

Doorkeeper: "All persons not entitled to the House floor, please retire to the gallery."

Speaker Redmond: "The House will come to order. The Members please be in their seats. We'll be led in prayer this morning by Reverend Krueger, the House Chaplain."

Rev. 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. William Sloane Coffin, Jr., said. 'It is terribly important that we do not divorce the personal from the political. Either one divorced from the other spells a catastrophe. Spirituality and politics, together, hold the promise for the future'. Let us pray for spiritual light. Almighty God, in whom is no darkness at all, grant us Thy light perpetually and when we cannot see the way before us, may we continue to put our trust in Thee; that so being guided and guarded, may we be kept from falling this day; and finally, by Thy mercy, enter into our rest, through Jesus Christ, Our Lord. Amen."

Speaker Redmond: "Roll Call for attendance. Representative Schneider, do you want House Resolution 898 called? Illinois Waterways, Meyer-Schneider. Stand at ease for... maybe we don't have to. Speaker's Table appears Senate Joint Resolution 78, Representative J.M. Barnes. Representative J.M. Barnes."

J.M. Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, this is a very, very simple Senate Joint Resolution. Senator Ozinga, who resides in our district, was asked by one of the local hospitals to introduce a Resolution. Embodied in the Resolution is one sentence that I think is self-explanatory. Resolved, that we call upon the people of Illinois to humble themselves as each sees fit before our Creator to acknowledge our final dependence upon Him and to repent our sins as a nation and as a state. And I urge an 'aye' vote."

Speaker Redmond: "Any discussion? The Lady has moved that the House do adopt Senate Joint Resolution 78. All those in favor say 'aye', opposed 'no'. The 'ayes' have it and the Resolution is carried. Resolutions."

Clerk O'Brien: "House Resolution 951, Washburn, Walsh, Redmond, Shea."



Whereas, the Members of this House often require timely aid and support in performing the various types of work involved in their legislative duties; and Whereas, the staff of the Journal Section of the Office of the Clerk of the House has shown unusual diligence and devotion to duty during recent legislative sessions, often working excessively long periods and even into early morning to complete the tasks so important in the legislative function; and Whereas, the efficiency, loyalty, and professional manner demonstrated by the staff of the Journal Section have been of great assistance to the Members of the House."

Speaker Redmond: "Representative Matijeich, for what purpose do you rise?"

Matijeich: "Mr. Speaker, on behalf of all the Members of the House, I move the adoption of this very fine Resolution."

Speaker Redmond: "Any discussion? The question is on the adoption of the Resolution. All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Resolution's adopted. House Resolution 898, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. I appreciate your recognizing me so early in the morning. House Resolution 898 as amended, has the support of the Department of Mines and Minerals. It urges them to take into consideration aesthetic and scenic and natural values of cliffs and bluffs before they grant mining permits. I urge the adoption of the Amendment, of the Resolution."

Speaker Redmond: "The Gentleman has moved the adoption of... the Gentleman has moved that the... will you read the Amendment, Mr. Clerk."

Clerk O'Brien: "Amendment #1, amends House Resolution 898 by deleting the second resolve clause and inserting in lieu thereof, the following."

Speaker Redmond: "Representative Meyer."

Meyer: "This changes a mandatory requirement to a permissive requirement that the Department may take into consideration these natural effects rather than have 'em mandated."

Speaker Redmond: "The question is on the Gentleman's motion to adopt Amendment #1 to House Resolution 898. Those in favor say 'aye',



opposed 'no'. The 'ayes' have it. The Amendment's adopted. Now the question is on the Gentleman's motion to adopt House Resolution 898 as amended. Those in favor say 'aye', opposed 'no'. The 'ayes' have it and the Resolution is adopted. Senate Bill, on the order of motions appears Senate Bill 1948. Representative Palmer. Representative Palmer in the chambers? 1949. Representative Friedland, will you please take your seat? I can't see Representative Palmer."

Palmer: "Mr. Speaker and Ladies and Gentlemen of the House, 1949 extends the reporting date of two Commissions. One is State's Attorney Study Commission; the other is Senator John's Hard of Hearing or Hearing Impairment Commission. What I'm asking is that the Committee on Assignments be discharged and placed on the order of Second Reading, Second Day."

Speaker Redmond: "Representative Shea."

Shea: "Nobody's talked to me about the Bill yet; I don't even know which one it is."

