Doorkeeper, Mr. Caveny: "All persons not entitled to the House floor, please, retire to the Gallery."

Speaker Redmond: "The House will come to order and the Members, please,

be in their seats. We'll be led in prayer by the Reverend

Krueger, the House Chaplain."

Reverend Krueger: "In the name of the Father, the Son and the Holy Ghost, Amen. O Lord, bless this House to Thy service this day. Amen. Let us remember in our prayers this day for the continued recovery of Governor Daniel Walker, Representative John David Jones and Representative Peter Peters. O Lord, be present with Thy servants, Daniel, John and Peter and those who administer to them of Thy healing gifts. Grant them peace of mind, comfort of body and soul and the restoration of their former health so that they may continue to faithfully praise and serve Thee, all of which we ask in the name of Jesus Christ, Amen. In 1778, Alexander Hamilton said, 'In whatever direction popular weight leans, the current of power will flow'. Let us pray. God, we beseech Thee, O Holy Father, the minds of those to whom the power of government has been entrusted. Make them ever mindful of the needs of the people they govern as distinct from their wants, so that the welfare of this state and its people may be pleased unto Thee and Thy purposes for all mankind, through Jesus Christ, our Lord, Amen."

Speaker Redmond: "Roll Call for attendance. Messages from the Senate.

No messages from the Senate. Committee Reports. The Chairman

of the Appropriation's I, any Committee Reports? No Committee

Reports. House Bills, Second Reading. On House Bills, Second

Reading, appears House Bill 3366."

Clerk O'Brien: "House Bill 3366, a Bill for an Act to prevent fraudulent and corrupt practices in the making or accepting of official appointments and contracts by public officers. Second Reading of the Bill. No Committee Amendments."

Speaker Redmond: "Any Amendments from the floor?"

Clerk O'Brien: "None."

Speaker Redmond: "Third Reading. Representative Matijevich."



Matijevich: "Mr. Speaker, that's Representative Lauer's Bill, I guess, and there are going to be some Amendments. He wanted it held on Second Reading, so I think we'd better just hold that there."

Speaker Redmond: "Out of the Record. 3367, Representative Collins on the floor? He doesn't appear to be. You can take that out of the Record. 3417, out of the Record at the request of the Sponsor. 3533, Representative Younge? Representative Younge on 3533."

Younge: "I take it out of the Record temporarily."

Clerk O'Brien: "House . . ."

Speaker Redmond: "Out of the Record. 3534? Out of the Record, Representative Younge? Out of the Record at the request of the Sponsor. 3848. Representative Washburn?"

Washburn: "Thank you, Mr. Speaker, I'd like the Record to show that
Representative Jones, Representative Peters and Representative
Ron Hoffman continue to be absent due to illness; and Representative
Rose is absent today due to official state business; and maybe
while I have the mic' it might be . . . well, we just waited a
few minutes until some more people got on the floor before we
transacted any further business."

Representative Pierce on the floor? Out of the Record. 3917,
Representative Chapman? Out of the Record. 3932, Representative
Caldwell? Out of the Record. 3933, Representative Rigney? Out
of the Record. 3935, out of the Record at the request of the
Sponsor. 3957, Representative Washington."

Clerk O'Brien: "House Bill 3957, a Bill for an Act in relation to regulation of medical practice and recovery for injuries from malpractice."

Speaker Redmond: "Representative Washington."

Washington: "Mr. Speaker and Members of the House, can we pass this for the time being and go on to the next in the series? We're waiting for Mr. Houlihan on that . . ."

Speaker Redmond: "Okay, we'll pass 3957. 3958."

Clerk O'Brien: "House Bill 3958 . . ."



Speaker Redmond: "Representative Walsh has arrived in the Chamber.

Proceed. 3958, Representative Washington?"

Washington: "Mr. Speaker, Representative Rayson, Chairman of our

Subcommittee on Judicial Malpractice . . . Malpractice Legislation

will handle this Bill."

Speaker Redmond: "Representative Rayson."

Clerk O'Brien: "House Bill 3958, a Bill for an Act in relation to arbitration and health care malpractice cases. Second Reading of the Bill."

Speaker Redmond: "Representative Rayson."

Clerk O'Brien: "Five Committee Amendments."

Speaker Redmond: "Representative Rayson."

Rayson: "Thank you, Mr. Speaker and Members of the House. House Bill
3958 is one of the Committee Bills of Judiciary I Committee
dealing with the most vexing, thorny subject of medical malpractice.

Amendment #1 is a technical Amendment and we would . . ."

Speaker Redmond: "Representative Washington, for what purpose do you arise? Representative Washburn."

Washburn: "Oh, thank you. I've been called worse things than Representative Washington, believe me. Mr. Speaker, this is a . . . medical malpractice Bill, I believe . . ."

Speaker Redmond: "You're right."

Washburn: "... and one of the ... of the more important subjects or issues to come before this Body during this Session; and I would hope that Representative Washington would take this out of the Record until we get some more Members here."

Speaker Redmond: "Representative Rayson is handling the Bill, Representative Washburn." $\dot{\ }$

Washburn: "Oh, Representative Rayson then. Excuse me, I would hope that Representative Rayson might take it out of the Record until we get some Members on the floor."

Rayson: "Well, I think the Gentleman's remarks are well taken. This is one of the series of the . . . some of the most important

Bills to come before this Session, and I think it commands the attention of us all, Mr. Speaker, and I . . ."



Speaker Redmond: "Democrats are . . ."

Rayson: ". . . take it out of the Record."

Washburn: "Thank you, Sir."

Speaker Redmond: ". . . Out of the Record. 3959, I assume is in the same category? Representative Washburn, do you want us to get the State Police and round up the Members? We've got a convention tomorrow that's gonna' have sparse attendance if we don't get the Members here. Agreed Resolutions."

Clerk O'Brien: "House Resolutions 884, Lechowicz; 885, Domico; 886, Griesheimer; 888, Meyer; 889, Jacobs, 890, Geo-Karis; and 891, Richmond."

Speaker Redmond: "Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, House Resolution 884, Lechowicz, commends the Belmont-Central Chamber of Commerce; 885, Domico, commends Matt Ropa on becoming appointed to the Board of Cook County Commissioners; 886, Brinkmeier, commends and acknowledges Mike Lindal; 887, Boyle, is a Death Resolution; House Resolution 888, Meyer, congratulates Riverside Industry's instrumental in cleaning up the Little Colony . . . Calument River; 889, Jacobs . . . the last one was 888 . . . 889, Jacobs, extends the City of St. Kwintens' Lennik in East Moline, our warmest congratulations on their designation as sister cities; 890, Geo-Karis, commends Frad . . . Fred Stanton; 891, Richmond, commends the graduating class of Mr. Lee, the graduating class of Eighth Grade at Douglas School in 1916, I guess this must be an Xanniversary of some kind; I just just get these; Kozubowski, 876, commends Patrick O'Malley, honored as the Man from Boston at the Bicentennial Civic Dinner in Chicago; Molloy-Leon, 877, congratulates H. C. Austin Montgomery on his appointment by the President of the United States as Director of the National Credit Union; Mr. Speaker, I move the adoption of the Agreed Resolutions." Speaker Redmond: "Any discussion? The question's on the adoption of the Agreed Resolutions. All in favor indicate by saying 'aye', 'aye',



Death Resolutions."

opposed 'no'; the 'ayes' have it, the Resolutions are adopted.

Clerk O'Brian: "House Resolution 887, Boyle, in respect of the memory Jack A. Alfield."

Speaker Redmond: "Representative Matijevich."

Matijevich: "Mr. Speaker, I move the adoption of the Death Resolution."

Speaker Redmond: "The Gentleman has moved the adoption of the Agreed
Resolu . . . the Death Resolution. All in favor indicate by
saying 'aye', 'aye', opposed 'no'; the 'ayes' have it, the Resolution's adopted. Any further Resolutions? Further Resolutions?"

Speaker Redmond: "Introduction, First Readings. Introduction to

Constitutional Amendments."

Clerk O'Brien: "House Joint Resolution 101."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment 45, Totten, 'Resolved by the House of Representatives of the Seventy-Ninth General Assembly of the State of Illinois, the Senate concurring, herein, that there shall be submitted to the electors of this state that the General Election next occurring at least six months after the adoption of this Resolution a proposition to amend Article IX of the Constitution by adding Section 2, thereto, the added Section to read a follows: Article IX, Section . . . Section 11, that is, limitations on total of state taxes and share committed to local governments, prohibition of mandate of local programs without state funding. A) Does, hereby, establish a limit on the taxes imposed by the Legislature for any fiscal year, effective with the first fiscal year beginning after the approval of this Section by the electors, and for each fiscal year thereafter the Legislature shall not impose taxes of any kind which together with all other revenues of the state shall exceed seven percent on the personal income of Illinois for that fiscal year. Personal income of Illinois means the total income received by persons in Illinois from all sources as defined and officially reported by the United States Department of Commerce or its successor agent. Revenues of the state means all public funds received by the state, but does not include Federal aid or the contributions to and earnings to trust funds in the custody of the State Treasurer. B) An Emergency Fund equal to two-fifths



of one percent of the personal income of Illinois in each fiscal year shall be established. Revenues shall be allocated to this emergency fund and shall be included in total level of allowable taxation as limited by Subsection A of this Section. Expenditures from this fund shall be allowed only upon the Governor's declaration of emergency situation. The affirmative vote is three-fifths of the Members of each House of the Legislature. Income earned from the fund maintained in the Emergency Fund shall be accrued in this lead fund. At the end of each fiscal year and balance in the emergency in excess of the amount established to be required by this Subsection to the Emergency Fund for the succeeding fiscal year shall be transferred to the General Revenue Fund. C) For any fiscal year, in the event that revenues of the state exceed the limit established in Subsection A of this Section, the excess shall be refunded to the taxpayers in proportion to their respective state income taxes as reported on the income tax annual returns filed in the next succeeding fiscal year. D) For any fiscal year beginning after the approval of this Section by the electors, that portion of the state expenditures paid to all units of Local Government and the School Districts shall not be reduced below the proportion in the effect of fiscal year 1974 and no programs or increase in the level of services under an existing program shall be mandated by the Legislature to units of Local Government or School Districts, unless an appropriation has been made by the Legislature to pay the costs of the mandated program or services'. First Reading of the Constitutional Amendment."

Speaker Redmond: "Committee Reports."

Clerk O'Brien: "Representative Pierce, Chairman from the Committee on Environment, Energy and Natural Resources, reported the following Committee Bill for introduction, House Bill 3983, action taken June 10, 1976. Representative Pierce, Chairman from the Committee on Environment, Energy and Natural Resources, reported the following Committee Bill for introduction, House Bill 3984, action taken June 10, 1976. Representative Pierce, Chairman from



the Committee on Environment, Energy and Natural Resources, reported the following Committee Bill for introduction, House Bill 3985, action taken June 10, 1976. Representative Pierce, Chairman from the Committee on Environment, Energy and Natural Resources, reported the following Committee Bill for introduction, House Bill 3986, action taken June 10, 1976."

Speaker Redmond: "Introduction to First Readings."

Clerk O'Brien: "House Bill 3983, Committee on Environment, Energy and Natural Resources, a Bill for an Act creating the Lake Michigan Interim Shoreline Protection Commission. First Reading of the Bill. House Bill 3984, Committee on Environment, Energy and Natural Resources, a Bill for an Act making appropriation to Lake Michigan Interim Lake Shore Protection Commission. House Bill 3985, Environment. . . Committee on Environment, Energy and Natural Resources, a Bill for an Act in relation to the Illinois Coastal Zone Management Program. House Bill 3986, Committee on Environment, Energy and Natural Resources, a Bill for an Act to amend Section 24 of an Act in relation to the regulation of the rivers, lakes and streams of the State of Illinois. First Reading of the Bill."

Speaker Redmond: "Senate Bills, First Reading."

Clerk O'Brien: "Senate Bill 1950, a Bill for an Act to require

labelling of equipment facilities for the use, transporation

storage and manufacture of hazardous material. First Reading

of the Bill."

Speaker Redmond: "House Bills, Second, appears House Bill 3848. Representative Pierce."

Pierce: "I have no Amendments."

Speaker Redmond: "Any Amendments from the floor?"

Clerk O'Brien: "House Bill 3848, a Bill for an Act to amend the School

Code. Second Reading of the Bill. No Committee Amendments."

Speaker Redmond: "Representative Madigan."

Clerk O'Brien: "Amendment #1, Jaffe, amends House Bill 3848 on page 3, line 32, and so forth."

Speaker Redmond: "Representative Madigan. Is Representative Jaffe here?



Anyone want to handle that Amendment? What's your pleasure, Representative Pierce?"

Pierce: "I move that the Amendment be . . . the Amendment be voted down."

Speaker Redmond: "There's nobody here . . . to table the Amendment, is that your motion?"

Pierce: "I hate to table a colleague's Amendment, but . . ."

Speaker Redmond: "Well, there's nobody here. Is there anybody here that wants to move the adoption of the Amendment? Representative Schlickman."

Schlickman: "Mr. Speaker, it's been the practice under you, and I think a good practice, that if the Bill is called at the order of Second Reading, and the Sponsor of a floor Amendment is not here that the Bill has been advanced to the order of Third Reading."

Pierce: "All right, that's all right with me."

Speaker Redmond: "Okay, there's nobody here to submit the . . . move that the adoption of the Amendment? Any further Amendments?"

Clerk O'Brien: "Amendment #2, Kane, amends House Bill 3848 on page 13,

line 7, by deleting .375 and inserting in lieu, thereof, .25."

Speaker Redmond: "Representative Kane. 3848."

Kane: "Well, that's . . . that's your Amendment . . . I table the

Amendment at this time."

Speaker Redmond: "The Gentleman's moved to table Amendment #2. Any objections? Hearing none, Amendment 2 is tabled. Any further Amendments?"

Clerk O'Brien: "Amendment #3, Kane, amends House Bill 3848 on page 13, line 25, and so forth."

Speaker Redmond: "Representative Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, what this Amendment does is increase the guaranteed assessed valuation per pupil for Unit Districts and also for Elementary Districts; and I would move for its adoption at this time."

Speaker Redmond: "Representative Pierce."

Pierce: "Mr. Speaker, there's nothing so bad about the Amendment, except



we've already included that one, I believe, in other legislation; and I would like, and I think the districts, primarily High School, but some Elementary Districts, throughout the state that are being forced to roll back their tax rates that were previously approved by the voters in referendum are being prevented from going for referendum for additional rates, but would like to send this roll-back Bill over to the Senate in its pure form because it doesn't cost the State of Illinois any money as introduced in the Committee by Representative Berman and has passed out of the Committe; and the Amendment he offered would involve state funds for the first time. So . . . so, therefore, on this Bill I would oppose the adoption of Amendment #3 so that the Senate can be sent a Bill dealing only with elimination of the roll back, which

will not cost the State of Any . . . Illinois any money whatsoever."

Speaker Redmond: "Representative Porter."

Porter: "Mr. Speaker, has this Amendment been distributed? I don't

have a copy of it. Has it been?"

Speaker Redmond: "Mr. Clerk, has it been distributed?"

Porter: "Years ago?"

Speaker Redmond: "Weeks, and weeks and weeks ago they tell me. Any

further, Representative Schlickman?"

Schlickman: "I don't have a copy of 3, Mr. Speaker, and I would suggest

it's out of order to hear the Amendment at this time."

Speaker Redmond: "Emery . . . show that it was passed out. There must

be a breakdown in the Republican Pages. You confess failure,
Representative Washburn? The Republican Pages didn't pass them

out? Representative Schlickman has withdrawn that objection.

Any further discussion? Representative Pierce? The question is

on . . . Representative Pierce."

Pierce: "I already said that I was opposed to the Amendment. It's not

. . . it's not so bad in itself, but I wanted to keep the Bill
in the . . . in the condition that it was introduced by Representative Berman originally and then made into a . . . a Committee
Bill. It eliminates a roll back; and I think . . . I would, therefore,
oppose the . . . oppose the Amendment, and hope that the Bill



could be advanced to Third Reading in the shape in which the

Committee on Elementary and Secondary Education passed it out

because in its present condition it costs the state no money whatsoever, but this Amendment, and I'm not the Sponsor of the Amendment, but this Amendment would involved the expenditure of state

funds and would take away some of the attractiveness of the

Bill as a Bill merely and purely eliminating the requirement for
roll back in the Resource Equalizer Formula."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Would the Sponsor of the Amendment yield?"

Speaker Redmond: "The Sponsor yield? He will."

Schlickman: "As was stated, as the Bill was introduced it had no fiscal impact as far as the state is concerned. With your Amendment,

Amendment #3, there will be fiscal impact; and I raise the question as to how much are we talking about?"

Speaker Redmond: "Representative Kane."

Kane: "If this Amendment is adopted, I'd be happy to supply a fiscal note for Third Reading."

Schlickman: "Mr. Speaker?"

Speaker Redmond: "Representative Schlickman."

Schlickman: "Well, Mr. Speaker and Members of the House, I don't think that was a responsive question. I don't think . . . I don't know, and I can't fathom, how a Member of this House can call upon the House to adopt an Amendment that does have fiscal impact, and he refuses, probably so that he can get it adopted, but refuses to advise us as to the fiscal impact; and I respectfully suggest he was out of order with that response, which wasn't a response."

Speaker Redmond: "Representative Porter."

Porter: "Well, Mr. Speaker, and Ladies and Gentlemen of the House,
last night we spent \$103,000,000 of the taxpayers' money that
we don't have and have no prospect of getting. This Amendment
obviously would cost many millions of dollars more. I don't
even consider it to be a serious Amendment, but one merely designed
to destroy the Bill that was reported out by the Education Committee.
It seems to me that the House should defeat this Amendment and



leave the Bill in its original form, and let's get on with at least achieving something in the way of reforming the Resource Equalizer Formula so that we can save of the schools in this state. I urge you to vote 'no' on the Amendment."

Speaker Redmond: "Representative Schneider."

Schneider: "Thank you, Mr. Speaker and Members of the House. The Committee on Education has given many Members and . . . of the Committee, as well as the Members of the House, a very evenhanded opportunity to create legislation to deal with school aid formulas. We have now passed out of the Committee, I think, at least four or five concepts and proposals, which I think try to cope with the funding crisis in Illinois. To adopt this Amendment does a couple of things; number one, it takes away the opportunity for those Members to support a roll back, pure and simple, the opportunity to have that Bill considered on its merits separate from the other proposal that went out yesterday; and this proposal, which deals with reducing tax rate . . . tax rates, whether they be units for elementary, is another expenditure or an expensive proposal that I, again, don't think the state can handle. Basically, when you . . . when you cut out a penny on the units, you're talking about . . . about \$4.5 million dollars for every penny; and I think that would be, again, financially disastrous; and I think, also, that Doug Kane has done a lot of good work on school aid formulas. He knows that this is probably a travesty; and I would hope that he would either withdraw the Amendment, and if not, I hope he would help us . . . others of you, rather, would defeat it."

Speaker Redmond: "Representative Kane to close."

Kane: "This is a good Amendment, and I'd urge the adoption of . . ."

Speaker Redmond: "The question . . . the question's on the Gentleman's motion for the adoption of Amendment #3. Those in favor indicate by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this question there's 59 'aye' and 52 'no'; and the Gentleman's motion carries. Any further Amendments?"



Clerk O'Brien: "Amendment #4, Kane, amends House Bill 3848 on page 13 by inserting after line 35 the following and so forth."

Speaker Redmond: "Representative Kane."

Kane: "Mr. Speaker and Members of the House, Amendment #4 was embodied in House Bill 534 last year, which was vetoed by the Governor, and what it essentially says is that if a School District passes a tax increase referendum, that the state reimbursement for that increase tax referendum would occur in the same year that the tax referendum is passed, rather than a two year wait, as is presently under the Formula. By the time a School District passes a tax increase referendum, we are in . . . that School District is in bad financial condition, and what this will do is, our Formula is designed to reward local effort and if we adopt this Amendment, it will put that reward and make it more effective; and I would urge the adoption of this Amendment."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Would the Sponsor yield?"

Speaker Redmond: "He will."

Schlickman: "What's the fiscal impact of this Amendment?"

Kane: "Well, that would depend on what the final appropriation level for the Resource Equalizer Formula was, but it it was fully funded . . ."

Schlickman: "Well, assuming fully funded?"

Kane: ". . . assuming fully funded, it would depend on the number of tax increase referendums that were passed in the state during any two-year period, that's been averaging about 35 a year over the last two years."

Schlickman: "Well, using that average of 35, how much money are we talking about?"

Kane: "About \$5 or \$6,000,000, depending on the size of the School District and the increase that is passed. It could be as high as \$8,000,000. Representative Berman is trying to remind me."

Schlickman: "Why do you . . . may I proceed, Mr. Speaker, with one more question? . . ."

Speaker Redmond: "Proceed."



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Schlickman: "Why is this Amendment retroactive, and by being retroactive, who's involved?"

Kane: "No, the Amendment isn't retroactive. The Amendment would take . . . it becomes effective only after the Bill is signed into law by the Governor. The retroactive part of it . . . well, what you have mistakenly concluded as retroactive is that there's a time limit for which a tax increase can become effective and be reimbursed, and that's a two-year period because if the tax referendum is passed any earlier than two years ago, they are already being reimbursed by the state under the con . . . formula because the present lag in the formula for tax rates are two years."

Schlickman: "Thank you."

Speaker Redmond: "Any further? Representative Pierce."

Pierce: "Mr. Speaker, there's nothing inherently evil in this Amendment.

In fact, I think as I recall last year we passed a Bill out that would do this. I supported it for the City of Springfield. This Bill is really for Springfield, let's face it, and I supported it last year, and the Governor vetoed it; but I want, and I think the citizens deserve, a Bill eliminating the roll back. which costs the State of Illinois no money whatsoever. Every Amendment being offered here costs the state money. Now, we passed out a Bill yesterday, Representative Jaffe's goal, it had been had . . . it was a Christmas tree. It had a candy cane for everybody, that was a pun, a candy cane for everybody, and . . . and except these fast-growing suburban districts; and it was all right, and it was something we could run for election on; but now we wanted a pure, roll-back Bill, and all these Amendments do is screw up and defeat the pure roll-back concept; and, apparently, some Members have been locked into a position of having to screw up the roll-back Bill. I don't know if it's some vindictiveness towards the suburbs or just part of the R.T.A. agreement; and anyway I'm going to oppose . . . I'm going to oppose this Amendment because we want the roll-back Bill as introduced and passed by the Committee, which would cost the State of Illinois zilch."



Speaker Redmond: "Anything further? Representative Kane to close."

Kane: "This . . . this is a good Amendment and the House has already adopted it previously, and the reason why it's not into . . . in law is because the Governor vetoed it, and I would urge the adoption of this Amendment."

Speaker Redmond: "The Gentleman has moved the adoption of Amendment #4

to House Bill 3848. All in favor say 'aye', opposed 'no'; the

motion fails. All those in favor vote 'aye', opposed vote 'no'.

Have all voted who wish? All voted who wish? The Clerk will

take the Record. On this question there are 49 'aye' and 66 'no';

and the Gentleman's motion fails. Any further Amendments?"

Clerk O'Brien: "Amendment #5, McClain, amends House Bill 3848 on page 3, line 32, by inserting after the word the the following:

Speaker Redmond: "Representative McClain."

McClain: "Thank you, Mr. Speaker. Is that Amendment distributed yet?

Well, I'll talk to the Amendment if you wish?"

Speaker Redmond: "It has not been distributed. It has not been distributed."

McClain: "Well, then . . ."

Speaker Redmond: "Representative Pierce, what's your pleasure?"

Pierce: "I want to accommodate Representative McClain. I don't oppose

the Amendment, but I certainly don't want to cripple my colleague's

. . . my colleague's reelection chances."

Speaker Redmond: "There's only two and one running in that district."

McClain: "Yeah, I think that I'm shoe in, Dan, it's you that I'm worried about."

Pierce: "Okay, so you're going to table the Amendment, is that right?"

McClain: "No, Sir."

Pierce: "All right."

Speaker Redmond: "What's your pleasure, Representative Pierce."

Pierce: "I didn't hear . . . well . . . did you explain the Amendment?

I'm sorry, I didn't hear the explanation."

McClain: "No, I haven't. The inquiry was that it had not been distributed. So that's what the question is put to you."



Pierce: "Well, then, particularly, then it's not an order; but I'll give you chance to circulate it because you're a nice fellow."

McClain: "Thank you very much, Representative."

Speaker Redmond: "Do you want to take it out of the Record then?"

Pierce: "Take it out where it is and maybe we can get back to it

later today because it has been sitting on Second Reading for

at least one week, if not two weeks."

Speaker Redmond: "Is there any further Amendment other than this one?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Okay, we'll take this out of the Record and it will remain on the order of Second Reading. 3957, are you ready now, Representative Washburn?"

Clerk O'Brien: "House Bill 3957 . . ."

Speaker Redmond: "Sorry . . . 3957, Representative Rayson."

Clerk O'Brien: ". . . House Bill 3957 . . ."

Speaker Redmond: "Representative Washington."

Washington: "Mr. Speaker, Mr. Houlihan will handle 3957."

Speaker Redmond: "Representative Houlihan."

Clerk O'Brien: ". . . a Bill for an Act in relation to regulation of medical practice and recovery of injuries from malpractice.

Second Reading of the Bill. Ten Committee Amendments."

Speaker Redmond: "Representative Houlihan."

Clerk O'Brien: "Amendment #1 amends House Bill 3957 on page 6, line 3, and so forth."

Houlihan, D.: Thank you, Mr. Speaker, and Ladies and Gentlemen of
the House. Amendment #1 is a Committee Amendment. The purpose
of this Amendment is to clarify . . ."

Speaker Redmond: "Representative Daniels, for what purpose do you arise? Oh, you don't seek recognition? Proceed."

Houlihan, D.: ". . . the purpose of Amendment #1 is to clarify what
is the concept in the Bill for immunity for in-hospital peer
review committees, which is a concept that has been advocted by
all those who have demonstrated an interest in the medical malpractice
question. The Amendment here simply makes clear that this provides,
not only to doctors, but to all persons who serve on these in-house



quality review committees; and it is a reasonable Amendment; and on behalf of the Committee, I move the adoption of Committee Amendment #1."

Speaker Redmond: "Any discussion? The Gentleman's moved the adoption of Amendment #1. All in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Committee Amendment #2, amends House Bill 3957 on page 1, line 26, and so forth."

Speaker Redmond: "Representative Houlihan."

Houlihan, D.: "Thank you, Mr. Speaker. Committee Amendment #2 is a Committee Amendment, which covers the topic of confidentiality for those serving on in-hospital peer review committees. It does, however, provide an exception that that confidentiality shall not be available where a physician is being denied staff privileges soley on the basis of decisions made by these in-house quality review committees. The purpose of this Amendment here is to provide elementary due process for such a physician in his concern, of course, for his staff privileges."

Speaker Redmond: "Representative Washington, for what purpose do you arise?"

Washington: "Can't we have just a bit of order, Mr. Speaker. Mr. Houlihan is trying to explain a very important . . ."

Speaker Redmond: "I kind of doubt so, but we'll try. Give the

Gentleman order. Proceed."

Houlihan, D.: "This response would be a reasonable Amendment by all Members of the Committee, and I move its adoption."

Speaker Redmond: "Any discussion? The question is on the Gentleman's motion for the adoption of Amendment #2. All in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it, the Amendment's adopted.

The Record show 1 'no', Representative Collins."

Clerk O'Brien: "Amendment #3 amends House Bill 3957 on page 7 by deleting lines 25 through 28 and so forth."

Speaker Redmond: "Representative D. L. Houlihan."

Houlihan: "Amendment #3 was proposed in Committee and adopt . . . this



was an Amendment which was sponsored by Representative Holewinski.

Representative Holewinski has informed that it is his intention

to table Amendment #3. He has a subsequent Amendment, which

covers the same subject matter."

Speaker Redmond: "Any objections tabling Amendment #3? Representative Daniels."

Daniels: "Would Representative Houlihan yield?"

Speaker Redmond: "He will."

Daniels: "In tabling this Amendment, Representative Houlihan, have
you discussed this matter, I assume, further with Representative
Holewinski?"

Houlihan, D.: "I did."

Daniels: "And are you in a position to support his proposed Amendment that he's going to then put on?"

Houlihan, D.: "I am."

Daniels: "And does that meet with Representative Holewinski's approval?"

Houlihan, D.: "The fact that I support it? Yes, I believe it does."

Daniels: "And he agrees with that procedure? All right."

Houlihan, D.: "Yes, it is . . . it is . . ."

Speaker Redmond: "I believe you're out of order in this line of inquiry. The question's on the tabling of Amendment #3. Any objections? Hearing none, Amendment #3 is tabled. Any further Amendments?"

Clerk O'Brien: "Amendment #4 amends House Bill 3957 on page 7 by deleting lines 22 and 23 and so forth."

Speaker Redmond: "Representative Houlihan."

Houlihan, D.: "Amendment #4 is an Amendment, again, a Committee Amendment agreed to, if my recollection is correct, unanimously in the Committee, referring to standards for license revocation, and eliminates what has been found to be an undue burden requiring the department, referring here to the Department of Registration and Education, to find prior to a license revocation of a medical practitioner that such person has not been rehabilitated. They have informed us in all of the testimony that has been introduced before our Committee that such requirement presently in the law



is totally unworkable. So that in consequence that burden will be shifted from the department to the licensee. It was unanimously agreed in the Committee; and I urge its adoption."

Speaker Redmond: "Any discussion? The question's on the Gentleman's motion for adoption of Amendment #4. All in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it, the motion is adop . . . the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #5, amends House Bill 3957 on page 4, line 27, and so forth."

Speaker Redmond: "Representative Houlihan."

Houlihan, D.: "Amendment #5, a Committee Amendment, refers to the provision in the Bill, which mandates the keeping and tabulating of relevent information and data as to all malpractice claims and as to the disposition of those claims. The total effect Amendment is to mandate the Director to furnish such information to appropriate its disciplinary committees. It was unanimously adopted in Committee, and I move its adoption."

Speaker Redmond: "Any discussion? The question's on the Gentlemans' motion to adopt Amendment #5. Those in favor say 'aye', 'aye', oppose 'no'; the 'ayes' have it, the Amendment's adopted. Representative Echraeder."

Schraeder: "Mr. Speaker and Members of the House, having voted on the prevailing side on Amendment #1, I would move to reconsider the motion by which it was adopted."

Speaker Redmond: "The Gentleman . . . any discussion? Representative Schraeder."

Schraeder: "Well, Mr. Speaker, I attempted to get the atten . . . attention of the Chair. I thought I had the right Amendment, but I wasn't able to dig it out quick enough. The language of Amendment #1 strikes the word, 'license to practice medicine in all its branches', and for that reason, I wanted to reconsider to have that language put back in the Act."

Speaker Redmond: "Representative Houlihan."

Houlihan, D.: "If I can respond?"

Speaker Redmond: "Proceed."



Houlihan, D.: "The purpose of striking the language in the Amendment would be if that language were not stricken, the only one who would have the immunity for his action on these in-hospital peer review committees would be a license medical practitioner.

Now, the fact of the matter is that it is just licensed medical practitioners who serve on . . . in-house medical peer review committees; and it would be anomaly, to say the least, that if we were to give immunities to the medical practitioners, but not immunity to all those others not medical practitioners, who do serve on these committees, have the same purpose and duty of evaluating what have been the performance of medical practitioners in these hospitals. So that is the reason for it, and that being the reason for it, I must oppose Representative Schraeder's motion."

Speaker Redmond: "Representative Schraeder." Representative Schraeder." Schraeder: "In view of the explanation, I withdraw my motion . . .

satisfactory."

Speaker Redmond: "The Gentleman's withdrawn his motion. Any further Amendments?"

Clerk O'Brien: "Committee Amendments #6 and 7 were tabled in Committee.

Committee Amendment #8 amends House Bill 3957 on page 1, line

27, and so forth."

Speaker Redmond: "Representative Houlihan."

Houlihan, D.: "Committee Amendment #8, Ladies and Gentlemen, is simply a technical Amendment, which changes certain numbered sections. That's all it does. It was suggested by the Parliamentarian, and it was unanimously adopted in Committee; and I urge your adoption of it."

Speaker Redmond: "Any discussion? The question's on the Gentleman's motion to adopt Amendment #7 . . . 8. All those in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Committee Amendments #9 and 10 were tabled in Committee.

Floor Amendment #11, Porter, amends House Bill 3957 on page 1

by inserting a comma at the end of line 1 and so forth."



Speaker Redmond: "Representative Porter."

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

Speaker Redmond: "Representative D. L. Houlihan. There's a concert

in the Well of the Clerk's here, will you please break it up?

Representative D. L. Houlihan."

Houlihan, D.: "I don't have a copy of John's Amendment yet, and I
was wondering if I could get a copy before we begin the debate
on this Amendment? I have one now."

Speaker Redmond: "The Sponsor has one."

Porter: "Do . . . do you have a copy now, Representative Houlihan? Can we . . . shall we go ahead with it? All right, Mr. Speaker, and Ladies and Gentlemen of the House, up until two years ago, the State of Illinois had a system whereby an insurance company would have to file its rates with the Department of Insurance, and if the department then wanted to hold a hearing as to the fairness of those rates, they could do so; and after a hearing, could disapprove them. In other words, it gave the Department of Insurance some control over the rates being charged for various types of insurance coverage in Illinois. House Bill 3957 reinstitutes that file and use system with reference to medical mulpractice insurance premiums hoping, thereby, to get a kind of a handle on the rates that are being charged by carriers in Illinois. Amendment #11 would extend that authority of the Department of Insurance over, not only medical malpractice insurance, but also other forms of professional liability insurance and also product liability insurance. The reason for the Amendment is this, that those of you who are attorneys and those of you who are other professionals know very well that the crisis that is occurring with respect to medical malpractice is also beginning to occur and will occur with reference to your own malpractice and liability coverage. With reference to produce liability, I had a constituent call me last week, told me that he'd been paying, his little company had earned about \$7,000 a year, he told me that for many years he's been paying \$600 a year for product liability coverage. He got named in a law suit last year and, although he was immediately dismissed out of that law suit, his insurance was cancelled, and the Bill this year, he can only find one company that's willing to cover him, the bill this year will be \$10,000 for his product liability premium. So the crisis is occurring in these related areas, professional liability for other professionals besides doctors and in cases of product liability the same that is occurring in reference to medical liability. Now, you might say this Bill is intended only to deal with the medical malpractice crisis, and that is true, but it also makes substantive changes in many other areas of the law that go far beyond just medical malpractice cases. I think the Amendment is an appropriate one. I wouldn't have offered it if I did not think so; and I urge the Members to adopt it."

Speaker Redmond: "Representative Washington."

Washington: "Mr. Speaker and Members of the House, I hesitate to oppose this Amendment becase basically and fundamentally ${\bf I}$: think it's a good one. The extension as to professional services, I have no quarrel with; but to incorporate product liability insurance rate coverage here, would put an onerous burden upon the Department of Insurance. Now, Director Wilcox has indicated that the cost here might be somewhat prohibitive in terms of trying to set the rates in the area of product liability. What I'm really saying to Mr. Porter is that based on our best evidence as to the capability of the department, I'm afraid that your Amendment is too broad. If it were possible just to include professional services, and for the time being, to delete product liability, to give the department some time to gear up and get some cost factor in terms of analyzzing it, then I would have no objections; but under the circumstances, because of the Director's position I feel compelled to object to the Amendment for that reason."

Speaker Redmond: "Representative Epton. Representative Cunningham, do you seek recognition? Representative Epton."

Epton: "Thank you, Mr. Speaker, Ladies and Centlemen of the House.

Probably the worse feature of the legislation we are contemplating



today and that which we have in recent past has been the rate regulation that we have affixed to the Bill. It's rather amazing that will all of the Commissions we have had and with all of the surveys we've had that nobody has seemed to face up to the fact that in Illinois, in the urban areas, the City of Chicago, East St. Louis, Springfield, what have you, we are one of the few states and cities in the country which is the last to experience the terrible disappearance of market; and the reason for that is because Illinois has the greatest climate for insurance. As a matter of fact, it's amazing that the Commission which studies medical malpractice didn't advise this Chamber that the same companies pulled out of Illinois three weeks after we passed the legislation, and they pulled out because of an Amendment which gave us the right to regulate their rates. We do not have the right to demand that an insurance company writes insurance. So we have one obvious situation. As a matter of fact today, I have in my possession a letter from Chubb and Son Federal Insurance, which is withdrawing from Illinois in the workman's compensation area, simply because they don't care to have public hearings on rates. Now, we can talk all day long about whether they're ripping off the public or not; but the fact remains, you can't get Pekin Insurance to write insurance in Chicago, you can't Hartford to write medical malpractice if they don't want to, and if you put in the rate regulation, you're only adding another nail in the coffin that some of the Members of this House have already created. Now, those of you who have been in the House during my terms of office know there's probably no individual that's presented more Bills to clarify, to restrict to the detriment of the insurance industry than I have. As a matter of fact, my law firm has lost some clients because I think some insurance companies have a great practice, have a great ability to rip-off the public; but the only reason we have markets today in Illinois, and I should add I'm a member of the National Conference of Insurance Legislators, and in every state of the Union, in every state of the Union, we



are agreed that the worst possible thing we can do is to go back to rate regulation. I certainly would not question the sincerity of the proposal, nor do I question the belief which foster it; but the fact remains that they've failed. The martial plan was great when we had it, it outlived its usefulness and we no longer have it. Today in Illinois, you might further be interested in knowing that with the exception of the last few hearings in Illinois no company in the last 18 years has ever had a rate refusal. So all you're doing is playing games with yourself and with the public. If you give the companies the right to come in and fight amongst themselves for what business what might be available, it gives a chance. Price is not our biggest headache, contrary to what has been told. The Insurance Study Commission, which you have authorized and paid for has sent questionnaires to every company doing business in Illinois. Of those companies, a vast majority of them are prepared and willing to write and will continue to write medical malpractice. However, in view of the rate regulation, they prepare . . . prefer to go to a friendly . . . to a more friendly atmosphere. Hartford accident, which lost \$29,000,000 in California, was prepared to continue writing here in Illinois until we passed that renewal and must renew as of June 10th rate. So I plead with you, not only should you defeat this Amendment, but hopefully you'll in some fashion eliminate from the medical malpractice Bill any rate regulation which is only self-defeating."

Speaker Redmond: "Representative Rayson."

Rayson: "Would the Sponsor of this Amendment yield?"

Speaker Redmond: "He will."

Rayson: "Representative Porter, I like what you're trying to do. I think the Chairman of Judiciary I made a lot of sense, and Representative Epton also. I would appreciate it if you might consider tabling this and go with #1 and 2 points in your Amendment. We will have another Committee hearing on Judiciary and get in the other matter of products liability. We need the input on that at this point, and I . . . I would respectfully suggest, would you



be willing to do that at this time?"

Speaker Redmond: "Representative Maragos."

Maragos: "Mr. Speaker and Members of the House, I rise in support of this Amendment, and I . . ."

Speaker Redmond: "Representative Rayson, for what purpose do you arise?"

Rayson: "Well, I . . . I asked a question of the Gentleman, and I think he's ready to respond."

Speaker Redmond: "Representative Porter."

Porter: "Well, Mr. Rayson, let's wait for the rest of the debate on this. It would be possible to table this one and have another one drawn. I . . . I have this great problem with product liability, and I'd like . . . I'd like to hear the debate myself fully."

Rayson: "Well, may I speak just against the Amendment, Mr. Speaker?

Although I think I hear what he's saying and I think it makes some sense in the long-run, but yet it's really not germane to what we're trying to do here today. His points 1 and 2 are excellent, I feel, and I think point 3 is . . . is really going to be dilatory to this Bill. So at this time, I joint the other Gentlemen here in opposing this Amendment."

Speaker Redmond: "Representative Schuneman."

Schuneman: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I rise to oppose this Amendment. I hope the Members of the House paid particular attention to what Representative Epton said on this matter because he was absolutely right. The one thing that we should be very, very careful about, in my opinion, is to interfere with the free market that does now exist in product and professional liability insurance in this State. Anybody who has any knowledge at all of what's going on in the insurance . . . insurance industry should realize that product and professional liability insurance today is a problem. The insurance industry recognizes it as a problem and rates are going up, but if we take this action today and decide that . . . that we can somehow control the premiums, we're going to dry up that market just as the medical malpractice market has dried up in Illinois; and I would urge a vote against this bad Amendment."



Speaker Redmond: "Representative Maragos, I understand I cut you off."

Maragos: "I was speaking because I thought Rayson . . . then he came in again, that's why, Mr. Speaker. Thank you. Mr. Speaker and Members of the House, although I have my certain doubts about the extent of this Amendment, I think the intent is quite valid; and I have a high respect for the previous Speaker, my colleague from Chicago, from the . . . Representative Epton, who has been involved in insurance fields, whether the lawyer and now a Legislator for many years. However, I dare risk his knowledgeable wrath to say that if it weren't during the Ogilvie administration when we did remove the rates, we may have had a better handle of controlling the rate increases, aspecially the malphactice field, in these last few years. True, many times, maybe 99 percent of the time, it passed, the Directors' of Insurance would allow increases almost automatically when the various members of the insurance industry would come in and ask for them. However, there might have been many cases where they would not have, especially where we have two and threefold, 200 or 300 percent jumps in the rates after within one year without only experience practice whether malpractice or whether workmen's comp' or unemployment comp'; and I say to you, although I have some concern as to the extent of this Amendment because I think in this area it would have to do with malpractice, and I think the germaneness should stay within that area. I would support that thought because we should have some rate review before they are granted to any insurance company; and I also say further that if any of these insurance companies decided they don't want to practice or serve in Illinois, then they should also remove all other practice, not only they can take and choose the field upon which they are going to insure; and, therefore, I ask for a partial approval." Speaker Redmond: "Representative Daniels. Representative Maragos, for

Unknown: "Marovitz."

what purpose do you arise?"

Marovitz: "Mr. Speaker, I've checked with many Members on this side of

the aisle. We don't have a copy of the Amendment. I'd like to be furnished a copy of the Amendment so I could follow . . . better follow the debate."

Speaker Redmond: "Mr. Clerk, has the Amendment been distributed?"

Marovitz: "I've checked with about eight or nine Members on this

side of the aisle and none of us has a copy."

Speaker Redmond: "Emery? Representative Daniels, we won't move it or adopt it without you getting a copy of the Amendment, but Representative Daniels."

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

I'll try to be very brief and make this to the point why I oppose the adoption of Amendment #11. Number one, as the prior Speaker spoke, it does extend the involvement in the professions as far as rate review. I don't think that at this point and time we should put Illinois in the posture of a ratereview state. Furthermore, connected and of necessity in the adoption of this Amendment will be an approximate appropriation necessary to administer this in the Department of Insurance of around \$50,000. Now, like the other Speakers I commend the Sponsor of this Amendment for his interest in this area, but I suggest to you that we are very, very concerned with the issue of medical malpractice. I urge you not to confuse this issue, not to add other portions, such as other professions and also product liability under the medical malpractice legislation that we're trying to present to you in a very orderly and concise manner. I urge you to defeat this Amendment. Thank you."

Speaker Redmond: "Representative D. L. Houlihan."

