That was 2459. Clerk will read the Bill. One moment. We'll take that out of the record for a moment. There's some dispute of whether the pension impact note... Let's proceed with the first Bill I called, 2476. Clerk will read the Bill."

Clerk Leone: "House Bill 2476, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

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

Capparelli: "Mr. Speaker, House Bill 2476 amends the Municipal Retirement Act. Amendment 1 brings... takes out the sex discrimination, provides that equal computation on men's and women's survivors' annuities. Presently, men survivors get a larger annuity check based on the fact that they're supposed to live longer than women, clarifies the employees of the Board of Education are included in the mandatory pickup by the city. It also reduces early retirement penalty from one and a half to one-quarter, changes the pension formula for employees 60 years of age with a twenty... incremental formula to a flat 2.2 or final average salary, provides that an increase... increasing an employers' contribution from 8.5 to 9 percent of the salary

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to cover the balance of costs. I move for adoption."

Speaker Matijevich: "Representative Capparelli has moved for the passage of House Bill 2476. On that, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Don't men not live longer than women?"

Capparelli: "Not that I know of."

Cullerton: "Well, isn't that the one place where we should discriminate?"

Capparelli: "Absolutely."

Cullerton: "Okay. Too late."

Speaker Matijevich: "Being no further discussion, the question is, 'Shall House Bill 2476 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 79 'ayes', 21 'nays', and House Bill 2476, having received the Constitutional Majority, is hereby declared passed. Representative Capparelli, for what purpose do you rise?"

Capparelli: "I'm rising on House Bill 259 (sic - 2459). You said there was no mandates. There was no Amendment. The only Amendment we put on was taking the costs away from the state, and that Bill should be in order and be called. It didn't change the Bill at all."

Speaker Matijevich: "One... One moment. Representative Capparelli, would you inform the Chair, on that Bill that we just passed, did we put any Amendments on that Bill today? We did? Alright. So that we are in proper order, does the House give leave that that Bill... the rule was suspended for the consideration of that Bill today? Leave, and... Alright. We're legal now. I didn't even hear you, Dick. We're checking out 2459. The Chair will now proceed to the Order of Bills on Third Reading to which Amendments must be placed on those Bills. We cannot proceed on that

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yet. We'll get back to that, but maybe not today. House Bill 2670. 2670. Clerk will read the Bill."

Clerk Leone: "House Bill 2670, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Cook, Representative Currie, asks leave to return House Bill 267 (sic - 2670) back to the Order of Second Reading for the purpose of an Amendment. Does she have leave? Leave, and the Bill is on Second Reading. Amendments from the floor?"

Clerk Leone: "Floor Amendment #4, Greiman, amends House Bill 2670."

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

Greiman: "On this Bill, Mr. Speaker."

Speaker Matijevich: "One moment. I'm trying to see. Are we on Amendment #4?"

Greiman: "Well, I wanted to move to table Amendment #2."

Speaker Matijevich: "Gentleman from Cook, Representative Greiman, asks leave to table Amendment #2. Does he have leave? And Amendment #2 is tabled. And now we are on Amendment #4."

Greiman: "Thank you, Mr. Speaker. Amendment..."

Speaker Matijevich: "Proceed."

Greiman: "Amendment #4, you will recall some days ago, I offered Amendment #3 which dealt with money that was in trust but which, by the terms of the trust or by the terms of the Illinois statute, prohibited a beneficiary of child support from reaching the proceeds of the trust in order to... in order to pay child support. Several Members of the House were concerned that it affected documents that were drawn before the statute would be in action... would be effective so that, accordingly, there was concern that testators, grantors of trusts, would be writing trusts and then would

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find themselves without... their intention somehow misused. Accordingly, I have first removed Amendment #2, which was of concern to some of those Members and have made this Amendment, #4, prospective only to instruments executed or effective after the effective date of this Act so that any settlor of a trust, intervivos trust, or any testator of a will would be drafting their trust in contemplation of this statute. Questions have arisen as to situations where there is discretionary trust. Well, the truth of the matter is that the garnishment would only lie against funds which are vested, would only lie against income which is earned and would only lie against monies to which the ... which the beneficiary, who is not fulfilling his obligations or her obligations to pay child support would be entitled. And it is based on that that I ask you to adopt Amendment #4 to House Bill 2670."

Speaker Matijevich: "Representative Greiman moves for the adoption of Amendment #4. All in favor... Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, Representative Greim... Will the Sponsor yield?"

Speaker Matijevich: "He indicates he will."

Brummer: "Representative Greiman, I have Amendment #4 before me, which refers to the satisfaction of a judgment out of any property held in a trust created after the effective date of this Act. I think the impact of that is quite clear with regard to intervivos trusts. They are either created after the effective date or before the effective date, and those created before the effective date are not impacted. With regard to testamentary trusts, you know, the concern that I had expressed to you was with regard to wills executed last year or three years or five years ago. I guess I have a concern that that trust in that will is actually not created until the person dies. The will is

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not created... I mean, the trust is not created until the person dies, you know."

Greiman: "Right."

Brummer: "It is not a document that has any effect until the date of death."

Greiman: "It is my intention, Mr... Representative Brummer, that it apply to instruments executed after the effective date of the Act."

Brummer: "But that isn't what the amendatory language does. It says trusts created after the effective date. I think that trust is created at the time the person dies regardless of when the instrument was executed."