Palmer: "I did. I talked to you the other day. It's on about three days. I'll take it out."

Shea: "Okay."

Speaker Redmond: "Out of the record. Consideration postponed."

On consideration postponed, appears House Bill 3545. 3545, are any of the proponents of any of the Amendments in the chamber? It's the policy of the House to not hold matters up pending the arrival of Amendment's Sponsors. Representative Washington."

Washington: "Mr. Speaker, I ask leave to take House Bill 3545 from the order of postponed consideration back to the order of Second Reading. I understand there's some Amendments."

Speaker Redmond: "Any objection? Representative Duff."

Duff: "Mr. Speaker, I wonder if the Rules Committee is over yet because this is a rather controversial Bill and I don't see any of the Members except myself here."

Speaker Redmond: "Representative Lundy. Well, no reason why we can't take it to the order of Second Reading, as far as I can see. Any objection to that? House Bill 3545... Representative Duff."



Duff: "Well, Mr. Speaker, it's my understanding that there were about 14 Amendments on malpractice on this Bill and it seems to me that they very well might be controversial."

Speaker Redmond: "Representative Shea."

Shea: "Well, did the Gentleman object to getting it back to Second Reading so we can hear those Amendments?"

Duff: "Well, I'm not objecting in behalf of myself. It seems to me, however, that this is an important issue and I just was raising the question. If you all feel that it's not important, go right ahead."

Shea: "Well, I think it's very important, but I think the quicker we get back to Second Reading and start calling the Amendments, I'm sure the Members will start showing up."

Duff: "Well then, I think we ought to tell the Rules Committee what we're doing."

Shea: "The Rules Committee certainly isn't meeting while the House is in Session. I haven't heard any motion to extend or give them that privilege."

Duff: "Well, I haven't either, sir, but if you'll look around, there are two of those Members here except for the man in the Chair and yourself."

Speaker Redmond: "I see Representative Choate, Representative Giorgi, Representative Lundy, Representative Shea, Representative... maybe we should have the Master at Arms go down wherever the Rules Committee happens to be and advise them that they're not supposed to be meeting when the House is in Session. Representative Hoffman."

G.L. Hoffman: "Yes, Mr. Speaker, Representative Schneider and I just came up from the Rules Committee and we were the second of a number of Sponsors who were there with Bills and it would be my observation that I believe that the Rules Committee is still meeting at the present time."

Speaker Redmond: "In violation of the rules? Representative Matijevich."

Matijevich: "Mr. Speaker, if they are meeting, they're in violation, not us. We have every right to continue. Let's go."

Speaker Redmond: "Representative Duff."



Duff: "Mr. Speaker, I would point out to you that whatever the snafu is, I don't know; but I would also point out to you, sir, that apparently the Republican Leadership is down there thinking they're doing the right thing. And maybe we could recess for five or ten minutes, so we could get it cleared up."

Speaker Redmond: "I've just been advised that Rules has adjourned, subsequent to the receipt of Representative Duff's objection, I guess."

Duff: "Thank you."

Speaker Redmond: "Any objections? Okay, House Bill 3545 will be returned to the order of Second Reading for the purpose of Amendment, now on Second Reading."

Clerk O'Brien: "Amendment #2, Beaupre. Amends House Bill 3545 as amended by deleting the title and inserting in lieu thereof, the following and so forth."

Speaker Redmond: "Representative Beaupre in the chamber? Take the next Amendment."

Clerk O'Brien: "Amendment #3, Beaupre. Amendment #4, Beaupre. Amendment #5, Beaupre. Amendment #6, Beaupre. Amendment #7, Beaupre. Amendment #8, Beaupre. Amendment #9, Beaupre. Amendment #10, Beaupre. Amendment #11, Beaupre. Amendment #12, Beaupre. Amendment #13, Beaupre. Amendment #14, Tipword. Amends House Bill 3545 as amended by deleting the title and inserting in lieu thereof the following and so forth."

Speaker Redmond: "Representative Tipword. Representative Tipword in the chamber? He's a Member of Rules, we'll... pass that one temporarily. He's in Rules and he's on the way up. Any further Amendments?"

Clerk O'Brien: "Amendment #15, Tipword. Amendment #16, Daniels."

Speaker Redmond: "Representative Daniels. He's not in Rules."