Houlihan, D.: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I speak against Amendment #11. Obviously, the whole question of rate review is a . . . one of a very serious concern to many Members of this House. I'm afraid if we broaden what the existing provision in this Bill is simply as to malpractice situations or medical malpractice situations and expanded beyond that concept, we are very possibly jeopardizing all of the concepts which are embodied within this Bill. There is, as indicated

to us by the Director, Mr. Wilcox, a very serious cost factor consideration; and for all those reasons, I would ask that we do not adopt this Amendment."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker, and Ladies and Gentlemen of the House, this has, indeed, been a long debate and I get the feeling that maybe there isn't a great deal of interest, but I would like to offer what I believe to be, at least the Medical Malpractice's Commission in regard to this Amendment. Let me say to you that I congratulate Representative Porter for zeroing in on in effect what will be a problem for us in the future. I am sure that if the medical malpractice commissioners were here that they would tell you that medical malpractice is but a tip of the iceberg in regard to the problems that the insurance industry is about to face. It's the tip of the iceberg because in medical malpractice we have a severe incidence of increased frequency. We have a long tail proposition, which I'm sure the Members of the Judiciary Committee are familiar with; and in addition to that, we . . . we have severe inflation in . . . in the awards of jury verdicts. As a result, the insurance industry is fueling the effects of medical malpractice much more than they are in the other areas of product liability, the other professional liability coverages and in general liability; but let me suggest to you that this is the trend for the future that we're seeing, as Representative Porter indicated, a significant increase in the number of awards and settlements in all areas of liability. As a result, we probably within the next two or three terms will be facing the same kinds of situations in those areas of liability that I referred to as we are in medical malpractice. Unfortunately, I think it is, indeed, true what Representative Epton said, that it is, indeed, best for us to allow the free marketplace to operate, especially in medical malpractice where we have approximately 13,000 physicians practicing in this state where the steel, that is to say the broad base of coverage, does not exist, the actuaries themselves have no way of predicting what the rates should be because



of all these phenomenons that have been mentioned. As a result of that, what we're talking about are actuaral . . . actuarially educated guesses as to what rates should be. I would suggest to you that the Department of Insurance is no better than the insurance actuaries, and they aren't going to be able to tell you what the rates should be. What we should do is allow the free marketplace to operate and the determination of rates, and for that reason, it would be foolhardy for us to try to tell insurance companies in this state what rates they should charge. I urge that we defeat this Amendment."

Speaker Redmond: "Representative Duff."

Duff: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, I don't suppose that most Members of the House would have any way of knowing that for a period of years, I earned my living . . . for a period of years, I earned my living as excess in surplus lines and reinsurance underwriter, and I also was fortunate enough to have been appointed a few years in this Body as the Co-chairman of the Insurance Rate Study Committee; and I would like to make a few brief points on this Amendment. First of all, we should not confuse the overall rate-making problems of the entire industry of Illinois with this particularly specialty market. The complexities of underwriting actuarial defintion and risk selection in excess in surplus lines, of which professional liability is one, are peculiarly difficult, not only because of the lack of the law of large numbers by which those definitions are made, but because of the complexity of the financial market from which the supports that underlines surplus lines decisions are also made. If we would in this specialty market area limit the ability of the market to fluctuate and be almost truly professional artful ability of the surplus lines underwriters to make particular definition in their risk selection, we would be approaching the broader ratemaking problems precisely backwards because of all of the areas of insurance rate-making that are least appropriately regulated, this is it. In order for the professional liability market, and



I might also add at this point, that some years ago I used to actually manuscript and personally draft professional liability policies for an insurance company, I hasten to say, Representative Epton, I have no conflict of interest because I haven't done it for 10 years, I would say that of all rate-making limits that could possibly be proposed in the entire insurance industry given this crisis and these times, this would be the worse. I do understand the motives of my colleague from the 1st District in offering it and I share his concerns deeply, but I do have to join those others who have opposed the Amendment."

Speaker Redmond: "Representative LaFleur."

LaFleur: "I respectfully move the previous question."

Speaker Redmond: "The Gentleman has moved the previous question. The question is, shall the main question now be put? All in favor indicate by saying 'aye', 'aye', opposed 'no'; and the 'ayes' have it. Representative Porter to close."

Porter: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, I'm . . . I'm kind of amazed at the extent of the debate on this small Amendment. I think that most of it has served to focus the interests of those Members who are concerned about the subject upon the Amendments to Chapter 73 contained in the Bill already providing for this sort of rate review by the Department of Insurance of medical malpractice coverage. If I were Representative Epton, I would prepare an Amendment right now to take that Section of the Bill out entirely. What I'm just trying to do is simply expand it a little bit. Now, it was mentioned that this is going to cost \$50,000 to administer and that is an accurate assessment. However, I think we have to understand that if we leave the Amendments to Chapter 73 dealing with rate review for medical malpractice in the Bill, that's going to take a substantial number of dollars to administer also, and the . . . those managers of the Department of Insurance appropriation ought to consider that if this Bill is going to become law. It seems to me that if the concept is a valid one for this Bill, if we're going to have rate review in the Department of Insurance



for medical malpractice. I haven't heard any argument that is valid not to include other professional coverage or product liability coverage. I think that there is nothing more true than that these will be areas that this General Assembly is going to come to grips with in the years ahead and if we don't address ourselves in some way to it right now, I think we're being a little foolish. I imagine that in the long run, the only real change that's going to be meaningful for rating either medical malpractice insurance or lawyers malpractice insurance or product liability insurance, the only real meaningful change that we're going to have to come to grips with right now is the change in the statute of limitations so that the insurance companies can make a fair and proper rating and set their premiums at some reasonable level, and I hope that all of you will see fit to support this Amendment since it does nothing but extend the Bill as it's presently written just a little bit farther into areas that are important and will require our attention soon. I urge your vote 'aye'."

Speaker Redmond: "The question's on the Gentleman's motion for the adoption of Amendment #11. Those in favor say 'aye', opposed 'no'; the motion fails, the Amendment is not adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #12, Ebbesen, amends House Bill 3957 on page

1 by inserting after line 5 the following: 'Section 1', and so
forth."

Ebbesen: "Mr. Speaker, and Ladies and Gentlemen of the House, Amendment #12 to House Bill 3957 breaths a very good Amendment. It provides that any individual who is seeking to recover damages for injuries that . . . arising from an alleged malpractice on the part of a hospital or a physician or anyone else that's a health care provider shall really have a mandatory trial by a 12-member jury and shall not be allowed to negotiate or arbitrate an agreement with the hospital or those involved and shall not . . . shall join with his attorneys and make known by full disclosure to the court the terms of their arrangements concerning the fees



and expenses of their actions. Also the Amendment addresses itself and prohibits the insurance company of issuing any malpractice liability insurance that sets forth any provisions that authorize settlements by negotiations or arbitration and it also provides that the court is mandated to inform the jury at the time of giving instructions, following the cunclusion of all of the testimony of the terms of the arrangements between the plaintiff and the attorneys concerning the attorney's fees and expenses of their actions, including a percentage of the amount recovered, which is to be allocated as attorney's fees. Now, it provides for exclusive procedures for the termination of the medical malpractice claim and simply stated that, 'No claim for damages for injuries arising out of the alleged malpractice by the individual involved really shall be arbitrated or negotiated and it requires a trial by jury. Now, in addition to the many objectives of this Amendment, two of the objectives were as I noticed in my handbook on the Illinois Legislature that about 30 percent of the Membership of the House consists of those in the legal profession; and I want to assure all of you on this House floor that judging from the contact I've had from the legal profession when I introduced the Amendment that there's got to be 176 Members of the legal profession, and also it serves the purpose of any of the . . . the lawyers that over in their offices and this ought to stimulate them to get onto to the House floor; but, in essence, in talking with the . . . in essence, in talking with the medical profession, they basically favor the entire concept, but they are also very interested, very interested in . . . since they're going to form their own insurance company, and they're interested in having maybe a year or two to see how arbitration and negotiation will work; and with that in mind and with their cooperation, I move to table this Amendment."

Speaker Redmond: "Any objections to tabling the Amendment? Representative

D. L. Houlihan, do you object? Hearing no objections, the Amendment #12 is tabled. Any further Amendments?"

Clerk O'Brien: "Amendment #13, Beaupre, amends House Bill 3957 on page 11,



line 26, and so forth."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker, and Ladies and Gentlemen of the House, this is an Amendment . . . an Amendment that I don't believe should stir much controversy. It is, indeed, a recommendation to give

Speaker Redmond: "Give the Gentleman order, please."

Beaupre: ". . . Mr. Speaker, and Ladies and Gentlemen of the House, this is an Amendment that I don't believe should stir a great deal of controversy. It is, indeed, a recommendation of the Medical Malpractice Commission that was made too late to get to the Judiciary Committee in their consideration of this Bill. It has been widely circulated, however, among the Judiciary Committee Members, among the Members of the Medical Maloractice Commission, among the health care providers and the attorneys who have been concerned about this particular Bill. It establishes a new procedure in regards to the filing of law suits in medical malpractice cases. The provisions are that, rather than naming each and every person who may have some knowledge in regard to the law suit in a medical malpractice case, this Amendment would . . . amend the Civil Practice Act to provide that additional parties may be named as respondents in discovery in law suits which involve health care providers. The thrust of the Amendment, basically, is this, and it deals with a rather significant problem in medical malpractice, because we are talking about a rather technical field there is a tendency on the part of lawyers in order to avoid malpractice suits against them to, in effect, sue everyone in sight. That is to say, if there's anyone connected with the incident, in order to get proper discovery, to get answers of interrogatories and to get parties to submit to deposition in order to determine who, indeed, is the culprit, if there is one, everyone in sight is named as the defendent in the law suit. The result of that, of course, is that next year every defendent that is named in a particular law suit gets their charge on a medical malpractice policy. The Commission believes that this will result



in a significant decrease in medical malpractice premiums. It provides that a lawyer may sue one defendent, name other parties as respondents in discovery and that the statute of limitations will pull for six months after those respondents and those parties named respondents in discovery. They would be required, however, to submit to court orders in regard to depositions and interrogatories. This is a rather new and innovative idea. It's one that I believe everyone agrees with we ought to try in this state. As far as I know, it's not adopted in any other state, but is, indeed, an approach to limiting the premiums in malpractice insurance, and I would, indeed, ask for your support."

Speaker Redmond: "Representative Palmer."

Palmer: "If the Sponsor of the Amendment would yield to a question?" Speaker Redmond: "He will."

Palmer: "We have now under our Supreme Court rules the right for discovery of anybody who we believe might have some information regarding the allegation of either the complaint or answer, is that correct?"

Beaupre: "I believe that's correct, Representative."

Palmer: "All right, now, so a great part of your . . . of your Bill . . . of your Amendment is only a restatement, in effect, although the same words are not used, as present procedure?"

Beaupre: "Well, let me say this in regard to that issue, while it is indeed possible to achieve discovery from parties not named in the lawsuit, we believe that by codifying what in effect would be an established procedure and polling the statute of limitations as to that party, that you eliminate the reason for naming multiple defendents. For instance, in a recent case in Cook County, there are 116 defendents named in one law suit. Now, that . . . that may very well be an abuse of proceed, but it does also indeed evident that lawyers have a tendency to play it safe in regard to their own potential malpractice client. Now, I'n not suggesting that there's anything wrong with that. I think that when I was a law student, my tort professors told me that you ought to sue everybody in sight just to make sure you don't miss the wrong one.



That's what our current system, I think, encourages people to do, Representative Palmer; and what we're trying to do is to remove that sort of incentive by pulling the statutes to the parties so named as a respondent in discovery and provides the same sort of discovery procedures."

Palmer: "Well, frivolity is not looked on lightly by the courts as was indicated in the case the other day where the doctors sued the plaintiff and the plaintiff's attorney received the 'aquacades' of the Chicago Bar Association for filing a suit that was strictly frivolous. I think that the only thing that you've done here is really set a time limitation of six months that if you don't bring somebody in and can't find them and don't know about them, if you don't bring them in within six months, then they are forever barred from being sued in any malpractice case, is that correct?"

Beaurpe: "No, that's incorrect because . . ."

Palmer: "Well, then set me correct on it."

Beaupre: ". . . would be tacked on to the current statute of limitations.

So if the party could still be named as a defendent during the . . . the statutory period where the statute had not run. What you'd have here is an additional six months if you name them as a . . . as a respond and discovery, rather than as a defendent."

Palmer: "What is the purpose of serving a copy of the complaint on any respondents that you want to bring in on a discovery deposition?"

Beaupre: "Well, I think, Representative Palmer, that you know as well as I do that . . . that if you're going to seek discovery from them that they ought to have some idea what the lawsuit is all about and what the nature of that discovery procedure would be.

In addition, this Amendment incorporates, and I did fail to mention this, the right of the dissent of the respondent in discovery to on his own motion to be named as a defendent if he so chose, so that he would be guaranteed all the rights that a defendent normally would have in such a suit."

Palmer: "Thank you."

Speaker Redmond: "Representative Houlihan."



Houlihan, .: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I think that Amendment #13 is a very reasonable approach to what is a very serious practical problem, one that was expressed consistently to the Subcommittee and the Committee to the effect that the mere fact that a medical practitioner is named as the defendent in a malpractice case, that the insurance carriers have arbitrarily assessed a 15 percent surcharge on his premium for each time that he is named in a medical malpractice suit. It also seeks to address the other side of that where lawyers will name all possible people who may be involved. I think this is a reasonable balance. I do see a practical problem in the fact that the . . . even being named a respondent in discovery, once discovery is sought, the respondent in discovery will have notify his insurance carrier to provide counsel under his policy at the deposition proceeding. However, I'm balanced it is a very reasonable approach, and I support the Amendment."

Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Would the Sponsor yield to a question?"

Speaker Redmond: "He will."

Leinenweber: "Representative Beaupre, would it be possible to file a

John Doe lawsuit and proceed without having to name any doctor

or a medical care provider at all under this Amendment and then
proceed for discovery?"

Beaupre: "I think the way the Amendment is written, that it would."

Leinenweber: "I . . . Mr. Speaker, very briefly, I would certainly support this Amendment as probably the key Amendment to the entire malpractice package. This . . . this Amendment will go a long way for relieving the re . . . the possibility that a physician or health care provider would have to name . . . have to be named in a lawsuit because of the fact that it would be extremely difficult on the part of the plaintiff to determine the involvement of the particular individual. This, as has been pointed out, would permit discovery proceedings to be taken under oath prior to having to name a person in a lawsuit. I certainly urge the



adoption of Amendment 13."

Speaker Redmond: "Representative Duff."

Duff: "Mr. Speaker, and Ladies and Gentlemen of the House, I think

the previous comments on both sides of this issue have been very

clear and very good, so I move the previous question."

Speaker Redmond: "The Gentleman has moved the previous question. The question is, shall the main question be put? All in favor indicate by saying 'aye', 'aye', opposed 'no'; the 'ayes' have it, Representative Beaupre to close."

Beaupre: "Well, I think Representative Duff did, indeed, state the

case that we have . . . that we have had full discussion in

regard to this matter. I think it's something that everyone who

has worked on the problem supports, and I would urge your

favorable 'aye' vote."

Speaker Redmond: "The question is on the . . . is on the Gentleman's motion to adopt Amendment 13. All in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it, the motion carries and the Amendment's adopted. Are there any further Amendments?"

Clerk O'Brien: "Amendment #14, Beaupre, amends House Bill 3957 on page 1 by inserting after line 5 the following: 'Section 1'."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker, and Ladies and Gentlemen of the House, this also is a proposal of the Medical Malpractice Reparation's Commission. It tends to be one of those proposals that is a bit more consumer oriented than others. It deals with giving patients a direct access to their own health care record in regard to hospitals. The Amendment is really a one-word Amendment, it inserts patients in Chapter 51 on evidence on deposition and it permits a patient to make a demand in writing to the hospital administrator and by law the hospital would be required to provide those records."

Speaker Redmond: "Representative Ryan, for what purpose do you arise?"

Ryan: "On a point of order, Mr. Speaker. I believe the Gentleman is speaking of the wrong Amendment."

Speaker Redmond: "We're on 14, Representative."



Beaupre: "I'm sorry, Mr. Speaker, I'm . . . apparently, these were

filed out of order. I had hoped of taking what's in substantive

15 first because it would be much easier, I think, to consider

the same proposition with regards to physicians afterwards.

There are some changes in regard to that; but since we have

filed that as Amendment #14, let me get off on the right Amendment,

if I may. This Amendment also deals with medical records and

making them available to persons who have been treated by physicians.

It provides, however, that in the case of physicians, rather than

in the . . . in Amendment #15, where we're dealing with hospital

records, that the physician or health care provider who has

provided treatment to the patient must respond to the demands of

a subsequent patients physician or his authorized attorney by

providing him with records in regard to his treatment; and I

would ask for the favorable support of that Amendment."

Speaker Redmond: "Any discussion? Representative Daniels."

Daniels: "Yes, Mr. Speaker, I do feel and concur with Representative

Beaupre in his support and offering of this Amendment. I think it is truly evident of a consumer input into the serious malpractice crisis that we have right now; and I do encourage each and every Member of the House to support this Amendment."

Speaker Redmond: "Representative Brinkmeier."

Brinkmeier: "Representative Beaupre, just recently I had a complaint from a constituent about a doctor who had refused to release a copy of the consent-for-surgury form. Now, would this Amendment take care of that kind of a problem?"

Beaupre: "It would indeed."

Brinkmeier: "Thank you."

Speaker Redmond: "Representative Marovitz."

Marovitz: "Representative Beaupre, I'm not sure to the answer to this.

Does a patient today not have the right to demand a copy of his records from his own physician?"

Beaupre: "That is correct. In fact, let me give you a little example

of the kind of situation that occasionally one runs into. One

of my constituents a week ago came into my office, not as a lawyer,



but as his Legislator, and asked if I could possibly do something about getting E.K.G.'s that had been administered to him and in his case from a physician up in Cook County. His local physician had demanded copies of the E.K.G.'s. He has a very serious heart condition. The physician that has treated him for two or three years has indicated that he could have a reoccurrance at any time, and yet these E.K.G.'s were not made available, although he had paid his . . . his fees because the insurance claim had not been settled by the insurance company that was involved; and as a result, the health care provider in Cook County refused to send the E.K.G.'s down to the physician in Kankakee. You know, I think that's just a horrendous situation, and this is the kind of thing that this issue addresses itself to."

Marovitz: "Well, I think this kind of a requirement is long overdue, and I would certainly be in favor of this Amendment, and ask for a favorable Roll Call."

Speaker Redmond: "Representative Waddell."

Waddell: "A question of the Sponsor?"

Speaker Redmond: "Proceed."

Waddell: "Could a copy of these records be supplied in Yiddish?"

Beaupre: "Weil, I don't have an answer to that. We all know that sometimes when we're in a hurry and I know that physicians often are that they scribble in such a fashion that's rather hard to understand what they're talking about, Sir."

Speaker Redmond: "Representative Palmer."

Palmer: "I have an inquiry. We, apparently, have forever barred the patient of obtaining the records of a phychiatrist, is . . . am I correct? Well, if so, what's the rationale?"

Beaupre: "Well, the rationale behind the Commission's recommendation that one not go into psychiatric records, and I'm . . . I should explain this, that the Commission's initial recommendation was to allow the patient himself to demand and be able to get a record from a physician that's treated him. That has been amended and changed by virtue of much of the discussion that we've had in the last few days in . . . in the various Committees and we took



that provision out, and we took it out because we didn't want this to be an onerous burden on health care providers for patients who may for whatever reason want to paper their walls with their medical records or whatever. So we . . . we put a provision in here in this final Amendment that was submitted . . . allows a subsequent physician who is treating the patient or his attorney to request the records. So that the question you asked, I think, really bears upon what was the original proposal that a patient himself may be able to go in and ask for the records. There are some doctors, I think, who would find it very difficult to constantly be able to provide records for various reasons or whatever, Romie."

Palmer: "Well, I don't want to unduly delay or burden this discussion, but I don't believe I got an answer. Is a patient barred from getting phychiatric records, and if so, what is the rationale?

Why should the psychiatrist be placed in the position where he cannot be begotten to at all or for malpractice?"

Beaupre: "Well, the reason I gave you the answer I did is because in phychiatric treatment there was some feeling by the Commission that the patient who is being treated and administered psychriatic care may not be in a position to evaluate his records, and that doesn't apply in this particular Amendment because we're not talking about the physician or the . . . we're talking about a physician or his attorney. There's no attempt to prohibit a physician or an attorney from getting psychiatric records, and I'd be happy to take that portion out, if you'd like."

Palmer: "I should like to see it out because I think that psychiatrists should stand in the same shoes as any other phycisian."

Beaupre: "Well, may . . . may we do that in the Senate because I don't want to hold up this Bill? But I do think that the record provision is an important one."

Speaker Redmond: "Further questions? Representative Leinenweber."

Leinenweber: "It is the Gentleman's intention then to delete the last paragraph regarding psychiatric records in the Senate?"

Beaupre: "Well, Representative Palmer has on the floor here at this moment



called my attention to . . . "

Leinenweber: "I agree with Representative Palmer, and I just want to know that it's your intention to do so?"

Beaupre: "... up until last night, this Amendment allowed patients to make the request and to secure any records they so chose from physicians, and after much discussion by many of the people on your ... with ... many of the people on your Committee, we decided that the Amendment would be a better Amendment if we deleted patients and only allowed the patient's physician or attorney to request them; and we ... we failed to remove the psychiatric portion, which bascially dealt with the issue of when a patient was requesting his own record; and I would be happy to take that out."

Leinenweber: "Thank you."

Speaker Redmond: "Representative Hart."

Hart: "I . . . question of the Speaker. Wouldn't it be possible to amend this Amendment on its face . . . to do what the Gentleman has requested? I'm bascially against cleaning up House Bills in the Senate when we have an opportunity to do it in the House, and it would appear to me that all that would have to be done would be to strike the sentence beginning at the end of line 30 and concluding at the end of line 31, and I would suggest that as a better procedure. Well, I'm looking at the wrong side of the page, yeah, 13 and 14, by just striking the sentence and on the face of the Amendment."

Beaupre: "Mr. Speaker, if the Speaker would so rule, I would make that motion to amend it on its face in . . ."

Speaker Redmond: "Which . . . which sentence was it, Representative Hart?"

Hart: "It's the sentence that begins at the end of line 13 and concludes at the end of line 14 . . . 14, 'This provision', and so forth, 'or treatment'."

Speaker Redmond: "Representative Ryan."

Ryan: "Well, I'd like to register my objection to that, whatever it is, if it's a motion or whatever. It's a substantive change in



this Amendment, and I . . . I really don't feel that it should be done on the face of this Amendment, and I object to that."

Hart: "Well, I'm asking the Speaker for a ruling."

Speaker Redmond: "According to the Parliamentarian, it could be done

if the House grants leave. Any objections? Hearing none, there's
leave . . . Representative Ryan objects. Representative Hart."

Hart: "I'm not sure Representative Ryan understands what I've asked to do, but if it's necessary, I'll move that the Amendment be amended on its face in that regard."

Speaker Redmond: "The Gentleman has made his . . . Representative Ryan."

Ryan: "Well, I would like to point out to the Speaker and Members

of the House that this is a substantive change in this Amendment,

and I think that it's . . . if you're going to do it, you

ought to redraft the Amendment. I . . . That's why I object to

it."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker, it is, indeed, a substantive change, but it takes out one sentence. It was not, indeed, the intention of the Sponsor to have that sentence in there, and I . . . I appreciate Representative Palmer pointing up the deficiency in the Amendment, and I concur with the motion. It merely takes out the sentence, 'This provisions shall not apply to records relating to psychiatric care or treatment'; those words and those words only. It deals with the issues that we've been discussing here. I'm sure that everyone who is listening understands precisely what we're doing and what state it leaves the Amendment; and I would support Mr. Hart's motion."

Speaker Redmond: "Representative Daniels."

Daniels: "Well, I . . . I disagree with the objections here, but as long as the Gentleman has made it, why doesn't the Sponsor of this Amendment table this Amendment and have another prepared so we can hear it immediately, #17 or whatever number, and we can have it distributed before we get to that point."

Speaker Redmond: "Representative Ryan."

Ryan: "Well, thank you, Mr. Speaker and Representative Daniels. I think



that would be the way to do it, and if I understand this right, you're prohibiting the release of psychiatric records. Now, you're saying it's all right for them to go in and get them, and I think that that has some great impact and it certainly ought to be thought out before you just jump into it."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Representative Ryan, I don't think your interpretation is exactly correct. As the law now stands, psychi... psychiatrists may, indeed, release their records, where in their professional judgment may deem that it's proper to do so. However, there's no right for a patient to get the records of his psychiatrist or one who provides him with psychiatric treatment, just like there's no law that allows you to go in and get your medical records from your physician. So what we're . . . all we're doing is . . . what we're doing is we're creating a statute, which provides that you and I may go in through our attorney or through onother physician and get the records that your treating physician had on your case. We've made a limitation on that though because the original provision provided that the individual himself could go in, rather than a subsequent physician or his attorney; and we took that out because we didn't want every Tom, Dick and Harry running into their doctor's office to acquire their medical records so they could brag to their Aunt Emma about the operation that they had last month and paper their walls with the medical records. We didn't want to place that sort of onerous provision on doctors. So we limited it to physicians and attorneys of the patient who could request the records. The prohibition, however, still stayed in inadvertently in regard to psychiatric records. If we take the sentence out that we're trying to delete on the face, we will not in any way affect the current law, except to allow a physician or an attorney of the patient to request records of phychiatric treatment from a psychiatrist."

Ryan: "Well, I guess . . . matter of interpretation, I'm not an attorney, as you know, Jack, but I must persist in my objection."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, and Ladies and Gentlemen of the House, I

don't think this striking out the language, 'This provision . . .

this provision shall not apply to records relating to pshchiatric
care or treatment', I don't think this pro . . . it's wrong to
strike that line because I think it's just like Representative
Beaupre said, and I don't really think . . . I don't see any
reason for an objection to strike out those words. I think it
would make the Amendment very good, and why bother with an another
Amendment and waste more time? I'd like to move the previous . . .
move the . . . I'd like to move that we go ahead and take a vote
on the Amendment as supposed to be stricken those two lines or
line and a half."

Speaker Redmond: "A corrected Amendment has been requested from the

Reference Bureau and should be here in a matter of a few minutes.

Representative Beaupre."

Beaupre: "That's what I was going to say, Mr. Speaker, and if, you know, we're causing some confusion and we don't want to do that,

I want every Member to know what they're voting on, and we'll submit a subsequent Amendment, which will correct . . ."

Speaker Redmond: "So we'll take 14 out of the Record temporarily.

Are there any other Amendments that we can proceed with?"

Clerk O'Brien: "No, we'll have to table it. We can't substitute it because it's already printed."

Speaker Redmond: "Well . . ."

Clerk O'Brien: "We'll have to renumber the new one."

Speaker Redmond: ". . . just do nothing with it right at the moment

and go to . . . are there any further Amendments?"

Clerk O'Brien: "Amendment 15, Beaupre, amends House Bill 3957 on page 1 by inserting after line 5 the following and so forth."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker, and embarrassingly so, I must admit that Amendment #15 has the very same problem; and if I may, I will take it out of the Record."

Speaker Redmond: "Take it out of the Record and we'll have the very same solution. Any further Amendments?"



Clerk O'Brien: "Amendment #16, Holewinski, amends House Bill 3957 on

. page 7 by deleting lines 25 through 28 and so forth."

Speaker Redmond: "Representative Holewinski."

Holewinski: "Thank you, Mr. Speaker, and Ladies and Centlemen of the House. Amendment #16 is a substitute for the Amendment that was tabled with my agreement earlier in our discussion. What this Amendment does is amend the Act regarding licensure of health professionals to allow that the licensing agency may review, and I underscore that review, a health provider's license in instance of ordinary malpractice resulting in serious injury or death of a patient. I think it has the substantial agreement

Speaker Redmond: "Representative D. L. Houlihan."

Houlihan, D.: "That is correct, Mr. Speaker; and I do support this Amendment and would urge its adoption."

from among the Members on the Judiciary Committee and would move

Speaker Redmond: "Representative Palmer. The question is on the Gentleman's motion . . . Representative Berman."

Berman: "Will the Sponsor yield?"

for its adoption."

Speaker Redmond: "He will."

Berman: "Under this Amendment, if a personif a doctor is sued for malpractice, which is, in effect, negligent, and there is a judgment entered against him, is that along the basis for losing his license?"

Holewinski: "That is a grounds under which or by which the department can review his license, whether his license is in . . . is revoked or suspended is really dependent upon the decision of the Advisory Committee and, subsequently, the Director of the Department, and that's the situation as it exists now. The law now reads that a doctor must be guilty of gross malpractice in order for the department to review his license. This lowers the standard to

Berman: "Well, may I address the mo . . . the Amendment?"

ordinary malpractice or ordinary negligence."

Speaker Redmond: "Proceed."

Berman: "I think that there has been a recognition in the debate on . . .



in discussions in the malpractice Bill where we . . . the doctors recognize that they want to try to upgrade the profession; but in my conversations on this approach with the Medical Society, I, personally, reach a conclusion that I think this is much too harsh a penalty that we are providing in the statute for . . . that may result when a person is found guilty of mere negligence in the conduct of his profession. What we are saying is that this is going to be a ground to deny a doctor his license to practice medicine if he is found guilty in a negligence case. That's the same thing as saying that a cab driver or a truck driver will be barred from ever driving again if he gets into an automobile accident where damages are assessed against him. I think this much too harsh a penalty to invoke upon doctors. Medical maipractice is not the finding of willfulness, it is not the finding of gross ineptitude; it is, in fact, negligence, namely, that the doctor didn't conduct himself in that standard of care that is followed in the community. I'm not sure that that should be equivalent to a ground for losing his license. I think that this is going a little too far to address itself to the malpractice problem. I don't think that the Medical Society thinks that it's a fair ground, and I, as a lawyer, don't think that it's fair to equate a guilt a finding of liability in negligence cases as equivalent to a ground for losing your license; and I object and I'm going to vote against this Amendment."

Speaker Redmond: "Representative Neff, do you seek recognition for the purpose of an introduction? Representative Neff?"

Neff: "Mr. . . . thank you, Mr. Speaker, yes, we're quite honored this afternoon to have one of the top elected officials in the State of Illinois, the Honorable Bill Scott, Attorney General of the State of Illinois."

Speaker Redmond: "Representative Rayson."

Rayson: "Well, thank you, Mr. Speaker. The last Gentleman who opposed this Amendment, his words have a true ring to them, and I understand what he's saying; but that's the reason for the compresse.

We feel that the Committee Amendment that was adopted in Committee



really went too far and really went in the areas of the concerns of Representative Berman. Now, this is a compromise Amendment, so it's got to have some way, serious injury or death has to be resulted as a form of malpractice; and I think it's sufficient to let it go and to see where it's at; and if we need further review, we can always re-amend; but I think it's a . . . it was compromise on the run-a-way kind of provision that . . . that led to the apprehension of Representative Berman; and I would support this Amendment."

Speaker Redmond: "Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker, and Ladies and Gentlemen . . . thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I'd have to concur in what Representative Berman has said, and I'd cite the illustration where someone might be being sued for malpractice, but we talk about statute of limitations, you're going back maybe 10, or 15 or 20 years. I know in the eye field, back in the '50's when they gave premature babies too much oxygen that was considered good medical practice at that time. Well, now coming along some 20 years later due to the fact that too much oxygen that was administered at that time caused blindness in many of these . . . these instances; and if they're found guilty on a basis of what was considered good malpractice, I think this whole Amendment is entirely too harsh, and I certainly would encourage everyone to defeat it."

Speaker Redmond: "Representative Holewinski. Holewinski?"

Holewinski: "To close . . . are we ready to close?"

Speaker Redmond: "Not yet. Representative Fleck."

Fleck: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, I
rise to support this Amendment. It's nice to talk about the harshness that malpractice could have on the doctor losing his license;
but a lot of people seem to lose sight of the fact that you have
patients, and the patients are seriously injured or they could be
killed, and they could be killed negligent doctors. Now, if you're
going to have a standard of care that requires gross, gross malpractice or a permanent injury or death, I think you're really



giving an opportunity for the doctors to have an opportunity to not police themselves as they should; and you will have the patients being the re . . . the victims of this very, very low standard. If you're going to get rid of malpractice, the only way you're going to get rid of malpractice is to keep the confidence and capable positions in its profession; and there is a profession of those who are not capable; and the only way you'll do that is to raise the standard of care for malpractice and for review of their license. This is a very good Amendment. It gets to the malpractice problem, where it should be gotten to, and that is before you have any malpractice up front and not when you start talking about damages for someone who has been the victim of malpractice; and I would urge that the Members support this Amendment."

Speaker Redmond: "Representative Daniels."

Daniels: "Yes, Mr. Speaker, and Ladies and Gentlemen of the House. suggest to you that this is perhaps one of the most important Amendments that we will be faced with in the question of medical malpractice. I suggest to you that if you talk to some of your doctor constituents as I have on this very issue, you will find out that the vast majority of them are in favor of an Amendment like this and the provisions that are contained in Amendment #16. I suggest to you that what we have here is a cleanup of possible incompetency by various doctors throughout the State of Illinois. I think that this is a reasonable Amendment; and I want to remind you that this does not say that a license has to be revoked. This says that the license of a physician may be reviewed on this ground. Now, all of you that are in the profession, all of you that are lawyers in this General Assembly, I further suggest to you that for much less grounds your license can be revoked, suspended or reviewed by the Disciplinary Review Committee; and I urge you, I urge you to support this Amendment, and I commend the Sponsor of this Amendment for presenting it to this Body."

Speaker Redmond: "Representative Darrow."

Darrow: "I move the previous question."



Speaker Redmond: "The Gentleman has moved the previous question.

Representative Waddell, for what purpose do you arise?"

Waddell: "Mr. Speaker, I'd like to convince that Gentleman to withfraw that motion. I think this is that serious that we should

have a full discussion on it."

Speaker Redmond: "Representative Darrow, your pleasure on the motion."

Darrow: "In courtesy to the Gentleman, I'll withdraw my motion."

Speaker Redmond: "Representative Waddell."

Waddell: "Would the Sponsor yield?"

Speaker Redmond: "He will."

Waddell: "I am not a lawyer, but does not the word gross infer that it is of intent?"

Holewinski: "No, it . . . no, it does not."

Waddell: "What does the word gross as it was used infer?"

Holewinski: "Well, gross would be a higher order of negligence, probably closer to the standard, but not willful and wanton. It implies more than ordinary negligence."

Waddell: "May I suggest them a situation, and this is for clarification, let's say that a doctor is assigned to the emergency unit and

as you bring a patient into the hospital, he automatically assumes command of that patient. Unintentionally, that patient dies. Now,

does not the word gross as it was used before protect that . . . that doctor as far as somebody that wants to enter suit?"

Holewinski: "Representative, not necessarily. It depends . . . the question is much closer on . . . on how we behaved, and how we acted, and what the circumstances were and how other professionals in the same circumstances would . . . would react. So that really does not necessarily protect that individual. Under . . . on

your example, they would review it anyway."

Speaker Redmond: "Representative Holewinski to close."

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

House. Representative Daniels, I think, brought up what are my
closing arguments; and that is, that we're not saying because
a physician is ordinarily negligent or is found guilty of malpractice
that his license is automatically going to be suspended or revoked.



What we're saying is we've got to address the quality of care question. We've got to give the department the ability to review his license, to be in a position to be able to review his license for negligence, for malpractice. I might also add that the Amendment reads, 'Malpractice resulting in serious injury or death'. So it's not just an act of negligence, someone has been hurt, there's a victim involved. Mr. Speaker, Ladies and Gentlemen of the House, I would ask for your favorable . . . for adoption of Amendment #16."

Speaker Redmond: "The Gentleman has moved for the adoption of Amendment #16. All those in favor say 'yes' . . . the Gentleman has requested a Roll Call . . . all those in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this question there's 76 'aye' and 41 'no'; the Gentleman's motion carries, and Amendment 16 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "We'll leave this on the order of Second Reading until Amendments 14 and 15 have been redrafted. 3958, Representative Grotberg."

Grotberg: "Thank you, Mr. Speaker; I was going to ask you to go back to the one you missed, which should only take a moment, I think. The Chapman-Human Resources Committee Bill."

Speaker Redmond: "I would prefer of getting medical malpractice all in one bunch here."

Grotberg: "I can understand that. At the earliest opportunity if you would."

Speaker Redmond: "I certainly will."

Grotberg: "Thank you."

Speaker Redmond: "3958."

Clerk O'Brien: "House Bill 3958, a Bill for an Act in relation to the arbitration and health care malpractice cases. Second Reading of the Bill. Five Committee Amendments. Amendment #1 amends House Bill 3958 on page 3, lines 35, by inserting within 60 days of after or."



Speaker Redmond: "I think it's Representative Rayson. I can't see him.

Representative Rayson. The Gentleman standing between Representative
Rayson and the Chair please sit down."

Rayson: "I've always had that trouble throughout my career, as long as Robert Mann is up. Mr. Chairman, Mr. Speaker, this is the second of the series of three Bills, the Committee Bills, on medical malpractice; and this is the Bill that enacts and establishes the Malpractice Arbitration Act. Amendment #1 is a clarifying Amendment pertaining to the opt-out agreement of arbitration. It states that the cancellation date is to be within 60 days of the patient's discharge, and we, after much deliberation, felt

this is the better way to handle this particular Amendment; and

Speaker Redmond: "Any discussion? The question's on the Gentleman's motion to adopt Amendment #1. All in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it, Amendment #1 is adopted. Any further Amendments? Representative Simms."

move for the adoption of Committee Amendment #1."

Simms: "Mr. Speaker, for the purposes of introduction. Five men visiting today from the Caterpillar facilities in Europe and the United Kingdom. These men are involved in public affairs work and are in Springfield to observe our proceedings as a deliberative Body and to visit some of the Lincoln monuments and shrines. They're seated in the balcony behind the Democrats, and I wish they would rise for recognition. They're conservatives."

Speaker Redmond: "It would be appreciated by the Chair if the gentleman from Caterpillar, Mr. Peoria, would notice the side that the gentlemen are sitting on. Any further Amendments?"

Clerk O'Brien: "Amendment #2 amends House Bill 3958 on page 4 by deleting lines 25 and 26 and so forth."

Speaker Redmond: "Representative Rayson."

Rayson: "Again, Mr. Speaker, on this Malpractice Arbitration Act. If
a patient willingly enters into an arbitration agreement with
the doctor or health care provider, this is a clarifying Amendment
to make sure he knows what he's signing. It's a good Amendment.
I move its adoption."



Speaker Redmond: "Any discussion? The question's on the Gentleman's motion to adopt Amendment #2. All in favor say 'aye', 'aye', oppose 'no'; the 'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #3 amends House Bill 3958 on page 3, line 12, and so forth."

Speaker Redmond: "Representative Rayson."

Rayson: "Amendment #3 has a ink place in it on line 4, the word upon is on there. I would like to ask the Clerk if that's the way it reads at the Clerk's desk?"

Clerk O'Brien: "Upon has been changed where it was after."

Rayson: "Thank you. This Amendment #3, another Committee Amendment,

makes it a mandatory that this voluntary agree . . . agreed . . . agreement given by the . . . should be given to the patient upon discharge from the hospital, rather than when he enters the hospital. We feel that this is a better time for reflection to him make sure he knows what he's signing; and, again, we would move for the adoption of Committee Amendment #3."

Speaker Redmond: "Any discussion? The Gentleman's moved for the adoption of Amendment #3. All in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #4 amends House Bill 3958 on page 1, line 2, and so forth."

Speaker Redmond: "Representative Rayson."

Rayson: "Mr. Speaker, this is an important Amendment because it binds the insurance companies to the agreement to have the arbitrator or arbitrators hear this particular kind of case; and it gives a little teeth to the arbitration agreement; and, therefore, I move for the adoption of Amendment #4."

Speaker Redmond: "Any discussion? The question's on the Gentleman's motion to adopt Amendment #4. All in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it, the motion carries and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #5 amends House Bill 3958 on page 1, line 2,



and so forth."

Speaker Redmond: "Representative Rayson."

Rayson: "Another important Amendment to House Bill 3958. This Committee

Amendment states that a company writing medical liability insurance
shall not refuse to offer insurance to any physician, hospital
or other health care provider on the grounds that such physician,
hospital or health care provider has entered into a voluntary
arbitration agreement pursuant to this Act. We feel it's very
important that this be added to the Bill; and I now move for

Speaker Redmond: "The question's on the Gentleman's motion to adopt

Amendment #5. All in favor say 'aye', 'aye', opposed 'no'; the
'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Ebbesen, amends House Bill 3958

on page 1 by deleting lines 1 through 3, and inserting in lieu,
thereof, the following and so forth."

Speaker Redmond: "Representative Ebbesen."

the adoption of Committee Amendment #5."

Ebbesen: "Yes, Mr. Speaker, and Ladies . . . thank you, Mr. Speaker,

Ladies and Gentlemen of the House. Amendment #6 addresses itself

to the same problem as Amendment #12 in the previous Bill; and

as I indicated at that time in tabling the previous Amendment

that I'll do likewise with this one for purposes that the Medical

Association is desirous of getting a year or two history in

negotiations and arbitration in allowing as an insurance company,

self-insured, and for that reasion I table Amendment #6."

Speaker Redmond: "Any objections? Hearing none, Amendment #6 is tabled.

Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Third Reading. 14 and 15 on 3958 ready yet? Okay,

we'll go to 3917. Representative Grotberg."

Clerk O'Brien: "House Bill 3917."

Speaker Redmond: "Representative Grotberg on the floor? Take it out of the Record. 3965, Representative Holewinski."

Clerk O'Brien: "House Bill 3965, a Bill for an Act . . ."

Speaker Redmond: "Representative Holewinski, for what rurpose do you



arise?"

Holewinski: "Mr. Speaker, you skipped over House Bill 3959, I was wondering why."

Speaker Redmond: "Inadvertent. 3959, pardon me."

Clerk O'Brien: ". . . House Bill 3959, a Bill for an Act to create
the Department of Health Professions and the transfer to that
department certain functions of the Department of Registration
and Education. Second Reading of the Bill. One Committee Amendment amends House Bill 3959 on page 1 by deleting the lines 1
through 4 and inserting in lieu, therefore, the following and
so forth."

Speaker Redmond: "Representative Washington."

Washington: "Mr. Speaker, Representative Holewinski . . . Representative Holewinski of Judiciary I will handle this Bill."

Speaker Redmond: "Representative Holewinski."

Holewinski: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3959 attempts to address the quality of care question that's in . . . implicit in the whole malpractice problem by providing a more effective professional record . . . regulating mechanism. The original Bill had provided for the development of a entirely new department of state on health professions, and it provided for the transfer of the regulating functions out of the Department of Registration and Education and into that department. Amendment #1 in the alternative suggests that we do establish a new department in state government, but instead transfer the regulating mechanism out of R. and E. and into the Department of Public Health. The Department of Public Health already has responsibilities along these lines. It is involved with evaluating and regulating health facilities. It seems to make more sense to give public health, create a new division in public health to address this quality of care question by addressing the regulating and licensing of health professionals. The Amendment provides for a careful transfer of these functions, and it is not automatic. It provides as it is drafted now for an Interim Advisory Committee to work for the period of one year before that



transfer is effectuated. If this Amendment is successful, I intend to submit Amendment #2, I guess it will be, which will stretch that period to two years. The reason for that is that in view of the fact that administrations will be changing, it just seems to be a more realistic way of proceeding. I'd be happy to answer any questions and move the adoption of Amendment #1."