Greiman: "Well, I would... I'm not... I don't know whether that's the fact, but I'm telling you what my intent is. My intent is... is, and the intent that I gave to the Reference Bureau, to everyone else in this is that it be for instruments executed after the effective date of this Act. That is my intention in this Amendment. I will, if you care to, if this Bill should go to the Senate and be looked at there, I will certainly provide you with appropriate language to make that clear. I do not... I am absolutely... I understand your objections, and I agree with you."

Brummer: "A will is executed ten years ago, but the trust is..."

Greiman: "I understand, and I'm saying to you it's to be effective as of the effective... as of the date of the instrument, not the date... not any other date. That's my intention that it be done in accordance with the effective... execution date of the instrument. If it is deficient in drafting, then we will change that, certainly, in the Senate. But my intention is clear so that you understand, Mr. Brummer, it is based on precisely what your concern is."

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Brummer: "Representative Greiman, you're a lawyer. You know, we all, at times, talk about..."

Speaker Matijevich: "Could we try to resolve this as quickly... We've got about four Bills that needed Amendments, and we're trying to conclude as..."

Brummer: "Well, I really think, you know, despite whatever we express with regard to legislative intent here, is quite clear the language here... used here says the trust created after the effective date, and the trust is created at the date of death. You know, if somebody executes a will the day before the effective date and dies, and I think it's very clear that that needs to be amended in the Senate..."

Greiman: "And I agree."

Brummer: "... if that's what your desire is."

Greiman: "Right. And on that issue, on that issue, I will tell you that it is my clear intention that it be for instruments executed afterwards, and I will see to it that it is appropriately amended. And I will pick... select a Sponsor who will appropriately amend it."

Brummer: "Okay. Thank you."

Speaker Matijevich: "Representative Hawkinson... or McCracken."

McCracken: "Thank you, Mr. Speaker. We're both wearing brown today. I want to thank the Sponsor for making it prospective only, but, frankly, I still have problems with it. You know, this Amendment could require a trustee to liquidate the corpus of a trust in order to satisfy the judgment. It isn't merely limited to income from the trust. It isn't merely limited to assets which are liquid. It... It... It could require the liquidation of assets at a great loss, because the judgment has to be satisfied immediately. So, it does not account for that. It also does not account for sprinkling trusts. It could require a trust to be... the corpus of a trust to be liquidated where



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there is more than one beneficiary. So, you may have a situation where one person is not paying his child support and all of the beneficiaries to the trust are going to suffer with him, because this is requiring the trust corpus to be liquidated in order to satisfy that judgment. Now, these are things that cannot be foreseen as we act on this legislation today. A trust is a very flexible instrument which has a lifespan of many, many years. It can cover situations which we cannot foresee at this time. It's a well-intentioned Amendment. It's a well-intentioned cause. It's a bad idea. Please vote 'no'."

Speaker Matijevich: "Representative Greiman, to close."

Greiman: "Yes, Representative McCracken is just dead wrong, just dead wrong on what can be reached. You cannot reach it unless it is vested. You cannot reach it unless a trustee has already segregated it. It's very clear that you can't. If there are several beneficiaries, you cannot reach a share which would not go to a benefi... to which there would not be an exact, immediate right by that beneficiary. It is not intended at all to do any of the things that Representative McCracken suggests it will, nor will it. Now, as to whether a trust should be liquidated. Indeed, a trust might have... trust property might have to be liquidated. We're talking about a guy who won't pay his child support. We're talking about a guy who says to the trustee, 'Hey, send my check to a post office box. Just send my check to a post office box, and I'll come pick it up.' And he picks it up, and the trustee says, 'I just sent it to a post office box. I don't know where this guy is.' So that you can't garnishee him when it's in his hands. You can't now garnishee the trustee. He sits there with his... with his... with his beneficial interest in the trust. And he gets fat, and his kids don't get paid. Now,

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that's right. I think you should be able to liquidate his assets if he's not paying child support. That's a primary obligation of mine, of yours, of everyone and even of a beneficiary who's sitting there cashing checks. I think that this Amendment makes sense, and I ask for a favorable Roll Call."

Speaker Matijevich: "Representative Greiman has moved for the adoption of Amendment #4. Those in favor say 'aye', opposed say 'no'. Oh. I'm sorry, there was a request for a Roll Call. Those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 57 'ayes', 43 'nays', 1 answering 'present'. Amendment #4 is... I'm sorry. Representative Vinson, for what purpose do you rise?"

Vinson: "I just want to be recognized before the Bill is moved to Third Reading."

Speaker Matijevich: "And Amendment #4 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

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

Vinson: "Mr. Speaker, Amendment #4 changed the title of the Act, inserted a totally new title and, given that fact, I would like the Bill returned to Second Reading, First Legislative Day."

Speaker Matijevich: "What do you think about that, Barbara? The Lady from Cook, Representative Currie."

Currie: "I think, Mr. Speaker and Members of the House, that I will move to suspend the requirement that this Bill go back to Second Reading, First Legislative Day."

Speaker Matijevich: "The Gentleman has moved that, under the rule, that this Bill be placed on the Order of Second

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Reading, First Legislative Day. And the Lady from Cook, Representative Currie, has moved to suspend that rule. And this will take 60 votes. The Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. We've heard the issues in this Bill twice, today and several days ago when an earlier Amendment on the same topic was defeated. Representative Greiman came to the House today with a substantial revision in that original proposal. The concept, however, has been well and adequately discussed twice, and I think it would, in no way, do a disservice to the Membership of this Assembly if this Bill were to be permitted to be heard on Third Reading tomorrow. Therefore, I move that we suspend that requirement."