Clerk O'Brien: "Amends House Bill 3545 as amended by inserting the following Section before the effective date and so forth."

Speaker Redmond: "Representative Daniels in the chamber? Okay, proceed. Representative Washington."

Washington: "Can't we just take this Bill out of the record, Mr. Speaker?"

Speaker Redmond: "We want to give everybody that wants to put an



Amendment on, a chance to put it on."

Washington: "They're not here."

Clerk O'Brien: "Amendment #17, Daniels. Amendment #18, Daniels.

Amendment #19, Daniels. No further Amendments."

Speaker Redmond: "You want this postponed till Thursday? Representative Schraeder."

Schraeder: "Well, Mr. Speaker, Representative Beaupre apparently, has five or six Amendments. He's on his way, he's running from his office. If the Sponsor would give him two minutes, why, I think he'd be here."

Speaker Redmond: "Will somebody get the stopwatch on Representative Beaupre? Representative Leinenweber, do you seek recognition?"

Leinenweber: "I was about to say that the Amendments 16 and up weren't on our desks when the young lady put them on the desks."

Speaker Redmond: "The hour of 9:58 has arrived and Representative Walsh is entering the chamber. Consideration postponed, 3545. Time to put that back to the order of Third Reading? Representative Beaupre, do you seek recognition? What's the next Amendment, Mr. Clerk?"

Clerk O'Brien: "I just called Amendment 19, there's no further Amendments."

Speaker Redmond: "Third... okay, will you go back to the first Amendment of Representative Beaupre's?"

Clerk O'Brien: "Amendment #2, Beaupre. Amends House Bill 3545 as amended by deleting the title and inserting in lieu thereof, the following and so forth."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Well, Mr. Speaker and Ladies and Gentlemen of the House, as you know, this is a House Bill and we may have time problem with it, but let me suggest to you that this General Assembly mandated the... by the creation of Medical Malpractice Commission, mandated a study which cost in the neighborhood of \$75,000 to complete in regard to the malpractice problem. Our House Judiciary Committee, I think, did an excellent job in regard to gathering information, taking suggestions from the Commission, doing their own private investigative work in fact finding, and came up with



many meaningful solutions which were included in the omnibus Bill that passed out of here under the Leadership of Representative Washington. In addition to that, however, last week, the Commission made public, recommendations to the Legislature which, it seems to me, should at least see the light of day. I would tell you that these Amendments that we are dealing with, many of them I vote against in the Commission; but as an accommodation Sponsor, in effect, it seems to me that this House and this General Assembly ought to at least consider passage of these recommendations. For that reason, I felt it necessary to file these Amendments. Amendment #2 is one of those recommendations which was not included in the omnibus Bill, but I think would make a meaningful contribution to solving the medical malpractice problem in the state. Amendment #2 would permit either party to a lawsuit or the judge on his own motion, to set aside the monetary award applicable to future economic losses in trust for the benefit of the plaintiff in large awards. Let me suggest to you that we're not taking anything away from the plaintiff, but in effect, conserving his assets if we make provisions in the Civil Practice Act to do this. Any funds left over after the trust is created, any funds left over as a result of the plaintiff dying would revert to the estate of the plaintiff. I think it's a worthwhile provision. It will eliminate people being placed on the public rolls because large awards are used up before they're needed and I would recommend the approval of this Amendment."

Speaker Redmond: "Representative Washington."

Washington: "Mr. Speaker, I'm opposed to Amendment #2. It does take something away from the agreed party plaintiff who recovers a judgement against a tort-feasor or medical provider in that the question is who shall hold and invest this money. If the plaintiff gets a judgement, then it appears to me, he's entitled to the money and he's entitled to invest it and draw the interest as he sees fit. The net result of leaving it in the hands of a tort-feasor is that he would invest the money, and I see not reason to do this. In so far as minors are concerned,



they are protected at present under the law. So, what the passage of this Amendment would substantially affect the rights of an aggrieved party in the sense that the tort-feasor would be holding and investing his money. And it appears to me that if the plaintiff has a right to those funds, he has a right to invest them. I'm opposed to Amendment #2."

Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Well, I certainly agree with the prior speaker that we should all oppose Amendment #2 and I don't see why in the world as this Amendment permits, we should permit a defendant to determine or whether or not the plaintiffs proceeds are either paid to him or held by the defendant himself or his insurance carrier, as the case may be, for periodic distributions. The law, right now, permits in the case of or demands in the case of a minor, that the proceeds be conserved for him and certainly provides through the form of a conservatorship, adequate tools right now to do exactly what Amendment #2 provides. So, I would oppose Amendment #2 also."