Speaker Redmond: "Representative Porter."

Porter: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, I think this is an important and a good Amendment. The alternative is to create another department of state government, and the last thing we need is another department of state government with additional costs, additional salaries; the salaries for the director, for example, of \$44,000. Those of you who are interested in saving some of the state's money and not spending it needlessly

Speaker Redmond: "Any discussion? The question's on the Gentleman's motion to adopt Amendment #1. Those in favor say 'aye', opposed 'no'; the 'ayes' have it, the motion carries. The Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Holewinski, amends House Bill 3959 as amended in Subsection 1 and so forch."

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

Speaker Redmond: "Representative Holewinski."

should support this Amendment."

Committee the Director of the Department of Public Health brought up the point that I had provided in the Amendment for only a one-year transition period. This extends that to a two-year transition period, as I said in my last explanation. It's just really based on realization that we will be changing administrations and it's a far more realistic time frame to work in. I move the adoption of Amendment #2."

Speaker Redmond: "Any discussion? The question's on the Gentleman's motion to adopt Amendment #2. All in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."



Speaker Redmond: "Third Reading. 3957, are we ready on that. Mr.

Clerk? No? Okay. Here comes the Deputy Clerk with some. 3965,

Representative Maragos."

Maragos: "Mr. Speaker and Members of the House . . ."

Clerk O'Brien: "House Bill 3965 . . ."

Maragos: ". . . proceed."

Clerk O'Brien: "... a Bill for an Act to amend an Act in relation
to state finance. Second Reading of the Bill. One Committee
Amendment amends House Bill 3965 on page 1, line 20, and so forth."

Maragos: "Mr. Speaker, I move for the adoption of Amendment . . .

Committee Amendment #1 to House Bill 3965."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Could we have an explanation of the Amendment?"

Maragos: "The Amendment just is a housekeeping Amendment to further clarify and further implement the purposes of the Bill, which is a result of the Committee study of special funds and earmarked funds."

Schlickman: "Thank you very much."

Maragos: "I move for its adoption."

Speaker Redmond: "The Gentleman's moved . . . the question's on the Gentleman's motion to adopt Amendment #1 to House Bill 3965.

All in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Third Reading. 3966."

Clerk O'Brien: "House Bill 3966, a Bill for an Act in relation to state finance. Second Reading of the Bill. No Committee Amendments."

Speaker Redmond: "Any Amendments from the floor?"

Clerk O'Brien: "Amendment #1, Schuneman, amends House Bill 3966 on
page 1 by deleting lines 22 and 23 and inserting in lieu, thereof,
the following and so forth."

Speaker Redmond: "Representative Schuneman."

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

Amendment #1 to House Bill 3966 would provide that the funds,

which would be terminated under the language of this Bill, would



have to be reviewed by the General Assembly before the funds could be terminated. Let me say this, Mr. Speaker, I am in complete agreement with the problem that caused the origination of this Bill; but I am in disagreement with the condition in the Bill, which would provide for the automatic termination of the special funds held by the State of Illinois without any action on the part of the General Assembly; and I would urge a favorable vote on Amendment #1."

Speaker Redmond: "Representative Maragos."

Maragos: "Mr. Speaker and Members of the House, I rise in objection to Amendment #1; and it's not my personal objection only, but this is the objection of the Committee as a whole, which heard this matter yesterday, Amendment #1. The Sponsor of this Amendment has another Amendment drafted, which is more amenable, and understandable and also serves the purposes of this Bill and would enhance the purpose that Mr. Schuneman is trying to acquire . . . achieve here. What bothers me about Amendment #1 is that on the second paragraph, because if no review is made, then these funds continue ad infinitum with no review; and, therefore, it scuttles the purpose of the Bill; and it would, therefore, not serve the . . . the purposes for which the Committee has sent out the report to have these funds reviewed and live the life of six years. So, therefore, I ask for the . . . Amendment #1 not be adopted."

Speaker Redmond: "Representative Palmer."

Palmer: "If the Sponsor of the Amendment or the Sponsor of the Bill will answer a question? What . . . what is the dollar amount projected as to the funds it would terminate as of July 1, 1982, special funds?"

Tarages: "It is all . . . there is no dollar amount, Romie, because
it means all they have to do is be reviewed; and if the Legislature
did not want to continue a special fund, they would die automatically,
according to the Bill. However, the Amendment that the Committee
would state . . . that we would have the language with these funds
that go out of existence automatically; but this one here says that



if the Bill review is made, it can continue ad infinitum, therefore,

this . . . defeat of the purpose of this Bill. There was no

Palmer: "Do you have an extimate of the dollar amount of special

dollar amount."

every six years."

funds now being held in the State Treasury today?"

Maragos: "I would say in some cases billions of dollars. We're talking

about . . . it depends on what funds, you start from the Road

Fund all the way down to the Aeronautical Fund, and there's some

funds that only have \$150,000 or \$100,000 in them; but the purpose of this Bill is not to eliminate the funds per sa, but to

review them; and we said that every six years what we do is put

a time limit of the existence of the fund, it has to be renewable $% \left(1\right) =\left(1\right) \left(1\right) \left$

Palmer: "The Bill also says that if you don't review them it automatically

goes in, terminates."

Maragos: "That's correct, but now the Amendment says they shall review it.

We . . . we'll agree to Amendments, they say that they shall be reviewed, but we don't want the second paragraph of this that if

they say it doesn't review them, then they continue. That's why
this second paragraph of this Amendment scuttles the purposes of

the Bill."

Palmer: "Thank you."

Speaker Redmond: "Representative Schuneman."

Schuneman: "Mr. Speaker, the Representative Palmer asked questions of

the Sponsor of the Bill and the Sponsor of the Amendment; and as

the Sponsor of the Amendment, $I^{\dagger}d$ like to point out what I think

are a couple of discrepancies in what has been said. The Bill,

Ladies and Gentlemen of the House, would terminate automatically all of the special funds held by the State of Illinois. Now, I

all of the special funds held by the state of lifthold. Now, I

would like to read for you some of those special funds; the

Agricultural Premium Fund, the Air Transportation Revolving Fund, the Anti-Pollution Fund, the Anti-Pollution Bond and Retirement

and Interest Fund, the Board of Governors of the State Colleges

and Universities and Income Fund, there are some, the Road Fund, there are some 67 funds in all that will automatically terminate



if we pass House Bill 3966 without any Amendments. This General Assembly will have no way of taking any affirmative action in maintaining those funds. Now, what will happen is that the funds will automatically terminate, then if this General Assembly later decides that the want to rein . . . reestablish the fund, they can do so; but what I would like to do is provide that the funds cannot terminate without a prior review."

Speaker Redmond: "Representative Skinner."

Skinner: "Mr. Speaker, I serve on the Revenue Committee and I am somewhat surprised to find a conservative Republican like the Sponsor of this Amendment sponsoring this Amendment. This is one of the first of the Sunset laws to make the floor of the Illinois General Assembly. It says that every six years that the special interest behind each special fund must group again and push their special fund through the General Assmebly. Now, there are all sorts of special interests that can martial their forces once during that special interest lifetime, much as there are all sorts of special interests that can create an agency, like the Environmental Protection Agency wants. Now, ask yourself, don't you think every once in awhile those special interests ought to have to come back to us and convince us again or our . . . or our successors again of whether or not it's a good idea to keep putting money into their special fund? Now, does anyone here think that the Road Fund would not be able to martial an overwhelming majority of this General Assembly to have itself continued, or even the Pollution Bond Fund, or the Capital . . . well, maybe the Capital Development Bond Fund, but, you know, we may have a problem there . . . but there are all of these little dinky-winky funds, and it seems to me that we . . . the more funds you have, the harder it is to figure out what's happening here. There are about 275 funds in all; and if anybody can name even half of them, I'll be happy to buy their dinner."

Speaker Redmond: "Representative Schraeder."

Schraeder: "Mr. Speaker and Members of the House, I'm in complete agreement with the intent of this House Bill. I'm in agreement



with some Amendment being attached to, and apparently, Amendment 1 would do that job. We should eliminate a lot of these funds. They're dormant, they're useless, they haven't been used for a long time, and the funds are laying there; but I am concerned, particularly of the large funds, such as the Motor Fuel Tax and the Agricultural Premium Fun as outlined by Representative Schuneman. If we eliminate the funds, we still have the tax base for those funds; and it would seem to me that if we're not collecting taxes from . . . for motor vehicle . . . for Motor Vehicle Fund, then when the fund dies, the taxation provision also should die; and that isn't covered in the present Bill. Now, these are extremely important. If we're taxing . . . raising to put in the Agricultural Premium Fund, and then that fund is eliminated, we should do something about the tax base, should spell out where that money should go if we continue to collect it. So on that basis, I think this is a good Amendment and should be accepted along with the complete Bill."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Mr. Speaker and Members of the House, I rise to oppose this Amendment to maintain the integrity of the Bill; and in doing this, I should like to call your attention, if you haven't seen it already, and that's the Comptroller's blueprint for solvency without new taxes. It's a 19-point program, and point 11 reads as follows: 'Idle funds must be moved from other state funds into the General Fund as quickly as possible. Balances should not be allowed to build in such funds as the Lottery Fund, the Agricultural Premium Fund, and the Federal Public Assistance Trust Fund'. Now, Mr. Speaker and Members of the House, these special funds are simply that, special; and it seems to me that the burden on those who are in favor of these special funds, should be satisfied just once at the time the special fund is established. The burden should be on a frequency basis, and I see nothing unreasonable, Mr. Speaker and Members of the House, to have a frequency of once every six years to satisfy the need for a continuation of a special fund to the possible detriment of



the General Revenue Fund; and it's for these reasons, Mr. Speaker and Members of the House, in light of the fiscal crisis we have, and not wanting to vote for any tax increases, that I oppose this Amendment."

Speaker Redmond: "Representative Ebbesen."

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

I look at this report from the Comptroller of suggestions about
idle funds must be moved from other state funds into the General
Fund as quickly as possible; and to me, I don't think that this
Amendment as proposed says anything other than, are we going to
have the cart before the horse or the horse before the cart? The
Amendment doesn't address itself that we wouldn't move them; but
it just gives the General Assembly the opportunity before they're
moved to review it. I think it's a good Amendment; and I, certainly, would encourage support for the Amendment."

Speaker Redmond: "Representative Marovitz."

Marovitz: "Thank you, Mr. Speaker and Members of the House. I think this is an excellent idea that's long overdue. I'm just a little bit confused on one thing. The Bill says that the funds will automatically terminate unless they come back to us in the year of termination and give us reason to justify their continuing existence. I assume that's what the Bill says. Cal', I'm not quite sure what your Amendment does to that Bill, since the Bill does provide for review procedures. If the Sponsor would perhaps yield . . ."

Speaker Redmond: "Representative Schuneman."

Schuneman: "Yes, I'll try to respond to your question, Representative.

As I understand the Bill, the Bill provides that all funds, all special funds, will automatically terminate six years after they

Speaker Redmond: "Representative Macdonald, for what purpose do you arise?"

Macdonald: "A point of order, Mr. Speaker."

Speaker Redmond: "State your point."

are established."

Macdonald: "I have been searching for this Amendment in my Bill Book.



have checked with Members on this side and Members on the other side. This Amendment, apparently, has not been circulated, and I would like to see the Amendment before we continue with this Amendment."

Speaker Redmond: "Mr. Clerk? The Lady's point is well taken. We'll have to take . . . Representative Schuneman."

Schuneman: "Mr. Speaker, could I be permitted to finish my answer to the Gentleman?"

Speaker Redmond: "Proceed."

Schuneman: "The thrust of the Bill is that the fund, the special fund, will automatically be terminated without a required review by this General Assembly; and that's precisely what I'm objecting to. I'm in complete agreement with what the . . . some of the people have said that these funds . . . many of the funds need to be terminated. I agree with that absolutely. The think I oppose is the automatic termination without a review by this General Assembly."

Speaker Redmond: "Representative Marovitz."

Marovitz: "Well, Representative Schuneman, I . . . perhaps the Digest is in error, but according to the Digest the Bill provides that they would automatically terminate; but if the individuals who maintain those special funds want that fund to continue, they have a provision, whereby, they can come back to the General Assembly and ask for a continuation of that fund if they're able to justify its continued existence. So they . . . the Bill does provide for continued review procedures, unless . . ."

Speaker Redmond: "Representative Matijevich, for what purpose do you arise?"

Matijevich: "A point of order. I don't know what the debate is about.

I thought we agreed to take this out of the Record because the

Amendment hasn't been distributed. I think we're wasting our time
now."

Speaker Redmond: "Your point is well taken. Representative Maragos."

Maragos: "A parliamentary inquiry."

Speaker Redmond: "State your point."



Maragos: "Because the Amendment was not put on timely, do we have to
... does the Bill have to stay, outside of a courtesy to the
Sponsor, because I... I have no objections to Amendment #2,
but I do object to #1; and I don't know whether a Committee Bill
should be held hostage because of the man's action. That's the
only thing I'm asking, that the ... do I..."

Speaker Redmond: "It's been . . . it's been the practice to defer to
the Sponsor of the Bill to see what his pleasure was. It's been
the policy of the Chair not to honor Amendments that have been
filed rather late. So I would suggest that you search your
conscience and see what you want to do with respect to Representative Schuneman's Amendment."

Maragos: "... Mr. Speaker and Members of the House, I would have no objection to Amendment #2, which the same Sponsor would do if this Bill ... #1 lost, and I think in all deference to him and try to as courteous to him, I would object to #1 being heard and we can move on to Amendment #2."

Speaker Redmond: "Representative Schuneman."

Maragos over a period of days to try to arrive at some kind of solution to the problem that we have; and for that reason, have been holding off the filing of an Amendment, until today when it was determined that there is no solution of our problem other than a vote of the General Assembly; and so for that reason, I would, respectfully, ask that we hold this until the Members have a chance to read the Amendment."

Maragos: "Mr. Speaker and Members of the House, the remarks of the
... Mr. Schuneman are partially correct that this has been reviewed
about a week. However, his Amendment, which I am objecting today, was heard in Committee yesterday, and it was turned down by
the Committee at that time as not being . . . it was in the
framework, it was the intent of the Bill. They said that this
Amendment would scuttle the purposes of the Bill; but as Amendment
#2, I said and the Committee said that if the Amendment takes out
the last paragraph, which I disagree with and which they disagree



with, we would have no objections, which would be Amendment #2, as I understand it's been drafted. I just found out shortly before this came up. So, therefore, I object to the hearing of Amendment #1 at this time."

Speaker Redmond: "Representative Ryan."

addresses this . . ."

Ryan: "Well, Mr. Speaker, will you define for me what is rather late in the filing of an Amendment, and would you also tell me if Amendment #1 is not timely, how could Amendment #2 be timely?"

Speaker Redmond: "Well, . . . clear the Speaker would respectfully request the Sponsor of this Bill to permit this to be taken out of the Record in order that this Amendment would be considered. Representative Schuneman rarely ever addresses this Membership, and I would appreciate it if we would give him that opportunity. I say I would appreciate it if you would concur in removing this from the Record to give Mr. Schuneman a chance. He rarely

Maragos: "I know, Mr. Speaker, but I think the purposes of this

Amendment . . . the Bill . . . I will defer to the wishes of the

Speaker."

Speaker Redmond: "Okay. Out of the Record. 3966. 3973, pardon me."

Clerk O'Brien: "House Bill 3973, a Bill for an Act to create the
Illinois Distress Areas Land Use and Community Authority. Second
Reading of the Bill. No Committee Amendments."

Speaker Redmond: "Representative . . . Any further Amendments?"

Clerk O'Brien: "No Amendments from the floor."

Speaker Redmond: "Third Reading. Are you ready on that? 3848. We're on Second Reading."

Clerk O'Brien: "House Bill 3848 was read a second time previously . . ."

Speaker Redmond: "Is Representative Pierce on the floor?"

Clerk O'Brien: ". . . and we were on Amendment #5. Amendment #5, McClain, amends House Bill 3848 on page 3, line 32, by inserting after the word the the following: 'average of the'."

Speaker Redmond: "Representative McClain."

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

This is basically Aaron Jaffe's proposal that I took over because



Aaron wasn't over . . . in here today. This proposal would permit us to average out your . . . your average daily attendance for three years, this year and the previous last two years. The reason why we feel so strongly about this specific Amendment is that the areas that are hardest hit with declining enrollment, we haven't been able to really figure out some way to help them moneywise. By letting them average out their daily attendance for three years, we help those areas that are hardest hit on the declining enrollment. Those are basically the elementary districts that we're trying to help. I think that I'd be willing to answer any questions if you wish. There's no fiscal impact with this Amendment this fiscal year. It does not impact until fiscal year 1978; and I would urge its adoption."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Parliamentary inquiry, Mr. Speaker."

Speaker Redmond: "Amendment #5, proposed Amendment #5, to House Bill

3848 is identical to Amendment #1 to the same Bill. Now, Robert's

Rules of Order, which we sometimes rely upon, states that an

Amendment that's identical with a question previously decided by
the Assembly is not in order."

McClain: "M. Schlickman, if I could explain that. I . . . Your point is well taken for me, Sir. That was an Amendment . . . Amendment #1 was Representative Jaffe's and he wasn't here, and it's been the policy of the House that if the Sponsor of that Amendment is not here, that they went ahead and done away with it. So, therefore, that's why I presented #5."

Schlickman: "Mr. Speaker, I respectful. . ."

Speaker Redmond: "Your point is well taken."

Schlickman: ". . . Mr. Speaker . . . "

Speaker Redmond: "We'll go back to Amendment #1."

Schlickman: ". . . what are we going to do now?"

Speaker Redmond: "We didn't act on 1. The Clerk advises me we did

not act on 1. The Record doesn't so show. Amendment #1."

Clerk O'Brien: "Amendment #1 amends House Bill 3848 on page 3, line 22, and so forth."



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Jaffe: "Mr. Speaker and Members of the House, I think Representative McClain in explaining Amendment #5 did an adequate job, and I don't want to burden the House with any additional debate. I would just adopt what he says and move for the Amendment . . . move for the adoption of Amendment #1."

Speaker Redmond: "Representative Pierce."

Pierce: "Now, Mr. Speaker, there's nothing so bad about this Amendment. It's the G. D. Searle Amendment to take care of declining enrollment in those districts where people buy Enovid and other . . . and other birth-control devices, and I would . . . and, of course, G. D. Searle is located in Skokie. So we have . . . we have our interests in the Bill in that area. I would . . . I would say this, this Amendment was included in the package Bill that passed yesterday, the Christmas Tree, as I call it, or the Garbage Can, as Representative Porter calls it; and it's already on Third Reading and will undoubtedly pass due to certain arrangements that have been particularly on my side of the aisle. So those of us that want a pure roll-back Bill to go over to Third Reading and then to the Senate, for that reason would oppose this Amendment. It does cost the State money, if not in fiscal '76, it will in fiscal '77; and the original Bill as introduced by the Committee on Education has no state fiscal impact; and, therefore, being one who is very fiscally conservative, I will oppose the Amendment at this time; and I

Speaker Redmond: "Representative Porter."

ask that it be voted down."

Porter: "Well, this is part of the same deal that's still going on, and it's to put this Bill 3848 in the same shape as 3518. Then you've got two Bills that are going nowhere; and I would certainly urge the defeat of this nonsense Amendment."

Speaker Redmond: "Representative Skinner."

Skinner: "Yes, Mr. Speaker and Members of the General Assembly. Here, again, we have a case of where phantom dollars and a phantom formula are chasing phantom students. I trust that now the Office of Education has gotten off its rear end and gotten us a printout of



whose the winners and whose the losers from last night's lunacy, that even some of the people in Cook County might figure out what's happening. Now in last night's formula, which is a very large part of this formula . . . this change, all the School Districts in Cook County picked up \$127,000 versus a loss of 12.3 million dollars. Now, I assure . . "the Representative from . . ." er Redmond: "Representative Jaffe, for what purpose do you arise?"

Speaker Redmond: "Representative Jaffe, for what purpose do you arise?"

Jaffe: "Mr. Speaker, a point of order. He's not talking to the Amendment, he's talking about last night's Bill. I understand he's disappointed; but let him talk about the Amendment, not last night."

Speaker Redmond: "Confine your intention to the Amendments of the Bill,
Mr. Skinner."

Skinner: ". . . from Skokie is rising to announce that he's not going to vote on this Bill because he has a conflict of interest, as

Representative Pierce has pointed out, and I would respectfully ask . . ."

Speaker Redmond: "Representative McClain, for what purpose do you arise?"

McClain: "Mr. Speaker, I would urge you to please go and . . . and

try to keep the decourum of the House somewhat meaningful. The

Gentleman is again going way off shoulder, like he did last

evening. Would you please . . .he's not the judge and jury on

conflicts of interest . . . would the Gentleman please limit

himself to the Amendment?"

Speaker Redmond: "Please limit yourself to the Amendment, Representative Skinner."

Skinner: ". . . when one is being ripped off as much as my area is being ripped off, and as much as Cook County is being ripped off, and as much as Lake County is being ripped off, and as much as Will County is being ripped off, not to mention DuPage County, the Speaker's hometown; it seems to me that it might be relevent for people to take a look at the entire package here today. I would merely suggest that because we are talking about absolutely no dollars available in addition to what we have last year, absolutely no formula change coing through this year, and



absolutely no students to be giving away money for, not to mention what Representative Pierce brought up, that was this Amendment should be defeated."

Speaker Redmond: "Gene Hoffman. Representative Gene Hoffman."

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

Speaker Redmond: "He will."

Hoffman, G.: "What is the condition of this Bill right now? In other words, what do we have on it right now? I mean, where are we at . . . because I see this Amendment . . ."

Jaffe: "On what . . ."

Speaker Redmond: "Representative McClain, for what purpose do you arise?"

McClain: "Mr. Speaker, would the Gentleman limit himself to just the Amendment? If he wants to ask what the Bill is, all the Body could ask the Sponsor of the Bill, please."

Speaker Redmond: "Representative Hoffman, proceed. Representative Duff."

Duff: "Mr. Speaker, I'm sorry, but we've had two Members both knowledgeable, attempt to make good statements on the Amendment and putting

1: the prespective of the House, and from the other side of the aisle, in both instances, the same Gentleman has stood up and asked them not to talk. We'd like to hear them, Sir, and they

Speaker Redmond: "Representative Hoffman, proceed."

have a right to be heard."

Hoffman, G.: "... Mr. Speaker, then might I inquire of the Clerk,
what Amendments have been adopted in this Bill? So that I might
understand the import of this particular Amendment because I
see this Amendment #1, but I understand we adopted some other
Amendments earlier."

Speaker Redmond: "Proceed, Mr. Clerk, tell him."

Clerk Selcke: "We've tabled Amendment #2. We adopted Amendment #3, and
Amendment #4 lost. We reverted back to Amendment #1, and when

we finish with 1, we're going to 5."

Hoffman, G.: "Well, that sounds fairly logical. All right, I would like



to reserve my remarks until I have a chance to look this over, and then I can respond to this in total."

Speaker Redmond: "Any further . . . Representative Deuster."

Deuster: "Will the Sponsor yield for a question? Is it your understanding, Mr. Sponsor, that the Governor has advised us that there's not going to be additional money available, but what we are involved in your Amendment here is a redistribution of what money there is?"

Speaker Redmond: "Representative Jaffe, do you care to respond?"

Jaffe: "I . . . I have not been in contact with the Governor, Representative Deuster, not do I think anybody on the floor of this House has been in contact with the Governor. I've talked to some of the Governor's people and they told me that the Governor is studying all the educacional proposals of the Bill. We have, and so far he has not dismissed any of them."

Deuster: "I'm having a hard time hearing, but I thought, Representative

Jaffe said . . . I'm sorry, there's so much noise, I didn't hear

you; but I thought you said that you . . . we don't know what the

Governor is going to do, is that right?"

Jaffe: "I said, not only do I not know what the Governor is going to
do, I don't think anybody in this House knows what the Governor's
going to do. I talked to his staff and they indicate to me that
they're studying all the Bills, including the Bill that we passed
out last night and all the different formula changes, and they
have not taken a position as yet."

Deuster: "Then I ask you this question, on the assumption the . . . on
the assumption that there . . . there is not anymore money, the
adoption of this Amendment would take money from schools that
have got real children and transfer that money to schools that
have declining enrollment or have lost their children, is that
correct?"

Jaffe: "Well, I think that's an oversimplification, and I don't think that that's correct. It depends upon your waiting factors, it depends upon whether or not, you know, you come from Title 1 areas, whether or not you have high school waitings there, a lot of



different factors in the formula as you know, Representative

Deuster. So I think that you're oversimplifying it and I don't

think that that would be correct."

Deuster: "Well. Mr. Speaker, if I might speak on the Amendment. I think if everybody listened to Representative Jaffe, they heard very clearly that he did not say what I said was wrong, he simply said that it was a little bit too clear, it was a little bit to plain. What this Amendment does, this Amendment does very clearly, if there is no more money for the schools, and that's a strong possibility, if there's no more money, this Amendment is going to take money under the Formula from schools that have actual, real live children in the classrooms, and is going to transfer that money to schools that had children there last year, to schools that had children there the year before last year, and to schools that had the children the year before the year before last year. Now, if you want to do anything horrendous, and unfair and ridiculous at a time when we don't have much money to spread around, is to pay schools for students that they don't even have, and that's bad enough, but when you take that money from schools that have the children right now and have to educate them, it's absolutely irresponsible; and I urge a 'no' vote on this Amendment."

Speaker Redmond: "Any further questions? Representative Jaffe, to close."

Jaffe: "Mr. Speaker, in reply to the last Speaker, I would just say that I do not like to have my words twisted, Representative Duester. I think I was quite clear, and I didn't say what you said that I said. Let me say, further, that there is no fiscal impact on this year from this particular Bill; the fiscal impact comes next year. So this year we couldn't possibly be taking away from students that aren't there. So, in closing, I think that everybody knows what this thing is, and I would urge an 'aye' vote on it."

Speaker Redmond: "Representative Schneider."

Schneider: "Was that a close, Mr. Speaker? I'll explain my vote."



Speaker Redmond: "Okay. The question's on the Gentleman's motion

" " to adopt Amendment #1 to House Bill 3848. Those in favor vote

'aye', opposed vote 'no'; Representative Schneider to explain his

vote."

Schneider: "In explaining my 'no' vote, Mr. Speaker, again I want to support Representative Pierce's concept of giving the Members and citizens of the State of Illinois an opportunity to have a clear shot at a roll back. So I would certainly encourage a 'no' vote. There is a fault with declining enrollment, and there is a problem with the concept of the fact that we don't pay for it until two years from now. So when we do this cost is going to cut into us very deeply because the estimates are closer to \$58,002,000."

Speaker Redmond: "Representative Gene Hoffman."

Hoffman, G.: "Well, we're okay. Don't worry about it now."

Speaker Redmond: "The Clerk will take the Record. On this question

. . . Representative Jaffe to explain his vote."

Jaffe: "Mr. Speaker and Members of the House, I'd like to indicate that your pure roll-back Bill is no longer a pure roll-back Bill.

It does have something on it already; and as long as you have something on it . . ."

Speaker Redmond: "He's explaining his vote, and as the Sponsor, he can do that. Proceed, proceed."

Jaffe: ". . . that there would be no fiscal impact for the year 1977.

As I indicated beforehand, the fiscal impact would come next
year, and there would be a fiscal impact of about \$20,000,000.

Out of this sum, most of that area . . . most of that money would
go to Elementary Districts, which at the present time are hurt
hardest by declining enrollments; and, therefore, in looking upon

the board, I would like to have a few more green votes."

Speaker Redmond: "Representative Catania desires to be recorded as 'aye'.

The Clerk will take the Record. Representative Lechowicz. The Clerk will take the Record. On this question there's 39 'yes' and 64 'no'; and the Gentleman's motion is lost. Representative Madigan."



Madigan: Mr. Speaker, I desire to be recorded 'aye' on the Roll Call.

That's the purpose of seeking recognition."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Mr. Speaker, with file disposition having been made of

Amendment #1, may I now ask for an express ruling from the

Chair that Amendment #5 is out of order."

Speaker Redmond: "Amendment #5 is out of order. Representative Jaffe.

Jaffe. Representative Jaffe."

Jaffe: "Okay, Mr. Speaker, let me say that I just talked to Representative Catania, the reason that she could vote 'aye' on this particular thing is because you shut the board off about four minutes ago; and I think there are Members on this side that wanted to vote green. Now, Mr. Speaker, I do realize that you're not in favor of this Bill; but I do think that we ought to have a little fairness on it."

Speaker Redmond: "I asked if everybody had voted who wish, and the board was opened . . . huh? . . . Okay, I have no objection.

Okay, dump the Roll Call, dump the Roll Call. All those in favor vote 'aye', oppose vote 'no'. Have all voted who wish?

Representative Duff."

Duff: "Mr. Speaker, not only have the Roll Call been announced, but another item of business had been conducted with a ruling from the Chair on the next Amendment. The motion from the floor was untimely, Mr. Speaker, and I don't see how we can cast this order again; and we already proceeded to on the business."

Speaker Redmond: "Probably was, but have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this question there are 71 'aye' and 74 'no'; and the Gentleman's motion is lost. Any further Amendments?"

Clerk Selcke: "Amendment #5, McClain, amends House Bill 3848 . . ."

Speaker Redmond: "A question . . . a point of order has been raised that this Amendment is out of order because it conflicts with Amendment #1, which lost and the. . . the point of order is well taken. Any further Amendments?"

Clerk Selcke: "Amendment #6, McClain, amends House Bill 3848 on page 13,



line 33, and so forth."

Speaker Redmond: "Representative LaFleur, for what purpose do you

arise?"

LaFleur: "Mr. Speaker, at this time, would it be proper to move to reconsider the vote by which Amendment #3, having voted on the prevailing side, if that is proper, I would like to move to reconsider."

Speaker Redmond: "Was there a Roll Call vote on Amendment 3?"

LaFleur: "I have a Roll Call vote here, Mr. Speaker."

Speaker Redmond: "Well, I went to Amendment #6. That's all right, we're still on the same Bill. We're on 6 now, so let's proceed with 6 and then we'll go back and we'll entertain the Gentleman's motion to reconsider the vote. Representative McClain."

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

Amendment #6 we've discussed many times, as you recall. It was originally Representative Bradley's Bill last year, which included the transportation tax rate that we now charge in Unit Districts and Elementary Districts for transporation purposes. We would permit those districts to include in their . . ."

Speaker Redmond: "Proceed, Mr. McClain. Representative McClain."

McClain: ". . . Thank you, Mr. Speaker, this Amendment has been discussed many times. What it does is to provide for Elementary Districts and Unit Districts to use their transportation tax rate in computing for state aid. Now, one of the problems we have in Elementary Districts and Unit Districts is that we cannot get . . . there are inequities in the present School Aid Formula, so what this provides is an additional incentive or additional help for those Unit Districts and Elementary District to qualify for state monies. They are taxing monies now, every year, for transportation purposes. What this would provide is to use that tax rate in order to qualify for matching state monies. We've passed it out many times here in the House, we passed it out again last night, House Bill 3518; and I believe it's been adequately discussed. It's Representative Jerry Bradley's concept,



and I would urge its adoption."

Speaker Redmond: "Representative Pierce."

Pierce: "Again, Mr. Speaker, there's a certain amount of equity in the proposal in that those districts where they can't . . . the voters are willing to get the rates up to what they should be, and the children are suffering. They want to qualify by using the transportation rate; but we voted this concept out last year. It was vetoed by the Governor. I supported it. It's in the Christmas Tree Bill, as I call it, or the Garbage Can Bill, as Representative Porter calls it, that we passed out yesterday. It's just being used in this Bill, I think we amended it yesterday, and it's just being used in this Bill to make this Bill unpallatable to the Governor, another effort at confrontation politics after the election, and continuing on a frugal fight that's old and tired; and I'd say the roll-back Bill as introduced didn't have any fiscal impact for the state. This turns it into a highly expensive Bill; and, therefore, I will oppose this Amendment on this Bill at this time, and ask that it be voted down."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, and Ladies and Gentlemen of the House, I hardly concur with Representative Pierce's remarks; and I'd like to remind the Sponsor that in the Bill that passed yesterday, they covered everyone except the Dual Districts. They wouldn't even let an Amendment come in on that the prior day; and I would appreciate it if you'd give unfavorable vote to this one, so we can have two Bills to go to the Governor. I, too, am not interested in confrontation politics. I was the only one in my district who voted to override his vetoes in the education Bills. However, I do think he should have an opportunity to make a determination that could be more fair to all the schools of this state and not just in one section of the state."

Speaker Redmond: "Representative Hoffman."

Hoffman, .: "Mr. Speaker, and Ladies and Gentlemen of the House, with the motion which has been deferred until after this Amendment, there's a concerted effort to keep House Bill 3848 in its original condition and that is as a one simple proposition, and that is the



elimination of a roll back. Now, it seems to me that it's reasonable we leave it in its original condition because, after all, we passed yesterday a Bill which included the transportation . . . or the inclusion or exclusion of the transportation tax in determining an operating rate. One other thing I might mention about the transportation tax that has not been mentioned to the best of my knowledge, and that is that we have a transportation formula, and the state supports the transportation of children in some cases at the upper end as high as 80 percent of the total cost. What the inclusion of the transportation is all about is it's a gimmick, it's a technique to get districts which don't tax at the same high rates that other districts do, access or more access to our state money. Therefore, I would encourage the defeat of this Amendment on the grounds that we ought to keep this Bill in its original condition and vote it up and down on its original merits, and that is a pure, simple, clean elimination of the roll-back provision in the Resource Equalizer Formula."

Speaker Redmond: "Representative Deuster, for what purpose do you arise?"

Deuster: "Yes, Mr. Speaker, and Ladies and Gentlemen of the House. I rise on a point of order; and the point of order is this, Mr. Speaker, that I believe Robert's Rules of Order prevent us from considering this; and the Amendment should be ruled out of order because Robert's Rules of Order indicate that when an Amendment has been adopted or rejected once, it or practically the same motion cannot again be brought before the Assembly at the same Session. Now, this is an Amendment that we have already considered once. As a matter of fact, it's over in the Senate now. So under the . . ."

Speaker Redmond: "On this Bill, on 3848?"

Deuster: ". . . it's on a different Bill, Mr. Speaker, but we're still talking about Robert's Rules of Order, and I'd like to request a ruling of the Chair because the . . ."

Speaker Redmond: "In the opinion . . . in the opinion of the Chair that your point is not well taken. It's a different Bill."



Deuster: ". . . Well, it's the same Amendment, Mr. Speaker; and Robert's

Rules of Order refers to an Amendment."

Speaker Redmond: "It's also the same city and the same building, but in my opinion, you're out of order. Representative McClain, or Flinn rather."

McClain: "Sir, am I closing?"

Flinn: "Mr. Speaker . . ."

Speaker Redmond: "No, Representative Flinn seeks recognition."

Flinn: ". . . if the Gentleman . . . you've already ruled him out of order; but I wanted to raise the question, if that was so, how many times could R.T.A. have come up last night?"

Speaker Redmond: "It isn't so. Say it isn't so. Anything further?

Representative McClain to close. McClain."

McClain: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I don't know what's going on, but yesterday we were winning and today we're losing; but what I would like suggest is this Amendment is a very, very decent Amendment. It is not something that we're trying to gut out any Bill. We support the elimination of tax roll back. I do. I have no School Districts that are affected by that. That's the reason why we urge and accept it and put it into House Bill 3518. All we're trying to do is to get a package to the Governor that will consolidate all school systems and peoples in the state so we can talk to the Gentleman and try to urge him to sign a substantive change in the School Aid Formula for school systems. Purity of this Bill helping just certain segments and expecting those segments then to not help us get another substantive change is just fruitless. Now, that's why downstate systems and Elementary Districts should support the adoption of this Amendment. This Amendment is critical to our areas, who have been drastically, drastically hurt with this Resource Equalizer; and I would urge an 'aye' vote."

Speaker Redmond: "The question is on the Gentleman's motion to adopt

Amendment #6. All those in favor vote 'aye', oppose vote 'no'

. . . Representative Skinner."

Skinner: "Thank you for lifting your left elbow, Mr. Speaker. Let's



talk about the roll backs a little bit, and what it does, and this isn't a logical way to go about it. The roll back refers to a tax rate . . . aren't we discussing the roll back, Mr. Speaker?"

Speaker Redmond: "No, the Gentleman has closed. We're now on the motion and the question has been put. You may explain your vote if you so desire. The question is on the Gentleman's motion to adopt Amendment #6 to House Bill 3848. All those in favor vote 'aye', oppose vote 'no'. Have all voted who wish? Representative McClain, for what purpose do you arise?"

McClain: "To explain my vote, Sir. Since I'm the mover of the Amendment. Ladies and Gentlemen of the House, I can respect a lot of people that are affected by Unit Districts voting in favor of the elimination of tax roll back; but if you think you're helping people be successful in eliminating the tax roll back by voting 'no' . . . by voting 'no' on this Amendment, which would include transportation costs, you're really doing an injustice. If we don't have High School Districts and Elementary Districts and Unit Districts consolidated behind . . . and a substantive Amendment to the School Aid Formula, there will be no changes. So you people that are from Unit Districts or Elementary Districts that are voting 'no', I believe sincerely you're making a mistake by doing so; and I would urge you to accept this Amendment, which would include transportation costs."

Speaker Redmond: "The Clerk will take the Record. Representative

Skinner to explain his vote. Now, please, please, give the

Gentleman attention."

Skinner: "Well, he took the Record, what difference does it make now?"

Speaker Redmond: "The Clerk will take the Record. Representative

Marovitz."

Marovitz: "Mr. Speaker, I'd like to be recorded 'aye' on this."

Speaker Redmond: "Representative Luft. Representative Marovitz 'aye',

Representative Luft 'no', Representative Randolph 'no', Representative Mulcahey 'aye', Representative Leverenz . . . whoops

. . . Randolph was 'no', Mulcahey 'aye', Leverenz 'aye'. Anything



further? Representative Schuneman."

Schuneman: "Mr. Speaker, will you change my vote to 'aye', please?"

Speaker Redmond: "Representative Schuneman from 'no' to 'aye'. Representative Stubblefield 'aye'. You can't vote twice, Representative Stubblefield. Anything further? Representative Duff."

Duff: "Mr. Speaker, if necessary, we'll have to ask for a verification

Speaker Redmond: "Representative Winchester."

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

on this."

Speaker Redmond: "How is the Gentleman recorded?"

Clerk Selcke: "The Gentleman is recorded as being absent."

Winchester: "Would you record me as voting 'aye', please?"

Speaker Redmond: "Record the Gentleman as 'aye'; 78 'aye', 76 'nay'.

The Gentleman has requested a verification. Representative McClain. $\mbox{McClain.}$

McClain: "Thank you, Sir. Would you poll the absentees, please?"

Speaker Redmond: "Poll the absentees."

Clerk Selcke: "Jane Barnes, Capuzi, Choate, Darrow, Ralph Dunn, Greiman

Clerk Selcke: ". . . Greiman, Hart, Hirschfeld . . . "

Speaker Redmond: "Representative . . . Representative Hart 'aye'."

Clerk Selcke: ". . . Hirschfeld, Ron Hoffman, Dave Jones, Katz, Kosinski,

Lauer, Lundy, Madison, McAuliffe, McMaster . . ."

Speaker Redmond: "Wait a minute, go ahead."

Clerk Selcke: ". . . Peters, Rigney, Rose, Sangmeister . . . "

Speaker Redmond: "Representative Sangmeister. Representative Sangmeister

'no', Representative Choate 'aye'. Representative Mudd, do you seek recognition?"

Mudd: "Yes, Mr. Speaker, how am I recorded?"

Speaker Redmond: "How is he recorded?"

Clerk Selcke: "The Gentleman is recorded as voting 'no'."

Mudd: "Change my vote to 'aye', please."

Speaker Redmond: "Change the Gentleman to 'aye'. Representative Luft, for



? · :

what purpose do you arise? Representative Luft."

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

Clerk Selcke: "The Gentleman was recorded as being absent and is now recorded as voting 'no'."

Luft: "Would you please vote me 'aye'."

Speaker Redmond: "Change the Gentleman to 'aye'."

Clerk Selcke: ". . . Wall, Willer; that's it."

Speaker Redmond: "Now, the Gentleman has requested a verification of the affirmative Roll Call. Wait a minute, now, Representative Ralph Dunn indicates he wants to be recorded as 'no'."

Clerk Selcke: "Ralph Dunn 'no'."

Speaker Redmond: "Representative Kosinski as 'aye'."

Clerk Selcke: "Kosinski 'aye'?"

Speaker Redmond: "'Aye'. Representative McMaster's, do you seek recognition? Representative McMaster's 'aye', is that correct? 'Aye', McMaster's; 84 'aye' and 77 'nay'. Now, proceed with the verification of the affirmative Roll Call."

Clerk Selcke: "'Gene Barnes, Beatty, Beaupre, Birchler, Boyle . . ."

Speaker Redmond: "Representative . . ."

Clerk Selcke: ". . . Bennett Bradley, Jerry Bradley, Brandt, Brinkmeier,
Brummet, Byers, Caldwell, Capparelli, Choate, Craig, Davis,
DiPrima, Domico, Downs, John Dunn, Ewell, Farley, Flinn, Garmisa,
Giglio, Giorgi, Hart, Dan Houlihan, Huff, Jacobs, Jaffe, Emil Jones,
Kane, Keller, Kornowicz, Kosinski, Kozubowski, Laurino, Lechowicz,
Leon, Leverenz, Londrigan, Lucco, Luft, Madigan, Maragos, Marovitz,
Mautino, McClain, McGrew, McLendon, McMaster, McPartlin, Merlo,
Mudd, Mulcahey, Nardulli, Neff, O'Daniel, Patrict, Polk, Pouncey,
Richmond, Satterthwaite, Schisler, Schraeder, Schuneman, Sharp,
Shea, Simms, Stone, Stubblefield, Taylor, Telcser, Terzich,
Tipsword, Vitek, Von Boeckman, Washington, White, Winchester,
Wolf, Younge, Yourell."

Speaker Redmond: "Any questions of the affirmative Roll Call? Representative Duff?"

Duff: "Representative Boyle?"

Speaker Redmond: "Representative Boyle here? How is the Gentleman



recorded?"

Clerk Selcke: "'Aye'."

Speaker Redmond: "Remove him."

Duff: "Representative McPartlin?"

Speaker Redmond: "Is Representative McPartlin here? There he is."

Duff: "Mr. Speaker, I don't see Representative McPartlin. Is he
here. Oh . . ."

Speaker Redmond: "Who was that?"

Duff: "... never mind, I see him. Representative Brinkmeier? I see him from here, Mr. Speaker. Representative Capparelli?"

Speaker Redmond: "Capparelli is here. Representative 'Downs' is in the Clerk's Well."

Duff: "Representative Craig?"

Speaker Redmond: "Craig is here."

Duff: "Mr. Speaker, if some people, including the Gentleman from Knox, would sit down, we could see."

Speaker Redmond: "Representative Schisler? Representative Duff can't see over here."

Duff: "No, it's the other fellow, the handsome one with the mustache."

Speaker Redmond: "That's Mark O'Brien."

Duff: "Representative Ewell?"