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

Vinson: "Yes, Mr. Speaker, I would just point out that there are more people in this world and in this state than the people in this chamber. And the provision in the rule is to protect the public. And I would think that Representative Currie would want the public to be informed in regard to the issue, and that's the reason that I seek to exercise the rule. And I would urge a 'no' vote on the Lady's Motion."

Speaker Matijevich: "Representative Currie has moved to suspend Rule 36(d). Those in favor shall signify by voting 'aye', opposed by voting 'no'. This takes 60 votes. Have all voted? Have all voted who wish? Have all voted who wish?"

Vinson: "Speaker, I would urge the Chair to urge the Membership not to vote people's switches. I don't want to have to get into a verification."

Speaker Matijevich: "At the urging of Representative Vinson, the Chair urges the Members to vote your own switches. Have

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all voted? Have all voted who wish? Clerk will take the re... take the record. On this question there are 60 'ayes' and 44 'nays'. And the Gentleman from DeWitt, Representative Vinson, for what purpose do you rise?"

Vinson: "Mr. Speaker, I, on this one, reluctantly request a verification."

Speaker Matijevich: "I urged as hard as I could, Sam. The Gentleman has asked for a verification. And the Lady has asked for a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Bullock. Davis. John Dunn. Harris. Huff. Johnson. Mautino. Staffle. Taylor and White."

Speaker Matijevich: "And we start with 60, I believe. And the Clerk will announce the affirmative vote. When your name is called, be in your seat and raise your hand."

Clerk Leone: "Poll of the Affirmative. Alexander. Berrios. Bowman."

Speaker Matijevich: "Representative Sam Wolf asks leave to be verified. Leave. And John O'Connell, also. Leave, John O'Connell. Capparelli asks leave to be verified. Leave. Woods Bowman asks leave to be verified, while Barb Currie walks over to talk to Sam Vinson. No? Van Duyne asks leave to be verified. Oh, Van Duyne changes from 'aye' to 'no'. Representative Vitek, for what purpose do you rise?"

Vitek: "Mr. Speaker, I was off the floor and somebody pushed my switch 'aye'. I want to vote 'present'."

Speaker Matijevich: "Alright. Gentleman asks leave to be voted 'present'. This Motion, and we haven't started the verification yet - this Motion does not have the requisite votes. So, it shall be declared lost, and the Bill is on Second Reading, First Legislative Day. Next Bill is House Bill 2762, Mautino. The Clerk will read the Bill. Clerk will read the Bill. 2762."

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Clerk Leone: "House Bill 2762, a Bill for an Act to amend Section of the Unemployment Insurance Act. Third Reading of the Bill."

Speaker Matijevich: "And Representative Mautino asks leave that the Bill be returned to the Order of Second Reading for the purpose of Amendment. Does he have leave? The Bill is on Second Reading. Are there Amendments?"

Clerk Leone: "Amendment #2, Mautino, amends House Bill 2762 as amended."

Speaker Matijevich: "Representative Mautino, on Amendment 2."

Mautino: "Thank you, Mr. Speaker. Amendment #2 to House Bill 2762 is the conforming legislation, as it pertains to the Governor's Executive Order #2, creating the Department of Employment Security. Basically, the Amendment strikes those provisions which address the Department of Labor and insert in lieu thereof the Department of Employment Security. It also addresses and eliminates the duplicative provisions as it pertains to registration under the principle and associate and adds it in another Section. It spells out the powers under the Executive Order, as well as sets the salary of the Executive Director and the members of the Board of Review, which will be addressed in Amendment #4. Be happy to answer any questions."

Speaker Matijevich: "Representative Mautino asks... moves to adopt Amendment #2. Gentleman from DeWitt, Representative Vinson."

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

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

Vinson: "Representative, this is the conforming legislation for the Executive Order, and this is the same Amendment that we discussed this morning and that has been signed off on by Sally Ward in the Governor's Office."

Mautino: "Yes, sir."

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Vinson: "Thank you. I rise in support of the legislation, the Amendment, and would urge an 'aye' vote."

Speaker Matijevich: "Representative Mautino moves the adoption of Amendment 2. All in favor say 'aye', opposed 'nay', and Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. Wait a minute. I'm sorry."

Clerk Leone: "Floor Amendment #3, Mautino."

Speaker Matijevich: "There is another Amendment."

Clerk Leone: "Amends House Bill 2762 as amend..."

Speaker Matijevich: "Leave to return it back. We called it Third Reading. Leave, and the Bill is on Second Reading, third Amendment. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I move to withdraw Amendment #3."

Speaker Matijevich: "Gentleman asks leave to withdraw Amendment #3. 3... Leave to withdraw Amendment #3, and it is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #4, Mautino."

Speaker Matijevich: "Representative Mautino, on Amendment 4."

Mautino: "Mr. Speaker, Amendment #4 reduces the salary of the Director to the level which all Directors are at at this time. In the legislation, it lists out an increase in salary. This Amendment reduces that salary to the current salary she has and includes the same amount for the Board of Review which is 15,000 for the Board of Review and 55,000 for the Director. I move for adoption."

Speaker Matijevich: "Representative Mautino moves for the adoption of Amendment #4. The Gentleman from McLean, Representative Ropp."

Ropp: "Okay. Might... May I ask a question of the Sponsor, please?"

Speaker Matijevich: "Proceed."

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Ropp: "I guess my initial question was on the previous Amendment, but you have corrected that Amendment by putting in what she currently gets right... or that lady now gets, which reduces the 55,000 which was on the previous Amendment."

Mautino: "If I may, in the original Amendment #2, the salary was set at 55 and to increase 10,000 to 65 next year. This Amendment reduces that 65 down to 55, the level of Directors of agencies in the state."