Speaker Redmond: "Representative Duff."

Duff: "Well, Mr. Speaker, I would speak against this Amendment and point out to the House that this is an effort to solve a complicated problem in a way which will make work. The law already provides for the appointment of conservators when a person is found to be incompetent to handle it. And in order to keep the monies in the hands of the tort-feasor and his insurance company, they are creating, in fact, the conservatorship in an area of the court and the law where it has not ever been found before. It is these efforts to create unique methods of dealing with problems instead of following the clear and historic methods that will cause more problems in the future than they will solve."

Speaker Redmond: "Representative Beaupre, to close."

Beaupre: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I hate to differ with my colleagues who have spoke on this; but if they will look very carefully at the Amendment, they will find out that they were wrong in regard to any mandatory creation of a trust, that this is permissive and it's on the motion of



the defendant. It's not necessarily on the motion of the plaintiff, can be on the motion of the court. But it's merely permissive. All it says is that a court may, if the plaintiff or the defendant or the court on its own motion, establish a trust for the benefit of the injured party, the funds after the trust is established, reverts to the estate of the plaintiff. At no time is the defendant in control of those funds. All those statements are incorrect. What we're doing is trying to conserve the assets that result from an award, to preserve those assets for the injured party. The Malpractice Commission took up many aspects of this problem. It didn't just study the ways of lowering premiums for doctors. It didn't just study the ways of preserving the tort system for lawyers. It was looking at the public, there were public members on this Commission and one of the things that the public members argued for and wanted included in the Commission report was a way to preserve the assets of these huge awards so that those who received them would, indeed, not have to go on the welfare rolls. That's what this is about. It's strictly permissive and I would encourage your favorable support."

Speaker Redmond: "The question's on the Gentleman's motion for adoption of Amendment #2. Those in favor say 'aye', opposed 'no'. The Gentleman's motion fails. Are there any further Amendments?"

Clerk O'Brien: "Amendment #3, Beaupre. Amends House Bill 3545 as amended by inserting the following section."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment #3 basically is the same as Amendment #2. It dealt with technical corrections and I would move that that be tabled."

Speaker Redmond: "Any objections? Amendment #3 tabled. Any further Amendments?"

Clerk O'Brien: "Amendment #4, Beaupre. Amends House Bill 3445 as amended by deleting the title and so forth."

Speaker Redmond: "Representative Beaupre."

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

Speaker Redmond: "Give the Gentleman order."

Beaupre: "Amendment #4, 5, 6, and 7 basically deal with constitutional



problems that may very well arise that were contained in the omnibus Bill that we passed out of here. I get the feeling that there aren't very many people paying attention this morning and that maybe this isn't considered a serious effort to deal with this problem. But of those measures that were included in the omnibus Bill, that the Subcommittee of the Judiciary Committee approved, that the Judiciary Committee approved, and that this House approved, contained two provisions. One dealt with creating a new party, called a respondent in discovery, to cut down on the number of defendants named in lawsuits. Unfortunately, for one reason or another and probably by oversight, when that provision of respondent in discovery went to the Senate, they were to put an Amendment on to spread it across the entire tort system to cure the constitutional defects that we faced in Senate Bill 1016 last year. For some reason, that Amendment was not put on, I believe inadvertently. In order to save that provision and to make it useful in the future and cut down medical malpractice premiums by decreasing the number of defendants, this Amendment would spread that concept across the entire tort system. I encourage your support."

Speaker Redmond: "Representative Washington."

Washington: "Well, Mr. Speaker, it's true that there were promises in the Senate that this Amendment would be put on. As a matter of fact, in 3957, due to Mr. Beaupre's behest we included a respondent in discovery concept. What he's done here is expanded it into the entire area of personal injury services and I find no objection to this Amendment #3 or #4."

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

Clerk O'Brien: "Amendment #5, Beaupre. Amends House Bill 3545 as amended and so forth."

Beaupre: "Mr. Speaker, Amendment #5 was an alternate form of Amendment #4 and I move to table it."

Speaker Redmond: "Any objections? Amendment #5 is tabled."