Speaker Redmond: "Representative Ewell in the Chamber's? How is he recorded?"

Clerk Selcke: "'Aye'."

Speaker Redmond: "He's in the back."

Duff: "Representative Farley?"

Speaker Redmond: "Farley is here. He's Assistant Clerk."

Duff: "Representative Flinn?"

Speaker Redmond: "Representative Flinn? He's here."

Duff: "Representative Garmisa? I see him."

Speaker Redmond: "He's here."

Duff: "Representative Kane?"

Speaker Redmond: "Kane, he's here."

Duff: "Mr. Speaker, Representative Kane?"

Speaker Redmond: "He's here. He's hiding behind Garmisa's paper."



Duff: "Oh, he's here. I didn't realize he was shy. Representative Keller?"

Speaker Redmond: "He's here."

Duff: "Representative Leon?"

Speaker Redmond: "Representative Leon? Is he here? There he is coming down the aisle."

Duff: "You know, Mr. Speaker, none of these people have been any place close to their seats. It would help and we could save time by not calling them if we knew they were on the floor."

Speaker Redmond: "Your point is well taken. I believe the rules provide that the Members will be in their seats. Members please be in your seats."

Duff: "Representative Maragos."

Speaker Redmond: "He's in his seat."

Duff: "Representative Mautino?"

Speaker Redmond: "He's in somebody else's seat."

Duff: "Mr. Speaker, I really, you know, somebody is going to stand up and say I'm calling names to be dilatory or something and I'm not. I've only had one person in his seat out the last 12 names I've called, and we really didn't see them."

Speaker Redmond: "Your point is well taken. The Members please be in their seats. Let's obey the rules."

Duff: "Representative Patrick?"

Speaker Redmond: "Patrick? He's in his seat."

Duff: "Representative Schraeder?"

Speaker Redmond: "Representative Schraeder is in his seat."

Duff: "Representative . . . I can't see, Representative Stubblefield?"

Speaker Redmond: "Stubblefield is in his seat."

Duff: "I yield for a moment to Representative Telcser, Mr. Speaker."

Speaker Redmond: "Representative Telcser. Representative Telcser.

Please give the Gentleman order."

Telcser: "Mr. Speaker, I'd like to be recorded as voting 'no'."

Speaker Redmond: "Record the Gentleman as 'no'."

Duff: "Representative Jesse White?"

Speaker Redmond: "Representative Jesse White, is he in his seat? How



is he recorded?"

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

Speaker Redmond: "Remove him from the Roll Call. Representative

Steele, for what purpose do you arise?"

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

Speaker Redmond: "How is the Gentleman recorded?"

Clerk Selcke: "The Gentleman is recorded as voting 'no'."

Steele: "Please record me as 'aye'."

Speaker Redmond: "Record the Gentleman as 'aye'. Proceed with the verification."

Duff: "Representative Downs?"

Speaker Redmond: "Representative Downs is in his seat."

Duff: "Representative Von Boeckman?"

Speaker Redmond: "He's right here. He's headed for his seat."

Duff: "Representative Wolf?"

Speaker Redmond: "Representative Wolf, he's in his seat."

Duff: "Representative Winchester?"

Speaker Redmond: "He's in the Chamber."

Duff: "Representative Shea?"

Speaker Redmond: "Representative Shea is . . ."

Duff: "I chought maybe he changed his mind."

Speaker Redmond: ". . . no."

Duff: "Representative . . . could Representative Keller move for a moment? . . . Representative Laurino?"

Speaker Redmond: "Representative Laurino? Is he in the Chamber? How
is Representative . . . oh, he's in . . . he's in the Chamber.
Representative White, Jesse White, has returned. Put him back

on the Roll Call."

Duff: "Representative Shaw?"

Speaker Redmond: "Representative Shaw?"

Duff: "Sharp."

Speaker Redmond: "I didn't know who Shaw was. He was here a couple of seconds ago."

Duff: "Sharp. I couldn't understand this Brooklyn accent beside me."

Speaker Redmond: "Oh, Sharp is here."



Duff: "I don't see . . . they're here . . . where do we stand . . .?"

Speaker Redmond: "Representative . . ."

Duff: ". . . Can you give me the count, Mr. Speaker?"

Speaker Redmond: "83 'ayes' and 78 'nays'."

Duff: "We'll withdraw the verification at this time, Mr. Speaker."

Speaker Redmond: "No further questions of the affirmative Roll Call.

On this question there's 83 'ayes' and 78 'nays'; the Gentleman's motion carries, the Amendment's adopted. Any further Amendments?"

Clerk Selcke: "No further Amendments."

Speaker Redmond: "No further Amendments. Third Reading. Third Reading.

Oh, yeah, back up there. Representative, it's on the order of

Second Reading. Representative LaFleur."

LaFleur: "I have filed a motion with the Clerk. Would you have the Clerk read the motion?"

Speaker Redmond: "Read the motion, Mr. Clerk."

Clerk Selcke: "A motion to House Bill 3848; 'Mr. Speaker, having voted on the prevailing side, I move to reconsider the vote by which

Amendment #3 to House Bill 3848 was adopted. Representative LaFleur.

Speaker Redmond: "Representative LaFleur."

LaFleur: "I will yield to Representative Hoffman."

Speaker Redmonl: "Representative Gene Holfmar."

Hoffman, G.: "Mr. Speaker, Ladies and Gentlemen of the House, in the previous adoption of this Amendment there was, I think on the part of some people, some confusion in terms of making some comparison between this Amendment and the one which we adopted yesterday to provide for a lower rate. We have doubled that amount now. We've gone from the assessed valuation of \$43.5 to an assessed valuation of \$45,000 per pupil, which reduced the rate down to \$280, rather than \$290 per unit; and then we included a reduction of .10 cents for Elementary Districts. The cost of this type of a . . . of a reduction is far beyond our means to pay for it, which means that we will have further . . ."

Speaker Redmond: "Representative Jaffe, for what purpose do you arise?"

Jaffe: "A point of order, Mr. Speaker."

Speaker Redmond: "State your point."



Jaffe: "The Gentleman is not speaking to the . . . to the motion."

Speaker Redmond: "Speak to the motion, Representative Hoffman."

Hoffman, G.: "I tried to speak to the motion to clarify what, in fact, some of the confusion that has led to the filing of this motion came about. Merely to point out that this will cause a further reduction in the proration figures; and those districts which are above those levels are our High School Districts . . . pay for this . . ."

Speaker Redmond: "Representative Jaffe, for what purpose do you arise?"

Jaffe: "Mr. Speaker, I made a point of order, and I think my point

of order is valid, and I wish you would rule on it."

Speaker Redmond: "Well, I directed the Gentleman to direct his remarks to the motion."

Jaffe: "But he's not doing it, Mr. Speaker."

Speaker Redmond: "Direct your remarks to the motion."

Hoffman, G.: ". . . The motion is to reconsider the vote . . . the maker of the motion yielded to me to explain the reason for making the motion, and I thought that's what I did. I have completed my remarks."

Speaker Redmond: "Representative Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, I think that
this Amendment was well debated when we were on it some hours
ago; and I would move to lay the Gentleman's motion on the table."

Speaker Redmond: "The Gentleman from DuPage, Representative LaFleur,
has moved . . . having voted on the prevailing side on the adoption
of Amendment #3 . . . has moved that the vote by which Amendment
#3 was adopted be reconsidered. The Gentleman from Sangamon,
Representative Kane, has moved that that motion lie on the table.

The question is on the Gentleman from Sangamon's motion to lie it on the table. Those in favor of the motion vote 'aye', oppose vote 'no'. The motion to table. Have all voted who wish? The Clerk will take the Record. On this question there's 76 'ayes', 76 'no'; and the Gentleman's motion does not prevail. Representative LaFleur. The motion to table . . . that was a motion



to table. No, Kane made it. Now, we revert back to the motion of the Gentleman from DuPage to reconsider the vote by which Amendment #3 to House Bill 3848 was adopted. A simple majority. Those in favor of the Gentleman's motion to reconsider vote 'aye' and oppose vote 'no'. Have all voted who wish? Representative Geo-Karis 'aye'. Have all voted who wish? The Clerk will take the Record. On this question there's 68 'aye' and 87 'no'; and the Gentleman's motion fails. Third Reading. Representative Jaffe."

- Jaffe: "I was trying to get your attention prior to the time that you said that, and I wondering if there is a fiscal note as amended, Mr. Speaker? And if so, I . . . if not . . ."
- Speaker Redmond: "It's already gone . . . it's already gone to Third Reading."
- Jaffe: ". . . Well, they made that request on my Bill, Mr. Speaker, and I was trying to get your attention; and I think we ought to know what the cost factor . . . on this particular Bill; and I would request a fiscal note."
- Speaker Redmond: "Well . . . Representative Skinner."
- Skinner: "I would suggest that we just got the after of a fiscal note for his Bill today, a full . . . almost a full day after we passed; and if it's good enough for him, it ought to be good enough for . . . give it to him when it gets to the Senate."
- Speaker Redmond: "Out of order. 3957. 3957. We're on Amendment 14.

 Representative Beaupre."
- Clerk Selcke: "Amendment #14, Beaupre, amends House Bill 3957."
- Speaker Redmond: "Representative Beaupre. Representative Washington.
 - Here comes Representative Beaupre down the home stretch."
- Beaupre: "Mr. Speaker, and Ladies and Gentlemen of the House, I would ask for leave to table Amendment #14."
- Speaker Redmond: "Does the Gentleman have leave? Representative $\label{eq:Redmond} \textbf{Ryan."}$
- Ryan: "Will the Sponsor tell us why he wants to do that?"
- Beaupre: "Well, Amendment #14 was the Amendment that you objected to,
 - Mr. Ryan, and we're going to table it for you."



Ryan: "What about Amendment #15?"

Beaupre: "Well, we'll discuss that when we get it on the board."

Ryan: "Thank you."

Speaker Redmond: "The Gentleman has asked leave to table Amendment #14.

Does he have leave? Hearing no objections, leave is granted."

Clerk Selcke: "Amendment #15, Beaupre, amends House Bill 3957 on page

1 by inserting after line 5 the following . . ."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker, Ladies and Gentlemen of the House, this is, indeed, the Amendment that we discussed briefly before to this Bill which would provide by law that a patient may request through the hospital administrator his hospital records. I believe this is an important provision, which would certainly aid in alleviating the malpractice situation in the state. At the present time, the law is that a physician on behalf of the patient, or his licensed attorney may request hospital records, but the patient is not given the same prerogative under the law. This is the recommendation of the Medical Malpractice Reparations' Commission. I think it's agreed to by many of the people who have studied the problem on the Judiciary Committee; and I would ask for your favorable support."

Speaker Redmond: "Representative Ryan."

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

Speaker Redmond: "He will."

Ryan: "Representative Beaupre, by your own admission you just tabled

Amendment #14 because of the psychiatric provision that was

in there and that, I see, remains in Amendment #15. Why didn't

you feel that that was necessary . . ."

Beaupre: "Well, do you . . ."

Ryan: ". . . why do you want to leave that in #15?"

Beaupre: ". . . yes, the question in regard to psychiatric records

arose, as you know, in our debate on the floor. At the present

time in this statute that we are proposing be changed, there is

an exemption to the procurement of records for psychiatric

patients, and after much reflection and discussion involving those



who objecto to having that exemption in the Amendment, we have decided that in a situation where the patient has direct access. that is to say, without a professional intervener, such as an attorney or a physician who is treating the patient, that in the area of phychiatric records, it would behoove us to proceed very cautiously. I can envision, for instance, a situation where a patient demanding his psychiatric treatment record having been treated and maybe still undergoing treatment for psychiatric care could go into a hospital, demand in writing from the hospital administrator under the provisions of this Amendment his psychiatric record, find something in there that disturbs him mentally that causes great grieve and concern and possibly react violently or in an unfavorable manner or in some way to adversely affect the treatment of his condition. So I think it behooves us to proceed cautiously. Those who raised the objection before in regard to psychiatric records and the fact that we were excluding them from the provisions of this, I think have . . . I've discussed it with, I think they agree in regards to the possible adverse affects of doing so; and, therefore, I've decided to go with Amendment #15 as it stands."

kyan: "All right, Representative Beaupre, then you're saying you'd rather have the attorneys shot than the hospital attendant, is that it?"

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

Ryan: "Do you think there's a possibility that the attorney could be shot in the case of \$14, where you're willing to delete that provision?"

Beaupre: "Well, I don't see that as an issue, Representative Ryan."

Ryan: "I mean, I don't understand why . . . why that wouldn't prevail

Beaupre: "Well . . ."

in both cases."

Ryan: "At any rate, let me go on with another question. It says that the, as I understand this Amendment, any such demand for examination of the record shall be in writing and shall be delivered to the administrator of such hospital. That would then mean . . . patient



or former patient of a hospital could go to an administrator's home at 3 o'clock in the morning and deliver in writing that he wanted his hospital records immediately, would have to get them; and then who would have to pay for this, and how often do they have to come up with those records? Can they get them every 15 minutes, can they get them every day? There's no limit in here, Representative Beaupre."

Beaupre: "Well, Representative Ryan, I . . . having practiced law for awhile, I just can't believe that any court would interpret this statute; and as . . . to give a person the right to go to a hospital administrator's home at 3 o'clock in the morning and demand his record. All things are taken within reason; and it's obvious here that the statute addresses itself to the problem of being able to acquire records during the normal course of business hours at a hospital."

Ryan: "Who has to pay for these . . . for these records?"

Beaupre: "Well, also I would again, if you'll pardon the personal reference, as a practicing attorney have seen my clients and I have paid many times for records that were being copied by a hospital. This doesn't in any way say that the hospital must do so free of charge. All the measure deals with is making them available."

Speaker Redmond: "Representative Ryan, any further questions?"

Ryan: "No, no, not on this Amendment, Mr. Speaker."

Speaker Redmond: "The question's on the Gentleman's motion to adopt

Amendment #15. Those in favor indicate by . . . Representative
Palmer."

Palmer: "If the Sponsor of the Amendment will yield?"

Speaker Redmond: "He will."

Palmer: "I . . . I'm not quite certain what was that provision in

15 deleted or modified relating to records concerning psychiatric
care treatment."

Beaupre: "No, and I thought we had discussed that, Representative Palmer."

conclusion apparently to what you had on the thing. What you're



Palmer: "Well, I thought so, but I . . . but I came to a different

saying, in effect, is that the records of psychiatric care treatment are locked up and cannot in any event be obtained by anybody."

- Beaupre: "No, we're not saying that, I don't believe. I think what
 we're doing is saying we're going to leave the present law in
 regard to psychiatric records as it stands, which is that the
 psychiatrist or the health care provider providing psychiatric
 treatment has the option of relinquishing those records. That's
 the current law."
- Palmer: "The . . . suppose that the attorney for a pshchiatric patient would like to go and get those records? How would he do it without filing suit?"
- Beaupre: "Well, I really can't answer that question. I suspect that
 the point that you make is that he can't, and that may very well
 be true. In . . . I would prefer, Representative Palmer, not
 to confuse the psychiatric issue with the . . . with the major
 issue, which arises out of the Amendment itself. If you would
 like to open up records, and I think there's a completely different argument in regards to the merits of doing that,
 then I would suggest that . . . that you draft an Amendment and
 we consider that portion of this Bill, either subsequent to these
 Amendments or ask the Sponsor to bring it back on Third Reading
 tomorrow. I think that's a whole different issue, and we can
 debate whether or not psychiatric records ought to be made
 available, I suspect, for hours."
- Palmer: "I suspect that there might be as much malpractice in the area of psychiatry and psychiatric institutions as there are in regular hospitals or regular physicians. Thank you."
- Speaker Redmond: "The question's on the Gentleman's motion to adopt
 Amendment #15. All those in favor say 'aye', 'aye', oppose 'no';
 the 'ayes' have it, the Amendment's adopted. Any further Amendments?"
- Clerk Selcke: "Amendment #16 was adopted previously. Amendment #17,

 Beaupre, amends House Bill 3957 on page 1 by inserting after line
 5 the following and so forth."
- Beaupre: "Mr. Speaker, and Ladies and Gentlemen of the House, Amendment



#17 does the same thing as Amendment #15, which we just adopted, only it relates to the physician's records. However, there are some limitations. In the Act providing for the disclosure of hospital records, we've allowed the patient to come in and get those records. In the area in relation to physicians, this Amendment, which would provide for disclosure, allows the patient to have his personal physician or his licensed attorney to acquire those records for him. The reason for not including the patient in there, of course, is that we don't want to place an onerous burden on physicians to constantly be providing records to patients for frivolous and spurious reasons. We do think, however, that those who are acting in his behalf, either by providing him health care or acting in his behalf legally should have access to those records. The current law is silent in regards to physicians records and their availability to a patient or his professional representative. Now, that being the case for many reasons, some which health care providers would suggest that are valid, some which are obviously not; for instance, for purposes of collecting fees and so forth, those records are not made available. We believe, and when I say 'We' I'm talking about the Commission that the result of this is, indeed, increased incidence of malpractice. For instance, if hos . . . if physician's records are withheld and emergency situations arise and a subsequent physician, treating physician does not have those records available because the physician is holding on to them so he can collect his fee, it might very well arise into a medical malpractice suit. These are the kind of things that we want to avoid. I think we have protected the doctors by making sure that frivolous attempts to acquire those records are not made; and I would move for the adoption of this Amendment."

Speaker Redmond: "Representative Ryan."

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

I would like to address my opposition to this Amendment, and I
think this is probably the worst and the last Amendment, and that
one was pretty bad, Amendment #15. I think you all ought to take



a look at this, and what you're going to have is a physician that's going to be very hesitant about putting anything on a medical record. You're going to open up fishing expeditions for attorneys and the patients to go in and fish for some way to come up with some kind of a malpractice problem. Now, I think that . . . let me give you an example, we'll say that a physician may suspect a patient with heart disease, but because of this Bill, he won't put it on that Record. He won't enter it on the patients record at all. It won't be there; and so if the patient leaves and goes to another doctor or leaves town or whatever, that's not going to be recorded there; and what you're going to do is hamper the practice of medicine totally with this; and I think it's a horrible Amendment in the name of consumer protection or attorneys protection or whatever it is; but it's certainly a bad, bad Amendment; and I would hope that you'd have a little more foresight than you had on the last one and defeat this one."

Speaker Redmond: "Representative Leinenweber." Leinenweber: "Thank you, Mr. Speaker, to say that the last Speaker misunderstands the intent of Amendment #17 is . . . to say at all. One of the bing complaints that the medical profession has is the complaint that they are being sued regardless of any merit whatsoever just because they happen to have their name affixed to a case history. The idea behind Amendment #17 is to permit a patient and his attorney to determine before he has to file suit . . . to determine beforehand whether the doctor's involved at all and whether or not their might possibly be a claim against him so that the doctor would not have to be sued, would not have to be subject to depositions and other kinds of process. Certainly, it involves a fishing expedition, but you're talking about a case where certainly where there is an injury or a bad result. It . . . in order for an attorney to evaluate a case, to get another doctor to evaluate the case, in order to advise the attorney whether or not there's a possible claim or whether or not it's merely a bad result, even though skillful medical care was rendered, requires the availability of the patient's medical record. Now,



it certainly . . . there is a standard operating procedure in this field for getting medical records and that's through the hiring of a copy service so that the doctor himself is never bothered. Merely a copy service through the mail or in person will visit the doctor's office and obtain the records and make copies or have . . . the doctor will make copies and provide it to the copy service. So this is to prevent a doctor from being sued in an instance where he is not at fault, and to save him as much possible of the trouble and expense of hiring attorneys and so forth undergoing expensive discovery procedures. It certainly is a good Amendment, it's a necessary Amendment; and it's the recommendation of the Commission that's been studying this field, and I certainly advocate the adoption of Amendment #17."

Speaker Redword: "Representative Huff."

Huff: "Mr. Speaker, would the Sponsor yield for a question?"
Speaker Redmond: "He will."

Huff: "Mr. Beaupre, you were talking about disclosure. Would this disclosure specifically . . . mandate that the physician disclose to the patient upon an operation all the subsequent things that could happen upon an operation for a specific disorder?"

Beaupre: "It would require him to disclose everything that is placed upon his medical record."

Huff: "All right, thank you."

Speaker Redmond: "Representative Downs."

Downs: "Yes, Mr. Speaker and all here who are trying to respond to the concern of doctors. This is the kind of Amendment, which if it is not put on the Bill, makes it impossible to support any legislation because the legislation, in fact, like what we did last year is not going to solve the problem. There's only really one way as previous Speakers have said who obtain very important information as to whether or not a claim exists, and right now that's to file a law suit; and if the doctors want to avoid unnecessary law suits, then they're going to have to start cooperating and making this information available. It's a practical Amendment and



it's the kind of thing that makes it into a passable Bill."

Speaker Redmond: "Any further discussion? Representative Beaupre."

Beaupre: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, I

don't think I could articulate any better the reasons for putting

this Amendment on the Bill than Representative Leinenweber did

on the other side of the aisle; but let me suggest to you that

we're not only talking about disclosure for the purposes of

determining whether or not malpractice exists; but we're also

talking about disclosure for the direct of patient care, which

does not exist by law in this state. It's a very important Amendment, and I would hope it would be adopted."

Speaker Redmond: "The question's on the Gentleman's motion to adopt
Amendment #17. All in favor say 'aye', 'aye', oppose 'no'; the
'ayes' have it, and the motion carried and the Amendment's adopted.
Any further Amendments: Third Reading. We got a few more here.
3533. I'll get to you. You weren't here when I called it before.
Twice I called it. Yes."

Clerk Selcke: "House Bill 3533, a Bill for an Act to amend the Civil
Administrative Code. Second Reading of the Bill. Two Committee
Amendments. Committee Amendment #1 amends House Bill 3533 on
page 1 by deleting lines 1 and 2 and so forth."

Speaker Redmond: "Representative Younge."

Younge: "Mr. Speaker, I move for the adoption of Amendment #1."

Speaker Redmond: "Will the Gentleman standing please sit down?"

Younge: "Mr. Speaker, I move for the adoption of Committee Amendment #1, which changes the Bill from the Department of Business and Economic Development to the Capital Development Board."

Speaker Redmond: "Any discussion? The question . . . Representative ${\tt Schlickman.}"$

Schlickman: "Would the Sponsor yield?"

Speaker Redmond: "She will."

Schlickman: "Why?"

Younge: "Why? Because the Capital Development Board has the responsibility for building construction projects. This is an industrial park Bill, and after discussion with the Executive Director of the Capital Development Board and the Director of the Department.



of Business and Economic Development, all parties have agreed that the Capital Development Board would be the best agency to

be responsible for the cite improvements for an industrial park."

Schlickman: "Well, this Amendment now becomes the Bill, doesn't it?"

Younge: "It becomes the substantive . . . substantive Bill, yes."

Schlickman: "Well, it becomes the Bill. Don't you strike everything

in the Bill as originally introduced and substitute a new title?"

Younge: "It becomes the Bill."

Schlickman: "Since we're dealing with a new Bill now, could you briefly describe the contents besides simply converting the administration from the Department of Business and Economic Development to the Capital Development Board?"

Younge: "The Bill, and there are five Amendments, but the bottom line is that the Bill would give the Capital Development board the power to make 3 percent loans to industrial development organizations for . . . and cite improvements for industrial park development.

The Bill would provide that these . . . the land would be owned by the Capital Development Board until the loans have been totally

and conditions; but that the loans would be a 3 percent loan."

repaid, and that the Board would have the power to set the terms

Schlickman: "Well, isn't it true that by this Amendment, you're not only making the conversion from one agency of State Government to

another, but you're expanding the application of the Bill to the

Younge: "The Bill is a generic one in that it does give the Capital

entire state and just . . . yes, to the entire state?"

Development Board the authority to make 3 percent loans to industrial development organizations. It is a Bill simply authorizing

the Capital Development Board to be able to make cite improvements for industrial park development; and it is necessary in order to

bring the Capital Development Board into industrial park development."

Schlickman: "Mr. Speaker, may I speak to the Bill?"

Speaker Redmond: "Proceed."

Schlickman: "Well, Mr. Speaker and Members of the House, we see in House Bill 3533 the revival of a matter that was defeated by this

House last year. That in itself is bad enough; but then when we see



the Amendment, we see a compoundment of a bad Bill it's getting
. . . would be getting worse by this Amendment. What it would
do, Mr. Speaker, the Amendment that is, what it would do, Mr.
Speaker and Members of the House, is to extend from one area, the
area of St. Clair County, to the entire state the use of state
funds for the development of industrial parks. I would respectfully
suggest, Mr. Speaker and Members of the House, that that is not
the purpose of government; and since the Amendment would be
a compoundment of something that was originally bad, I urge the
defeat of this Amendment."

Speaker Redmond: "Representative Fleck, do you seek recognition? Fleck?

Any further questions? Representative Fleck."

Fleck: "Well, since I'm on, I will say something. If this Amendment is true that it permits the board to make loans at 3 percent, I would just advise that if the debt service on these loans is 5½ percent. So the state is really taking it . . . a year on these cheap loans that are outbidding the Federal Government on some of the boondoggle they offer, and this is one of the cutest ones I've ever seen; and I would urge the defeat of the Amendment and the Bill later."

Speaker Redmond: "Representative Beatty."

Beatty: "Mr. Speaker and Members of the House, I suggest that the

Sponsor be allowed to put the Bill in the shape she wants it in;

and if you want to discuss it on Third, do it at that time. We

normally allow Sponsors to put Bills in the shape they want. I

don't know why we should not in this instance."

Speaker Redmond: "Representative Younge to close."

Younge: "Contrary to what Representative Schlickman said, this Bill

Speaker Redmond: "Would the Gentleman between the Chair and Representative Younge please sit down."

Younge: ". . . this Bill passed the House and the Senate by an overwhelming majority. I did not get the override vote, but it passed initially a great majority. The only common sense way to give the board the power to engage in cite improvement for industrial



park development would be to give it generically, you cannot just give it for East St. Louis. You must give it to the board all over the state. So it's a very common-sense Amendment, and I ask the Body to permit me to get my Bill in shape on Second Reading, and I move the adoption of this Amendment."

Speaker Redmond: "The question's on the Lady's motion to adopt Amendment #1 to House Bill 3533. Those in favor of the motion say 'aye', 'aye', oppose 'no'; those in favor vote 'aye', oppose vote 'no'.

Have all voted who wish? Representative Leinenweber."

Leinenweber: "Well, Mr. Speaker, this quite probably is about as bad
a Bill that we'll be faced with this Session. I think it's
totally irresponsible to continue to rely on the Governor to
veto these bad Bills and then have to come back and waste our
time in the fall in failing to override. Everybody knows this
Bill isn't going to go into law, and why fool around and pass
this kind of nonsense and rely on the Governor. I would prefer
not to and I think it's responsible to vote 'no'."

Speaker Redmond: "Have all voted who wish? The Clerk will take the Record. On this question there's 60 'aye' and 38 'no'; and the Lady's motion carries, Amendment #1 is adopted. Any further Amendments?"

Clerk Selcke: "Committee Amendment #2 amends House Bill 3533 as amended by deleting the title and so forth."

Speaker Redmond: "Representative Younge."

Younge: "Mr. Speaker, I move to table Amendments 2, 3 and 4 because of technical error."

Speaker Redmond: "Any . . . any objection to tabling Amendments 2, 3 and 4? Representative Skinner."

Skinner: "Are there further Amendments beyond that . . ."

Speaker Redmond: "The question is, does she have leave to table Amendments 2, 3 and 4?"

Skinner: ". . . I wish to know if there are further Amendments?"

Younge: "Yes, there is Amendment #5."

Skinner: "And it has basically the same substance?"

Younge: "That's correct."



Skinner: "Thank you, no objection."

Speaker Redmond: "Leave granted. Any further Amendments?"

Clerk Selcke: "Amendment #5, Younge, amends House Bill 3533 as amended by deleting the title in the amendatory Bill and inserting in lieu thereof and so forth."

Speaker Redmond: "Representative Younge."

Younge: "I move for the adoption of Amendment #5, which has the same substance that I have just spoken about."

Speaker Redmond: "Representative Walsh."

Walsh: "Well, Mr. Speaker, and Ladies and Gentlemen of the House,
Amendment #5 deletes everything before and after the enacting
clause and makes this Bill apply . . . yeah, this is an all
together difference. I must rule on the germaneness of this, Mr.
Speaker, to start with. I submit that is not, since the Bill
when it was introduced related to a specific small area of the
state, the Amendment #5 changes that application to the entire
state; and I submit to you that that Amendment #5 is not germane.
Let's just call it not germane and get it over with."

Speaker Redmond: "I think that's unlikely."

Walsh: "I think it is, too."

Speaker Redmond: "Do you withdraw your point of order?"

Walsh: "No."

Younge: "Mr. Speaker, I move for the adoption of the Amendment."

Speaker Redmond: "The Gentleman has raised a question as to whether or not it's germane and the Parliamentarian is studying the Amendment."

Younge: "Thank you."

Speaker Redmond: "Representative Walsh."

Walsh: "I'll withdraw the question as to germaneness."

Speaker Redmond: "The Gentleman has withdrawn the . . . out of order."

Walsh: "I would like, however, Mr. Speaker, to reaffirm my objection

to the Bill as being absurd. It removes . . . it removes the dollar amount and makes it open . . ."

Speaker Redmond: "Representative Ewell, for what purpose do you arise?"

Ewell: "Mr. Speaker, a point of order. I don't think the Gentleman is



referring to the Bill as a whole and not as to the Amendment.

He's discussing the Bill. If he wants to discuss the Amendment
as a whole, fine; but let him refer to that and not to the

Bill in his opinions as to Third Reading."

Speaker Redmond: "Confine your remarks to the Amendment, Representative Walsh."

Walsh: "Well, Mr. Speaker, the Amendment is the Bill, as I pointed out earlier, it deletes everything before and after the enacting clause. So the Amendment is the Bill; and the effect of the Amendment is that it makes the application of this Capital Development Bond Issuance Authority for industrial parks statewide, instead of confining it to the area that the Lady originally suggested. It also removes any dollar limitations so that conceivably the Capital Development Board could use all of the money that is appropriated for this purpose, and I submit to you that it should not be passed; and I would hope that we could defeat this Amendment."

Speaker Redmond: "Representative Madigan."

Madigan: "Mr. Speaker, I would renew the attitude of Representative

Beatty, which was expressed previously on this Bill. Representative

Younge is simply attempting to put this Bill into the shape
that she wants it on for Third Reading. If those on the other
side of the aisle disagree with her idea, then I suggest that
they vote against that idea when this matter is before the House
on the order of Third Reading, and not try to subvert her in her
attempt at this time."

Speaker Redmond: "The question's on the Lady's motion to adopt Amendment #5 to House Bill 3533. Those in favor of the motion vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this question there's 63 'aye' and 36 'no'; and the Lady's motion carries and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "I've been advised by the Clerk that there is a demand for a fiscal note, Representative Younge. So it will have to remain



on Second Reading until the fiscal note is furnished. 3534."

Clerk O'Brien: "House Bill 3534, a Bill for an Act making an appropriation to the Department of Business and Economic Development.

Second Reading of the Bill. Two Committee Amendments. Amendment #1 amends House Bill 3534 on page 1 by deleting lines 1 and 2 and so forth."

Speaker Redmond: "Representative Younge."

Younge: "Thank you, Mr. Speaker; Amendment #1 makes an appropriation to the Capital Development Board for the development of Progress Plaza in the sum of \$1,900,000; and Amendment #2 extends the loan to the Regional Business and Economic Development Council, and it is a corrected Amendment offered and recommended by the Committee; and I move the adoption of both of them, if possible."

Speaker Redmond: "Does the Lady have leave to take Amendments #2 and . . . #1 and #2 together. Hearing no objection, leave is granted.

Now, the Lady . . . oh, Representative Leinenweber is objecting . . . so we'll take Amendment #1 first. The question is on the Lady's motion to amend . . . to adopt Amendment #1 to House Bill 3534. Representative Leinenweber."

Leinenweber: "What . . . a question for the Sponsor, what does Amendment.
#1 do?"

Younge: "Amendment #1 makes this an act making an appropriation to the Capital Development Board for the development of Progress Plaza Industrial Park, and appropriates the sume of \$1,900,000 or so much of it is necessary to the Capital Development Board for the development of this industrial park."

Leinenweber: "How does this differ from the Bill?"

Younge: "It . . . it doesn't, it is just a specific appropriation for the purposes that the other Bill, 3533, was the subject matter for. This is the appropriation part of it."

Leinenweber: "What is Progress Plaza?"

Younge: "It is an industrial park in the East St. Louis area."

Leinenweber: "Who owns it?"

Younge: "The industrial park will be owned by the Regional Business and Economic Development Council."



Leinenweber: "Is that the A.C.D.C. entity?"

Younge: "No, it isn't."

Leinenweber: "Who runs this Development Council?"

Younge: "The Chairman is Mr. Arthur Babler, who is the Industrial
Development officer for the Regional Commerce and Growth Association.
Another Member of the Regional Economic Development Council
is Mr. Bill 'Navotney', who is the President of the Stockyards
Bank, I believe Mr. Rogers of the First National Bank is a
Member of that board. It's made up of the business and banking
community in the East St. Louis area."

Leinenweber: "Where does the money come from?"

Younge: "The park will be developed . . . the cite improvements will be developed by a two-thirds grant from the Department of Commerce and a grant of \$2,300,000 for the cite improvements, and we're seeking a one-third or a 30 percent share through the Capital Development Bonding Act."

Leinenweber: "Where does the \$1,900,00 come from?"

Younge: "It comes . . ."

Mr. Leinenweber at the expense of the entire Body. I suggest if he wants a private enlightenment, he go over to her desk and ask her about the Bill; but that's for the purpose of speaking to the Amendment; and I think he's out of order."

Speaker Redmond: "Please bring your questions to a close, Representative Leinenweber."

Leinenweber: "Well, I add that one question, I didn't hear the answer, that was where the \$1,900,000 was coming from."

Younge: ". . . the \$1,900,000 will be . . . will be amended into the Capital Development Bonding Act."

Leinenweber: "Thank you."

Speaker Redmond: "Any further questions? The question's on the Lady's motion to the adoption of Amendment #1 to House Bill 3534. All those in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the Record.



On this question there's 70 'aye' and 27 'no'; and the Lady's motion carries and Amendment #1 is adopted. Amendment #2."

Clerk O'Brien: "Amendment #2 amends House Bill 3534 as amended in Section 1 of the Bill by inserting immediately after the word of and so forth."

Speaker Redmond: "Representative Younge. Representative LaFleur."

LaFleur: "Mr. Speaker, a point of order. We have had several Bills

and there are several more coming before the House that make

reference to the financing of certain projects and activities

within the state by bonds issued by the Capital Development Board;

and I would like to ask the Chair at this time to rule on the

application of Rule 31E in relationship to these Bills, which

refers to the sending of Bills that raise or lower the state

revenues to refer or rerefer those Bills to the Revenue Committee."

Speaker Redmond: "Representative Maragos, state your point."

Maragos: "I didn't hear . . . was this a motion or was this a . . . "

Speaker Redmond: "No, it was an inquiry to the Chair; and the Parliamentarian says it's a cute one."

Maragos: "What's that? Does it do with this Bill?"

Speaker Redmond: "Will you . . . will you state your inquiry again?"

LaFleur: "Yes, Sam, it is what I spoke to you before about. There's

several Bills that are before the House that will make an implication on the state's revenues through the application of using

the Capital Development Bond to finance projects."

Speaker Redmond: "Representative Maragos."

Maragos: "Mr. Speaker, it depends, as I explained to the . . . Mr.

LaFleur earlier, that if they have been already authorized, there

will only be the appropriation implication; but if it includes

additional authority, then he is correct."

LaFleur: "Mr. Speaker . . . Mr. Speaker, on that, I would ask the

Chair to indulge in the examination. The actual raising or lowering

of the state revenues would be by the appropriation. The authorization has no affect."

Speaker Redmond: "Rule 31 refers to revenue, I believe, Representative LaFleur."



LaFleur: "What?"

Speaker Redmond: "The Rule to which you refer does refer to revenue."

LaFleur: "Yes."

Speaker Redmond: "It's not appropriations, it's revenue."

- LaFleur: "Well, the effect on revenue of the state, the issuing of bonds, the selling of bonds is revenue generated by the state, and the effect on it would be that there would be additional revenue to the state through the issuing of bonds, even though it goes to other areas and other parts through an appropriation process. The authorization process of the issuing of bonds sometimes happens many years ago. These things should be tied together because the effect would be how much of the state is being financed through the means of raising revenue through the issuing of bonds."
- Speaker Redmond: "The Parliamentarian advises me that in the present posture with the original Bill and Amendment #1 having been adopted that your point is not well taken in the present posture of the Bill, plus Amendment #1. We haven't adopted 2, we've adopted 1. So in its present posture, your point is not well taken. Representative LaFleur."
- LaFleur: "Would you explain to me what the posture is that makes this not well taken?"
- Speaker Redmond: "The posture is that you have the original Bill and

 Amendment #1, that's what we're considering now, and the question

 of the adoption of Amendment #2."
- LaFleur: "But the Amendment #1, wasn't that the Amendment that uses

 Capital Development Bonds for the generation of revenue to the

 state through the issuing of bonds that would this here appropriate
 at this time?"
- Speaker Redmond: "The Parliamentarian advises that in his opinion that's
 a straight appropriation, does not affect revenue, and that your
 point is not well taken."
- LaFleur: "But I would . . . I would respectfully ask the Chair if

 we may debate this issue a little bit at length on the floor. I

 do not like my fondess for the Chair and the Parliamentarian to



appeal the ruling, but I think that perhaps somehow we could

Speaker Redmond: "The only way to get a change is to appeal the ruling,
Representative LaFleur, and that's the only avenue open to you."

LaFleur: "All right, Mr. Speaker, I would respectfully ask that I
could be allowed to place a motion before you that I would appeal
the ruling of the Chair in regards to the issuing of Capital
Development Bonds and your ruling in relationship to Rule 31E."

Speaker Redmond: "The Gentleman has filed a motion that the ruling of

the Chair be appealed on his point of order; and the question is, shall the ruling of the Chair be sustained? . . . shall the Chair be overruled. All those in favor vote 'aye', of overruling the Chair vote 'aye' and opposed vote 'no'. I want a Record Roll Call. Representative LaFleur. Representative LaFleur."

LaFleur: "Yeah, I think if the House would look at this, and that's why I would like some debate on it, and if they would examine Rule 31E, I think they will find that they are voting in violation of their own rules; and this application might be made, and I think it would carry a lot of hazards with it in the future, that if we take this course of action of not doing this, and this is the same action that you take with appropriation Bills that arise in another Committee and are rereferred to the Appropriation's Committee. This rule was put in for the express purpose and the same purpose that Bills that affect the revenue of the state directly or indirectly will be rereferred to the Revenue Committee.

Now, this could have so many hazards to it and so many people . .."

Speaker Redmond: "Representative Maragos, for what purpose do you

Maragos: "Mr. Speaker, if we took the interpretation of this . . .

of Mr. LaFleur in this particular situation, every appropriation

Bill then would have to go to revenue, and . . . and that would

defeat the purpose of having an Appropriation Committee or Committees

I submit that . . ."

Speaker Redmond: "Please come to order, Representative Skinner."

Maragos: ". . . I submit, Mr. Speaker and Members of the House, he may



arise?"

have a good point I'd say with this new Capital Development Bond; but that authority has already been issued that I don't think that it's strictly an appropriation matter and should not be considered

Speaker Redmond: "Representative Stone."

Stone: "A point of order, Mr. Speaker."

Speaker Redmond: "State your point."

Stone: "It seems that none of the Gentleman are speaking to the motion."

Speaker Redmond: "You're correct. Representative Walsh."

Walsh: "Mr. Speaker, to explain my vote and to sustain Representative LaFleur, I just don't see how anyone who is serious at all here today can read Rule 31E, and I quote from it, 'All Bills, except those Bills making a direct appropriation', and that refutes your statement, Sam, this is not a Bill that contains a direct appropriation; and back to the rule, 'the purpose or effect of which is to increase or decrease the revenues of the state, either directly or indirectly, shall be referred or rereferred to the Committee on Revenue before final action is taken in the House'. That seems to me to be as clear as a bell. I can't see for the life of me, Mr. Speaker, how you can rule the way you did, irrespective of the adoption . . ."

Speaker Redmond: "Bring your remarks to a close."

Walsh: "... well, I'm trying ... I'm bringing them to a close,

Mr. Speaker, and I would ask you to reconsider your ruling because

any fair-minded person here has got to vote to appeal your ruling

in this matter."

Speaker Redmond: "Have all voted who wished? The Clerk will take the Record. On this question there's 51 'aye' and 90 'no'; the Gentleman's motion fails. Where are we, Mr. Clerk? Amendment #2 is before us, and the Lady has moved . . . Representative Collins for what purpose do you arise?"

Collins: "Mr. Speaker, before this Bill leaves Second Reading, I'd like to request a fiscal note."

Speaker Redmond: "You may do so. Now, Amendment #2. Representative Younge."



Younge: "Thank you, Mr. Speaker. Amendment #2 is merely a corrective

Amendment to extend loans to the Regional Business and Economic

Development Council; and I move for its adoption."

Speaker Redmond: "The Lady's moved che adoption of Amendment #2 to

House Bill 3534. All those in favor . . . Representative LaFleur,

for what purpose do you arise?"

LaFleur: "Would the Sponsor yield to a question?"

Younge: "Yes."

LaFleur: "Representative Younge, what does this Amendment do?"

Younge: "This Amendment . . ."

Speaker Redmond: "Pardon me . . . pardon the interruption, but the plans are to send out for food. The Republican, the Minority, are going to have their sumptuous repast in Representative Washburn's office; the Democratic side in the Speaker's office. We expect to eat about 6 o'clock and then we will go from there on. We expect to be in tomorrow morning at 9 and it depends on how we proceed as to how long we'll be here. Representative Hart makes a motion that we meet at 8, is that correct? Representative LaFleur, pardon me for the interruption, but . . ."

laFleur: "I . . . I did not hear the response; I can bardly hear
back here, Mr. Speaker."

Speaker Redmond: "Will you respond again, Represenative Younge?"

Younge: "Yes, Amendment #1 left out the name of the industrial development organization to which the loans were to be made, and Amendment #2 just puts that name in there, the Regional Business and Economic Council."

LaFleur: "Where does this loan come from?"

Younge: "This loan comes from the Capital Development Board."

Speaker Redmond: "Anything further? The question's on the . . ."

LaFleur: "Is this . . . yeah, one more question . . . "

Speaker Redmond: "Okay."

LaFleur: ". . .is this money existing in the Capital Development Board now or does it need to be . . . bonds issued to raise this money?"

Younge: "There has to be a bond authorization."

LaFleur: "Then it will be necessary for the state to raise the revenue



to finance this project?"

Younge: "There will have to be a bond authorization."

LaFleur: "Mr. Speaker, in speaking to this motion again, and I have
the deepest sympathy for Mrs. Younge in her efforts here, but I
believe through the interpretation and ruling of the Chair and
the last vote of the House that there are some hazardous conditions
being placed before her that much of this here Bill would be
proven to be in error and wrong if the rules are not allowed to
be followed, and I Bill of this magnitude and size where the
revenues of the state are being used and rereferred to the Committee
on Revenue; and Mr. Speaker, I would renew my request for you to
have an in-depth study of this so that we could have a ruling
that would not be continually raised here as to the application
of Rule 31E."