Ropp: "Well, my question is then, why, in fact, is this one being dealt with specially when, in fact, I think there is probably going to be a Bill come through that will deal with all of the Code Department Directors at one time? And I'm not sure that we ought to include just one at a time, when they ought to be included all as a collective group."

Mautino: "This is not addressing an additional agency. That is what her salary is now. That is the salary of the Directors of the Code Department, and that's exactly what this Amendment does. It was originally proposed to be 10,000 higher. This Amendment reduces it to the Directorship of all Code Departments, and it's exactly what she's receiving now."

Ropp: "Okay. Thank you."

Speaker Matijevich: "Representative Mautino moves the adoption of Amendment #4. All in favor say 'aye', opposed 'nay', and Amendment #4 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Alright. Can we advance it now? Alright. Third Reading. Alright. There's been leave, and this has been discussed on both sides of the aisle. House Bill 267 (sic - 2670) is on the Order of Second Reading, First Legislative Day, and Representative Greiman moved to advance that to the Order of House Bills Second Reading for the purpose of withdrawing an Amendment. Leave, and House

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Bill 267 (sic - 2670) is on the Order of Second Reading. 2670, rather. 2670. Clerk will read the Bill. It's been read. Yeah, Second Reading."

Clerk Leone: "House Bill 2670, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill."

Speaker Matijevich: "Bill is now on Second Reading. Representative Greiman."

Greiman: "... Speaker, Ladies and Gentlemen of the House..."

Speaker Matijevich: "2670."

Greiman: "... I move to table Amendment #4 to House Bill 2670."

Speaker Matijevich: "Gentleman asks leave to table 267... the Amendment to... Amendment #4, right? Amendment #4 to House Bill 2670. Does he have leave? Representative Johnson, for what purpose do you rise?"

Johnson: "I just want to get something on the record after you do this."

Speaker Matijevich: "Alright. Leave, and the Amendment #4 is tabled. Are there further Amendments?"

Clerk Leone: "No further Amendments."

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

Johnson: "I'll just wait till you get it to Third Reading. That's alright."

Greiman: "Pardon?"

Johnson: "It's on Third now? It's on Third Reading now? Okay."

Speaker Matijevich: "Representative Currie, are you seeking recognition? Representative Currie."

Currie: "How about asking for imme... Thank you, Mr. Speaker. How about asking for immediate leave to consider this Bill on Third Reading?"

Speaker Matijevich: "I think you're stretching it a little bit. You've done..."



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Currie: "Okay. Alright. Thank you."

Speaker Matijevich: "You've done pretty well by getting this far. House Bill 3135, DiPrima, on page 14. Clerk will read the Bill."

Clerk Leone: "House Bill 3135, a Bill for an Act to amend the Secretary of State Merit Employment Code. Third Reading of the Bill."

Speaker Matijevich: "And Representative DiPrima asks leave that this Bill be returned to the Order of Second Reading for the purpose of Amendment. Does he have leave? The Bill is on Second Reading. Amendments from the floor?"

Clerk Leone: "Amendment #3, DiPrima, amends House Bill 3135..."

Speaker Matijevich: "Gentleman from Cook, Representative DiPrima, on Amendment #3."

DiPrima: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I resolved this problem with the Minority Leader, and all it does is just clears up a little verbiage with the approval of the Secretary of State. And that's all it is. I'd be happy to answer any questions."

Speaker Matijevich: "Representative DiPrima moves for the adoption of Amendment #3. There being no discussion, all in favor say 'aye', opposed 'nay', and Amendment #3 ... 3 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. On page 16 of your Calendar appears House Bill 3233, Brookins. The Clerk will read the Bill."

Clerk Leone: "House Bill 3233, a Bill for an Act to amend Sections of the Illinois Highway Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Brookins, asks leave to return that Bill to the Order of Second Reading for the purpose of Amendment. Does he have

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leave? Leave, and the Bill is on Second Reading. Are there Amendments from the floor?"

Clerk Leone: "Amendment #1, Brookins, amends House Bill 3233 on page one and so forth."

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

Brookins: "Yes, Mr. Speaker, this is a technical Amendment, and it removes one word to bring it into compliance. It to remove from line 11 the word 'construction'."

Speaker Matijevich: "Representative Brookins moves for the adoption of Amendment #1. The Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, will the Gentleman yield for a question?"

Speaker Matijevich: "Proceed."

Vinson: "Representative, I want to make sure I know where we're going. What your intent is is to make sure that some of the money that the city gets for... in the motor fuel tax is going to be used to... for the purpose of resurfacing and maintaining nonarterial streets. Is that correct?"

Brookins: "That is correct."

Vinson: "To the Amendment, Mr. Speaker."

Speaker Matijevich: "Proceed."

Vinson: "I think this is a fine Amendment, and I would urge everybody to vote for this Amendment and to vote for the Bill when it gets around to Third Reading."

Speaker Matijevich: "Representative..."

Vinson: "The Gentleman is really doing people a service with this one."

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

Clerk Leone: "No further Amendments."

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Speaker Matijevich: "Third Reading. On page eight of your Calendar appears House Bill 2450, Leverenz. Clerk will read the Bill."

Clerk Leone: "House Bill 2450, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Matijevich: "The Bill is on Third, and Representative Leverenz moves... asks leave that House Bill 2450 be returned to the Order of Second Reading for the purpose of Amendment. Does he have leave? Leave, and the Bill is on Second Reading. Are there Amendments from the floor?"

Clerk Leone: "Amendment #3, Leverenz, amends House Bill..."