Speaker Redmond: "You had your in-depth ruling, and the ruling is the same. Anything further? Representative Palmer."

Palmer: "If the Sponsor would yield for a question?"

Speaker Redmond: "He will."

Palmer: "Under Article VIII of the Constitution it provides that public funds, property or credit shall be used only for public purposes. Is the project that you are involved in or promoting legislation for a public entity or is it a private entity?"

Younge: "The Regional Business and Economic Development Council is
a public entity. It is a public purpose, not-for-profit corporation set up under the Not-For-Profit Act to do industrial park
development. Under the laws of the State of Illinois, there has
been a specific provision put in the Not-For-Profit Corporation
statutes that gives public purpose type not-for-profit corporations

the power given to this council to do industrial park development;

Palmer: "When was this corporation or organization formed?"

Younge: "The organization was formed initially in 1972."

Palmer: "Has it . . . has there been any filing since that time? . . . "

Younge: "I don't know specifically . . ."

and it is totally public."

Palmer: "Amendments?"



Younge: ". . . whether there have been any Amendments, Representative Palmer."

Palmer: "Is there an election held for the selection or election of officers or directors of this corporation?"

Younge: "I have not looked at the specific bylaws, Representative Palmer; but it is a statutory requirement that not-for-profit corporations have election of their directors; but I have not seen the specific bylaws of this corporation; but I would presume that they do."

Palmer: "How are the directors and officers chosen?"

MARK TO BE

Younge: "By the board as in all . . ."

Palmer: "I'm sorry, I can't . . . Mr. Speaker, I can't hear, and I think this is important enough."

Speaker Redmond: "Cive the Gentleman order, please."

Palmer: "May I . . . may I inquire as to how your directors and officers are chosen?"

Younge: ". . . As I said, Representative Palmer, I have not looked at the specific articles of incorporation; but they are under the public purpose not-for-profit corporations laws, Chapter 32.

They're generally elected by the Board of Directors."

Palmer: "Mrs. Younge, is it your opinion that this organization
has the requisite public character as would meet the requirements
of this constitutional provision?"

Younge: "There is absolutely no question in my mind but that they

do. The effort of this project is to offer incentives to industry

to develop industries in Illinois and under the statute . . .

under the statutes, we have given public purpose not-for-profit

corporations the right to do industrial development activities;

and there is absolutely no question in my mind, Representative

Palmer, about that."

Palmer: "Well, it was not created specifically by this Legislature or by the county or by region, am I correct on that?"

Younge: "I didn't hear you."

Palmer: "It was not specifically created by law here under any special

. . . or any act that . . . for the creation of this type of



organization?"

Younge: "Yes, under Chapter, I believe, 32 of the . . . "

Palmer: "Of 32 only."

Younge: ". . . of the not-for-profit public type corporations laws it was created."

Palmer: "Mr. Speaker, may I say that I don't believe that this type
of corporation as has been described would meet the pubic requirements that's set forth in the Constitution. I would urge a 'no'
vote."

Speaker Redmond: "Anything further? Representative Hart."

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

Speaker Redmond: "The Gentleman has moved the previous question. The question is, shall the main question be put? All in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it. Representative Younge to close. Will you please sit down? The Gentleman standing between Representative Younge and the Speaker's chair, will you please sit down?"

Younge: "I move the adoption of Amendment #2, including the words extend ing loans to the Regional Business and Economic Development Council."

Speaker Redmond: "The Lady has moved the adoption of the Amendment.

Those in favor indicate by saying 'aye', 'aye', opposed 'no'; those in favor vote 'aye', opposed vote 'no'. Have all voted who wished? Have all voted who wished? The Clerk will take the Record. On this question there's 63 'aye' and 30 'no'; and the

Lady's motion carries, and Amendment #2 is adopted. Any further

Amendments?"

Clerk O'Brien: "No further Amendments?"

Speaker Redmond: "A request for a fiscal note has been filed, Representative Younge, so it will have to remain on Second Reading until the fiscal note is furnished. 3917. Representative LaFleur, state your point."

LaFleur: "Yes, Mr. Chairman, since a fiscal not has been asked for.

If the fiscal note shows an implication to the state revenues,

could I renew my point with you as to the ruling on the rereferring

of that . . ."



Speaker Redmond: "You may always . . . you may always renew your point,

Representative LaFleur, and we will pass judgment upon that when
that . . ."

LaFleur: "Would it be based upon the fiscal note?"

Speaker Redmond: ". . . We will pass judgment when that situation arises. We'll depend on the posture of the Bill, the Amendments 1 and 2, and the fiscal note."

LaFleur: "Thank you, Mr. Chairman."

Speaker Redmond: "Okay, Representative Grotberg."

Clerk O'Brien: "House Bill 3917 . . ."

Speaker Redmond: "Representative Ewell, for what purpose do you arise?"

Ewell: "Mr. Speaker, as a point of information on the last Bill, it seems to me that this is the direct . . . direct appropriation; and, therefore, a fiscal note wouldn't be necessary. Otherwise, every time we cut an appropriation of any kind, we would have to have a fiscal note. Now, this is just simply direct appropriation of a specified amount of money."

Speaker Redmond: "Representative Ewell, there is a rule and also

a statute that provides the method whereby this Body can determine whether or not the provisions of a fiscal note apply; and
if you make the appropriate motion, the question will be put.

In the meantime, I think out of deference to Representative

Grotberg, we should proceed to 3917."

Clerk O'Brien: ". . . House Bill 3917, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. One Committee Amendments amends House Bill 3917 on page 1, line 1, by deleting Section 12-13 and so forth."

Speaker Redmond: "Representative Grotberg."

Grotberg: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This is the Bill that I promised to bring to you the other night as we were hasseling with the Public Aid appropriation Bill, and that Amendment that we placed upon it and then removed, which mandated a signature for any public aid recipient. I have, in the meantime, contacted each of you, I think, in



writing who supported me in that effort; and this is the commitment and the agreed commitment by the Department, by both sides of the aisle that were involved in that battle that we bring a substantive Amendment to deal with the control and the declaration of what and who receives the public aid services of . . . under Section 5-5, Medical Services, of the Public Aid Act. And if you don't have the Amendment in front of you, I will simply read it. It says that the rules and regulations shall require proof of health care by the persons eligible under this code for medical assistance and accompany each claim for reimbursement by the dispenser of such services. No reimbursements, and this is the effective line, no reimbursements for such services may be made by the department without proof of receipt, proof of receipt of the health care services. It allows the department then through the consultation with the Legislative Advisory Committee of Public Aid and its appropriate advisory body to determine what shall be deemed proof of receipt for those who cannot get down from that 17-story building that Mrs. Catania mentioned, or the 5-year old child that someone else mentioned. It puts it in the realm of reality and we need it; and I vil! . . . I've been chastised for taking up an hour the other night with it. I will be glad to answer questions. Otherwise I move for the adoption of Amendment #1."

Speaker Redmond: "Any discussion? The question's on the Gentleman's motion . . . Representative Huff, pardon me."

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

Huff: "Mr. Grotberg, what's the department's position on this Amendment?" Grotberg: "They're in favor of it now."

Huff: "Thank you."

Grotberg: "It was initially drafted by the department. The

Medical Society is halfway favorable. They worry about it. The

people are for it. Thank you."

Huff: "I'd like to speak to the Amendment."

Speaker Redmond: "Proceed."



GENERAL ASSEMBLY

HOUSE OF REPRESENTATIVES

Huff: "I think I rise to support this Amendment, Mr. Speaker, and
Ladies and Gentlemen of the House, because it is a proper way
in which to make changes with this particular department. I
think Mr. Grotberg's Amendment is in a proper form. If you
recall during this Session of the appropriation for public
aid, I objected to many of the Amendments that tend to cut
because I thought they were illegal. This is the proper way
in which to make the proper changes in public aid by amending
the standards to which that department arises as to appropriations.
I would solicit your 'aye' vote."

Speaker Redmond: "The Gentleman has moved the House adopt Amendment
#1 to Senate . . . to House Bill 3917. All in favor of the
Gentleman's motion indicate by saying 'aye', 'aye', oppose 'no';
the 'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Third Reading. 3932."

Clerk O'Brien: "House Bill 3932 . . ."

Speaker Redmond: "Out of the Record at the request of the Sponsor.

3933, Representative Rigney? Out of the Record. On the order of

Concurrence, category of appropriation Bills, 3370. Representative

DiPrima, 3370, 3370. 3370, Representative DiPrima."

DiPrima: "Mr. Speaker, Ladies and Gentlemen of the House. What House
Bill 3787 does is insure . . . what? . . . I concur with Senate
Amendment #1, but I oppose Senate Amendment #3."

Amendment #1 to House Bill 3369? All in favor vote 'aye', opposed vote 'no'. Have all voted who wished? It takes 89 votes to
... the Clerk will take the Record. On this question there's 104 'aye', no 'nay'; and the House does concur in Senate Amendment #1 to House Bill 3370. The Gentleman has moved that the House do nonconcur in Senate Amendment #3. The question's on the Gentleman's motion to nonconcur. All in favor indicate by saying 'aye', opposed 'no'; the Gentleman's motion to nonconcur prevails, and the House does not concur in Senate Amendment #3 to House Bill

3370. 3371. Would the Gentleman from Cook and the Gentleman from



Moultrie County please sit down. The Gentleman from Moultrie and the Gentleman from Cook. Representative Birchler."

Birchler: "Thank you, Mr. Speaker. You're going with 3371?"

Speaker Redmond: "3371."

Birchler: "Which is the state employees retirement system."

Speaker Redmond: "That is correct."

Birchler: "The . . . this Bill passed the House, also the Senate; but when it reached Amendment level in the Senate, the Amendment to limit the payment of fees so that not more than 50 percent of the amount could be paid in the first half of the fiscal year can be spent; and I so move that we concur with this Amendment."

Speaker Redmond: "The Gentleman has moved that the House concur in Senate Amendment #1 to House Bill 3371. All in favor vote 'aye', opposed vote 'no'. Final action, 39 votes. Have all voted who wished? The Clerk will take the Record. On this question there are 123 'aye' and 1 'no'; and the House does concur in Senate Amendment #1 to House Bill 3371. 3392, Representative Jaffe. Representative Jaffe, 3392."

Jaffe: "Would you take that out of the Record, Mr. Speaker?"

Speaker Redmond: "Out of the Record. 3405, Representative Campbell.

Representative Walsh, would you please sit down? 3405. Representative Capparelli. Representative Capparelli. Put on Representative Houlihan's speaker."

Capparelli: "Mr. Speaker, I would concur in Senate Amendment #1 to

House Bill 3405. Would you read . . . I think it's a Partee

Amendment that allows them to only spend 50 percent of the funds
by July 1st. So I would ask for concurrence."

Speaker Redmond: "Is that what the Amendment is?"

Clerk O'Brien: "Not more than 50 percent of the appropriations for personal services, travel, telecommunications of this Act shall be expended, obligated or contracted from the day this Act becomes effective, the first day of January, 1977."

Speaker Redmond: "The question is, shall the House concur in Senate

Amendment #1 to House Bill 3405? All in favor vote 'aye', opposed

vote 'no'. Final action, 89 votes. Have all voted who wished?



The Clerk will take the Record. On this question there are 128 'aye' and 1 'no'; and the House does concur in Senate Amendment #1 to House Bill 3405. 3820. Representative Geo-Karis 'aye'.

3820. Out of the Record. Senate Bills, Third Reading. 1606."

Clerk O'Brien: "Senate Bill 1606, a Bill for an Act making appropriation for the ordinary and contingent expenses of the Dangerous Drugs' Commission."

Speaker Redmond: "Representative Getty."

Clerk O'Brien: "Third Reading of the Bill."

Getty: "Mr. Speaker, and Ladies and Gentlemen of the House, this is
the appropriation for the Dangerous Drugs' Commission. I would
ask for your favorable consideration of this Bill."

Speaker Redmond: "The question is . . . Representative Schlickman."

Schlickman: "Rould the Sponsor yield?"

Speaker Redmond: "He will."

Schlickman: "When was the Dangerous Drugs' Commission established?"

Getty: "It was established two years ago."

Schlickman: "What was the appropriations for the present fiscal year?"

Getty: "Representative Schlickman, Representative Barnes has that.

He advises me to give it to me in just a minute."

Speaker Redmond: "We'll not break at 6 o'clock for lunch . . . to eat rather, we're going to eat in the Speaker's office and we're going to eat in Representative Washburn's office. So we'll keep on going right through."

Getty: "The estimate for the current year is \$9,646,000."

Schlickman: "And what's the total appropriation in this Bill?"

Getty: "The total appropriation is \$14,385,000."

Schlickman: "That's an increase of about \$5,000,000?"

Getty: "Yes, but you must understand that the entire Illinois Drug

Abuse Program was deleted from the appropriation for the Department

of Mental Health, and if you would put the two together, you would

come out to approximately the same figure. This, now, encompasses

the entire appropriation that previously went into Mental Health."

Schlickman: "Well, isn't it true that the amount being appropriated here is about a half a million dollars more than what was requested



and provided for in the budget?"

Getty: "That is comprised of two . . . or the amount that you're referring to is comprised of two programs for drug addicts. One program is a west-side program, the other program is the University of Chicago program. Now, that must be further broken down into two segments; one, which is a \$228,000 general revenue fund implication, and the balance of about, I believe it was, \$235,000 in federal funds if they become available. However, the testimony before the House Appropriation's Committee, which I would say unanimously passed out this Amendment, which was Amendment #3 which was discussed on the floor yesterday, was that there's a very high probability that the Federal Government will completely take over the entire funding of that program as they had in the past; and it is expected that that could become the fact as early as November or December of this year."

Schlickman: "But we still have an amount here of appproximately a quarter of a million dollars that is unbudgeted?"

Getty: "Well, there's \$228,000 that is budgeted in general revenue funds; however, as I indicated to you it's a very high probability that the state will not expend all or even half of that money if they are correct in their estimates that the Federal Government will take over the entire program."

Schlickman: "Thank you."

Speaker Redmond: "Any further questions? The question is, shall this
Bill pass? Those in favor vote 'aye', opposed vote 'no'. Final
action, 89. Have all voted who wished? The Clerk will take
the Record. On this question there's 129 'aye' . . . -31 'aye'
and 4 'no'; and the Bill having received the constitutional majority
is, hereby, declared passed. Representative Geo-Karis 'aye',
Representative Dunn 'aye', Representative 'Chatterbox' 'aye',
Representative Mugalian 'aye'. 1632."

Clerk O'Brien: "Senate Bill . . ."

Speaker Redmond: "1632."

Clerk O'Brien: ". . . 1632, a Bill for an Act making appropriation to the Board of Trustees of the General Assembly Retirement System.

Third Reading of the Bill."



Speaker Redmond: "Representative Merlo."

Merlo: "Mr. Speaker and Members of the House, Senate Bill 1632 is the appropriation Bill for the General Assembly Retirement System, and appropriates a total of \$785,700 to the system to meet the cost of maintaining the system as provided by statute; and I ask your favorable consideration."

Speaker Redmond: "Any questions? The question is, shall this Bill pass? Those in favor . . . Representative Schlickman."

Schlickman: "Could we have a line-item break out of this appropriation?"

Speaker Redmond: "Representative Merlo."

Merlo: "What would you like to know about it, Representative Schlickman?"

Schlickman: "Well, we're appropriating the total sum of \$777 . . ."

Merlo: "\$785 . . . \$785,700."

3chlickman: "... well, \$777,000 comes from the General Revenue Fund and it's not for retirement benefits, but for the operation of the system. That involves personal services, it involves travelling, it involves contractual services, it involved telecommunications, et cetera; and I'm just wondering how this is broken down."

Merlo: "Well, of the \$785,700, \$777,000 of that comes, of course, from the state. The amount of \$8,700, the amount due to the system from the State Pension Fund under the 'S-G' Act, the fund itself is in excess of what it was for the last fiscal year by \$97,000.

And, of course, this was due to the increase in salaries, plus the automatic cost-of-living rise of 2 percent to the retiree.

The only thing that I could furnish you, of course, is the number of retirees, the cost per month as far as the fund is affected and that's about the extent of information I can give you. But this is according to the formula that's set forth by statute."

Schlickman: "Thank you very much."

Speaker Redmond: "Any further? Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker, I'd just like to bring out that relative to the General Assembly Retirement System, we had a meeting this morning and relative to full funding, we at one time, I think, in the latest report, where it's 61 or 62 percent, and this year the latest figure is we've dropped to 50 percent."



Speaker Redmond: "The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'; final action, 89 votes.

Have all voted who wished? The Clerk will take the Record. On this question there's 132 'aye' and 1 'no'; the Bill having received the constitutional majority is, hereby, declared passed.

Representative Grotberg, did you . . ."

Grotberg: "I just wondered if the Chair would rule, under the Ethic's

Act, how many of us are in conflict of interest on voting on this?"

Speaker Redmond: "176."

Grotberg: "176 are in conflict, everybody but the Speaker. Thank you."

Speaker Redmond: "Everybody but each of 'yous'. Have all voted who

wished? The Clerk will take the Record; 135 'aye' and 1 'no'.

The Bill having received the constitutional majority is, hereby,

declared passed. 1863, Representative Maragos."

Clerk O'Brien: "House Bill 1863, Maragos . . ."

Speaker Redmond: "1863, out of the Record. I guess, 1869 out of the Record? Is that right, Representative Lechowicz? Out of the Record. Senate Bills, Second Reading. 1619, Representative Jim Houlihan. Is he here? Out of the Record. House Bills, Third Reading, category of appropriations. 3816."

Clerk O'Brien: "House Bill 3816, a Bill for an Act to provide for the ordinary and contingent expenses of the Department of Transportation.

Third Reading of the Bill."

Speaker Redmond: "Representative Hart, for what purpose do you arise?"

Hart: "Mr. Speaker, I had a motion with relation to this Bill, which

is on the Calendar; and I think it would be in order for me to

move to table the motion before we proceed with the Bill."

Speaker Redmond: "Any objections? Hearing none, Motion #63 . . . no,

Representative Hart's motion with respect to 3816 to reconsider

the vote is tabled. Representative Tipsword."

Tipsword: "Mr. Speaker, Ladies and Gentlemen, this is the Bill that
we heard for quite some time last night, a Bill to provide for the
ordinary and contingent expenses of the Department of Transportation.

The Bill now provides a total \$1,000,134,000 from the various
funds of the State of Illinois; and provides for reappropriations



in addition in the amount \$755,000, approximately. I would move for the adoption of House Bill 3816."

Speaker Redmond: "Representative Skinner."

Skinner: "Mr. Speaker and Members of the General Assembly, yeah, we certainly do have nothing in this, Geo', the Department of Transportation budget includes the Regional Transportation Authority appropriation, of course, and there were some of us at two years ago who were suggesting it was education versus transportation; and I think that many of us may figure that out. It's unfortunate that last night, when Representative Deuster was explaining his Amendment, that he did not point out that the percentage cut in this so-called mandatory formula, the pass-through formula, in the R.T.A. Act is no more valid than the mandatory formula in the State-Aid Education Act. That is a matter of opinion I would welcome anyone . . . any contradiction. At that time, however, the House rejected that minimal \$10,000,000 cut so that we could treat mass transportation the same way we treat education. That leaves us about nowhere with the Department of Transportation's budget with no choice then if we intend to vote 'no'; but before I vote 'no', I would like to let you know who wants the Regional Transportation Authority, and why and to wast extent. 1 will be reading from the R.T.A. Citizens Committee for Better Transportation Campaign Contribution List, starting with the A. B. Dick Company, \$1,650; A.T. 'Kearney', Incorporated, \$1,000; Abbott Laboratories, \$1,000; Alden's, Incorporated, \$1,000; American Hospital Supply, Incorporation, \$1,000; American National Bank and Trust Company of Chicago, \$4,350; 'Emstead' Industries, \$1,100; Arthur Anderson and Company, \$6,000; Baxter Laboratories, \$1,100; Beatrice Foods Company, \$1,000; 'Bell and Howell' Company, \$1,000; Berger Investment Company, \$1,000; Borg Werner Corporation, \$5,250; Burlington Northern, Incorporated, \$10,445; C.N.A. Foundation, \$5,000; Carson, Perie, Scot and Company, \$3,500 . . . "

Speaker Redmond: "Representative Tipsword, for what purpose do you arise?"

Skinner: ". . . Central National . . ."



Tipsword: "I'm wondering, Mr. Speaker, what connection this litany of apparently some expenses of some other years has to do with this Bill?"

Speaker Redmond: "I presume that he's going to connect them very shortly. Proceed and bring your remarks to a close, Sir."

Skinner: ". . . I believe I have 10 minutes to speak on the Bill, Mr. Speaker . . . Bank of Chicago, Chemitron Corporation, \$1,000; Chicago Association of Commerce and Industry, \$2,500; Chicago Bears Football Club, Incorporated, \$1,000; Chicago, Milwaukee, St. Paul and Pacific Railroad, \$9,435; Chicago and Northwestern Transportation Company, \$31,615; Chicago, Rock Island and Pacific

Lechowicz: "A point of order, Mr. Speaker. I'm . . . those are all

Republican firms and wait until he gets to the Democrats."

Speaker Redmond: "They're all in suburbs, too. Proceed, Representative

Skinner."

Skinner: ". . . Chicago South . . . Chicago South Shore and South Bend
Railroad, \$2,025; Chicago Title and Trust, \$3,400; Chicago Tribune
Company, \$8,000; Commonwealth Edison Company, \$28,000; Continental
Illinois National Bank and Trust Company of Chicago, \$23,722.79;
Electro-motive Division General Motors Corporation, \$1,214.35

Speaker Redmond: "They're in LaGrange?"

Railroad Company, \$6,300 . . ."

Skinner: ". . . 'Ernst and Ernst', \$1,100; S. Mark, Incorporated, \$2,000; Field's Enterprises, Incorporated, \$5,500; First Federal Savings and Loan Association of Chicago, \$1,000; G. D. Cearro and Company, \$2,300; G. T. E. Automatic Electric, Incorporated, \$2,500; General American Transportation Corporation, \$2,200; Hammond Organ Company, \$1,000; Harris Trust and Savings Bank, \$7,250; 'Hart, Schaftner and Mark', \$1,000 . . . Marks, that is . . . \$1,650; Household Finance Corporation, \$1,000; I. C. Industries, \$5,000; Illinois Central Gulf Railroad Company, \$17,680 . . ."

Speaker Redmond: "Representative Tipsword, for what purpose do you arise?"



Skinner: ". . . Illinois Cool Work . . . "

Speaker Redmond: "Representative Tipsword."

Tipsword: "I have an inquiry of the Chair. Could the rest of us go
out for dinner and then come back when this is completed?"

Speaker Redmond: "No, we'll stay and Representative Skinner can go out
for dinner."

Tipsword: "Thank you, thank you."

Speaker Redmond: "Proceed, Representative Skinner."

Skinner: ". . . Incorporated, \$2,200 . . . "

Speaker Redmond: "Representative Grotberg, for what purpose do you arise?"

Grotberg: "On a . . . on a parliamentary inquiry. If he's gonna'

read my contributor list, I want to know if he filed one of those
applications to get it from the Secretary of State off
my ethic's Bill."

Speaker Redmond: "Proceed."

Skinner: ". . . let's see, Inland Steel Company, \$6,000; International Harvester Company, \$15,000; Jewel Company, Incorporated, \$3,500; Johnson and Johnson, \$1,000; Kirkland and Ellis, \$1,250; Kraftco Corporation, \$2,612.50; Leo Brunett Company, . . . Brunnett Company, Incorporated, \$1,000; 'Letrobee Knight' and Associates, Incorporated, \$1,200; Libbey, McNeil and Libbey, \$1,000; Mark Corp. Service Corporation, \$17,500; Marsh and McLendon, \$1,000; Marshall Field . . ."

Speaker Redmond: "Representative Keller, for what purpose do you arise?"

Keller: "Yes, Mr. Speaker; I think that there is a time limit and his time limit has passed already. So could he bring his remarks to a close so we can get on with the business of the House?"
Speaker Redmond: "Well, he . . . please bring your remarks to a close."

Skinner: ". . . Mr. Speaker, I don't think I have interrupted the Gentleman who just interrupted me previously, and I asked you to turn the timer on and pointed out I had 10 minutes at the beginning; and when I finish, I will be happy to sit down. I do not see the timer on . . . Marshall Field and Company, \$7,700; Material Service Corporation, \$2,500, 'Mayor, Brown and Platt,

\$1,250; 'Morton Norwich Products, Incorporated, \$1,000; Multi-Graphic



Division of 'Draft a Graph Multi-Graph' Corporation, \$1,000;
Northwest Industries, Incorporated, \$1,000; Northern Illinois
Gas Company, \$3,300; Pete Morwich, Mitchell and Company, \$1,640;
Peoples' Gas Company, \$5,500; Price Waterhouse and Company, \$1,500;
'Fritsker and Fritsker', \$5,000; R. R. Dunley and Sons Company,
\$2,000; Rapid Transit Drivers' Union #308, \$5,000; Santa Fe Industries, Incorporated, \$1,500; Sergeant and Lundy Engineers, \$1,000;
Sears, Roebuck and Company, \$20,000; Sidney and Austin, \$2,000;
'Signoid' Corporation, \$1,200; Spiegel, Incorporated, \$1,650;
Standard Oil Company of Indiana, \$16,500; Stewart Werner Corporation, \$1,100; Stone Container Corporation, \$1,000; Sunbeam Corporation \$1,320; Seco Corporation, \$1,000, First National Bank of Chicago, \$23,000 . . ."

Speaker Redmond: "Representative Lechowicz, for what purpose do you arise?"

Lechowicz: "Mr. Speaker, I would hope the man would also give us the addresses so we know where to mail it to."

Skinner: ". . . \$722.80; Merchandise Mart Owners, \$1,500; Northern

Speaker Redmond: "Proceed, Representative Skinner."

Trust Company, \$7,250; Quaker Oats Company, \$1,100; Time, Incorporated, \$1,000; 'Tueswash' and Company, \$1,100; Trailer Thair Company, \$1,500; Trans Union Corporation, \$1,200; 'Uarco', Incorporated, \$3,000; U. A. W. Illinois State C. A. P. Council, \$1,000; United Airlines, \$1,100; United States Gibson Company, \$4,000; United States Steel Corporation, \$3,000; Universal Oil Products Company, \$1,250; Urban Investment and Development Company, \$1,000; W. F. Hall Company, excuse me, W. F. Hall Printing Company, \$1,000; Wieboltz Signs . . . Wieboltz Stores, Incorporated, \$2,000; Zenith Radio, \$10,000. Now, those are the corporate contributors who gave over \$1,000 to the R.T.A. Citizens Committee for Better Transportation to which a total of approximately \$448,000 was given in order to pass the R.T.A. referendum. In addition, there were about 50, I would guess, individuals that gave contributions, largest of which is \$1,000 from Roy E. 'Erichson', whoever he is. This was not filed with the Board of Elections because the



referendum was held before the Campaign Disclosure Act was passed and only came to life when the <u>Chicago Daily News</u>, to their great credit, Dennis Burn dug it out of the . . . of a salt mine in the State of Indiana."

Speaker Redmond: "Representative Giorgi, for what purpose do you arise?"

Giorgi: "For an interjection. I wonder if Representative Skinner
would read the list of contributors to the Republican fund raiser
that we mentioned last night for Workmen's Comp' work in
unemployment compensation efforts?"

Speaker Redmond: "Proceed, Representative Skinner."

Skinner: "I'm sure the Gentleman will find that on file at a timely

basis with the Board of Elections. All of this money went to

pay for the passage of the Regional Transportation Authority during

the referendum; and it seems to me . . ."

Speaker Redmond: "Representative Kane, for what purpose do you arise?"

Kane: "Yeah, we have rules of the House, Mr. Speaker, and he has 10 minutes; and I would insist that that be held. We shouldn't have to listen to this rhetoric."

Speaker Redmond: "Well, I hate to admit it, but the Speaker made a mistake, the first scheduled here was . . . T put 5 instead of 10 minutes up. So when the light shows that his time had expired it was really only 5 minutes. So we started it again at another 5 and he's coming down the home stretch. So, Representative Skinner, proceed."

Skinner: "I respect the Speaker's fairness today. The point which I think these figures make more than anything else is that the people of the six-county area are not the beneficiaries of the Regional Transporation Authority, it is the downtown business interests . . ."

Speaker Redmond: "Bring your remarks to a close, Representative Skinner, your time has expired."



Speaker Redmond: "Time is . . . time is expired, Representative Skinner."

Skinner: ". . . is to vote 'no'."

Speaker Redmond: "Representative Yourell. Ewell, Ewell."

Ewell: "Mr. Speaker, I think that the Gentleman is infringing on the time of the House any time over . . ." $\,$

Speaker Redmond: "His time . . . his time has expired. Representative ${\tt Duff."}$

Duff: "Mr. Speaker, in all fairness, the Gentleman's time was interrupted six times by people who used his time and if necessary, Sir, I would like to yield my time so he might continue to moderately make his point or at least to close."

Speaker Redmond: "Representative Bluthardt."

Bluthardt: "Mr. Speaker, I'm a little tired of listening to the last Speaker, who is a complete stranger to the word and the meaning of the word fairness, that he should attack your fairness is rather astounding to me. And I'm not referring to the Assistant Minority Leader, I'm referring to the lad who reminds me of a spoiled brat. The one who won't play ball or he'll take his bat, if it's the only bat in the ballgame, unless he gets four outs. That's his idea of fairness. He want to know who else besides those contributors supports the R.T.A. in the suburbs. Well, I happen to support them, and I've supported them 100 percent; and I happen to believe that the two most important pieces of legislation that came out of this General Assembly since I've been here, and that's close to 10 years, is the State Income Tax and the creation of the R.T.A. And long after I'm gone from here and probably from this earth will look back, those who are still around, will look back and thank God that we did create the R.T.A. It's going to serve all of the metropolitan area of Chicago and the collar counties; and it's essential, and the contributions made by these corporations and other companies, many of whom come from my district . . . certainly is proof of how important it is to that area to have adequate mass transportation. I think that kid ought to sit down and take his beating. He's taken it; now, sit down and let us go on with the work of this House.



Speaker Redmond: "Representative Deuster."

Deuster: "Well, Mr. Speaker, the public is always watching us and Representative Skinner has listed some information that's interesting, and I think that since we are approaching a vote, and so many people are concerned about the conflicts of interests that we have one way or another, it is true that there was a referendum campaign and it is true that there was a lot of big money contributed to it, and it's a little extraneous in a way to what we're dealing with today; but I thought out of fairness. that since these infor . . . this information has been put out. I think that the public and this General Assembly ought to know that a great many Legislators who are sitting here today contributed money out of their own pockets to oppose R.T.A.; and I have a very short list, but I thought so that in . . . it may be that all of us have a conflict of interest and we may have to just vote 'present' on the Bill because of this. But \$100 was contributed out of their own pockets by the following State Representatives, Representative John Friedland, Representative Virginia Macdonald; I think I'll include the Senators, too; Senator Daye Regner, Senator Frank Ozinga, Representative Thomas Miller, Representative Philip Collins, Representative Adeline J. Geo-Karls, Representative Don Deuster, myself, Senator Karl Berning, Senator Jack Schaffer, Representative Tom Hanahan, Representative Cal' Skinner, Representative Bruce Waddell and Representative Toby Barry from the 37th District, from the 38th District, John Grotberg, from the 39th District, Representative Jack Hill, Representative Allen Schoeberlein; and I might say that many of these Members contributed a little more as they felt they were able to do it because they were so concerned about the issues; from the 40th District, Representative Gene Hoffman, Representative Pate Philip, Senator Jack Knuepfer, from the 41st District, Representative Giddy Dyer, Representative George Hudson, from the 42nd District, Representative George Sangmeister, from the 52nd District, Representative John Hirschfeld. I think that if the whole picture is to be known of both sides, there was some money spent, but I think



you can see that the money spent on the side of the opposition was kind of puny and kind of small, but we did put in what we were able to afford out of our own pockets as individual Legislators who were concerned about this issue. Thank you."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, and Ladies and Gentlemen of the House, I'm not going to belabor the point; but it shows what just a handful of Legislators and Senators scared . . . you saw how they scared the R.T.A. proponents to the point they spent quite a few thousand dollars; but that's okay, that's in the past. However, in view of the fact that I have felt that the Department of Transportation's budget has been a politically pay-rolled ridden budget and I cannot see that it's doing the good it should do. What we've taken away from our children in schools, I feel constrained to vote 'present' when the Bill is called for action."

Speaker Redmond: "Representative Matijevich."

Matijevich: "I've heard enough. I move the previous question."

Speaker Redmond: "The Gentleman's moved the previous question. All

in favor indicate by saying 'aye', 'aye', opposed 'no'; the 'ayes'

have it. Representative Tipsword to close."

Tipsword: "I think the particulars of this Bill are pretty well known to all of the Members of the House, especially after going through them last night for several hours. I appreciate, I would like to say, too, the restraint and the attention and the very strict attention to detail that this House gave to this Bill last night. I was very proud of the Members of this House as they reacted to the various Amendments; and I would move that this Bill, House Bill 3816, be passed."

Speaker Redmond: "The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'. Have all voted who wished?

Representative Schraeder."

Schraeder: "Mr. Speaker, take very minute . . . and you notice I'm already red. I want everybody to know that I don't know where the money is going to from my district, District 4; but . . . suffice it to say whether it's going to somebody's pork barrel or



to the R.T.A. I resent it and I'm going to continue to oppose the situation when my Highway District, District 4, has been shortchanged and dramatically so."

Speaker Redmond: "Have all voted who wished? Representative Brinkmeier."

Brinkmeier: "Mr. Speaker and Members of the House, I don't expect
to change the central vote; but I do want the Record to show
why I have that red light up there. This is the third consecutive
year the 35th Legislative District has received less than 50 percent of their fair share, and I consider that to be 159th of the
total budget. So until the time comes that we get at least
our share of money from the Department of Transportation that
my light is always going to be red, and I want all of my people
in my district to understand why."

Speaker Redmond: "Representative Keller."

Keller: "Thank you, Mr. Speaker, and I just want you to know that the 54th District did not donate to either side there. We were neutral; therefore, we can vote on this issue, and I am voting green on it. However, my . . . one of my colleagues over there, I notice he's votin' against it, and he wonders why we never get any roads in Lawrence County."

Speaker Redwond: "Have all voted who wished? The Clerk vill take the Record. Representative Gaines."

Gaines: "I wish to take this opportunity to explain my vote, Mr.

Speaker, and Ladies and Gentlemen of the House. I find it

very difficult to support a budget that is administered by a

department that is in gross violation of the Equal Employment

Opportunity's Act of the Federal Government; and when we had

a hearing of our Subcommittee on Employment of Minorities and

Women in State Government, we found them to be quite negligent
in their intergration policies. That's why I'm voting 'no'."

Speaker Redmond: "Have all voted who wished? The Clerk will take the Record. On this question there's 122 'aye' and 24 'no'; the Bill having received the constitutional majority is, hereby, declared passed. House Bills, Third Reading. On House Bills, Third Reading, appears House Bill 2115, Representative Kane."



Clerk O'Brien: "House Bill . . ."

Speaker Redmond: "Out of the Record at the request of the Sponsor.

3322, Representative Collins. Out of the Record. 3522, Repre-

3322, Representative Collins. Out of the Record. 3522, Representative Craig."

Clerk O'Brien: "House Bill 3522, a Bill for an Act to amend the Illinois

Vehicle Code. Third Reading of the Bill."

Speaker Redmond: "Representative Craig."

Craig: "Mr. Speaker and Members of the House, House Bill 3522 is a
Bill that gives the Secretary of the State, it serves a kind of
a dual purpose, it gives the Secretary of State the right to
sell our 1976 license plates as collectors items of which there
is several people I think that will be wanting these plates for
this purpose, and it also is making a five-year plate, which
many Members on each side of the aisle here, I think, Mr.
Griesheimer and Jerry Shea, both are in favor of the five-year
plate. And I would ask the support of this House on House Bill
3522."

Speaker Redmond: "Representative Fleck."

Fleck: "A brief question of the Sponsor, Mr. Speaker."

Speaker Redmond: "Proceed."

Fieck: "Representative Craig, with that five-year plate could a person change numbers any time during that five years if they so desired or are they stuck with the number they were originally issued with?"

Craig: "No, I think once you get that number it will be that number and then you'll just get a decal in every year thereafter."

Fleck: "Well, then I'd better get down to the Howlett's office right away then."

Craig: "Yeah."

Speaker Redmond: "No, I think it's going to be Alan Dixon. Representative Kempiners."

Kempiners: "Yeah, would the Gentleman yield? On that number, will the plate follow the car or will it follow the person to whom the car is registered?"

Craig: "Would you ask . . ."



Speaker Redmond: "Representative Shea."

Shea: "It's like right now, it follows the person."

Kempiners: "Person? Okay, thank you."

Speaker Redmond: "Representative Schraeder."

Schraeder: "Well, Mr. Speaker, I will only take a minute; but I want to say that those of you who are interested in saving a tremendous amount of money, millions of dollars over the next few years and in the future, this is probably the only measure that you're going to be able to say that you saved the state millions of dollars.

I dare say that each year that we have these multiple-year plates you'll save in the neighborhood of \$10,000,000 and that's not hey, that's cash."

Speaker Redmond: "Representative Friedrich."

Friedrich: "I'll believe, Mr. Speaker and Members of the House, I'll believe it'll save \$10,000,000 a year when I see it. Actually by the end of the year my plates are so banged up that they're not fit to use another year anyway, and adding to that, plus the number of plates that are lost and so on, stolen during the year, I think you'll find out that this is not the big saving that you think it's going to be. I'm going to vote 'no' on it, frankl"."

Speaker Redmond: "Representative McAuliffe."

McAuliffe: "Mr. Speaker, and Ladies and Gentlemen of the House, I was on the House Committee that heard Representative Griesheimer's Bill. At that time, the Secretary of State opposed the multiyear license plates Bill. I believe that the Secretary was right then, and I believe he's wrong now. From the standpoint of law enforcement, multi-year license plates make it much more difficult for police officers to tell if the plates are current or what state they're from. If you see the cars passing you from Missouri and Arkansas and you observe the license plates, you'll notice that it's very difficult to tell what year the plate is and you have to . . . if you're going to put a little tag on them there, you have to be about two feet behind the car in front of you to read if the tag is valid or not. This is a bad Bill for policemen



and I think the Secretary of State originally was right, and I'm sorry to see that he changed his opinion. I'm going to vote 'no' on this Bill."

Speaker Redmond: "Representative Daniels."

Daniels: "Yes, Mr. Speaker, just a little background history. Briefly, on April 10, 1975, this Bill was heard in the Motor Vehicles' Committee, which was Representative Griesheimer's Bill. At that time, it was voted down, and upon testimony by the Secretary of State's office that there would be an approximate loss of \$30,000,000 over the five-year period. On April 14, 1975, the Secretary reviewed his analysis and then publicly came out in favor of the multi-year plates. Now, I would like to say, Ladies and Gentlemen of the House, that Representative Griesheimer of this Body deserves a great deal of credit for presenting this matter to the House of Representatives. I assure you that whether or not we save the estimated \$12,500,000 or whether or not we save \$1 or \$2,000,000 over a period of five years, it's rather uncontroverted that we are, in fact, going to save millions of dollars for the people of the State of Illinois; and I commend the Sponsor of this legislation, Representative Shea and Representative Griesheimer, for presenting this to us; and I do intend to

Speaker Redmond: "Representative Geo-Karis. Representative Madison."

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

Speaker Redmond: "He will."

support it and I urge your support of the same. Thank you."

Madison: "Who am I speaking to, Representative Craig or Shea?"

Speaker Redmond: "Craig."

Madison: "Representative Craig, under your Bill will Legislators still get annual plates?"

Craig: "I think they will still have their two-year plates."

Speaker Redmond: "Representative Ebbeson . . ."

Madison: "Annual plates or two . . ."

Speaker Redmond: ". . . oh, pardon me, pardon me."

Madison: "Annual plates or two-year plates?"

Craig: "Two-year plates. They won't have annual plates, but they'll



get their two-year plates for the term of office that they're elected for."

Madison: "Any everybody else will get five-year plates?"

Craig: "Right."

Madison: "Okay, thank you."

Speaker Redmond: "Representative Ebbesen. The Gentleman sit down

Ebbesen: "Mr. Speaker, very briefly, I move the previous question,

'ayes' have it. Representative Craig to close."

The between the Speaker and the . . ."

unless there's a lot more discussion. I think we all know . . . about."

Speaker Redmond: ". . . The Gentleman moves the previous question. All those in favor indicate by saying 'aye', 'aye', opposed 'no'; the

Craig: "Mr. Speaker and Members of the House, I think everybody knows pretty much what this is on both sides of the aisle. I think there's a lot of support for it, and I'd appreciate an 'aye' vote."

Speaker Redmond: "The question is, shall this Bill pass? Those in favor

vote 'aye', opposed vote 'no'. Representative Miller to explain his vote."

Miller: "Thank you, Mr. Speaker and Members of the House. I wanted to ask the question, but I'll state a point and somebody can correct me if I'm wrong. It's my understanding that the little annual tag put on the main license plate is attached by a little screw or something of that sort, and it seems to me it would open up the door to the opportunity of taking somebody else's little tag and putting it on your own and there would be no effective means to police whether or not these plates are current and up to date. We could go around stealing one another's little tag and nobody would know the difference. Now, if I'm wrong on that, I stand to be corrected. If I'm right, I'm going to vote 'no'."

I stand to be corrected. If I'm right, I'm going to vote 'no'."

Speaker Redmond: "Representative Duff."

Duff: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, just very briefly, in 1968, I had the opportunity to go into every county in Illinois campaigning on many issues, including this one, and I'm delighted to see so many of the Gentlemen, particularly on the other side of the aisle, who have opposed this issue for



so many years finally supporting it. I would tell the Representative from Chicago, who spoke of the law enforcement factor, that the Illinois Police Chiefs' at that time supported it solidly. To the point on the sticker . . . on the little tag, the day will come, I think, where we'll move to decals, which will work better. I'm delighted this Bill was defeated in 1971, when it was submitted; but I'm delighted to see it finally pass; and I hope the Senate treats it well."

Speaker Redmond: "Have all voted who wished? The Clerk . . . the Clerk will take the Record. On this question there's 135 'aye' and 9 'no'; and the Bill having received the constitutional majority is, hereby, declared passed. 3594, Illinois Art's Council."

Clerk O'Brien: "House Bill 3594, a Bill for an Act to amend the

Illinois Pension Code. Third Reading of the Bill."

Speaker Redmond: "Representative Collins."

Collins: "Thank you, Mr. Speaker, I think you gave Representative
Richmond a start. If I can divert from the Art's Council for just
one moment, Mr. Speaker; House Bill 3594 is a very simple Bill.
The Chicago Firemen's Annuity and Benefits Fund Article now
states that an adopted child of a firemen will not receive survivior benefits in the first year of adoption. The Bill would
merely change this to state that if the death is an accidental
death, then the child would be entitled to survivor benefits.
Actually, the child is entitled to survivor benefits now in the
case of duty connected death. This will just broaden it to all
accidental death; and I would ask for the support of the House."

Speaker Redmond: "Any discussion? The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'. Have all voted who wished? The Clerk will take the . . . Terzich 'aye' . . . the Clerk will take the Record. On this question there's 131 'yes', 1 'no'; and the Bill having received the constitutional majority is, hereby, declared passed. 3 . . . Representative Gaines 'aye' . . . 3609 out of the Record. 3611 out of the Record. 3612 out of the Record. I've been advised by Representative Washburn and the Speaker's staff that the soup is on in the respective offices.



We're not going to take any break. Well, I don't know. Some of us have never missed a meal. 3637, Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, and Ladies and Gentlemen of the House, in one instance you tell me I can go and eat on the Speak . . . on the Minority Leader's income, the next instance . . . minute you tell me that we're not going to take any time off. Now, I know I've never missed a meal because I look it, but we won't go into that now. The only thing is can't we just have 20 minutes to . . ."

Speaker Redmond: "Blink in and blink out."

Geo-Karis: ". . . Well, if you say so, Mr. Speaker, I'll be delighted."

Speaker Redmond: "3645, Representative Londrigan. That's J. D. Jones'

Bill. Oh, Representative Leinenweber, 3645."

Clerk O'Brien: "House . . . "

Leinenweber: "Thank you, Mr. Speaker."

Clerk O'Brien: ". . . House Bill 3645, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill."

Leinenweber: "Thank you, Mr. Speaker. House Bill 3645 was discussed

briefly yesterday on Second Reading and it merely provides for guaranteed visitation for relatives of a deceased parent in the event of the guardianship is awarded to someone other than a relative on that side of the aisle; and unless it is shown that conclusively visitation would be detrimental to the . . . to the minor, it provides in both instances both where one parent is deceased and where both parents are deceased. And parents is u definded as parents, or grandparents, brothers, sisters of the deceased parent, adult brothers, or sisters, or half brothers or half sisters. The idea of the Bill is to guarantee that those relatives close to a minor child of deceased parents will have access and visitation rights to the child, unless it's very strongly is shown that that visitation be detrimental. One of the fears expressed yesterday on the floor of the House was that this would provide an awful lot of people would have visitation rights. Well, I think that's wonderful and we should encourage relatives of minor children to visit; and we certainly want to



provide as much as possible that they will have this right. So

I urge the adoption of House Bill 3645."

Speaker Redmond: "The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'. Have all voted who wished?

The Clerk will take the Record. On this question there's 114

'aye' and 1 'no'; the Bill having received the constitutional majority is, hereby, declared passed. Upon reconsideration, judging from the number of people that are eating in the respective offices, I think probably we'd better break for about 15 minutes.

Committee Reports."

Clerk O'Brien: "Representative Lechowicz, Chairman of the Committee on Appropriation's I to which the following Bills were referred, action taken June 10, 1976; reported the same back with the following recommendation, do pass Senate Bill 1604 and Senate Bill 1947, do pass as amended Senate Bill 1600. Representative Boyle, Chairman of the Committee on Appropriation's II to which the following Bills were referred, action taken June 10, 1976; reported the same back with the following recommendations, do pass Senate Bills 1623, 1626, 1646, do pass as amended Senate Bill 1650. Representative Matijevich, Chairman of the Committee on Executive to which the following Bills were referred, action taken June 10, 1976; reported the same back with the following recommendation, tabled by Rule 24D House Bill 3307, House Resolution 682. Representative Hill, Chairman of the Committee on Labor and Commerce to which the following Bill was referred, action taken June 10, 1976; reported the same back with the following recommendation, do pass as amended House Bill 3318."

Speaker Redmond: "Introduction to First Reading."

Clerk O'Brien: "House Bill 3987, Telcser, a Bill for an Act to amend the Chicago Teachers' Pension Fund Article of the Illinois Pension Code. First Reading of the Bill."

Speaker Redmond: "Agreed Resolutions. Representative Craig on the

Agreed Resolution. Representative Greiman, are you seeking recognition?

Oh."

Clerk O'Brien: "House Resolution 894, Mahar; House Resolution 895, Meyer;



House Resolution 896, Ewing."

Speaker Redmond: "Representative Craig."

Craig: "Agreed Resolution 894 by Mahar, Kelly and Rayson, a settlement of Thorn Creek; whereas, the Village has been renamed to Richton Park after Jacob Rich, an earlier settler in the area, and was incorporated as a village on June 11, 1926, with a population of less than 50 people. I move for . . . for adoption of . . . and 895; whereas, the Brother Rice High School Crusaders became the 1976 State baseball champions by winning the Illinois High School Association tournament on Friday, June 4, at Meiner Field in Peoria; 896 . . . that was by Representative Meyer . . . Representative Eweing; whereas, the Museum of Chatsworth, Illinois, 'The Little Red Schoolhouse Painted White' was completed and formally dedicated on June 6, 1976; and, whereas, this museum is the result of an idea originating with the Chatsword P.T.A. in 1958; and, whereas, this idea was lovingly and persistently nurtured and pursued by Mrs. Louise Stoutemeyer, who unselfishly gave of her time and resources along with countless other interested citi-

noble project; be it resolved that we congratulate the Chatsworth P.T.A., Mrs. Louise Stoutemeyer, C.A.P.S. and all those who had any role to play in bringing this idea into a bicentennial reality;

zens of the Chatsworth Community to attaint the completion of this

Speaker Redmond: "The Gentleman's moved for the adoption of the Agreed
Resolutions. All in favor indicate by saying 'aye', 'aye', opposed
'no'; the 'ayes' have it, the Resolution's are adopted. Further
Resolutions."

and we move for the adoption of these various Resolutions."

Clerk O'Brien: "House Resolution 893; House Resolution 897; House Resolution 898."

Speaker Redmond: "Committee on Assignments."

Clerk O'Brien: "Representative Leon in the Chair."

Speaker Leon: "Senate Bills, First Reading."

Clerk O'Brien: "Senate Bill 1707, Schraeder, a Bill for an Act authorizing the Director of General Services to contract, to sell and to

convey certain real property. First Reading of the Bill."



Speaker Redmond: "The House will come to order and the Members please be in their seats. House Bills, Third Reading. On House Bills, Third Reading, appears House Bill 3651. Representative Stiehl?"

Clerk Selcke: "House Bill 36 . . ."

Speaker Redmond: "How about 3696, Representative Porter."

Clerk Selcke: "3696. House Bill 3696, a Bill for an Act to amend an Act codifying the powers and duties of the Department of Mental

Health and Developmental Disabilities. Third Reading of the Bill."

Speaker Redmond: "Representative Porter."

Porter: "Mr. Speaker, and Ladies and Gentlemen of the House, House Bill 3696 would extend the advanced grants program of the Department of Mental Health and Disabilities an additional four years. It's a program that began in 1973, was extended until 1975, and would now like to extend it to four years. The department reself is in support of the Bill. I know of no opposition. I would ask for a favorable vote."

Speaker Redmond: "Any questions? The question is, shall this Bill pass? Those in favor vote 'aye', oppose vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this question there's 114 'aye' and no 'nay'; and the Bill having received the constitutional majority is, hereby, declared passed. 3721 . . . take that one out . . ."

Clerk Selcke: "House Bill . . ."

Speaker Redmond: ". . . let's go to . . . how about Representative Ewing, is he here? 3759."

Clerk Selcke: "House 3ill 3759, a Bill for an Act directing the Department of Corrections to convey certain owned real property in Livingston
County. Third Reading of the Bill."

Speaker Redmond: "Representative Grotberg."

Grotberg: "Yes, thank you, Mr. Speaker. Representative Ewing had to
leave the floor and asked me if I would take this Bill for him.

It's a simple transfer of the cemetary at the Pontiac State Prison,
two and a half acres, in which the prison . . . the State of Illinois
through the Department of Corrections would convey to the Catholic
Church, St. Mary's Roman Catholic Congregation, which adjoins . . .



... their cemetary adjoins this one; and they have guaranteed the St. Mary's Congregation, have guaranteed care and perpetuity of this property and have guaranteed that they will arrange the burial of all the indigent prisoners who would have the misfortune of passing away while in the Pontiac State Prison; and I would move for the passage of House Bill 3759."

Speaker Redmond: "Representative Kosinski."

Kosinski: "Would Mr. Grotberg yield to a question?"

Speaker Redmond: "He will."

Kosinski: "Mr. Grotberg, after Representative Sangmeister and I passed our death penalty Bill, won't we need this?"

Grotberg: "That's very possible. You may need a couple more acres and they are, I think, somewhere in the contracts as they offered to sell it back if you need it all, Mr. Kosinski."

Speaker Redmond: "Anything further? The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'. The Speaker has constrained the remark that there will be very little use for this cemetary, inasmuch as it's a Catholic . . . not many of them will be in the penitentiary. 3787. Take the Record; 128 'aye' and 3 'no'; and the Bill having received the constitutional majority is, hereby, declared passed. 3759 or 87, rather, 3787."

Clerk Selcke: "House Bill 3787, a Bill for an Act to provide for veterans employment representative in each of the full service office of the Illinois State Employment Service, et cetera. Third Reading of the Bill."

Speaker Redmond: "Representative DiPrima."

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

3787 in essence what it does is puts some veterans in all the Illinois

State Employment offices. At the present time, our young Vietnam

veterans unemployment rate is, my latest statistics, 20 percent

with . . . and with our young minority veterans is as high as, in

some areas, as 27 percent. For the past two years, we have been

assured the positions of the veterans in each office of the state

employment services would be filled. There are still unfilled position



in many of these offices; and this Bill is needed to help reduce the high percentage of veterans unemployment; and I would appreciate an affirmative vote."

Speaker Redmond: "Representative Palmer."

Palmer: "If the Sponsor will . . ."

Speaker Redmond: "He will."

Palmer: ". . . how . . . is there an appropriation Bill with this . . .

accompanying this?"

DiPrima: "This is federally funded."

Palmer: "All federal dough."

DiPrima: "The U. S. Employment Service that puts these veterans in the

. . . their own employment offices."

Palmer: "How many . . . how many are we going to employ?"

DiPrima: "Well, just about one in each employment office. Federally funded."

Palmer: "I understand that part, but I just want to know how many. I

got you, I got you; but how many?"

DiPrima: "As many as they need in the various offices throughout the State of Illinois."

Palmer: "Well, I think we ought to have an answer to that. I . . . I'd like to know."

DiPrima: "I've given you the answer, what do you want?"

Palmer: "What I'd like to know is how many would this . . . will this

. . . how many public employment offices do we have? How many people . . ."

DiPrima: "One in each employment office, Illinois employment office."

Palmer: ". . . check how many offices there are in the state, I don't know."

Speaker Redmond: "61, Representative DiPrima."

DiPrima: "Thank you, Mr. Speaker, it's 61, Mr. Palmer."

Speaker Redmond: "The question is, shall this Bill pass? All in favor

. . . Representative Schraeder."

Schraeder: "Mr. Speaker, I'm not quite sure I heard his answer. What is the cost of this package."

DiPrima: "Oh, boy, what do you care what it costs the . . ."



Schraeder: "Well, look now . . ."

DiPrima: ". . . the U. S. Labor Department is paying for these fellows."

Schraeder: "Mr. Speaker, may I ask this man . . ."

Speaker Redmond: "Proceed."

Schraeder: ". . . I understand that Representative DiPrima represents

all veterans in the State of Illinois, who I happen to be one.

Now, if he's going to represent me, I got a right to ask him some questions."

DiPrima: "Well, I'm telling you."

Speaker Redmond: "Correct."

Schraeder: "All right, now, how much money is involved. How much money are we going to pay to finance these . . ."

DiPrima: "The state . . . it ain't going to cost the state anything."

Schraeder: "Okay, I'm a federal taxpayer, how much am I going to pay as a federal taxpayer?"

DiPrima: ". . . what does a . . ."

Schraeder: "All right, Mr. Speaker, . . . "

DiPrima: ". . . about \$8,000 year . . ."

Schraeder: ". . . this has happened continually with this Representative,

and I think we're entitled when it comes to veterans programs to

know what it's about. I don't care whether he's sponsoring them.

That's great, we need them; but he oughtn't make joke of something that costs money that we're trying to get legitimate answers."

DiPrima: "I ain't making a joke of it. All the Bill calls for is a

veteran to be assured of a position in each employment office to help the Vietnam veterans and other veterans get employment.

This way they have some representation in each employment office."

Speaker Redmond: "Representative Schraeder."

DiPrima: "And that's all the Bill is all about. The U. S. . . ."

Schraeder: "Well, then what are you hiding for?"

DiPrima: "Hiding?"

Speaker Redmond: "Any further questions? The question is, shall this
Bill pass? Those in favor vote 'aye', opposed vote 'no'. Have
all voted who wish? Have all voted who wish? The Clerk will take
the Record. On this question :here's 109 'aye' and 7 'no'; and



the Bill having received the constitutional majority is, hereby, declared passed. 3803. Out of the Record. 3811, Representative Stearney."

Clerk Selcke: "House Bill 3811 . . ."

Speaker Redmond: "Out of the Record. 3835, Representative Chapman is recognized with respect to 38 . . . Representative Maragos, 3835."

Clerk Selcke: ". . . House Bill 3835, an Act to protect the public health and safety by reducing the risks of death, illness and injury. Third Readind of the Bill."

Speaker Redmond: "Representative Maragos. Marovitz, pardon me. You guys look so much alike, only one has long hair."

Marovitz: "We all look alike, Mr. Speaker. This is difficult . . . this
is a difficult Act to follow, but I'd like to request that I
take 383 . . . take 3835 . . ."

Speaker Redmond: "Give the Gentleman order, please."

returned to the order of Second Reading."

Marovitz: ". . . Mr. Speaker, I request that House Bill 3835 be taken back to Second Reading for the purpose of an Amendment."

Speaker Redmond: "Does he have leave? Hearing no objections, it's

Marovitz: "Thank you very much, Mr. Speaker. Amendment #1 . . ."

Clerk Selcke: "Amendment #1 . . ."

Speaker Redmond: "Read the Amendment, Mr. Clerk."

Clerk Selcke: ". . . Marovitz, amends House Bill 3835 and so forth."

Speaker Redmond: "Representative Marovitz."

Marovitz: "Thank you very much. The reason that this Bill has been held for so long is that the Bill having come out of the Human Resources Committee as a Committee Bill, there was some question from the Chamber of Commerce and the retail merchants and they wanted to work out a few things that they wanted added to the Bill. They're embodied in Amendment #1, and let me explain what Amendment #1 does. It specifically exempts amunition and explosives. This is the Consumer Products Safety Act. It replaces hearing procedures with reference to the Illinois Administrative Procedures Act. It provides for reimbursements of samples which have been confiscated because of problems. It adds repurchase procedure and it adds an



Advisory Council. There has never been any opposition testifying to this Bill; and I would ask for a favorable Roll Call on Amendment #1 . . . and it costs nothing. I would ask for a favorable

Roll Call, Mr. Speaker, on Amendment 1."

Speaker Redmond: "Representative Schlickman."

Schlickman: "A point of order, Mr. Speaker. Copies . . . copies of this Amendment are not available to the Membership."

Marovitz: "Mr. Schlickman, I know that when the Amendment came out, and

it's been out for some time, I, personally, saw the Pages pass

Amendments out to every Member of the House of Representatives.

They've been on your desks for about a week, maybe 10 days."

Speaker Redmond: "The Clerk advises me that it has been distributed,

Mr. Schlickman."

Marovitz: "Voice vote, Mr. Speaker."

Speaker Redmond: "Well, we're going to . . ."

Schlickman: "I withdraw my objections, Mr. Speaker, I have problems."

Speaker Redmond: "Okay. Representative Fleck."

Fleck: "I'd like to hold for a second. One . . . could you read . . .
give us a new explanation of this Amendment? I didn't quite

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hear it all."

opposition to this Bill."

Marovitz: "Okay, fine. The Amendment does a few things. It exempts
. . . specifically exempts from the purview of the Act ammunition
and explosives that are covered in different areas of state Acts;
and so it's not necessary that they be specifically in this Act.

Furthermore, it provides for specific repurchase procedure and
reimbursement for samples that have been confiscated by manufacturers
or retailers because of a defect. It adds . . . it replaces hearing
procedures referring to the Illinois Administrative Procedures Act.
All it does is add the hearing procedures under the Administrative
Procedures Act to this particular Bill, the Consumer Products Safety
Act; and it adds an Adivsory Council composed of consumers, and
manufacturers and retailers before rules and regulations are made
up under the Consumer Products Safety Act. It's been agreed upon

by the retail merchants, the Chamber of Commerce; and there is no



Fleck: "Not yet; on Third Reading, I'm sure there will be."

Marovitz: "I'd ask for a favorable Roll Call. Mr. Speaker."

Speaker Redmond: "Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker. Will the Sponsor yield for a question? Does this Amendment have anything to do with the review of the Saturday Night Special or the ban to bullets?"

Marovitz: "This Amendment has nothing to do with that, as I'm sure our good friend, Representative Kosinski, will attest to."

Speaker Redmond: "Representative Kosinski."

Kosinski: "Mr. Speaker, Ladies and Gentlemen of the House, part of
the exclusionary Amendment was mine to exclude ammunition; explosives
from the purview of this Bill because it is contained in other
statutes. It has nothing to do with firearms. Firearms are
explicitly eliminated from control of the Department of Fublic
Health; and insofar as this area is concerned, I have no problem
with the Amendment."

Speaker Redmond: "Any further . . . Representative Grotberg."

Grotberg: "Yes, thank you, Mr. Speaker. The Sponsor of this Amendment is correct and he has every right to put his Bill in the shape that he wants it for Third Reading; but I would suggest to each and every Member of this House that before this Bill goes to Third Reading, that they take their own reading of their local Chamber, and the State Chamber of Commerce, who reluctantily went into a posture to make this Bill palatable."

Speaker Redmond: "Representative Brummet."

Brummet: "A question of the Sponsor, please. What does this do for agricultural products? Is it listed in the Bill? There's another Bill here under the transporation that is supposed to cover those things."

Marovitz: "Agricultural products are not specifically listed in the Bill, Representative."

Brummet: "Well, are they included? Would you say they are included?

This is under the Department of Agriculture at the present time."

Marovitz: "This Bill does not supercede any provisions of the Department

of Agriculture that covers products involved with agriculture, only



other sources of products."

Brummet: "Okay, thank you."

Speaker Redmond: "The Gentleman has moved the adoption of Amendment #1 to House Bill 3835. Those in favor of the motion indicate by saying 'aye', 'aye', opposed 'no'; the 'ayes' have it, the motion carries. Any further Amendments? Any further Amendments? No further Amendments, a request for a fiscal note has been filed.

So it'll have to stay on the order of Second Reading. Now, 3651, Representative Stiehl."

Clerk Selcke: "3651, a Bill for an Act to amend the State Comptroller

Act. Third Reading of the Bill."

Speaker Redmond: "Representative Stiehl."

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

House Bill 3651 amends the State Comptroller Act to grant the Comptroller a pre-audit authority on transactions in which he has requested to draw warrant. This Bill is necessary to insure an 'attunable' fiscal process and to prevent the misuse of state funds. Under our existing system, the Auditor General has the authority to review the propriety of payments after a warrant has been paid. This system virtually requires that state money must be misspent before the impropriety of such spending can be discovered. If the Comptroller is not allowed this pre-audit authority, his examination of a voucher is limited to the four corners; and even if he determines that state funds are being misused whether this misuse is intended or contrived, he has no authority to look behind a voucher. These pre-audit powers, as I have said, is absolutely essential to prevent the misuse of state money. It is the same authority, which was granted the Auditory of Public Accounts; and that is why this legislation has such strong endorsement of Secretary of State, Michael Howlett, because having served as Auditor of Public Accounts, he realizes the necessity of this pre-audit authority. This legislation also has the strong endorsement of the State Treasurer and the State Comptroller. It is . . . has been introduced by the Legislative Audit Commission on the recommendations of the Auditor General; and I would ask for an



'aye' vote, Ladies and Gentlemen. This is very . . . a very important Bill, particularly at this time when we are having such cash-flow problems. Thank you."

Speaker Redmond: "Representative Lechowicz."

Lechowicz: "Now, Mr. Speaker, and Ladies and Gentlemen of the House,
this Bill was discussed by this General Assembly last year, and
again it's reappeared in this . . . this Session of the General
Assembly as far as providing the Comptroller the pre-audit function;
and I . . . the Lady pointed out, the pre-audit function is established by the Auditor's . . . Auditor General's office, and now
we're going to provide the same pre-audit function for the Comptroller
Well, I don't know if the Comptroller doesn't have enough to do;
but I, for one, do not care for the concept of having the Comptroller
of this state come into the City of Chicago, or any other municipality
or any other county and start investigating on a witch hunt. And
for this reasion, I oppose this Bill for the second time; and I
would hope it's defeated once and for all."

Speaker Redmond: "Representative Shea."

Shea: "Mr. Speaker, Ladies and Gentlemen of the House, Mr. Lechowicz and I respectfully differ on these Bills. I think that these Bills are a good move towards tightering up the function of government Certainly, I think it's . . . if the Comptroller is going to be responsible for paying these Bills, he ought to have the authority to go in and make sure the payments are for proper purposes; and I rise in support of this piece of legislation."

Speaker Redmond: "Anything further. Representative Stiehl to close.

Representative James Houlihan. Representative James Houlihan, I

Representative James Houlinan. Representative James Houlinan, I'm sorry."

Houlihan, J.: "Representative Stiehl, currently the Comptroller refuses

to honor vouchers which he thinks there's any impropriety or anything

not following what he deems to be the proper procedure. Do you

believe he needs this additional responsibility?"

Stiehl: "Yes, I do, Representative Houlihan, because . . . "

Houlihan, J.: "Well, then could you explain to me on what authority the Comptroller arbitrarily does not pay vouchers at this time."



Stiehl: "Sure, be glad to. The Comptroller can hold up payment of
a voucher when the face of the voucher is not properly prepared.

When the voucher is not prepared in accordance with existing
statutes. Now, the problem that we're faced with right now, and
we have been faced with, and monies have misspent and never repaid
to the state, is because of the fact that a voucher can be perfectly prepared in accordance with statutes; but there is no
way of determining if those goods or services were actually rendered
the state. If the Comptroller would have . . . receive a voucher
for 12 trucks and know that only 8 of them were delivered, there's
no way that he could hold that voucher up under this existing
. . . under the existing system; and this is . . ."

Houlihan, J.: "Well, Repre . . ."

Stiehl: ". . . why I say that even the Secretary of State has asked for the Comptroller to have this authority."

Houlihan, J.: "Well, Representative Stiehl, your comments on the floor of the House contradict what the representative from the Comptroller's office indicated earlier this morning in the Appropriation's Committee He indicated that they would look at a contract, and look and see if it was complied with and make a full review before they would honor a voucher. If they're doing it now, then they're doing it inappropriately."

Stiehl: "They have no authority to do this now. They need the authority to do it."

Houlihan, J.: "They are out of place right now in their activities, is that what you're saying?"

Stiehl: "If they're trying to go behind the voucher?"

Houlihan, J.: "That's what they're doing."

Speaker Redmond: "Representative Craig, for what purpose do you arise?"

Craig: "Well, Mr. Speaker and Members of the House, as the previous

Speaker said, I think the Comptroller has already been doing this

now. Now, if he hasn't had the power, he certainly has been doing

something that he shouldn't be doing; and I, personally for one,

I don't believe that we need start getting all of these here state

agencies the right to check, and she said cuts and everything else,



I think someone should be left that authority that's ordering those things. But according to what has been going on in the Comproller's office, he's been doing this already without this authority. So I think this Bill should be defeated."

Speaker Redmond: "Representative Houlihan, have you concluded?"

Houlihan, J.: "Well, I think I've gained a little support. So I'll
quit."

Speaker Redmond: "Representative LaFleur."

LaFleur: "Thank you, Mr. Speaker and Members of the House, this is good legislation. It does nothing more than puts in a posture of the Comptroller's office to do a technically good job; and I think that we want any department in the state to be able to come back and say that they have performed correctly. I do not believe it is good to expect certain guidelires on an office and then put handcuffs on them; and I certainly resent the City of Chicago coming here to the state and telling us that we should not allow our Comptroller to look behind the surface of a voucher; and the simple reason for this is they have a Comptroller in the City of Chicago, and that's the exact function they have given to that Comptroller. So they want one guideline for the City of Chicago and another guideline for the state. I think they're a little touchy on this subject, and I would vote . . . I would urge everyone to vote green on this matter."

Speaker Redmond: "Representative Lechowicz."

Lechowicz: "I'll explain my vote. I already spoke, Mr. Speaker; but . . ."

Speaker Redmond: "Representative Mugalian."

Mugalian: "Will the Sponsor yield?"

Speaker Redmond: "He will, she will, pardon me."

Mugalian: "Representative Stiehl, I haven't read the statute, but I'm looking at the synopsis. Is the synopsis an accurate statement of what the Bill would do?"

Stiehl: "Yes, it is."

Mugalian: "It says that it expressly authorizes the Comptroller to
examine any transaction in relation to which he is requested to
draw one, including in such examiniation any necessary field audits



and hearings. Now, that literally seems to say that this one elected official of the state has the power to affect every single trans . . . finanacial transaction in this state to hold it up for an undetermined period of time, to conduct hearings and audits on one check and all checks that are issued by the millions in this state. Is that what this Bill would allow us to do . . . allow them to do?"

Stiehl: "No. Representative Mugalian, this Bill would allow the Comptrolle to do nothing more than every other state auditor is doing at the present time. There . . . the Auditor General has post audit authority. There is nobody here that can review the propriety of any state spending before the warrant is drawn; and all we're saying here is every other state gets it and as the Chicago has is that if there is impropriety, if the Comptroller knows that a warrant is fraudulent he can conduct a pre-audit or a hearing to determine the validity of this transaction before he draws that warrant. It's simply protecting the state funds."

Mugalian: "I'm not . . . you said 'yes' and then I think you said 'no'.

I think you answered 'yes' to my question, if the synopsis fairly and accurately states what this Bill would do."

Stiehl: "Tes, I thought I emplained it."

Mugalian: "Does the Auditor General have a pre-audit . . ."

Stiehl: "No, post-audit authority."

Mugalian: "Thank you."

Speaker Redmond: "Representative Fleck."

Fleck: "Well, Mr. Speaker, the fact that the Comptroller might not be honoring or paying some vouchers, and on his own determination has decided that there might be something wrong with them and refuse to pay them does not mean that he's been accepting which he isn't in power to do right now. Under the statute, which the Comptroler is presently exercising his powers, functions and authorities, he is given the power, it's set out, that if he has reason to believe from the documents filed in connection with any vouchers that such obligation or expenditures of public funds is contrary to law or unautorized, then the Comptroller shall refuse to draw a warrant.



All this Bill merely does is give him the right to make examinations and pre-audits in connection with the vouchers. Right now he has very, very broad latitude in paying vouchers. On his own reason and belief he can refuse to pay if he feels on examination that they are contrary to law or improper. All this does is give him the right to make an examination; and the Comptroller has not been doing anything to this day which he has not been empowered to do under the statutes."

Speaker Redmond: "Representative Ebbesen."

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

Speaker Redmond: "The Gentleman has moved the previous question. The question is, shall the main question be put? All in favor say 'aye', 'aye', opposed 'no'; and the 'ayes' have it. Representative Stiehl to close."

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

I believe that this issue has been discussed very thoroughly. I

would like to state that the argument that the Comptroller can go into every city and look into all transactions is ludicrous. The only authority that the Comptroller will have will be to conduct a pre-audit on state vouchers when he feels it's necessary. He cannot go in there and he cannot hire the presonnel without the appropriation and the consent of this Legislature. The whole question boils down to one issue, are we at this time going to safeguard the spending of public funds, or are we going to say that . . . to the people that we don't care how their money is spent? Well, I think as responsible Legislators we are going to insure that the taxpayer's money in the State of Illinois is safeguarded; and I would ask for an 'aye' vote."

Speaker Redmond: "The question is, shall this Bill pass? All those in favor vote 'aye', opposed vote 'no'. Representative Friedrich to explain his vote."

Friedrich: "Yeah. Mr. Speaker and Members of the House, the Comptroller is a fairly new office in the State of Illinois. It was created at the Constitutional Convention; and if you want to go back and look at the debates, you will find out that the Comptrol?er does



have the pre-audit function and the responsibility of determining whether the state funds are expended according to law, that there are contracts existing, that there's money in the bank, money in the appropriation remaining and so on. And in order to do that, to know that and do his duty property, he has to be able to look when it's necessary to do so. There's nothing unusual about this Bill; and it's a necessary Bill if you want your Comptroller to really do the job of Comptroller as he would in private industry."

Speaker Redmond: "Representative Caldwell."

Caldwell: "Thank you, Mr. Speaker, I rise in opposition to this Bill.

I see no need for it. There's hardly been a month that I've gotten vouchers back to do exactly, where Lindberg is doing exactly what he's asking for now. First of all, we're all elected officials and we're men and women and I think it's ridiculous to have the Comptroller going into your records to determine if you're spending the money properly. Now, we have safeguards, in the first place. we're elected the same as he is; and I'm not interested in having an officer in that capacity, where he already has the authority by the fact that he is the Comptroller, I'm not interested in having him make a record to become Governor. Now, Inlike Lindberg, but I think that this is a ridiculous Bill to be introducing at this point and time when we have so much other things to take care of. We can get on these ethic kicks; and I think everybody, every tub has to sit on its own bottom; and if we don't have sense enough to spend our money properly, I think it's ridiculous to give him this authority; and I guarantee you if this Bill is passed, he's going to be coming back in here asking for some money to hire a lot of investigators to enforce it; and I think it's ridiculous. and I'd hope that all of us would vote against it."

Speaker Redmond: "Representative Lechowicz. Representative Ebbesen."

Ebbesen: "Mr. Speaker, Representative Lechowicz addressed himself to

this legislation during debate. I don't think he's entitled to

explain his vote, is he, under the rules of the House?"

Speaker Redmond: "My Parliamentarian says that your point is well taken.



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Here's my Parliamentarian. Representative Keller."

Keller: "Yes, Mr. Speaker, I'd like to yield my time to Representative Lechowicz."

Speaker Redmond: "Representative Washburn."

Washburn: "Thank you, Mr. Speaker. In explaining my vote, I just think that House Bill 3651 makes a lot of sense. Certainly someone should be authorized and encouraged to investigate any voucher and all vouchers, in fact, for the sake of the taxpayer and for the sake of the General Assembly and for the sake of good government. Certainly a proponent's list that carries the State Treasurer, and the Secretary of State, and the Auditor General, and the Comptroller, and the Legislative Audit Commission has to be quite a selective group; and I'm certain that those five officials wouldn't support a piece of legislation unless it were good for the taxpayer and good government itself, and certainly I would suggest that we pass this good piece of legislation by putting on about nine more
... eleven more 'aye' votes. I would appreicate it."

Speaker Redmond: "Representative Ebbesen."

Ebbesen: "Well, yes, Mr. Speaker. Thank you, Mr. Speaker. I think under Rule 55H, in case it's brought to your attention that a Member cannot yield his time during the explanation of voces. In violation of rules of the House."

Speaker Redmond: "We didn't let him yield."

Ebbesen: "Thank you."

Speaker Redmond: "My Parliamentarian and Representative Walsh wouldn't permit it. Anybody else? Have all voted . . . Representative

Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. If Mr. Lechowicz isn't allowed to speak, I would like to. I think that . . . I think that this is a horrendous Bill. I couldn't agree more with what Mr. Caldwell said. You know, it would make a lot of sense to give people power if it wasn't for the fact that sometimes people take this power and then they sort of get a big head and they start abusing it.

Now, I know everybody on this side of the aisle, except the eleven Democrats sitting here, are going to say, 'Why, my God, he would



never do that. This man is an honorable person, and his office is for the good of the people of the State of Illinois'. The only thing is that I know he would. I . . . last year when we had the Governor's amendatory vetoes, I put a poll in our local paper, The Joliet Herald News. It cost me \$216. There wasn't anything in that thing that could be construed as political whatsoever; but nevertheless the lawyers in the Comptroller's office arbitrarily took it upon himself to say the law did not apply and I could not get paid for this. I had to go see him, I had to go see Miriam Ringo, I had to have the Speaker intercede for me. Finally, I got the darn thing paid for; but nevertheless the lawyer over there told me absolutely not. This is my interpretation of the law. This is where it is. He pulled out the red book, he showed me; and I showed him, repeatedly, in the . . . under the statutes . . . the chapter he was quoting me, where it said, 'We were

allowed funds for research'. It could comply under that, research."

Speaker Redmond: "Representative Stiehl, for what purpose do you arise?"

Stiehl: "Mr. Speaker, could I put this on Postponed Consideration?"

Speaker Redmond: "Any objection? Postponed Consideration. 3652, is that the same thing?"

Stiehl: "I . . . pull it out of the Record, please."

Speaker Redmond: "Out of the Record. 3653, out of the Record; and 3704, a request has been made by an interested person to hold that until they can come back to the floor. 3721."

Clerk Selcke: "House Bill 3721, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Redmond: "Representative Miller."

Miller: "Thank you, Mr. Speaker and Members of the House. House Bill 3721 as amended here on the floor of the House of Representatives and the Amendment now being the Bill provides that School Districts for 19...to 1975-'76 school year be permitted to use their 1973 tax rate, instead of 1974 in determining their amount of state aid grants. What this will do is provide that downstate School Districts will not have to repay to the State of Illinois \$4,500,000; and about 20 School Districts in suburban Cook County will not



have to repay to the state \$1,150,000. It is for one year only. There is no increase in appropriations. It was approved in the Education Committee by a 17 to 1 vote. There are many counties throughout the state that will be benefitted by this Bill; and I ask your favorable support."

Speaker Redmond: "Any discussion? Representative Lucco." Lucco: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of House Bill 3721 for the same . . . some of the reasons that Representative Miller has just stated. This helps particularly the School Districts in the northern part of the state, where the assessments have gone down; but it also helps, as he mentioned, many School Districts down in the southern part of the state, where the assessments have gone up. Now, if you don't understand this, I'm sure you do, but I'll go over it. When the assessments go up, the tax rate goes down because the budgets had already been made and as a result with the increased assessment, the tax rate went down; and this . . . the fact that the state aid is paid in proportion to the tax rate, the some of the southern districts lost money in state aid because of the increased assessment. I have four School Districts in my county, in my district, mainly Highland, and Collinsville, and Alton and Madison that suffered terrific losses; as a result of increased assessments and decrease in tax

Miller: "Thank you, Mr. Speaker. I have the print-out from the Illinois
Office of Education that reflects that of the 100 and some counties
here in Illinois that this will favorably affect better than 90
or 95 percent of the counties; and I ask for your support on behalf
of the people you represent."

rate. So I urge your support on House Bill 3721. Thank you."

Speaker Redmond: "Anything further? Representative Miller to close."

Speaker Redmond: "The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'. Have all voted who wish?

The Clerk will take the Record. Have all voted who wish? The Clerk will take the Record. On this question there's 114 'aye' and 1 'no'; and the Bill having received the constitutional majority is, hereby, declared passed. 3803."



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Clerk Selcke: "House Bill 3803, a Bill for an Act to amend Section 2,

an Act in relation to vocational rehabilitation to disabled persons.

Third Reading of the Bill."

Speaker Redmond: "Representative Porter."

Porter: "Mr. Speaker, and Ladies and Gentlemen of the House, House Bill 3803 makes a change in the method whereby the Director of Vocational Rehabilitation is selected; and I would advise the Members that the synopsis in the Digest is not correct. The Bill is now Amendment #1; and I would ask that you listen carefully. Under present law, the director is selected by the board of 15 members, and there is no provision for either executive or legislative approval or supervision of that selection. House Bill 3803 would provide that the board submit three nominees to the Governor who would select one of them subject to the approval, that is the advice and consent of the Senate; and under this system, and that's Amendment 1, which is now the Bill, the board retains substantial control over the selection of the director. But it does add legislative approval. The purpose is to have the control of the Legislature over who will head the department and the reasons for this are two. First, the D.V.R. is really a code department of government. Just like any other. It spends about \$48,000,000 of the people's money, and an amount that is actually larger than that spent by 10 code departments, each of whose directors are chosen subject to legislative approval. Only 13 of the 23 code departments are larger in the amount of money they spend. Secondly, the agency has had a poor record recently of fiscal management. Only two weeks ago after this Bill was introduced the Federal Government came out with a report indicating that D.V.R. was the worst department of its kind in regard to its efficiency and in regard to its fiscal management among all 50 states. Now, there's nothing, of course, that says legislative approval will necessarily be a panacea, but I think it will be a further input to help solve the department's problems. Since the department is presently without a director and the new board has not yet been selected, there is certainly no personalities involved in this proposal; and I think



it would be an ideal time to consider it. The Bill has the support of many of the handicapped groups, and I would urge the support of the Members."

Speaker Redmond: "Any discussion? The question is, shall this Bill pass. Those in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this question there's 130 'aye', no 'nay'; and the Bill having received the constitutional majority is, hereby, declared passed. On the order of Senate Bills, Third Reading, appears Senate Bill 1869. Representative Lechowicz."

Clerk Selcke: "Senate Bill 1869 . . ."

Speaker Redmond: "Representative Lechowicz."

Clerk Selcke: ". . . a Bill for an Act making an appropriation to the furnishing of legislative staffs, secretarial, clerical, et cetera.

Third Reading of the Bill."

Lechowicz: "Thank you, Mr. Speaker. With leave of the House, I'd like
to move that Bill back to Second Reading so Representative Friedrich
can propose his Amendment."

Speaker Redmond: "Any objection? Returned to the order of Second Reading."

Clerk Selcke: "Amendment #2, Friedrich, amends Senate Bill 1869 on page 9 by deleting <u>for the furnishing to</u>, et cetera."

Speaker Redmond: "Representative Friedrich."

Friedrich: "Mr. Speaker and Members of the House, the appropriation

Bill as it reads now prior to this Amendment details the items

for which your \$12,000 home office expense can be spent. If the

Bill passes in its present form and if in this Session we pass

a Bill which says . . . permits under the law use of your \$12,000

for printing and so forth, then you could not use it. So this

Amendment really all it does is says that the items in . . . as

provided in Section 4 of an Act in relation to compensation so

that if the Bill is amended, if the law is amended by another Bill,

then you'll be able to spend it for anything that's in accordance

with the law. I think it's a necessary Amendment because the other

Bill is pending."



Speaker Redmond: "Any discussion? Representative Totten."

Totten: "Yes, thank you, Mr. Speaker. This was the Bill that I requested go back to Second Reading for this Amendment. Have you checked . . . could I ask . . . will the Sponsor yield for a question, Mr.

Speaker Redmond: "He will."

Friedrich: "Yes . . ."

Speaker?"

Totten: ". . . language that is in there now will permit them to . . ."

Friedrich: ". . . yes, yes, we have."

Totten: ". . . okay, then I'm in favor of this Amendment #2."

Speaker Redmond: "Anything further? Representative Rigney."

Rigney: "Will the Sponsor yield?"

Speaker Redmond: "He will."

Friedrich: "Yes."

Rigney: "Just what have you added in in this Amendment, Representative Friedrich?"

Friedrich: "Well, we haven't added anything. We just say you can spend your \$12,000 as provided by that section of the Act, which means it presently says it's specific in certain items, as you remember; but there's a Bill pending which will add another item or two.

And if that Bill passes, this would allow this appropriation to be spent for those additional items."

Rigney: "Would it be possible to draft it in such a way just to say any necessary expenses of the office?"

Friedrich: "I . . . I doubt if the Legislature would buy that. That's too broad."

Speaker Redmond: "Anything further? Repre . . . the Gentleman has moved for the adoption of Amendment #2 to Senate Bill 1869. All in favor indicate by saying 'aye', 'aye', opposed 'no'; the 'ayes' have it, and the motion carries and the Amendment's adopted. Any further Amendments? No further Amendments? Third Reading. 3811, Representative Stearney, do you want that one called? 3841, is Representative Londrigan handling that one? Oh. Kane? That one out of



the Record. 3853. Representative Mahar."

Mahar: "I'd like to inquire as to why you're jumping over 3851."

Speaker Redmond: "No particular reason. 3851. I guess the reason is it shows Representative Pierce on the Calendar. I don't want to call any of his."

Mahar: "Mr. Speaker . . ."

Clerk Selcke: "House Bill 3851, a Bill for an Act to amend Section 21 and so forth. Third Reading of the Bill."

Speaker Redmond: "Representative Mahar."

Mahar: ". . . Mr. Speaker, and Ladies and Gentlemen of the House, this is really my Bill. It became a Committee Bill, and Representative Pierce, while he is the Committee Chairman, and in that case the Chief Sponsor, said that he would turn it over to me. I've been on the floor. I see he's just left the floor two moments ago; and I'd like permission to handle the Bill."

Speaker Redmond: "Any objections? Hearing none, Representative Mahar.

Representative Madigan."

Madigan: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Redmond: "Proceed."

Madigan: "Will the Sponsor yield?"

Speaker Redmond: "He will."

Madigan: "Bill, have you discussed your Sponsorship of the Bill with Representative Yourell?"

Mahar: "Yes, we have similar Bills."

Madigan: "What . . . and what about the Chairman of the Committee, Mr.

Mahar: "Well, Mr. . . . this is . . . this is my Bill originally. Mr.

Pierce?"

Pierce agreed to take i't as a Committee Bill; and Mr. Pierce had told me previously that he would turn the Bill over to me. Now, he's been on the floor up until just a few moments ago, and he's not on the . . . not on the floor at the moment. This Bill has been on Third Reading for about three weeks; and I don't see any reason why we can't proceed with it."

Speaker Redmond: "Anything further?"

Madigan: "Mr. Speaker."



Speaker Redmond: "Representative Madigan."

Madigan: "In the essense to the Bill Sponsor, I suggest that we hold

it. We're going to be here for awhile this evening; and I'm

sure he'll be back."

Mahar: "Well, Mr. Speaker, may I say a word or two?"

Speaker Redmond: "Proceed."

Mahar: "And I very seldom get up to speak, and I don't have diarrhea of the mouth; and I want to say that this has become a political thing. Now, Representative Yourell has a Bill, which is 3955, and apparently there's some reason to have his Bill called before my Bill. And that's the information I got today. Now, there are similar Bills that do the same thing in general. They have been approved by the Municipal League and the Urban Counsel. I even talked to the M.S.D. attorney today, and he has no objections. He told we that personally. I don't see any reason why this Bill can't be called. It's been on the agenda for a long time, it's been on there for about three weeks; and we've been jumping around all over this . . . all over the place, and I've been watching it; and there's no reason for it to be a political Bill. It's a people's Bill. It's a bipartisan Bill. It's a Bill that concerns our municipalities; and I think it ought to be called."

Speaker Redmond: "Representative Yourell."

Yourell: "Well, Mr. Speaker, I have no objection to this being . . .

this Bill being called; and Representative Mahar, a friend of mine,
has indicated that this has become a political matter, and he has
indicated that perhaps I had something to do with it. Now, I don't
know what Representative Mahar is talking about when he said that
he found out today that this has become a political matter. And
as long as that charge has been levelled, I'd like to know just
exactly what he's referring to."

Speaker Redmond: "Representative Mahar."

Mahar: "I'll be very happy to tell you. People were asked today regarding the voting about . . . on this Bill, and they said they were going to vote for my Bill because they had preference to it, and the question was asked, what happens if Yourell's Bill is called



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ahead of yours? I think that's indication enough to me that the thing isn't being taken care of on its merits, but it's become a political Bill."