Speaker Matijevich: "Gentleman from Cook, Representative Leverenz, on Amendment #3."

Leverenz: "Withdraw Amendment #3."

Speaker Matijevich: "Gentleman asks leave to withdraw Amendment #3. Does he have leave? Leave, and the Amendment 3 is withdrawn. Further Amendments?"

Clerk Leone: "Amendment #4, Leverenz, amends House Bill 2450..."

Speaker Matijevich: "Gentleman from Cook, Representative Leverenz, on Amendment 4."

Leverenz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #4 would take the Bill and totally rewrite it. It did the same as something we passed a couple of weeks ago and that was to remove RV vehicles from the testing program. The Amendment #4 would provide something that we should have added to a Bill last year that we passed dealing with roll off boxes off of the garbage truck type vehicles. This would provide the same exemption as we have for farm vehicles to the ICC bumper requirement on that particular type of vehicle only. I would move for the adoption of Amendment #4."

Speaker Matijevich: "Representative Leverenz moves for the

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adoption of Amendment #4. There being no discussion, all in favor say 'aye', opposed 'nay', and Amendment #4 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. On the Order of Postponed Consideration there are Bills that have to be pulled back for the purpose of... purpose of Amendments. On page 18 of the Calendar appears House Bill 703, Younge. Clerk will read the Bill. House Bill 703. The Lady asks leave that House Bill 703 be returned to the Order of Second Reading for the purpose of an Amendment. Does she have leave? Leave, and the Bill is on Second Reading. Are there Amendments?"

Clerk Leone: "Amendment #2, Younge, amends House Bill 703 as amended."

Speaker Matijevich: "The Lady from St. Clair, Representative Younge, on House Bill 703."

Younge: "Thank you, Mr. Speaker and Members of the House. Amendment #2 to House Bill 703..."

Speaker Matijevich: "One moment. The Chair has been informed that this will be out of the record for the moment. The Chair was in error. The Lady from St. Clair, Representative Younge, on House Bill 703, Amendment #2."

Younge: "Thank you, Mr. Speaker. Amendment #2 merely changes the agency from the Community Development Finance Corporation to the Department of Children and Family Services. And I move for the adoption of the Amendment."

Speaker Matijevich: "The Lady moves for the adoption of Amendment #2. Being no discussion, all in favor say 'aye', opposed 'nay', and Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "The Bill will be returned to the Order of Postponed Consideration. House... On page 18 of your

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Calendar appears House Bill 15... appears House Bill 1535, Levin. And the Gentleman from Cook asks leave that this Bill be returned to the Order of Second Reading for the purpose of an Amendment. Does he have leave? Leave, and the Bill... He didn't have leave, I guess. What happened? The Gentleman from DeWitt, Representative Vinson."

Vinson: "What is the nature of the Motion, Mr. Speaker?"

Speaker Matijevich: "He asks leave that this Bill be returned to the Order of Second Reading for the purpose of an Amendment."

Vinson: "For the purposes of an additional Amendment?"

Speaker Matijevich: "Oh, no, tabling of an Amendment."

Vinson: "Does he want to table his Amendment, or does he want to table my Amendment?"

Speaker Matijevich: "I don't know. I'm going to get to him, and I'll find out. The Gentleman from Cook, Representative Levin, what's your intentions?"

Levin: "Your Amendment."

Speaker Matijevich: "Your Amendment."

Levin: "That proposed..."

Vinson: "In that case, I object to taking the Bill back to Second Reading."

Speaker Matijevich: "You don't have leave, evidently. Representative Levin."

Levin: "We might as well try it all the way. I move."

Speaker Matijevich: "The Gentleman moves to return House Bill 1535 to the Order of Second Reading for the purpose of an Amendment. Those in favor signify by... Representative Vinson, for what purpose do you rise?"

Vinson: "Mr. Speaker, first of all, I believe it's necessary. We ought to have a Roll Call on this, and I believe it takes 60 votes to do that."

Speaker Matijevich: "That's right. I was going to do that. I

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just didn't want a lot of discussion on it."

Vinson: "Secondly, I oppose the Gentleman's Motion. We've listened to this issue quite enough in the course of the year, and I would ask you, Mr. Speaker, to urge people to vote only their own switches; because, should it appear to get 60 votes, I'll request a verification."

Speaker Matijevich: "Alright. Alright. And the Chair is serious on that issue. We don't want to take keys away again. I would suggest you take this out of the record. I don't see 60 votes out there. Out of the record. House Bill 3129, Pierce, is on the Order of Postponed Consideration. And Representative Pierce asks leave that House Bill 3129 be returned to the Order of Second Reading for the purpose of an Amendment. Does he have leave? Leave, and the Bill is on Second Reading. Amendments from the floor?"

Clerk Leone: "Amendment #7, Pierce, amends House Bill 3129..."

Speaker Matijevich: "Gentleman from Lake, Representative Pierce, Amendment #7."

Pierce: "Mr. Speaker..."

Speaker Matijevich: "Proceed."

Pierce: "We will... I'd like... I'm not going to offer that Amendment now. Can the Bill be moved back to Third?"

Speaker Matijevich: "It's got to stay on Postponed."

Pierce: "What's that? You object?"

Speaker Matijevich: "What do you want to do, Representative Pierce?"

Pierce: "I think the Bill can go to Third and maybe tomorrow we can work it out."

Speaker Matijevich: "The Bill stays on Postponed."

Pierce: "But you brought it back to Second, didn't you? Move it to Third."

Speaker Matijevich: "Sorry, Dan. But under the rules, the Bill, if amended from Postponed, goes back to the Order of

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Postponed."

Pierce: "But we're not going to amend it."

Speaker Matijevich: "Well, the problem is you had leave for the purposes of an Amendment, you know. Leave of the House, we're going to have to return this back to the Order of Postponed."

Pierce: "No, with leave of the House, you could put it to Third. It's been read a second time."

Speaker Matijevich: "Well.."

Pierce: "I don't want to be acting on it today. I'm just moving it to the Order of Third."

Speaker Matijevich: ".. that it has to go back to the Order from whence it came, I guess..."

Pierce: "Not if we have leave. I'm asking for leave, and there's no objection."

Speaker Matijevich: "Well, the Bill is on Third Reading, Postponed Consideration, if that's what you want. Is that what you mean?"

Pierce: "I don't see why it can't go on regular Third Reading with leave."

Speaker Matijevich: "The Bill is on leave Postponed Consideration. Leave of the House, we are now on page two of the Calendar, House Bill 3091, Daniels - Ryder. The Bill is on Second Reading. Are there Amendments?"

Clerk Leone: "House Bill 3091, a Bill for an Act to amend an Act concerning business assistance. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Daniels - Ryder, amends House Bill 3091 on page..."

Speaker Matijevich: "Gentleman from Morgan, Representative Ryder, on Amendment #1."

Ryder: "I ask to withdraw Amendment #1."

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Speaker Matijevich: "Gentleman asks leave to withdraw Amendment #1. Leave, and Amendment 1 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Daniels - Ryder, amends House Bill 3091.."

Speaker Matijevich: "Gentleman from Morgan, Representative Ryder, on Amendment #2."

Ryder: "Leave to withdraw #2."

Speaker Matijevich: "Leave to withdraw Amendment #2. And Amendment #2 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Daniels - Ryder - Hicks - Slape, amends House Bill 3091."

Speaker Matijevich: "Gentleman from Morgan, Representative Ryder, on Amendment #3."

Ryder: "Mr. Speaker, I ask leave to add an additional hyphenated Sponsor. That Sponsor is Representative Madigan."

Speaker Matijevich: "The Amendment was just adopted. Leave to add Representative Madigan as a Co... hyphenated Chief Sponsor. And Representative Ryder moves... You better tell us what it's about, in spite of the Sponsorship, I guess. Proceed."

Ryder: "Thank you. Last week the Illinois Small Business Conference made several recommendations. This Amendment puts into effect some of those recommendations. It concerns the Procurement Office and a network and offices through the DCCA. It also concerns prompt pay, and the third item that it concerns is a government regulation of reduction of paperwork. Those are the three items that are discussed in the Amendment #3. I would ask for your favorable support and would be glad to answer any questions."

Speaker Matijevich: "Representative Ryder moves for the adoption of Amendment #3. On that, the Gentleman from Bureau,



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Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Will the Gentleman yield?"

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

Mautino: "Representative Ryder, I don't quite understand page two of this Amendment. You are addressing the question of the payment period in one provision within 30 days or a 60 day period, whichever is applicable. Then you fall down into the next paragraph and say there will be a penalty for late payment of that bill at 45 days after receipt of that bill. Would you please explain to me what you're doing there?"

Ryder: "The answer is that in the second part we're reducing from 60 to 45 days, whichever comes later, either receipt of goods or receipt of the bill. At that point, the state is delinquent and the penalty of one and a half percent, formerly, now two percent would start to accrue."

Mautino: "When does the clock start running? You have listed there 'within this 30 day period?'"

Ryder: "Clock starts running 45 days after the goods have been received by the State of Illinois or the State of Illinois has received the bill, whichever event comes later."

Mautino: "Who's the receiver, the director, the fiscal officer or who?"

Ryder: "The receiver is the agency itself, whether that's through the lowest echelon person at the delivery port or whether it's the bill that's received directly by the director or the appropriate person."

Mautino: "In other words, you're not specific about who is responsible once the clock starts clicking, is that right?"

Ryder: "I think the current practice on that would predominate in this situation."

Mautino: "What's the current practice?"

Ryder: "I think the current practice is just what I indicated; that either the receipt of the goods by the person that

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signs that receipt and dates that receipt or the receipt of the bill by the person that's responsible for receiving the bill. I don't believe that all the departments and agencies are 100 percent consistent in the manner in which they order or receive bills. Therefore, I would indicate that the current practice would have to serve as the custom of usage in this situation."

Mautino: "How... Do we have an appropriation for that interest penalty that's provided of two percent?"

Ryder: "It would... It would be my understanding and, hopefully, the intent that the State of Illinois would do everything possible to pay their bills on time. It's my understanding, on at least some occasions, though when the State of Illinois is late paying their bills now, that they simply pay the bill without the penalty. I don't believe that that's following the law, although it's probably not challenged and would be difficult to collect."

Mautino: "Well, I... I know of no situation where we've ever paid interest or a penalty, and I know, in the appropriation process, we don't have anything appropriated to pay any penalties. So, therefore, what you're saying is that a two percent interest penalty will kick in within that 30 day period, but there's no money if, in fact, they don't pay the bill anyway. Isn't that what your legislation says?"

Ryder: "No. I think the legislation says it's a two percent penalty follows after the 45 days, not the 30 days. And additionally, as long as the State of Illinois pays on time, there is no necessity for an appropriation. It's simply acquiring a penalty which would be the intent of the legislation never to pass, never to be required to be paid."

Mautino: "This is an interesting concept. Why do we need it?"

Ryder: "Pardon me?"