Yourell: "Well, you know, I want to tell you, Representative Mahar, that I'm as much interested in your Bill as I am my own; and if you want to make it through your insinuations of political manner, we certainly can do that. We can accommodate you; but I just don't want to do that. Now, I have no objection, absolutely no objections, to hearing your Bill at this time or any other time; and I have not talked to anybody on the Democratic Leadership or the Republican Leadership indicating that my Bill is to be called before your Bill. Now, if you have information relative to the fact that I had talked to somebody and indicated that it was my preference, and certainly I don't know why I should have any more preference than you because I am a Member just as you are, then I'm willing to table my Bill, Mr. Mahar, if you can produce the proof that I talked to anybody and try to make this a political issue."

Mahar: "There is no insinuation that you talked to anybody. It wasn't you, it was somebody else."

Speaker Redwond: "Representative Matijevich."

Matijevich: "A point of order. I can't follow this, but I know it's gotta' be outside the rules and it's gotta' be out of order."

Speaker Redmond: "Representative Yourell."

Yourell: "The only thing I would say, and I don't want to continue this thing because I don't think it's really important, I think that both Bills deserve certain due consideration; and it seems to me that if there's any political shenanegans behind this, I would certainly, if I were Mr. Mahar, check with the Bill Sponsor. Perhaps he's the Gentleman that's . . . that you're speaking of. It's certainly not me."

Speaker Redmond: "Representative Duff."

Duff: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, when
the rules were put forward to allow Committee Bill, there were
some of us who protested. We were told that it was no problem



because no party was ever sure who was going to be in the majority and who was going to be in the minority; and I, frankly, am not even sure I'm for Representative Mahar's Bill or for Representative Yourell's Bill; but I do think it's a shame, Sir, when a Member of the Minority, and in future years it may be any minority, can have a good idea, develop it, promote it, work on it, and in an off year have somebody decide that it has to become a Committee Bill. Take the Sponsorship away, give it to somebody else, capture the idea, and destroy the political participation of the minority. This Committee Bill system is the grossest kind of political chacanery that this House has ever seen in history. And our Representative is being . . ."

Representative Pierce is on his way, and will be here in a few minutes. I would appreciate it if we'd take this out of the Record temporarilty and as soon as Representative Pierce gets back, well, then we'll solve the problem. Out of the Record temporarily. 3853." Clerk Selcke: "House Bill 3853, an Act to allow the sale of drugs under their generic names by amending Acts therein named. Third Reading

Speaker Redmond: "The House will come to order. I've been advised that

Speaker Redmond: "Representative Marovitz. That's Marovitz."

Marovitz: "Thank you very much, Mr. Speaker . . ."

Speaker Redmond: "That's what I said."

of the Bill."

Marovitz: "... and Ladies and Gentlemen of the House. This Bill is on Third Reading presently; and it dies on Sunday. I've been requested by many Members on both sides of the aisle because of the controversial nature of this Bill not to hear this Bill this week, and although prepared, I would like to comply with the wishes of the Membership. I have a motion on file to extend the time for hearing of this Bill under Rule 37; and I would ask for a favorable Roll Call from the Membership so that we could extend the time for hearing this Bill until Friday of next week."

Speaker Redmond: "Any objections? Hear . . . hearing no objections . . ."

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

House."



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Speaker Redmond: "Use the attendance Roll Call on that motion. 3857."

Clerk Selcke: "House Bill 3857--no. no. that's Senate on up--an Act

to enlarge the corporate limits in Metropolitan Sanitary District

of Greater Chicago. Third Reading of the Bill."

Speaker Redmond: "Representative Yourell."

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

House Bill 3857 is a Bill that is very similar in nature to probably hundreds of Bill that have passed through this House since

I've been here. What it does is enlarge the boundaries of the

Metropolitan Samitary District of Greater Chicago to include a

72-acre parcel contiguous to the Village of Mass . . . Madison.

It provides for a back-door referendum; and I've checked out the

legal description contained in the Bill with the Metropolitan

Sanitary District. They've found that legal description to be

accurate, and they have no objection to the Bill, and this is

a 72-acre of plot of land that the builder wants to develop, and,
of course, he has to be in the Metropolitan Sanitary District Authority

so they can get sewers and other drainage and so forth in there.

I move for a favorable vote on House Bill 3857."

Speaker Redmond: "Any discussion? The question is, shall this Bill

pass? Those in favor rote 'aye', opposed vote 'no'. Have all

voted who wished? Have all voted who wished? The Clerk will take

the Record. On this question there's 117 'aye' and no 'nay'

Representative Randolph 'aye', Dunn 'aye', Representative White

'aye', Representative Gaines 'aye'; Representative Palmer, for

what purpose do you arise?"

Palmer: "Mr. Speaker, I'm listed as a Cosponsor, however, I'd like to change my 'yes' to 'present'."

Speaker Redmond: "Record the Gentleman as 'present'. What's the score

here, Mr. Clerk? On this question there's 120 'aye', no zeroes;

.....

the Bill having received the constitutional majority is, hereby, declared passed. 3878? Anybody handle that? 3881, Anyone handle

that? 3883?"

Clerk Selcke: "House Bill 3883 . . ."

Speaker Redmond: "Anybody handle that one?"



Clerk Selcke: ". . . a Bill for an Act to amend the Juvenile Court

Act. Third Reading of the Bill."

Speaker Redmond: "Anybody to handle 3883? Out of the Record. Representative Mahar."

Mahar: "Thank you, Mr. Speaker, and Ladies and Gentlemen. Why didn't you say that when 3851 came up?"

Speaker Redmond: "I don't know. Representative Leinenweber."

Leinenweber: "This is a . . . House Bill 3883 is a very simple Bill.

It's intended to save money and just merely permits service of summons by certified mail at the filing of a supplemental petition under the Juvenile Court Act as opposed to actual sheriff service. It was felt this was the product of Subcommittee studies over the summer, and it's merely intended to save money without sacrificing due process."

Speaker Redmond: "Any discussion? The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this question there's 125 'aye' and 1 'no'; the Bill having received the constitutional majority is, hereby, declared passed. 3901."

Clerk Selcke: "House Bill 3901, a Bill for an Act to amen' the Civil Administrative Code. Third Reading of the Bill. What . . ."

Speaker Redmond: "Who's the Sponsor of this one? Representative

Matijevich? 3901? Representative Lauer? Out of the Record. 3902.

I've been advised that the Ratskeller will close at 8:30."

Clerk Selcke: "House Bill 3902, a Bill for an Act to amend the Capital

Development Board Act. Third Reading of the Bill."

Speaker Redmond: "Representative Berman. Representative Mudd."

Mudd: "A point of order, Mr. Speaker. There's information being passed out on the floor that I don't think has been approved through the Speaker, and I'm sure that it wouldn't be."

Speaker Redmond: "I haven't seen that one."

Mudd: "Okay. Would one of the Pages give the Speaker a copy, please?"

Speaker Redmond: "I understand that it's the product of Representative

Dyer. Her name is on it. Is there any objections to the distribution



of the material by Representative Dyer? Hearing no objections, why proceed, Representative Dyer. 3910? Out of the Record.

What happend to 3902? Representative Berman? Out of the Record.

3918. Representative Geo-Karis."

Clerk Selcke: "House Bill 3918, a Bill for an Act to amend the Park

District Code. Third Reading of the Bill."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, and Ladies and Gentlemen of the House, this
House Bill, proposed House Bill, 3918 is an extension of the
House Bill 506 that was passed into law . . . and signed into
law by this General Assembly and the Governor respectively . . .
respectfully, rather; and this provides that the Park District
Act does not prohibit the leasing of golf courses, tennis, racquetball, handball or squash courses . . . squash courses, zoos that
was funded from outstanding revenue bonds to units of local government or School Districts before the outstanding bonds are retired.
As I said, we can do that for swimming pools now, and this Bill
was approved and urged by the Illinois Association of Park Districts,
and also by the . . . by some of the municipalities and School
Districts and Park Districts that are in our Legislative District
and, of course, applies, you know, state-wide. I'd appreicate
a favorable vote."

Speaker Redmond: "Any discussion?"

Geo-Karis: "I have one . . . oh, go ahead."

Speaker Redmond: "The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'. Have all voted who wish? The Clerk will take the Record. Have all voted who wish? The Clerk will take the Record. On this question there's 125 'aye' and no 'nay'; and the Bill having received the constitutional majority is, hereby, declared passed. 3925."

Clerk Selcke: "House Bill 3925, a Bill for an Act amending Section 2 of an Act in relation to jury commissioners, et cetera. Third Reading of the Bill."

Speaker Redmond: "Representative Yourell."

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



House Bill 3925 is a Bill that's been requested to amend the Act so that we can destroy the records of the summons' and question-naires of the jury commissioners after 4 years, presently, it's 20 years. It's a matter of . . . of space, it's a matter of paying for that space; and we've found that there's really no reason to retain these questionnaires and summons' for a period of 20 years. And so we're asking that that time be reduced from 20 years to 4 years. I would appreciate a favorable vote."

Speaker Redmond: "Any discussion? Representative Greiman."

Greiman: "Yes, thank you, Mr. Speaker. Would the Gentleman yield for a question? Bud, over the years some of the civil rights cases, where juries have exluded certain people, have gone back over the years to determine who were the veniremen . . . veniremen who was included in jury, you know, among jury panel. Would this impair that kind of search? Would there be someplace where somebody could go and look at the . . . at who is asked to be on jury?"

Yourell: "That, as you know, Representative Greiman, is a matter of the court records, and to store those superfluous records, such as jury summons and jury questionnaires, does not serve any useful purpose. The jurors are named in the court proceedings and they can be cortected and interviewed if the reed requires. It's my information that the records that are stored in the basement of the County Building in Cook County have not been touched in years, and years and years. And so at \$10 or \$12 a foot for storage and the lack of space that's the reason for it. I don't think that you have a problem in that area."

Greiman: "Well, but this applies, does it not, to all of the counties in the state, it's not just Cook County is it?"

Yourell: "I don't . . ."

Speaker Redmond: "Representative Keller, for what purpose do you arise?

Keller, he's at Representative Hart's . . ."

Keller: "Yes, Mr. Speaker, I rise for a point of personal privilege."

Speaker Redmond: "State your point."

Keller: "I'd like to say that we're very privileged to have on the floor now one of the great leaders of the Senate of the State of



Illinois in the red sports jacket over there, Cecil Partee."

Speaker Redmond: "Representative Keller, will you make an appointment with Representative Ebbesen before the evening is over? Representative Yourell."

Yourell: "Yes, Representative Greiman, this is not mandatory if a small county, for example, wishes to keep its records. I don't think because of the workload of the juries in those small counties they have the problems that we have in the larger counties. So it just permits counties to do this if they so desire. There's nothing mandatory about it; but we have found in Cook County that it just is not necessary to keep these records for 20 years."

Greiman: "But it would be all the records, not just the summons and what .not, I mean, all the records . . ."

Yourell: "No, it just says those records that apply to that Act, the Jury Commissioners Act."

Greiman: "Okay, thank you."

Speaker Redmond: "Any discussion? The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'. Have all voted who wish? The Clerk will take the Record. On this question there's 136 'aye' and 1 'no'; the Bill having received the constitutional majority is, hereby, declared passed. 3930."

Clerk Selcke: "House Bill 3930, a Bill for an Act to authorize municipal real property tax increment allocation redevelopment financing.

Third Reading of the Bill."

Speaker Redmond: "Representative Taylor."

Taylor: "Thank you, Mr. Speaker and Members of the House. House Bill 3930 is not really my Bill. It was heard on through the Committee on Cities and Villages. It was introduced by Representative Tuerk, but before I turn . . . yield this to him, I would like to make a few brief comments simply because we did work quite hard in order to get this measure and try to satisfy all of the Members of the Committee with the objections that they had. But the purpose of House Bill 3930 is to provide municipalities with a new tool whereby they can pay for redevelopmental blighted and conservated area without increasing taxes. Redevelopment is paid for out of the



additional tax revenue generated from an increase in the assessed value of the redeveloped properties. The additional revenue from redeveloped property is used upon bonds issued at a . . . at the commencement of the project. A process of which are used for land acquisition and other redevelopment causes, such as demolition, which has traditionally been the cities' responsibility to pay. Tax in district in the redevelopment project area continues to get the revenue they got before and are entitled to distribution of surplus bonds when the project cause are paid. All taxing districts have the benefit of the 'enhance' tax base. This new tool. called tax increment financing, is needed to help stop the generating of decaying urban areas; and I know an emergency does exist in the State of Illinois because of the number of letters and telegrams that I've gotten from various municipalities stating the need for this concept. I, therefore, at this time, Mr. Speaker, would like to yield to the Gentleman from Peoria, Representative Fred Tuerk, for discussion."

Speaker Redmond: "Any discussion? Representative Tuerk."

Tuerk: "Thank you, Mr. Speaker and Members of the House. First of all, let me commend Representative Taylor, as Chairman of the Cities and Villages, and all Members of the Committee who have worked long and tirelessly or this Bill. We did make some Amendments in Committee. We made it a Committee Bill. What Representative Taylor has said relative to the explanation of the Bill is absolutely correct. I might say in passing that in the last 8 to 10 hours there's been some discussion on this Bill relative to some of the provisions of the Bill. We do have a Senate Bill 1945, which is in the possession of the House, that's in the Rules Committee. I and Representative Mudd are the principle Sponsors of that measure. We do have a vehicle in the House. I would be desirous of passing this Bill out of the House to the Senate with the intention that if there are some problems, there are some questions that in the next few days can sit down and discuss the matter and try and work out some desirable Amendment to the Bill if that is necessary. But what Representative Taylor said is absolutely correct. It's .



this Bill is known as a tax increment financing Bill. And very simply it is a way of locally funding renewal of blighted city areas. It actually sounds complicated, but as Representative Taylor pointed out very simply, it allows cities to make the public investment needed to attract some private development and pay for it with a larger than usual share of the increased property taxes that result. It is an innovative type of a plan. Despite the fact that it is innovative in Illinois, it is a matter of statute in 14 states. It's been on the books in California for some 20 years; and it's been quite successful on the west coast. In summary, what this Bill does and provides that only redevelopment will occur in blighted areas, the taxing units involved will not lose any money. In fact, eventually, they'll gain tax revenue as the result of this innovative type of legislation. The redevelopment area will be developed only after public hearing and some rigorous notices connected with that public hearing. The public developer gets no tax break. It favors no particular city; but it makes possible the same opportunity state-wide. There has been some questions raised relative to the constitutionality of this Bill; and I, not being a constitutional lawyer, and I know very few in this House that are constitutional lawyers, the . . . in anticipation of a possibility of a question being asked relative to the constitutionality of the provisions, I would say that only the courts will decide that at a time that a suit is filed relative to test the merits of the Bill and the Act when it becomes law. As I said, it is an innovative plan; and although innovative to this state, it certainly has been practiced and implemented in many states across the country and it is one sure way of getting instant urban renewal in some of the blighted areas throughout the State of Illinois. In these times when federal money is nominal in relation to urban renewal projects, I think this state has to take a step forward to enact this type of legislation in order to improve the blighted areas in the cities and the municipalities across this state. This Bill is supported by many, many cities, by mayors, municipalities, by the Municipal League, by the Department of Local



Government Affairs; and to my knowledge, it has no known opponents as a group. And I would be very anxious to answer any of your astute questions that you might offer."

Speaker Redmond: "Representative Schraeder."

Schraeder: "Well, Mr. Speaker, there's been . . . I received a phone call a short while ago in regard to this Bill, and I haven't had a chance to talk to the Sponsor or Representative Tuerk; and I wonder if you'd take it out of the Record for a few minutes so I could talk to him."

Tuerk: "Mr. Speaker."

Speaker Redmond: "Representative Tuerk."

Tuerk: "I've had a question whether I'm . . . I would take this out of the Record. Actually this Bill has been on Third Reading for two or three weeks. I don't think now is the time to take it out of the Record. I am quite aware of the fact that there are some questions on the Bill, and as I stated in my opening remarks, we have a Senate Bill in our possession right now, and I happen to be the principle Sponsor of that measure; and if there are any particular problems with the Bill, there'll be ample time to sit down and discuss those, either with the Senate Bill or in the Senate with this House Bill once it reaches the Senate."

Speaker Redmond: "Representative Beaupre."

Beaupre: "I'd like to ask the Sponsor . . . a couple of questions."

Speaker Redmond: "Proceed."

Beaupre: "Representative Tuerk, I, of course, approve of the concept of encouraging urban renewal; and, you know, that's a pretty hard concept for us to quarrel with. I do have some questions about the mechanics and the mechanics of how such a program would work seems to disturb me. For instance, we are indeed talking about a municipality deciding to select a particular developer or a group of developers and recording their financial obligations by virtue of having the full faith and credit of that municipality guaranteeing their bonds. Is that correct?"

Tuerk: "Well, there is a provision that they could pledge the faith



in credit, but basically what this legislation is designed is through revenue bonds or through bonds that are not necessarily G.O. bonds, but there is a provision in the Act that would provide for that, yes. Now, the mechanics of it are such that there are safeguards within the legislation, the provisions of the Act, which provide for the municipality coming up with a plan. It has to be fully implemented, planned out, it has to go before a public hearing, vigorous public notices provisions in there. The plan has to be fully embraced by the citizens of the community before it can really get off the ground. Now, the bonds are issued, the tax increments, which is simply the difference between what it is presently bringing in in tax revenue and what it'll bring in eventually with an increased assessment valuation. Those are the funds that will be used to pay off the bonds, not to cede a 20-year bonding program."

- Beaupre: "Well, I'm not sure what you mean by being fully embraced by
 the citizens of the community. Would you explain that to me?"

 Tuerk: "Well, they have an opportunity to voice their opposition, and
 if the plan isn't approved I . . . the muncipalities, the cities
 across this state in my judgment aren't going to proceed with
 a plan that doesn't have the real embracing by the populous within
 that area."
- Beaupre: "Okay, so the village board or the municipal board would make the decision as to who got the municipal guarantee, is that correct?"
- Tuerk: "Well, the city would actually pick a blighted area, a target area; and before the plan ever got off the ground, it would have to have on sight a program of a private developer, which would be fully understood before that program ever began."
- Beaupre: "Well, I know my question sounds like that of a protagonist,

 but I'm . . . I appreciate that answer. I think that solves some

 problems. One other question, and then I'll get off your back."
- Tuerk: "I don't feel you're on my back at all, Jack."
- Beaupre: "What . . . how would you determine the increment of increased taxation? That seems to me to be a bit speculative until the



projects are indeed completed, and they can be assessed."

Tuerk: "Now, on the provisions of the Bill are such that it would necessitate . . . take an area in a municipality that is blighted, that is . . . it's a delapidated condition, the building, the city could acquire the property, demolish the building, come with some arrangements with the private developer. The plan would be fully designed. It would be approved. At that stage, then there would be some assurance of what that property would be worth; and, therefore, the assessed valuation could be determined even before the project even gets underway. So before the project begins, you have the assessed valuation determined. Therefore, you know the present tax revenue; and, therefore, with the increased valuation determined, you would then know what the tax revenue would be once the project is completed. And that in itself determines the tax increment."

Speaker Redmond: "Representative Rigney."

Rigney: "Will the Sponsor yield?"

Speaker Redmond: "He will."

Rigney: "I want to walk through this a little bit arithmetically with you if I can. Let me understand the Bill this way. If you increase the value of this property by say, \$1,000,000, you issue bonds for those \$1,000,000, you could count on paying about 4 percent of that on principle and about 6 percent on interest. So you would have an annual payment say of \$100,000, is that correct, to pay off the bonds?"

Tuerk: "I haven't gone to the . . . into the arithmetical caculation such as you suggest; but there would be a portion of that or debt service, yes. And this would be anticipated and, of course, included in the bond issue prior to the issue. In other words, there would be sufficient bonds issued to determine what the principle and debt service would be; and, therefore, an anticipation of the pay outs; and, therefore, a succession of the bond issue itself."

Rigney: "Well, the theory is that the increased tax revenue, this tax increment that you call it, is going to pay off the bonds. I think



I'm correct in that. Okay, I think I have . . . I'm in the range there when I talk about \$100,000 a year pay back. Now, if you increase the value of that property by \$1,000,000, it would be assessed at 33 1/3 percent I presume, wouldn't it?"

Tuerk: "I presume."

Rigney: "Okay, and it's 6 percent, and this, I think, a lot of municipalities are taxing about .06 cents on a dollar. That would bring in about \$20,000, wouldn't it?"

Tuerk: "Yes."

Rigney: "So how are we going to pay back \$100,000 a year with an increment of \$20,000?"

Tuerk: "Well, your example is accurate when you think in terms of
those arithmetical exercise and gyration. However, what this provides for is a much bigger project; and, therefore, the assessed
valuation is going to jump tremendously that the tax increment,
plus what is anticipated in terms of debt service, is going to
be sufficient to pay off the bonds. Otherwise, you have no program."

Rigney: "Well, Representative Tuerk, wouldn't my example pertain if
the project were \$10,000,000 or \$100,000,000? Aren't you going
to raise through this increased tax increment about 20 percent
of the money that you need to pay off those bonds? I can't see
if it's any difference if it's \$1,000,000 or \$100,000,000."

Tuerk: "Well, all I'm saying to you, Representative Rigney, is the provisions of this Bill are such that the safeguards in there are going to compliment the project to the extent that there's going to be sufficient funds to pay off the bonds."

Rigney: "Well, Mr. Speaker, if I might comment, it seems to me that . . ."

Speaker Redmond: "Proceed."

Rigney: ". . . these bonds will pay off roughly 20 percent of the debt and I, frankly, I don't know where the other 80 percent is coming from, unless it's going to come from general obligation of the municipality."

Speaker Redmond: "Representative Reed."

Reed: "Will the Sponsor yield?"

Speaker Redmond: "He will."



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Reed: "Representative Tuerk, your Bill addresses itself to blighted areas, but it also addresses itself to conservation areas. Will you define conservation areas for me, please?"

Tuerk: "Well, as in the Bill, it is defined as those areas where you have a group of buildings which are decreasing in value and where certain buildings within that area are at least 35 years old or more, you see. I could read to you the provisions of the Bill which defines conservation area, which gives you a more expanded definition than I have just given, if you so desire."

Reed: "Yes, I would so desire."

Tuerk: "Well, on page 3 of the Bill, it says, 'Conservation area means any improved area within the boundaries of a redevelopment project area located . . . located within the territorial limits of the municipality in which 50 percent or more of the structures in the area have an average age of 35 years or more. Such an area is not yet a blighted area, but by reason of delapidation, obsolescense, deterioration or illegal use of individual strutures, overcrowding of structures in community facilities, detrimental land use or layout, depreciation of physical maintenance, lack of community planning or any combination of these factors, such an area may become a blighted area'."

Reed: "If the bonds are paid off by increased assessments, what happens if the assessment . . ."

Speaker Redmond: "Will you please give the Lady order? Representative

DiPrima, for what purpose do you arise?"

DiPrima: "I wanted to move the previous question."

Speaker Redmond: "Well, it's a little early. Proceed."

Reed: ". . . if the bonds are paid off by increased assessments, what happens if the assessment doesn't increase?"

Tuerk: "It has to increase, otherwise, you have no project."

Reed: "Not sufficiently is right."

Tuerk: "It will . . . it will increase sufficiently, as I explained

a moment ago."

Reed: "Mr. Speaker, may I address this Bill?"

Speaker Redmond: "Proceed."



Reed: "I'd agree with Representative Tuerk that this is in fact an exciting new concept in Illinois for the elimination of blighted areas. By the same token, I have concern for the potential abuses that can occur under this Bill, under the definition of conservation area. Within my Legislative District is a municipality that based on their master plan as defined by conservation area intends to redevelop six blocks of a downtown area. Now, that, Ladies and Gentlemen, that municipality has no limitation on its taxing or bonding power. It can use special service district as a taxing device, it can use special assessment. However, tax increments is to be the basis of financing of the redevelopment of property with an assessed valuation of \$7,000,000. Certainly not a blighted area, but a conservation area by definition. In the meantime, the School Districts, the Park Districts and any other special districts will, not only lose their income for the 18 months attributed to in this Bill, but will have a frozen rate until such times as the bonds are paid off. In the meantime, on page 5 of this Bill, the special districts will be subject to these conditions. All or a portion of the taxing districts, capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project to the extent the muncipality by written consent accepts and approves such costs. In fact, that redevelopment area, conservation rather than blighted area, could be redeveloped with apartments without any input from the School Districts that currently benefits from \$7,000,000 of assessed valuation. By all means, this is a good concept. This is a good idea; but this is a bad Bill, and I urge a 'no' vote."

Speaker Redmond: "Representative Mugalian."

Mugalian: "Thank you, Mr. Speaker. I took an interest in this Bill because I have an interest in land use, and also I'm on the Revenue Committee; and I think that probably this Bill should've been heard by the Revenue Committee. No . . . I mean no disrespect to the Committee that heard it; but it does deal with very complicated problems of taxes, assessments and extensions of tax. This Bill, I .



not only very complicated, but it's missing some very important definitions and leaves us . . . gives us some problems. Just for example, the definition of a conservation area would include probably the City of Evanston, and most of Oak Park and most of your suburban areas that have an average life building of over 35 years. Now, I think the Sponsor said that these develop plans will be very large. He said maybe 10,000,000 or 100,000,000. Now, Mr. Speaker, I can hardly hear myself. But . . . and I'm not going to give a laundry list of some of the problems in this Bill; but the very first thing that struck my attention is that the minimum size for redevelopment projects is only 12 acreas. Now, to have a development of this kind for 112 acres, which involves 20-year bonds, a 15-person commission and a very complicated form of tax extension, hardly seems justified. Another item that concerns me is the definition of a cost which can be recovered through this special form of taxation. Reading the definitions in this Bill that it's possible for the municipality to charge or to capitalize all kinds of municipal expenses, including salaries of regular municipal officials, police and police department and fire department officials. Now, there's another vary . . . there's a provision that's a very doubtful constitutionality. On page 7, the municipality is authorized to form a new commission consisting of at least five, no more than 15 persons. And the Bill itself delegates

spent about three hours trying to understand it, and it is indeed,

Speaker Redmond: "Give the Gentleman order, please."

to that commission all the substantial powers . . ."

Mugalian: "... that are given to the municipality. Now, there are many other problems with this Bill, but I might just mention just two more. For some reason, there is no ceiling put on the interest rates that may be charged on these bonds. Another thing is there is no referendum that is required before this project can start and the bonds issued. There are many, many other very strange... I think it's a sincere effort to come to grips with the problem,

but I think this Bill needs at least another year of study."

Speaker Redmond: "Representative Maragos."



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Maragos: "Mr. Speaker, this Bill has been amply discussed, and I move the previous question."

Speaker Redmond: "The Gentleman has moved the previous question. All those in favor indicate by saying 'aye', 'aye', opposed 'no'.

All those in favor vote 'aye', opposed vote 'no'; two-thirds of those voting. Have all voted who wish? The Clerk will take the

Record. On this question, 111 'aye' and 18 'no'; and the Gentle-

man's motion carries. Representative Tuerk to close."

Tuerk: "Well, Mr. Speaker and Members of the House, I can fully understand some of the reservations raised by some of the Members of the House. When this Bill was first brought to my attention, there were some questions I had in mind. I thought that I fully understood, and I think that I do. There are some questions that may still have to be resolved. Now, I . . . the initial part of my presentation, I readily admitted that there may be some questions on the part of Membership and also by the . . . by other people connnected with government; and with the passage of this Bill, and going to the Senate, and as I said, the Senate Bill was in our possession, there is adequate time to address ourselves to some of the problem areas, if there are some. And there seem to be some in the minds of some of the Members. So I think we have sufficient time. As far as the bonds are concerned, the limitation on bonds, there's, in my view, no way that you can put a limitation on the rate of bonds because only the marketplace is going to determine that; and if you put that limitation on the bonds, the possibility of selling those bonds will be minimized. And, therefore, you defeat the purpose of the Bill. Now, in relation to paying off the bonds, the question that Representative Rigney posed, and I thought I'd answered it, but perhaps I haven't, the city, in effect, would acquire the property and contract with the public or the private developer to come in and build a new building or what have you, make some improvements on that property. Now, the city isn't going to give this property away, it's going to get a fair market value of that property with the idea that this is in a redevelopment area; and, therefore, the possibility of even increasing the amount



of money the city receives for that property wild be in hand because of the improvements that will be made in this particular redevelopment area. So with the revenue that the city gets from the purchase of the land, plus the bonds that are issued relative to the whole project concept, will be sufficient; and as I said before, there are safeguards in the provisions of the Act that dictate that unless you do have sufficient revenues to pay off the bonds, then there is no project that will go. Now, I would . . . I would be perfectly happy to take the Roll Call on the Bill, and I would solicit your support with the understanding that if there are individual questions, that perhaps during the next week or so we can resolve some of these, either in the House or in the Senate. I would ask for your favorable vote."

Speaker Redmond: "The question is, shall this Bill pass? All in favor
vote 'aye', opposed vote 'no'. Representative LaFleur. Representa-

LaFleur: "Thank you . . . thank you, Mr. Speaker. In explanation of my vote, I would like to congratulate the Sponsor to this Bill. Although I'm voting 'no' on the concept of this because the back-home boys do want to correct some ills of their villages. But I believe they have faller far short on . . . with this Bill of trying to correct those ills. I think I would only belabor the point, if you were listening to the Speakers who opposed this Bill, that this Bill is fraught with dangers and could not possibly work. I would hate to be part of a General Assembly that would pass a Bill of this type and allow it to be used because it would certainly end up in the court. It has no basis for being lost, and I would hope that the Sponsor of this Bill would pursue it, bring it back to the Legislature, work out the kinks in it, and I would promise that we would be helpful and see that they would have a tool that would be helpful to them at home to redevelop their villages. Thank you."

Speaker Redmond: "Representative McMaster."

McMaster: "Thank you, Mr. Speaker. I'm glad you finally saw my light,

Sir. In explaining my vote, Mr. Speaker, and Ladies and Gentlemen of



the House, and I tried to speak on the Bill, and I will try not to take too much time. But I think one of the concepts of the Bill that those of you who are in support of School Districts and school financing should recognize is this. A School District would be restricted to the amount of tax dollars they collect from that special tax increment district to what the valuation was at the time that the district was started and the tax increment bonds were issued. The increase in value of that property due to building on it, the increased assessed valuation if it doubled or tripled or quadrupled would mean nothing to that School District until that time when those bonds were paid off. And, in fact, that School District, if it were levying at its rate, would still be levying at a maximum rate. It would be causing money to be collected due to their tax rates that would be issued to the municipality to be used to pay off the tax increment bonds. Ladies and Gentlemen of this House, I am not a constitutional lawyer by any means; but to me that's strictly of unconstitutionality; and I don't know how anyone can condone that type of financing no matter how much it is needed in downtown redevelopment areas. There are other methods of bonding, revenue bonds, for instance, that can be used. This is a new concept; and, unfortunately, I would have to agree with one of the previous Speakers, who said it needed more time for study. Let me say one more thing, in defense of Chairman, Jimmy Taylor, and his Committee on Cities and Villages. Mr. Mugalian, I am sure that the Committee on Revenue is very deliberative, very thoughtful and very capable; but let me say that Chairman Taylor and his Committee gave this Bill every bit as close of perusal as any Committee of this House could have given it. And let me say that there is no fairer Chairman than Mr. Taylor. I think he did an excellent job of handling this Bill; and I would have to commend him for it. I would take umbrage of anyone that said that a Committee, no matter what it was, could've done a better job. Ladies and Gentlemen, I intend to vote 'no' on this Bill, and I would urge all of you to do so."

Speaker Redmond: "Representative Mahar."



Mahar: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in support of this Bill. This is a new concept of increment financing, another tool the local government can use. "It's a voluntary, it's not mandatory. You don't have to get involved in fair urban renewal. Local communities can work this out. It had a great deal of discussion in Committee and in Subcommittee; and the people in my area have been commenting on this Bill, and they think it's something that ought to be given very serious consideration. I'd just like to mention one thing, being it's a new concept, it more than likely has to go before the court. How are you going to get a concept before the court to get some judicial decision on the thing, if you don't put something in their hands? I think it's an excellent tool, I think local government is looking forward to having something like this to work with; and I'd urge some more green lights up there." Speaker Redmond: "Representative Richmond at Representative Keller's

Richmond: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I couldn't agree more with the previous Speaker. I believe that this is a good concept. I was fortunate to be the Chairman of the Municipal Problems Commission Conference that we held in Carbondale recently; and this issue came up. This is a . . . something that a lot of the smaller towns are interested in. They've seen it happen in other states, and they're very interested in seeing it happen in Illinois. It seems that there is . . . could be a very workable program here, and there are enough safeguards, since it is a local decision, and certainly being revenue bonds, the municipality or unit of government's bonding power is not . . . is not jeopardized and certainly neither are the taxpayers. I think that with all this in mind, and as an ex-municipal official, I can see great possibilities with this; and I would certainly urge that we give it 89 votes and give it a try. Thank you." Speaker Redmond: "Have all voted who wish? Representative Madigan." Madigan: "Mr. Speaker, Ladies and Gentlemen of the House, I don't feel



microphone."

that we can consider this Bill simply from the narrow perspective

of the provisions of the Bill itself. You must use it from the prespective of the need of metropolitan areas to be redeveloped. These are metropolitan areas in the northern portion of the state in Chicago, Evanston, Oak Park, Harvey, in central Illinois, northern Illinois and southern Illinois. And the fact of the matter is that today in the central areas of those metropolitan areas, there is decay, there is deterioration. Unless there is some governmental mechanism provided, which will act as an incentive toward development, the decay, the deterioration will continue and it will spread block, by block by block and then it will destroy your central business district. In years past, incentives have been provided through the avenue of federal funding. We all know that today that is ended. It is no longer available. What this Bill proposes is another method of incentive for metropolitan areas to redevelop their central business district. There have been objections raised by those who seek to protect the School Districts and the other special districts. Please remember these are blighted conservation areas that you're talking about. If there's any tax revenue flowing from these areas to the special districts, it is minimal at best, and it will not get better. The amount of money coming to the special districts will remain frozen until the bonds, which are used to pay for free develop costs, which means land purchase, raising of the current buildings, and then the construction of streets, and sewers and other needed utilities are paid off. Once the value of the property increases, that money is used to pay off the bonds. After the bonds are paid off, the money flows to all taxing entities in that area. This is a good Bill. This is needed for the future; and I recommend an 'aye' vote."

Speaker Redmond: "Have all voted who wish? Representative Palmer."

Palmer: "Mr. Speaker, I'd like to explain my 'no' vote. One of the problems with the debacle in New York City and New York State was a problem where they had the right to use bond principle and perhaps bond interest to pay off the operational costs of New York City. And that's been criticized by every financial expert in the country, governmental as well as private. This Bill has a



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mechanism in it whereby it can do just exactly that. It can provide for the subsidization of the operational costs of any municiapality. And I submit to you that this is a long way to go with it. In addition, there is no tax rate limitation. So that if they do get into trouble, and have to raise their taxes to do it, then finally you get into a situation of, not only having a blighted area, but you also have a problem of a blighted taxpayer. It isn't very popular this day and time to go into a possible tax increase without a referendum. However, this Bill does provide that there shall not be a referendum. There is no time limit to pay off the bond. Normally, it's 40 years. You can go 20 or you can go 40. There's a 20-year limitation on the Bill, all right, I stand corrected. That's a long time for other taxing bodies who relies or perhaps will rely on that revenue to take care . . . to be without that revenue. Finally, Mr. Speaker, I think that the . . . and there are some very good questions as to whether this plan of financing attacks the very integrity upon which governmental financing is based today, that is, on the bond, whereby certain limitations are placed in it statutorily, whereby a bond buyer might be able to look at the statute and certainly look at a bond ordinance knowing that that . . . those two things represent a contract between the municipality and the buyer; and, therefore, can rely upon the idea, the certitude that that contract cannot be violated. I'm not so certain that this is true in this case; and I'll say this to you. If it is true, many of our blighted areas may get into a situation later on where, not unlike New York State, they will have to be coming to this Legislature to get bonded out. And finally if this Legislature can't do it, the Federal Government will have to do it. I submit to you that I think it should be put over for further study. I vote 'no' at this time."

Clerk O'Brien: "Representative Bradley in the Chair."

Speaker Bradley: "The Gentleman from Cook, Mr. Williams, to explain his vote; and I'd like to suggest that we have just one minute to explain your vote."



Williams: "Thank you, Mr. Speaker. I'm not going to take a lot of time. I just wanted to stand up as an abet proponent of this. I was the Chairman of the Subcommittee from Cities and Villages that heard this Bill. I see we have the vote up there now to 93, and I'd just as soon now we take the Record."

Speaker Bradley: "Have all voted who wish? The Gentleman from Cook,

Mr. Duff, to explain his vote."

Duff: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, it isn't only that this could allow taxation without any referendum, and it isn't only that School Districts and others will lose money, there are many factors here that I really think should be emphasized. I wonder if people are aware that will all of the possibilities of other associated activities being included that in a city, for example, which would do this, they could use the money for their corporation council, they could use the money for any other operating expenses which are indirectly attributable. I think he's a marvelous guy, but Colonel Jack 'Lavey' could have his salary paid under this. The opportunity exists for municipalities to capitalize operating expenses by including the employees salaries and other administrative costs of the city. I can see opportunities here where the Metropolitan Sanitary District of Chicago and many of the special taxing districts would lose monies because they would be sucked away by this developer's dream."

Speaker Bradley: "Would the Gentleman bring his remarks to a close, please, you've spoken your one minute, Sir."

Duff: "Thank you, Sir."

Speaker Bradley: "The Gentleman from Kane, Mr. Grotberg, to explain his vote."

Grotberg: "Well, thank you, Mr. Speaker, and Ladies and Gentlemen of
the House. In explaining my 'aye' vote, I would only go back
to a few of the remarks of people that have been concerned about
the school losses and the losses of school tax revenues because
of this kind of a motion . . . Bill and the capability of somebody
doing something about their home town. I submit to you that a
piece of bad property assessed at a minimal value may be producing



I submit to you also that there is no hope for a bad piece of downtown property until something is done with it. Would you like to have it stay at a minimal value for that School District forever? This may be a chance to turn on some local initiative. The only thing the people of Illinois want is local initiative on a lot of things. There have been some good constitutional lawyers address themselves to this situation. I submit that it will go to the courts very quickly once it gets out of here. But they send tus down here to try to solve some local problems, and I don't know how to solve them without trying. I heard this Bill in Committee, and I am deeply for it for every municipality in the State of Illinois; and I encourage an 'aye' vote."

Speaker Bradley: "The Gentleman from DuPage, Mr. LaFleur, to explain his vote."

LaFleur: "Mr. Speaker, I have already explained my vote."

Speaker Bradley: "For what purpose does the Gentleman from Cook, Mr.

Madigan, arise?"

Madigan: "The Gentleman spoke in debate."

Speaker Bradley: "The Gentleman from McHenry, Mr. Skinner, to explain his vote."

Skinner: "Had I been allowed to ask questions prior to the Sponsor's calling the vote, I would've ask if Highland Park really is planning to grab the property of some small businesses against their will for this Bill. I'd ask is downtown Highland Park really 'bad area'? I'd ask doesn't this proposal violate uniformity in counties not legally classifying real estate for taxation purposes. I'd ask isn't true that a rate for a School District fund containing a redevelopment area will not be applied to the current valuation of a district? I'd ask does not the proposal exempt property from full taxation of a local government in violation of Article 9, Section 6, of the 1970 State Constitution? I'd ask since state statutes provide that property tax rates shall apply to 33 1/3 percent of the equalized assessed valuation of the local government for taxation purposes? In this proposal, would not the School District



. . . would not the School District only receive its rate times a valuation prior to the creation of the redevelopment area? I'd ask under this proposal won't one local government be levelling . . . by levying a tax for the benefit of another local government while the second government will be budgeting and spending such funds for its own purposes?"

Speaker Bradley: "Will the Gentleman bring his remarks to a close, please?"

Skinner: "I would finally have asked, if I had been given the opportunity, is there really the possibility of a tax increase being imposed on a city's citizens without a referendum, and is it true, there is no limit on that tax rate? But since I couldn't ask those questions and get any answers, I'll vote 'present'."

Speaker Bradley: "The Gentleman from Cook, Mr. Huff, to explain his vote."

Huff: "Thank you, Mr. . . . thank you, Mr. Speaker. I'll try to

be as brief as possible. I just want to say in question to one

of the previous Speakers in equating this concept as leading possible

to the situation that New York finds itself in. I would only

submit that New York's problem, well, when the bottom line is

finally arrived at will be shown that his problems are due to the

fact that it didn't have a concept like this. The 1975 Housing

Act provides in concept the same thing this Bill does, except for

the interim financing. I think this is a good concept and it

answers a problem with regard to interim financing; and I'm voting

'aye' on this."

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

The Clerk will take the Record. On this question we have 95 'ayes',

34 'nays', 26 voting 'present'. For what purpose does the Gentleman from DuPage, Mr. LaFleur, arise?"

LaFleur: "I'd like a poll of the absentees, and at the proper time a verification of the Roll Call."

Speaker Bradley: "Sir, did you request a poll of the absentees prior to verification . . ."

LaFleur: "A verification of the Roll Call is all right."



Speaker Bradley: "The Gentleman from Peoria, Mr. Tuerk."

Tuerk: "Well, I would ask for a poll of the absentees prior to the verification."

Speaker Bradley: "Poll the . . . the Clerk will poll the absentees."

Clerk O'Brien: "Boyle, Capuzi, Carroll, Chapman, Coffey, Ebbesen,

Epton, Hirschfeld, Gene Hoffman, Ron Hoffman, Hudson, J. D. Jones, Katz, Londrigan, Lundy, Madison, Mann, Peters, Rayson, Rose,

Wall and Willer."

Speaker Bradley: "The . . . will you verify the affirmative Roll?"

Clerk O'Brien: "E. M. Barnes, J. M. Barnes, Beatty, Berman, Birchler,

Bennett Bradley, Gerald Bradley, Brandt, Brummet, Byers, Caldwell, Campbell, Capparelli, Choate, Collins, Craig, Cunningham, Darrow,

Davis, DiPrima, Domico, Downs, John Dunn, Ewell, Ewing, Farley, Flinn, Gaines, Getty, Giglio, Giorgi, Grotberg, Hart, Hill, Holewinski

Leverenz, Lucco, Luft, Madigan, Mahar, Maragos, Marovitz, McAuliffe,

Dan Houlihan, Huff, Jacobs, Emil Jones, Keller, Kelly, Kornowicz, Kosinski, Kozubowski, Kucharski, Laurino, Lechowicz, Leon,

McAvoy, McClain, McGrew . . ."

Speaker Bradley: "The Gentleman from DuPage, Mr. LaFleur."

LaFleur: ". . . the Members to be in their seats, please, and would the Clerk slow down the Roll Call slightly?"

Speaker Bradley: "Would the Members please be in their seats for

verification. Proceed with the verification, Mr. Clerk."

Clerk O'Brien: ". . . McLendon, McPartlin, Merlo, Molloy, Mudd, Nardulli,

O'Daniel, Patrick, Pierce, Pouncey, Randolph, Riccolo, Richmond, Ryan, Schoeberlein, Shea, Simms, Stearney, Stone, Stubblefield,

Taylor, Telcser, Terzich, Tipsword, Tuerk, Van Duyne, Vitek,

Von Boeckman, Washburn, Washington, White, Williams, Wolf, Younge,

Yourell; Mr. Speaker."

Speaker Bradley: "Questions of the affirmative Roll?"

LaFleur: "Mr. Speaker, Wolf?"

Speaker Bradley: "Mr. Wolf is standing behind his seat, Sir."

LaFleur: "Mr. Wolf was here?"

Speaker Bradley: "He's standing right behind his chair."

LaFleur: "Thank you. Willer?"



Speaker Bradley: "Representative Willer is not in her chair. Is she

in the Chamber? How is she recorded?"

Clerk O'Brien: "The Lady is recorded as not voting."

Speaker Bradley: "Mrs. Willer is recorded as not voting."

LaFleur: "Stearney?"

Speaker Bradley: "Representative Stearney is right here in front of

the Chamber."

LaFleur: "Riccolo?"

Speaker Bradley: "Representative Riccolo is not in his seat. How is

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

Speaker Bradley: "Take him off the Roll."

LaFleur: "Beatty?"

Speaker Bradley: "Representative Beatty is in his chair."

LaFleur: "Bradley?"

Speaker Bradley: "Which one?"

LaFleur: "Excuse me. No, Bradley, Bennett."

Speaker Bradley: "He's there and I'm here."

LaFleur: "Okay. Collins?"

Speaker Bradley: "Representative Collins? He's not in his chair. Is

the Gentleman in the Chamber's? How is the Gentleman recorded?"

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

Speaker Bradley: "I'm sorry, Mr. Collins is within earshot of you, Sir."

LaFleur: "Craig?"

Speaker Bradley: "Representative Craig? He's in his chair."

LaFleur: "John Dunn?"

Speaker Bradley: "John Dunn? I don't see John. Art' Berman, Representa-

tive Berman, is John Dunn there? He's not in his seat. Is he

in the Chamber? How is he recorded?"

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

Speaker Bradley: "Take him off the Roll. Mr. Riccolo, Representative

Riccolo has returned to the Chamber's, and put him back on the

Roll."

LaFleur: "Ewing?"

Speaker Bradley: "Representative Ewing? Representative Ewing? I don't



see him in his chair. Is he in the Chamber's? How is the Gentleman recorded?"

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

Speaker Bradley: "Take him off the Roll."

LaFleur: "O'Daniel?"

Speaker Bradley: "O'Daniel is not in his chair. Is he in the Chamber's?

How is he recorded?"

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

Speaker Bradley: "Take him off the Roll Call."

LaFleur: "Merlo?"

Speaker Bradley: "Representative Merlo? He's right in front of the Clerk's desk."

LaFleur: "Marovitz?"

Speaker Bradley: "Representative Marovitz? He's not in his chair, but

I can see . . . is the Gentleman in the Chamber's? How is he

recorded?"

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

Speaker Bradley: "Take him off the Roll Call."

LaFleur: "Maragos?"

Speaker Bradley: "Right in front of the Clerk's desk."

Lafleur: "Leon?'

Speaker Bradley: "Representative Leon's in his chair."

LaFleur: "Dan Houlihan?"

Speaker Bradley: "He's right behind . . ."

LaFleur: "Hudson?"

Speaker Bradley: ". . . Hudson is in his chair."

LaFleur: "Excuse me, he voted 'present'. Kornowicz?"

Speaker Bradley: "Kornowicz is in his chair."

LaFleur: "Kucharski?"

Speaker Bradley: "He's standing behind his chair. Now, Representative

Marovitz has returned to the Chamber's and put him back on the

Roll."

LaFleur: "Laurino?"

Speaker Bradley: "And, just a minute, John Dunn . . . Representative

Dunn has returned to the Chamber's, put him back on the Roll.



What was the next question, Sir?"

LaFleur: "Jack Hill?"

Speaker Bradley: "Representative Hill? He's not in his chair. Is

he in the Chamber? How is the Gentleman recorded?"

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

Speaker Bradley: "Take him off the Roll. Yeah, here he is, he's re-

turned to the Chamber's. Put him back on the Roll."

LaFleur: "Dick Hart?"

Speaker Bradley: "Representative Hart is not in his chair. How is

. . . is he in the Chamber's? How is the Gentleman recorded?"

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

Speaker Bradley: "Take him off the Roll."

LaFleur: "Huff?"

Speaker Bradley: "Representative Huff is in his chair."

LaFleur: "Kosinski?"

Speaker Bradley: "Representative Kosinski? He's in the rear of the

Chamber, Sir."

LaFleur: "Laurino?"

Speaker Bradley: "Representative Laurino? He's right here in front

of the Clerk's desk."

LaFleur: "Patrick?"

Speaker Bradley: "Representative Patrick? Right here with Dan Houlihan."

LaFleur: "Schisler?"

Speaker Bradley: "Representative Schisler? He's not in his seat.

He's not . . . is the Gentleman in the Chamber's? How is he recorded?

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

Speaker Bradley: "Leave him in the present position. Further questions?"

LaFleur: "No. More questions, excuse me. Mulcahey?"

Speaker Bradley: "Representative Mulcahey? How is the Gentleman re-

corded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'no'."

Speaker Bradley: "He's recorded as voting 'no'."

Clerk O'Brien: "Yes, Sir, voting 'no'."

Speaker Bradley: "Take him off the Roll."

LaFleur: "Never mind. Jacobs?"



GENERAL ASSEMBLY STATE OF ILLINOIS HOUSE OF REPRESENTATIVES

Speaker Bradley: "Representative Jacobs? He's right there behind his chair, Sir. The Gentleman from Cook, Mr. Madison, for what purpose do you arise, Sir?"

Madison: "Mr. Speaker, would you vote me 'aye', please?"

Speaker Bradley: "Record Mr. Madison as voting 'aye'. Further questions, Sir?"

LaFleur: "Jane Barnes?"

Speaker Bradley: "She's right in front of you."

LaFleur: "Bud Washburn?"

purpose do you arise?"

Speaker Bradley: "Representative Washburn? He's right . . . the Gentleman from Cook, Mr. Fleck, for what purpose do you arise, Sir?"

Fleck: "Well, Mr. Speaker, I just want to let Mr. Grotberg know who . . . who is working up in the Speaker's Gallery, that there isn't

a girl who wrote a note to him, that he had just been stunned."

Speaker Bradley: "Further questions of the affirmative vote, Sir? On this question we have 93 'ayes', 34 'nos', 26 voting 'present'; this Bill having received the constitutional majority is, hereby, declared passed. The Lady from Lake, Miss Geo-Karis, for what

Geo-Karis: "Mr. Speaker, and Ladies and Gentlemen of the House, all
t can say is, that John Grotberg has a very understanding wife,
and she does understand, I'll send her my card. She's sitting
right over there."

Speaker Bradley: "We have some good news for the Members, if you'll give us your ear. We're going to call three more Bills, one
Bill on Concurrence, and we'll call it a night. So on the Calendar, on the Calendar, the quicker we deal with this, the quicker we're going to get out, so on the Calendar appears House Bill 3851 on
Third Reading."

Clerk O'Brien: "House Bill 3851, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Bradley: "For what purpose does the Gentleman from Cook, Mr.

Madigan, arise?"

Madigan: "Mr. Speaker, I request leave of the House, and that being granted, I would like to call a meeting of the Rules Committee



immediately in the Speaker's office; and I request leave that
the Rules Committee meet while the House is in Session. We discussed this at our meeting this morning. Is there leave?"

Speaker Bradley: "Do I hear any objections? Does the Gentleman have
leave? Hearing no objections, the Rules Committee can meet
immediately in the Speaker's office and we will continue on the
floor of the House. So the Members of the Rules Committee will
assemble on the Speaker's office. Back to House Bills, Third
Reading, appears House Bill 3851, and for that purpose with the
Gentleman from Lake, Mr. Pierce."

Pierce: "Well, Mr. Speaker, I apologize for being off the floor when this Bill was called earlier this evening; but I can assure you it was not due to any conspiracy. This Bill is a Committee Bill based on a Bill introduced by Representative Mahar. The Committee took his Bill and turned it into a Committee Bill dealing with the landfill, and the Committee put an Amendment on that . was satisfactory to the E.P.A. and the Metropolitan Sanitary District. When the Bill came to the floor on Second Reading, Representative Mahar offered an Amendment that made the Bill different than it was in the Committee, the Committee Bill, and made the Bill unacceptable to the Metropelitan Samitary District of Greater Chicago and to the E.P.A. Because the Bill is in a different condition than the Committee Bill, I think it only fair that Representative Mahar take over and explain the Bill today as the chief proponent of the Bill. I yield to Representative Mahar, the Gentleman from Cook."

Speaker Bradley: "The Gentleman from Cook, Mr. Mahar, on 3851."

Mahar: "Thank you, Mr. Speaker; and before I start, because I made some comments earlier, I'd like to thank Representative Pierce for the fine manner in which he handled this Bill. He was the man who consented to take this Bill as a Committee Bill before his Committee and ask for their concurrence, which he did. To that I'm very grateful. Representative Pierce gave you a little background to the Bill. What it actually is right now on Third Reading is an Amendment which was approved by the E.P.A. which sets up a series



of hearings prior to granting a landfill permit. It's a very inclusive series of hearings, which satisfies local government.

The second Amendment, the important part of it, is one which says in effect that the E.P.A. permits cannot be granted without local zoning authority. Now, there's been a great deal of discussion on this Bill. I don't want to take the time of the House to go over it again. I'd be happy to answer any questions; and I'd urge your support."

Speaker Bradley: "The Gentleman from Will, Mr. Leinenweber." Leinenweber: "Thank you, Mr. Speaker, I'd like to rise in support of this House Bill 3851. All it does, in addition to all of the agreed parts that the E.P.A. wanted, is return the law to the state, what the E.P.A. thought it was just a few short months age. And I found out about this through an unfortunate incident that occurred in my district, and that is I received a call from constituents all upset because they understood a landfill was going to be placed within about an eighth of a mile from a very, very nice residential neighborhood. The people, I understand, were really upset and wanted to know what chance they would have to enter their opposition to the proposed landfill. I checked with the E.P.A., and the E.P.A. said, Well, don't worry, tell the people not to worry at all because we only issue the permits for the landfills subject to local zoning'. So I told the people that they would wait until the matter was set for local zoning . . ."

Speaker Bradley: "Mr. Leinenweber, I hate to interrupt, but I'll try to get some order for you."

Leinenweber: ". . . thank you . . ."

Speaker Bradley: "Could we give the Gentleman some order now, and we'll
go on with the business of the House. We'll be out of here in a
very short time. Continue, Sir."

Leinenweber: ". . . anyway, the E.P.A. told me to tell the people that

all they had to do was wait until the matter come up for the local

zoning, and they would have their right to have their public hearing

at that time. So I told the people that; and low and behold, the



law changed and eliminated the local public hearings for local zoning. And the law was held by the Supreme Court to say that the E.P.A. Act preempted the location of sanitary landfills much: to my chagrin and much to the chagrin of the constituents. this Bill does is return to local governments that degree of control which the E.P.A. up to a few months ago thought that local governments had. I think it's a good idea. I'll tell you this, that if you . . . you're faced with a situation where a local landfill is going to be placed, and virtually it could be placed anywhere in the State of Illinois that the E.P.A. wants to place it, regardless of the type of neighborhood, you will find that people get quite upset about this. I think that this is a very reasonable thing to return. Return the idea that the local governments, county, townships and cities, can determine the land-use functions within their jurisdictions. I urge an 'aye' vote for House Bill 3851."

Speaker Bradley: "The Gentleman from Cook, Mr. Yourell."

Yourell: "Thank you, Mr. . . . thank you, Mr. Speaker, and Ladies . . ."

Speaker Bradley: "Would the Gentleman standing in front of him, please

Yourell: "... Ladies and Gentlemen of the House, Trise in support of House Bill 3851, and assure everyone here that there has been nothing going on on this side of the aisle that is going to do anything to this Bill. Now, I have, as you know, a Bill also; and I would hope that both of the concepts contained in the legislation will be considered favorably by the House so that we can get both of the Bills in the Senate, and to the Governor's desk and let him make a selection as to what he thinks is the best procedure to follow. I agree, as I'm sure that most of you agree, who believe in local government, that the prime requisite and the authority contained in zoning should be the ... should be the right of units of local government, rather than some other agency because it's not right to, excuse me, to penalize units of local government in the matter of zoning and to preempt that zoning in a matter so important as sanitary landfills. I urge our support."



Speaker Bradley: "The Gentleman from DeKalb, Mr. Ebbesen."

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

Speaker Bradley: "The Gentleman has moved the previous question. The question is, shall the main question be put? All those in favor will signify by saying 'aye', opposed 'no'; the 'ayes' have it.

The Gentleman from Cook, Mr. Mahar, to close the debate."

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

I think the words of the previous Speakers have told you just exactly what the problem has been in our area and throughout the State of Illinois; and this is an attempt to correct that problem and I urge your green light."

Speaker Bradley: "The question is, shall House Bill 3851 pass? All those in favor will signify by voting 'aye', opposed by voting 'no'. The Gentleman from Tazwell, Mr. Von Boeckman, to explain his vote."

Von Boeckman: "Well, I've had my light on all since the Bill was being called for. I think there's a lot more to this Bill than actually meets the eye; and I want you to take a long look at the people who are voting green because nobody wants a landfill next to them or anywhere in their county or city or municipality; and if you look at it from a realistic viewpoint, a landfill requires a certain type of soil. And to return this to actually to let the county or municipality zone it, we'd wind up with no landfills because nobody wants them. I think it's a bad Bill because the first Amendment gives the local municipalities the right for a hearing before any permit can be issued. So I think we ought to take a long look at this myself. I . . . I'm opposed to it. I'm for local control all the way, and I'm for local zoning; but this is one area that I feel that local zoning should not control. I vote 'no'."

Speaker Bradley: "The Lady from Lake, Miss Geo-Karis."

Geo-Karis: "Mr. Speaker, and Ladies and Gentlemen of the House, the
whole premise of Local Government is based on the fact that the
people and the Local Government know what's in their area better
than someone up in the state, and all this does is protect you.



We have a situation in Benton Township that . . . and the New Port Township where a permit was given for the state without any regard to the prime residential area in which it's allowing it.

I think it's best to have this jurisdiction, and I feel that we're going to erode our Local Governments if we don't support this Bill."

Speaker Bradley: "The Gentleman from St. Clair, Mr. Flinn, to explain his vote."

Flinn: "Thank you, Mr. Speaker; Mr. Speaker, I also am voting 'no'.

I think a lot of us don't realize how bad this Bill and the next one like it is really because Local Government does have their day in court so to speak. They go before the E.P.A. when the hearings are held on the permit for landfills. We're going to wind up with little E.P.A.'s all over the state, every municipality will have the say so to say 'no' even after the landfill people have qualified and made all the qualifications. The Environmental Protection Agency has fair hearings on these things, and I don't think that the Local Governments should deny all the rest of us the . . . our right to where to put our rubbish, especially when we're talking about urban renewal, the Bill we just passed a few moments ago. What are we going to do with the bricks and boards if we can't find a place to bury it?"

Speaker Bradley: "The Gentleman from DeKalb, Mr. Ebbesen, to explain his vote."

Ebbesen: "Yes, Mr. Speaker, and Ladies and Gentlemen of the House. I'd just like to say this. You know, I spent four years in the City Council in the City of DeKalb for four years, and we faced this problem at that time back in the 60's, and no one is against landfills as long as it's on the other side of town, there's no question about it. But this Bill addresses itself to the fact that the people in Local Government are going to make that determination. That's the way it should be, and I would encourage everybody who is not voting to certainly vote green on this Bill. To me it's probably one of the most serious proposals to face this House in this particular Session; and I certainly would encourage



a 'yes' vote."

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

The Gentleman from Cook, Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. I was involved in the court decision, Carlson versus Worth, in the original proceedings that were filed in the Circuit Court of Cook County. That decision was litigated for four years and ultimately held that the state preempted the field in landfill because of its regional nature, and local zoning did not control. One month subsequent to that there was another case called, Des Plaines versus the Metropolitan Sanitary District, in that case it was the third time that the City of Des Plaines has sued the Metropolitan Sanitary District to injoin the Sanitary District from building the O'Hare Treatment Plant. Ladies and Gentlemen, the United States E.P.A. came down to our committee and testified that this Bill as amended would put the \$120,000,000 federal grant to the O'Hare Treatment Plant in jeopardy. That was the testimony of the United States Environmental Protection Agency. They said they would have to review the grant if another law suit was filed. Additionally, the Metropolitan Sanitary District came down and did testify against this Amendment. Thank you."

Speaker Bradley: "The Gentleman from Peoria, Mr. Mudd, to explain his vote."

Mudd: "Yes, Mr. . . . I'll be very brief. I see we have the amount of votes we need, but I had the privilege of serving on the Cities and Villages Committee with these two particular people, Representative Yourell and Representative Mahar, and they have always stood for the right of Local Government; and that means the people that we're representing back home to have the right to decide what and where things are going to be located within their districts. And I think that this particular Bill is worth supporting. I think it'll be a vote for the people back home."

Speaker Bradley: "The Gentleman from Kane, Mr. Waddell, to explain his vote."

Waddell: "Mr. Speaker, I've had my light on for quite some time, and if



I were against this Bill, I would call for a verification; but the thing that I wanted to know was that I can't find out in this legislation who would win in a conflict as to who had the right to determine. For example, living in an unincorporated area within a mile and a half from town as far as the local are concerned, living in a county that wants to restrict on their own, who then has the authority and who preempts who? Inasmuch as I was not given an answer or an opportunity to address that question, I'll just have to vote 'present'."

Speaker Bradley: "The Gentleman from Macon, Mr. Bradley."

Bradley, B.: "Mr. Speaker, I believe anybody that is for Local Government, whether they be from a city, or a municipality or a county, should vote green on this Bill. If you live on the edge or even in the widdle or any of these counties and or villages or the City of Chicago. If you don't vote green for this Bill, the E.P.A. could come along and put a landfill right next to you regardless of what your local elected officials want. They're the ones that have to stand election, they're the ones that have to take the heat and they should take the heat. They should be responsible, and I think you should be responsible and vote green and give Local Government a chance to perform in this matter."

Speaker Bradley: "The Gentleman from Lake, Mr. Deuster."

I'd like to see a lot more green votes on this so we could take
the Roll Call and get this matter over; but actually there's nothing

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

radical about this Bill because what the Bill does is pretty much put the law in form that almost everbody thought it was in for all these many years. And that was simply that before you locate a landfill out in some county, you had to comply with the county requirements, whatever they were; and, yes, political decisions are tough. I know there are some Members who are voting red because they have served on the County Board and they know, boy, it's a real hot potato to figure out where in your county you're going to put the landfill; but even though these political decisions are difficult, it's a whale of a lot better to have control of



it on the local leve, than have some bureaucratic agency down in Springfield plant one in right next to your house. And then you'll wish darn well your local county board had some authority or some control. I remember in my first term Representative Webber Borchers and I sponsored legislation as many did to return leaf burning control back to the local level, leaf burning control was something E.P.A. had; and they were telling you whether you could burn your leaves. And many of us, the majority of this House, and the Governor signed the law to, said, 'No, we have some trust for the local folks. They can decide.', even though there's somebody coughing and complaining that . . ."

Speaker Bradley: "The Gentleman will bring his remarks to a close."

Deuster: ". . . I will . . . that we have some trust in the local people. And that's al! this is, simply to say they're tough decisions, but let them be made locally; and I urge many more green lights. Thank you."

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

The Gentleman from Cook, Mr. Kelly."

Mahar and Representative Rayson and myself are representing the
9th District and we have had two very, very bad problems in
our district where the State E.P.A. has placed these sanitary . . .
two sanitary landfills and approved in two areas which are, I think,
a bad choice; one being perfectly adjacent to a High School District,
right on the edge of their boundary line, and the other, as Representative Leinenweber had pointed out because his district adjoins
ours, a district which is a very fine residential area. I don't
object to landfill . . . sanitary landfill. Certainly these are
needed. But let's place these in areas where we don't have schools
and where we don't have residential development, and let's vote
in favor of this fine measure, at least give the Bill a chance to
get to the Senate where we can all get together on it."

Speaker Bradley: "Have all voted who wish? The Gentleman from Will,
Mr. Van Duyne, to explain his vote."

Van Duyne: "Thank you, Mr. Speaker. If I may, I'd like to add my voice



to support of this Bill; and if I could just take a half a second to relate a thing that happened to our county. The man that's on the front page of the Tribune paper today was going to build one of these little bare parks. Well, somehow the financing got all messed up and he did get the job done. He's was going to sell it and put in a landfill. The water table in that area is one foot below the ground. But, nevertheless, he prevailed upon our Health Department to have a letter made, whereby, if he spent enough money, it said, 'It could be done'. Now, I'm telling you the people who were on the County Board of which I sat at the time were agonizing over this thing. We were put in a box whereby we wouldn't have anything to do about this. If the E.P.A. would have given these peop . . . this man a permit to build a landfill, we would've been behind the eight ball. So I plead with you, and I don't know why Mr. Lechowicz is walking around here with his thumb down, but it isn't going to hurt anybody that I know of. Now, you talk about . . ."

Speaker Bradley: "I think your minute was up, Sir. The Gentleman from Cook, Mr. Mahar, to explain his vote."

Mahar: "Thank you, Mr. Speaker. Here's what you have right now. You have a Supreme Court decision, 4 to 2, 3 dissenting justices, which says in effect that the E.P.A. can put a landfill in any place in the State of Illinois. They don't have to hold public hearings, they don't have to disclose their information, they don't have to make anything public. It's totally contrary to home-rule principles; and they can do it right now. Now, if this is what you want in the State of Illinois, then, of course, you should vote against the Bill. If you want to change that system, if you believe in home rule, if you believe in Local Government having some authority and some right to determine, then you put a green light on the board."

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

The Clerk will take the Record. On this question there are 89

'ayes', 32 'nos', 32 voting 'present'; the Gentleman from Cook,

Mr. Lechowicz, has asked for a verification of the Roll. Representative



White, do you wish to be recorded as voting 'aye', Sir? Record

Mr. White as voting 'aye'. The Gentleman from Cook, Mr. Mahar."

Mahar: "Give me a poll of the absentees, please."

Speaker Bradley: "The Clerk will poll the absentees."

Mahar: "Mr. Speaker, in view of the . . ."

Speaker Bradley: "Yes, Sir, Mr. . . ."

Mahar: ". . . Membership in the House, I'll think I'll ask for Postponed Consideration."

Speaker Bradley: "The Gentleman has asked for leave to have the Bill put on Postponed Consideration. Are there any objections? Hearing none, the Bill will be placed on the Calendar on Postponed Consideration. On the Calendar under House Bills, Third Reading, appears House Bill 3948. The Gentleman from Cook, the Majority Leader, Mr. Shea."

Clerk O'Brien: "House Bill 3948, a Bill for an Act to create the Jackson Union County's Regional Port District. Third Reading of the Bill."

Speaker Bradley: "Mr. Shea."

Shea: "Mr. Speaker, and Ladies and Gentlemen of the House, I'm handling this for Representative Choate, who's at the Rules Committee meeting. The background of this Bill is after an exhaust of study by a consulting firm of which Marsh and Associates made a study on the economic feasibility and desirability of a public port facility in Union and Jackson County. This Bill would set up that district. The district would have the power to develop the harbors and channels of the confluence of the two rivers in southern Illinois. There are . . . the district would be able to issue revenue bonds at 6 percent interest without a referendum and issue G.O. bonds after a referendum at 6 percent. The district would have the right to levy a tax only after a referendum, and the district would be headed by a 23-member board or appointed by the Governor, 17 by the mayors of the district and 1 by each of the county boards; and I would move for the adoption of the Amendment, Sir . . . the passage of the Bill."

Speaker Bradley: "Discussion? The Gentleman from Cook, Mr. Schlickman."



Schlickman: "I have one question of the Speaker . . . or the Sponsor, would he yield?"

Speaker Bradley: "He indicates that he will."

Schlickman: "Does this Bill have the support of the Department of Business and Economic Development?"

Shea: "Sir, I don't know, but I . . . as I have found out to date, I have found nobody opposing it. Sir."

Schlickman: "May I address myself to the Bill . . ."

Speaker Bradley: "You certainly may, Sir, proceed."

Schlickman: ". . . Mr. Speaker and Members of the House, a number of years ago we established a state agency called the Department of Business and Economic Development. And one of the responsibilities of that department is the area that's under consideration by this Bill; and it would seem to me, Mr. Speaker and Members of the House, considering the experience that we've had with other port districts that have come to the General Assembly for financial assistance, that we ought to at least have comment from that state agency that we charged with the responsibility of making recommendations . . . findings and recommendations relative to business and economic development, including port districts. before we act upon this measure; and then commit ourselves to appropriations, either from the General Revenue Fund or through the Department . . . through the Capital Development Board, which in the long run is General Revenue money. And for that reason, I will be voting 'no' and suggest others do likewise."

Speaker Bradley: "Further discussion? Hearing none, does the Gentleman wish to close?"

Shea: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, this piece of legislation is Cosponsored by the . . . all the Legislators from those two districts in southern Illinois, on both the minority and the majority side of the aisle. This report is quite extensive and least from what I can gleam of it, the economic impact and growth in southern Illinois would be tremendous. This Bill does not ask for one dollar in state money, and I would urge my colleagues to adopt this Bill."



Richmond: "It won't be necessary, thank you."

Speaker Bradley: "The question is, shall House Bill 3948 pass? All those in favor will signify by voting 'aye', opposed by voting 'nay'. Have all voted who wish? The Gentleman from Effingham,

Mr. Keller, to explain his vote. Mr. Richmond to explain his vote."

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

Have all voted who wish? The Clerk will take the Record. On
this question we have 115 'ayes', 5 'nays', 5 voting 'present';
and this Bill having received the constitutional majority is,
hereby, declared passed. On the order of Concurrences appears
House Bill 3369. The Gentleman from Cook, Mr. Shea, the Majority
Leader."

Shea: "Mr. Speaker, Ladies and Gentlemen of the House, I would move con . . . for the concurrence by the House and Senate Amendments #1 and #2 to House Bill 3369. House Bill 3369 is the ordinary and contingent expenses for the office of the Treasurer of the State of Illinois. Amendment #1 states that no more than 50 percent of the personal services and other money can be spent prior to Janaury 1. The Amendment 2 cuts back the increases from 3½ to 3 percent at a savings of \$4,500; and I would move for the adoption of the Amendment."

Speaker Bradley: "The Gentleman moves that the House does concur in Senate Amendment #1 to House Bill 3369, 1 and 2. All those in favor of the . . . the Gentleman from Cook, Mr. Schlickman."

Schlickman: "Mr. Speaker, I'm not going to ask for a division of the question, but I would ask for leave to be recorded 'present' on Amendment 1 and 'aye' on Amendment 2."

Speaker Bradley: "Does the Gentleman have leave? Hearing no objections, the Gentleman will be so recorded. The Gentleman, Mr. Deuster."

Deuster: "I know it's late. I just had a quick question. I haven't been very long, but I was just wondering is this Amendment kind of a customary thing in an election to putting the 50 percent in there or is this just the first time? I really don't know.

And if so, are any of these offices ones that have unusual expenditures that rise high at one time of the year and down low later



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like the School Formula and so forth? We're not hurting these offices are we in any way?"

Shea: "No, and it's done with the concurrences, I understand, in most instances of the officeholders themselves."

Deuster: "Thank you."

Amendments #1 and 2 to House Bill 3369? All those in favor will vote 'aye', opposed will vote 'no'. Have all voted who wish?

Have all voted who wish? The Clerk will take the Record. On this question there are 147 'ayes', no 'nays', none voting 'present'; and the House does concur in Senate Amendments #1 and 2 to House Bill 3369 . . . Calendar on Third Reading appears House Bill 3976. The Gentleman from DuPage, Mr. Daniels."

Clerk O'Brien: "House Bill 3976, a Bill for an Act to authorize counties to issue bonds for the construction, reconstruction and remodeling of courthouses. Third Reading of the Bill."

Daniels: "Yes, Mr. Speaker, and Ladies and Gentlemen of the House, House Bill 3976 does exactly what the synopsis says it does. It authorizes any county by board resolution and without referendum to issue bonds up to a 30-year term and up to 80 percent interest and levy a tax up to .02 cents for reconstruction or remodeling of an existing courthouse or for construction of a new courthouse. Now, this bascially applies to downstate, since Cook County is already exercising the authority under their home-rule powers; and I would ask for your favorable vote on this thing. I would be happy to answer any questions."

Speaker Bradley: "The Gentleman from Knox, Mr. McMaster."

McMaster: "Mr. Speaker, Ladies and Gentlemen of the House, I think

I have been well known down here in the past six years as a strong supporter of County Government. Nevertheless, I cannot support this piece of legislation that gives any county in the state who wishes to build a courthouse, as I recalled the Bill, not the county courthouse, but a courthouse, which can be construed of any building . . . to be any building connected with court.

It gives them the opportunity to issue or to levy a tax rate of



.02 cents to pay for these bonds. It is without referendum, it is entirely at the will of the county board, and as I said, it is for a courthouse, not the courthouse."

Speaker Bradley: "The Gentleman from Cook, Mr. Houlihan,"

Houlihan, J.: "Representative Daniels . . . excuse me, Mr. Speaker, and

Ladies and Gentlemen of the House, will the Sponsor yield to a

question? Lee, last Session . . ."

Speaker Bradley: "He indicates he will."

Houlihan, J.: ". . . there was legislation into, which I sponsored . . . cosponsored with Representative Brummet, which would protect some of our courthouses of historic value. We also passed out of the Senate just the other day a Historic Preservation Landmark Commission. What I'm concerned about is whether County Government would in their sense of modernization be led to denotish some of our historic courthouses with this legislation. Could you give me some idea whether this Bill would lead to the destruction of some of those courthouses?"

Daniels: "Well, as far as that is concerned, Representative Houlihan,

I don't assume that it would change the historic courthouse Bill;

and I haven't seen the Bill. So I'm kind of speaking out of hand

here without total knowledge. I know of no problems with that

particular legislation; and I would concur with you. I would

hope that as far as the historic land sites and courthouses are

concerned that they would not be demolished. I think the main

purpose of this Bill is to allow counties that are expanding and

that choose by board resolution, now this is by the county board,

to pass a resolution, these elected officials of the County Government, to build and construct new courthouses or to reconstruct

existing courthouses or to remodel them."

Houlihan, J.: "I would just suggest, Representative Daniels, maybe
you look into them. I'd be happy to work with you. The idea of
the bonds going out, if they're going to demolish a courthouse,
that there has to be a provision for some public invovlement. All
too often in some of our counties the county board has looked
more towards efficiency and not alternative uses for those courthouses.



And maybe we could work together on that."

Daniels: "I'd be happy to discuss that further with you, Representative Houlihan."

Speaker Bradley: "The Gentleman from Whiteside, Mr. Schuneman."

Schuneman: "Yes, Mr. Speaker, would the Sponsor yield?"

Speaker Bradley: "He indicates that he will."

Schuneman: "Lee, Representative McMaster's mentioned that the Bill provides or effects the building of a courthouse. I'm not sure I understand the implications of his emphasis on the word <u>a</u>. Does this mean that, for example, that a county could build more than one courthouse?"

Daniels: "Well, I think that Representative McMaster's was speaking about the possibility of satellite facilities, that is, a county might construct a courthouse at the county seat and then create a satellite facility, for instance, in field courts. Now, that question came up in the Counties and Townships Committee when this passed out of that Committee on a vote of 14 to 4; and the comment was made that one of the members there interpreted it as meaning that it would only apply to the courthouse in the county seat. I don't have the precise answer for that, but my opinion would be that it would primarily involve a couthouse county seat."

Schumeman: "In one of my counties there is somewhat of a controversy now over whether new county facilities would be built at the current county seat or if they would be built at some other location in the county. Would it be possible under this Bill for the county board to build a county courthouse at some site other than a county seat?"

Daniels: "Well, the Bill itself says, Representative Schuneman, that

a new courthouse at the same or a new location for the . . . and

for the acquisition of land therefore."

Schuneman: "Thank you."

Speaker Bradley: "The Gentleman from Kane, Mr. Hill."

Hill: "I wonder if the Sponsor would yield for a question?"

Speaker Bradley: "He indicates that he will."

Hill: "Does this piece of legislation call for a property tax increase



without referendum for the purpose of building courthouses?"

Daniels: "Yes?"

Hill: "Mr. Speaker, I'd like to talk on the Bill."

Speaker Redmond: "Proceed. Proceed."

Hill: "Mr. Speaker and Members of the House, I won't have many more opportunities to speak on a Bill like this, so I'm going to avail myself at this time to say just a few words. I represent part of DuPage County, Naperville Township and several precincts and Winfield Township, and I feel very confident talking to many of those people in DuPage County because the property tax is so much higher over there than it is in Kane County that I'm sure the people there don't want a Bill of this nature. I think it's a disgrace that we in the Legislature would pass a Bill like this. This is a rip-off for the property taxpayers, not only in Naperville Township, which is part of DuPage County, but also in Kane County and all other counties in the State of Illinois. It's about time that we think of the people back home. Apparently, someone that would introduce a Bill like this certainly is very wealthy or is connected somehow with County Government or don't talk to the people that they represent because the people I represent and the people i talked to many, many times tell me, 'Flease take that load of our back, don't pass legislation down there anymore giving the opportunity to a local taxing body to increase my property taxes without a referendum vote'. They want something to say about this; and I would suggest that the best thing that we can do for the taxpayers of the State of Illinois tonight is to vote 'no' on a piece of legislation like this. Thank you very much."

Speaker Redmond: "Representative Ralph Dunn."

Dunn, R.: "Thank you, Mr. Speaker, I wonder if the Sponsor would yield

Speaker Redmond: "He will."

Dumn, R.: "... to a question? Representative Daniels, would this

be on new construction as to the date of this Bill? What about

counties that have just built courthouses and they're either paying



for them out of, you know, out of county funds or have voted a bond issue to pay for them. Could they avail themselves to this . . ."

Daniels: "I don't believe so, Representative Dunn. The Bill would be effective upon becoming a law; and I don't think it would revert back."

Dunn, R.: "Mr. Speaker, may I address the Bill?"

Speaker Redmond: "Proceed."

Dunn, R.: "Thank you. I certainly concur . . . and Representative Jack Hil said this so much better than I can say it that I hesitate to even speak, except to say that this is one of the reasons that we're having trouble back home, and one of the reasons that tax-payers think that we're spendthrifts up here because we don't give them an opportunity to vote on matters. We come up here and pass laws, say that the county board can by resolution put another tax upon the people at home upon the property tax. I think this is a terrible Bill. I'm surprised that it would even be considered as an emergency matter or whatever it might be in this Session of the Legislature; and I certainly join with the other people who have spoken against it for a 'no' vote on the Bill."

Speaker Redmond: "Representative Bradley."

Bradley: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, I
rise to support this piece of legislation; and when we're talking
about those Members who belong to county boards, I am not misled
or misinformed, I believe that those Members are elected to the
county board, and I think that we should give them some responsibility;
and I think they can accept that type of responsibility. They
are probably closer to those counties and many of the members in
those counties and the wills and wishes of those counties than some
of us are. The second reason for standing in support of this
piece of legislation is the fact that the County of McLean right
now is in the process of constructing a new courthouse that was
initially proposed some seven or eight years ago. Now, we had
the usual battle, pro and con, in the newspaper back and forth.



We had the architects drawings, we took the drawings and we redid them and we redid them; and finally we took so long that we just about doubled the price of the courthouse. And with this type of legislation the Gentleman is proposing here this evening, I think that our courthouse would have been built. We would've been using it. It would've cost us a lot less than it's going to cost us now; and I think the Gentleman should be commended, and I think we can and we should give that responsibility to those members of the county board that are elected and let them make the decision. We're not saying that they can levy the tax. We're saying the county board members will decide; and I think they can accept that type of responsibility; and I urge an 'aye' vote on this piece of legislation."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Well, Mr. Speaker, Representative Bradley made a number of points that I wanted to make. I wanted to speak in behalf of this because it seems to me that we're talking about local issues, giving local officials the permission to decide local issues. I don't know how anybody can be against that. I know that we have some certain principles here that we continue to argue about and no tax increases without referendums and so forth; but the fact is that we continually mandate more and more out of Local Government and more and more out of County Government, many of them need to expand their facilities because of the kinds of acts that we enact down here. The truth of the matter is that many of our courthouses around the state are old and deteriorating and something has to be done. Now, everytime you run a referendum, you're competing with referendums from School Districts and so forth, and yet we're still talking about things that are vital services, like law enforcement in our court systems and so forth. I suggest these are local issues that ought to be determined by local officials. They have to stand for reelection if their decision that . . . not in accord with the people's wishes back home. And it seems to me that we ought to certainly consider giving them the permission to make those local decisions in their area."



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Speaker Redmond: "Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, back in Lake County about 10 years ago the people voted against the referendum and against building a courthouse, they voted a couple of times, and the county board took an end round and through legislation that we provided 'em and through a public building commission something we should have never done. They've been in the courts ever since involved with the scandal in the court that they did build. I think if you really want to make it a local issue, bring it to the people. I think that this is bad legislation, not only that, the Amendment to the Bill says courthouse and related facilities. You know, that's pretty broad language. Related facilities may be an apartment for each judge. I don't know, but it could be. That's very broad language. And I think that you ought to go to the people. This just doesn't affect DuPage County, it affects every county in the State of Illinois. So I think you had better be careful; if you really want to let the people vote on it, let them vote by referendum. The people know what they want, and they'll authorize it. You know, what happens, the people in County Government, they will scream and say that the Legislature approved it, they authorized it. They'll put the monkey on your back. They do it every time. Every time you give them authority, they run back to the people and say the Legislators did it, not us. And that's what you're going to let them do. And I advise you to vote 'no' on 3976."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, and Ladies and Gentlemen of the House, I move the previous question."

Speaker Redmond: "The Lady has moved the previous question. The question is, shall the main question be put? All in favor indicate by saying 'aye', 'aye', opposed 'no'; the 'ayes' have it, Representative Daniels to close."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, I would like

to remind the Representative from Aurora, in his most eloquent

speech, that he did, in fact, vote in favor of House Bill 3930, which



involves home-rule counties, and in that case, there's no referendum needed for a tax increase. And now he's telling you that he wouldn't vote for a referendum increase. Now, Ladies and Gentlemen of the House, I would also like to remind you that this General Assembly has on certain occasions required counties to be responsible for the building and construction of courthouses, and the certain limitations that we impose upon them, and for growing counties and population areas, we find out that they are faced with very dyer needs and responsibilities. What we're doing in this legislation is merely saying that those counties that choose to build courthouse facilities must by board resolution of the county elected officials choose to build these facilities and pass a Resolution to that affect. All we're doing here is giving power and influence to the county board, to those elected members of the county board. I urge your 'aye' vote. I suggest to you that this is a proper responsibility placed in the hands. of county elected officials and would hope that you would support this legislation. Thank you."

- Speaker Redmond: "The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'. Representative Hill. Repre-
- Hill: "Mr. Speaker and Members of the House, only because I was referred to in the Gentleman's remarks, I'd like to say that building he mentioned does have a back-door referendum to it. Secondly, it doesn't cover the people that I represent. I think it's strictly a Chicago vote, if I'm not mistaken; and the people in Kane County, DuPage County would not be affected by it. This piece of legislation they would be affected. And I would sincerely appreicate very much a 'no' vote."
- Speaker Redmond: "Representative Ebbesen, do you seek recognition? Have
 all voted who wish? Have all voted who wish? Representative

 Daniels."
- Daniels: "I'll just take it out of the Record, Mr. Speaker, it's awful late."
- Speaker Redmond: "Postponed Consideration. It's on Postponed Consideration.



Representative Shea."

Shea: "Mr. Speaker, Ladies and Gentlemen of the House, I move that
the House do now stand adjourned until 9 o'clock tomorrow morning."

Speaker Redmond: "Hold it a minute, I haven't put the question yet.

Representative Choate, did the . . . the question's on the Gentleman's motion to adjourn until 9 a.m. tomorrow morning. All in
favor indicate by saying 'aye', 'aye', opposed 'no'; the 'ayes'
have it. Representative Houlihan."

Houlihan, .: "Let's get on with when this Special Session comes into Session."

Speaker Redmond: "Representative Shea, we have the Second Special Session, too. The Second Special Session will come to order."

Shea: "Mr. Speaker, I move that the attendance Roll Call of the Regular

Session be used as the attendance Roll Call of the Second Special

Session."

Speaker Redmond: "Any objection? Attendance Roll Call of the Regular

Session will be used as the attendance Roll Call of the Second

Special Session."

Shea: "All right, Mr. Speaker, I move now that the Second Special

Session stand adjourned until tomorrow after the Regular Session."

Speaker Rednord: "Representative Houlihan."

Houlihan, .: "Mr. Speaker, would it be appropriate to offer a substitute motion to have that Session come into . . . adjourn until 10 o'clock tomorrow morning? . . . this Session has been at the tail end of the Session. There never can be a vote on those important election Bills. There's never an effort done to move those Bills along and remedy a situation which the board is operating only in a mysterial fashion. I would suggest that we come in Session at 10 o'clock

Shea: "Mr. Speaker, if I might, I was going to adjourn this Session until five minutes until four on Monday; but without an Adjournment Resolution, we cannot adjourn for more than two days without the consent of the other House. Now, I have talked to Mr. Kempiners, the Sponsor of these Bills, and when he tells me he's ready to call 'em, I'll set them at a time convenient for him."



Speaker Redmond: "Representative Kempiners."

Kempiners: "With that understanding, Mr. Speaker, I would concur . . .

well, if Mr. Shea is ready to call the Special Session when I

am ready to call it, I will be happy to do so if I have that

commitment."

Shea: "So I would now again renew my motion, Mr. Speaker, that the

Regular . . . the Second Special Session stand in adjournment

until after the Regular Session tomorrow."

Speaker Redmond: "You heard the Gentleman's motion. All in favor indicate by saying 'aye', 'aye', opposed 'no'; the 'ayes' have it, the Second Special Session stands in adjournment until after the Regular Session tomorrow."



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Speaker Redmond: "Representative Bluthardt."

Bluthardt: "Mr. Speaker, I'm a little tired of listening to the last speaker who's a complete stranger to the word and the meaning of the word, fairness, that he should attack your fairness is rather astounding to me and I'm not referring to the Assistant Minority Leader I'm referring to the lad who reminds me of a spoiled brat. The one who won't play ball or he'll take his bat, it's the only bat in the ballgame, unless he gets four outs. That's his idea of fairness. He wanted to know who else besides those contributors supports the R.T.A. in the suburbs. Well, I happen to support them, I support them 100% and I happen to believe that the two most important pieces of legislation that came out of this General Assembly since I've been here, and that's close to 10 years, is the state income tax and the creation of the R.T.A. And long after I'm gone from here and probably from this earth will look back those who are still around to look back and thank God that we did create the R.T.A. It's going to serve all of the metropolitan area of Chicago and the collar counties and it's essential and the contributions made by these corporations and other companies many of whom come from my district-which is certainly proof of how important it is to that area to have adequate mass transportation. I think that kid ought to sit down and take his beating; he's taken it; now sit down and let us go on with the work of this House."