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Mautino: "It's an interesting concept then. First of all, it seems to me that if, in fact, a vendor submits a bill to the Central Management Services or whoever and the poor individual who receives that bill on the tenth of the month, who is a clerk somewhere at about a 900 or a thousand dollars a month, if that doesn't get processed and that doesn't get paid, I can see that that poor individual who it first hit the desk is going to be responsible or... You know, there's no responsibility here. What are..."

Ryder: "No, the responsibility is for that department or agency that's required to pay the bill in the first place, not the people that process the bills. The purpose of the penalty is to make for sure that the... those agencies and departments establish the necessary procedures so that they will not get into the penalty period and so it's not... will not have to be paid."

Mautino: "A good Amendment to this Bill might make..."

Speaker Matijevich: "Could we resolve this quickly? The Chair would like to get to a vote."

Mautino: "Okay. Right. Alright. A good Amendment might be to make the director of those departments responsible, as opposed to the scattershot approach that you're providing now."

Ryder: "I'm certain that small business would appreciate any innovations of that type that would allow them to be paid on time."

Speaker Matijevich: "Representative Ryder has moved for the adoption of Amendment #3. Those in favor say 'aye', opposed 'no'. Amendment #3 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. House Bill 2657 on the Calendar, Representative Barnes. The Clerk will read the

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Bill. This is on Third, Short Debate, I believe, isn't it?  
The Clerk will read the Bill."

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

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

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like  
permission to bring this Bill back to Second Reading for  
the purpose of an Amendment."

Speaker Matijevich: "The Lady asks leave to return House Bill  
2657 back to the Order of Second Reading for the purpose of  
Amendment. Does she have leave? Leave, and the Bill is on  
Second Reading. Are there Amendments from the floor?"

Clerk Leone: "Amendment #1, Leverenz - Barnes, amends House Bill  
2657 on page one and so forth."

Speaker Matijevich: "Leverenz - Barnes. The Gentleman from Cook,  
Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker. This is the agreed Amendment  
that we discussed. We took it out of the record once  
before so we could prepare this Amendment. It brings the  
authorization up to the amount of capital in the Capital...  
CDB Capital Projects Bills, so that the authorization and  
the CDB Capital Bill are now the same amounts. It  
increases it by 11 million 996."

Speaker Matijevich: "The Gentleman asks leave... The Gentleman  
moves to adopt Amendment #1. Those in favor say 'aye',  
opposed 'nay', and Amendment #1 is adopted. Further  
Amendments?"

Clerk Leone: "Floor Amendment #2, John Dunn, amends House Bill  
2657 as amended."

Speaker Matijevich: "Is John Dunn here? Representative Leverenz  
moves to table Amendment...."

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Leverenz: "Move to table the Amendment."

Speaker Matijevich: "...Amendment. He moves to table Amendment #2. All in favor say 'aye', all opposed 'no', and Amendment #2 is tabled. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. The 3091, which we just moved from Second Reading, leave to place that on Third Reading Short Debate. Leave, and House Bill 3091 is on Third Reading Short Debate. House Bill 2323. That's on page seven of the Calendar, Third Reading. The Clerk will read the Bill."

Clerk Leone: "House Bill 2323, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill."

Speaker Matijevich: "You want to move this back to Second? Is that... Representative Braun asks leave to return House Bill 2323 to the Order of Second Reading for the purposes of an Amendment. Does she have leave? Leave, and the Bill is on Second. Are there Amendments from the floor?"

Clerk Leone: "Amendment #2, Braun, amends House Bill 2323..."

Speaker Matijevich: "Lady from Cook, Representative Braun, on Amendment 2."

Braun: "Thank you, Mr. Speaker. Amendment #2 represents the final form of this statute of limitations legislation. It operates... It makes the Bill operate prospectively only and clarifies that if an objection is manifested before this legislation becomes law, then the objective's remedy is not limited. So, it cleans up the Bill. And I..."

Speaker Matijevich: "Representative Braun moves to adopt of Amendment #2. Gentleman from Cook, Representative Cullerton. Brummer, I mean."

Brummer: "Yes, will the Sponsor yield?"

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

Brummer: "Representative Braun, you indicated that the Amendment

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eliminated, I think, the last sentence of... of the Bill, which referred to application of this legislation to pending matters that have not yet reached final judgement."

Braun: "Right."

Brummer: "Is it your intent then that HB... or House Bill 2323 operate prospectively only?"

Braun: "Yes."

Brummer: "In other words, if an objection is manifest before House Bill 2323 becomes law, then does this legislation in any way limit the objector's remedy?"

Braun: "No."

Brummer: "Thank you."

Speaker Matijevich: "The Lady has moved to adopt Amendment #2. All in favor say 'aye', opposed 'nay', and Amendment #2 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. Representative Barnes has asked leave to return House bill 2657, which we had just amended, on the Order of Short... Third Reading, Short Debate Calendar. Does she have leave? Leave, and that Bill will be on the Order of Third Reading, Short Debate Calendar. Agreed Resolutions."

Clerk Leone: "House Resolution 984, Johnson; 985, Brookins. 15... House Joint Resolution 152, Madigan."

Speaker Matijevich: "The Gentleman from Winnebago, Representative Giorgi. They're all waiting patiently to hear you, Zeke."

Giorgi: "Okay."

Speaker Matijevich: "Representative Giorgi, on Agreed Resolutions."

Giorgi: "House Joint... Oh, did you read them already?"

Speaker Matijevich: "You couldn't do them quick them enough tonight, Representative Giorgi. Agreed Resolutions. Proceed."

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Giorgi: "Oh, I'm ready?"

Speaker Matijevich: "Yeah, we're ready."

Giorgi: "House Joint Resolution 152, by Madigan..."

Speaker Matijevich: "Hurry."

Giorgi: "... lauds Chicago Civic Federation. 984, by Johnson, talks about Thomas Crawford Steward; 985, by Brookins, honors Dr. Benjamin Elijah Mays. I move for the adoption of the Agreed Resolutions."

Speaker Matijevich: "Representative Giorgi moves for the adoption of the Agreed Resolutions. All in favor say 'aye', opposed 'nay', and the Agreed Resolutions are adopted. General Resolutions."

Clerk Leone: "House Joint Resolution 151, Bullock."

Speaker Matijevich: "Committee on Assignment. Death Resolution."

Clerk Leone: "Death Resolution. House Resolution 983, Nash - Madigan, in respect to the memory of..."

Speaker Matijevich: "Representative Giorgi moves for the adoption of the Death Resolutions. All in favor say 'aye', opposed 'nay'. And the Death Resolution is adopted. Allowing five minutes for Perfunctory so that the Clerk can read Senate Bills First Reading, Representative McPike moves that the House do now stand in adjournment until tomorrow morning at 9:00 a.m. All in favor say 'aye', opposed 'nay', and the House is in adjournment until 9:00 a.m. tomorrow. Thank you, everybody."

Clerk Leone: "A Message from the Senate, by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in adoption of their Amendments to a Bill of the following title, to wit; Senate Bill 1585, action taken by the Senate May 24th, 1984. Kenneth Wright, Secretary.' Introduction and First Reading of Senate Bills. Senate Bill 1866, Karpel, a Bill for an Act to amend the Illinois

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Public Aid Code. First Reading of the Bill. Senate Bill 1967, Bernard Pedersen, a Bill for an Act to amend the Illinois Insurance Code. First Reading of the Bill. Senate Bill 1870, Barnes, a Bill for an Act to release highway easements and to restore access rights to certain described lands. First Reading of the Bill. Senate Bill 1975, Countryman - Karpiel, a Bill for an Act to create grant-in-aid programs. First Reading of the Bill. Senate Bill 1876, Vinson, a Bill for an Act to amend the Civil Administrative Code and the Illinois Pension Code. First Reading of the Bill. Senate Bill 1879, Vinson, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill. Senate Bill 1881, Hensel, a Bill for an Act to amend the Illinois Purchasing Act. First Reading of the Bill. Senate Bill 1887, Nash - Piel, a Bill for an Act to amend certain Acts in relationship to revolving credit. First Reading of the Bill. Senate Bill 1988, Nash - Piel, a Bill for an Act to amend the Illinois Banking Act. First Reading of the Bill. Senate Bill 1896, Turner, a Bill for an Act to amend the Illinois Identification Card Act. First Reading of the Bill. Senate Bill 1905, Turner, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill. Senate Bill 1920, Giorgi - Van Duynes, a Bill for an Act to amend the Metropolitan Civic Center Act. First Reading of the Bill. Senate Bill 1927, Karpiel, a Bill for an Act in relationship to the disposition of money collected by the state. First Reading of the Bill. Senate Bill 1928, McCracken, a Bill for an Act relating to identification of certain public employees and certain civil law suits. First Reading of the Bill. Senate Bill 1929, McCracken, a Bill for an Act to amend the Unified... Uniform Disposition of Unclaimed Property Act. First Reading of the Bill.



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Senate Bill 1930, Ewing, a Bill for an Act to amend the Illinois Income Tax Act. First Reading of the Bill. Senate Bill 1933, Kulas, a Bill for an Act to amend the law regarding special funds in the State Treasury and related matters. First Reading of the Bill. Senate Bill 1935, Madigan - Currie, a Bill for an Act to amend an Act concerning long-term care facilities. First Reading of the Bill. Senate Bill 1936, Terzich, a Bill for an Act in relationship to the applicability of the replacement vehicle tax. First Reading of the Bill. Senate Bill 1938, Barnes, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. Senate Bill 1939, Barnes, a Bill for an Act to amend an Act creating the Illinois Health and Hazardous Substances Registry Act. First Reading of the Bill. Senate Bill 1940, Marzuki, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. Senate Bill 1944, Terzich, a Bill for an Act to amend an Act relating to the labeling of equipment and facilities concerning hazardous waste materials. First Reading of the Bill. Senate Bill 1946, McGann, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. Senate Bill 1949, Keane... Keane - Marzuki, a Bill for an Act to amend the Hazardous Waste Technology Exchange Service Act. First Reading of the Bill. Senate Bill 1951, Keane, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. Senate Bill 1953, Keane - Koehler, a Bill for an Act to amend the Illinois Hazardous Materials Railroad Transportation Act. First Reading of the Bill. Senate Bill 1954, Keane - Marzuki, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. Senate Bill 1957, Dwight Friedrich, a Bill for an Act in relationship to obsolete and duplicative

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provisions. First Reading of the Bill. Introduction and First Reading. House Bill 3277, Virginia Frederick - et al, a Bill for an Act to provide for the inspection, licensing, regulation of carnival and amusement rides and equipment to provide for the safety of the public using carnival and amusement rides and equipment. First Reading of the Bill. Continuing with Introduction and First Reading of Senate Bills. Senate Bill 1873, Oblinger, a Bill for an Act to amend certain Acts in relationship to pension and disability benefits for certain employees. First Reading of the Bill. Being no further business, the House will now stand adjourned till tomorrow, Friday, May 25th, 9:00."

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