Clerk O'Brien: "Amendment #6, Beaupre. Amends House Bill 3545 as amended by deleting the title and so forth."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker, Amendment #6 strikes everything after the enacting clause to add the concept of Amendment 6 and 7 and I would move to table Amendment #6."

Speaker Redmond: "Any objections? Amendment 6 tabled."

Clerk O'Brien: "Amendment #7, Beaupre. Amends House Bill 3545 as amended by inserting the following Sections."

Beaupre: "Mr. Speaker, Amendment #7 deals with the same kind of problem that we had with the respondent in discovery in regard to the collateral source rule. The collateral source rule that was contained in the omnibus Bill that we put out of here and sent to the Senate dealt only with medical malpractice cases. If we are truly serious about adopted a collateral source rule and we want to avoid the same kind of constitutionality problems that we face with the \$500,000 cap last year, I think we have to adopt a collateral source provision that spreads across the entire tort system. I would, since this question has been debated, was indeed a part of the omnibus Bill that we put out, I will limit my debate on it; but finish by saying only that what we're talking about is trying to avoid a constitutional problem with provision which has already been adopted."

Speaker Redmond: "Representative Washington."

Washington: "Mr. Speaker, Members of the House, I oppose Amendment #7. We can't avoid the constitutional question whether we adopt this Amendment or leave the law as it is as we passed it out. We grappled with the question of collateral sources and I think we did an adequate job and we moved in a very cautious manner because we're in somewhat perilous and uncharted seas. We have applied the collateral source reduction concept only to medical malpractice cases. We want to take a look at it. We want to see the total effect on the whole area. We're not certain what the effect would be. I have a feeling that no matter how we approach it, there will be a constitutional question and I see no reason why we should take the hazardous risk of going throughout



the entire personal injury system. I urge your support in defeating Amendment #7."

Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Well, once again, I agree with the prior speaker that we should defeat Amendment #7. Now the question as to constitutionality was raised because of the fact that in the omnibus Bill that we sent out, we partially eliminated the collateral source rule only in medical malpractice cases and the allusion was that the Supreme Court has thrown out the \$500,000 cap. and that analogously they would throw out the provision which is limited just to medical malpractice cases. I suggest to you if you read the case, that throughout the \$500,000 cap. it was not on the basis that we dealt differently with persons injured by a doctor than with persons injured by automobiles or any other way. What it said was that a class of people injured by doctors, we discriminated against those who were the most seriously injured and that was why they threw out the \$500,000 cap. They did not in any way, shape, or form intimate or suggest or say that we could not amend the laws relating to malpractice cases without having to tinker with the entire law of torts. So, I suggest to you that the constitutional question is not there or if it is there, it's not on that basis. We have, for years, in the statute of limitations, handled medical malpractice cases differently. I suggest to you that they have withstood the test of constitutional challenge, that this... the provision in the omnibus Bill will, on that particular grounds, withstand the test of constitutional challenge and Amendment #7 which seeks to partially eliminate collateral source rules which is in the law, as I said, because it is fair. In fact, this is a step towards a little bit of unfairness that we shouldn't go whole hog and extend that across the broad spectrum of the law of torts. So, I suggest along with Representative Washington that we defeat Amendment #7."

Speaker Redmond: "Representative Rayson."

Rayson: "Thank you, Mr. Speaker and Members of the House. I couldn't agree with the last two speakers more. I feel that Representative Beaupre raises a very, very interesting question and in this day and



age if this were constitutional and it may be, I would suggest that we might really go in this direction in the encompassing tort law field. But for now and as the last speaker did say, in the right case, we feel and strongly feel that in that decision, they left just enough leeway to suggest that we can classify this kind of collateral source rule application to medical malpractice cases only and be upheld. So, I feel that even though Representative Beaupre may ultimately be correct for now knowing there will be a court case on the omnibus Bill we did pass, that we should wait and see what the court does with the collateral source rule. I really feel it'll be upheld. In the meantime, we should study the application of collateral source to all tort law as a further study for further consideration at this time. So, I join the last two speakers in opposing this Amendment."

Speaker Redmond: "Representative Ted Meyer."

Meyer: "Thank you, Mr. Speaker. Point of parliamentary inquiry."

Speaker Redmond: "State your point."

Meyer: "It is my understanding that yesterday we passed a motion tabling or sending back to Committee all Bills on Second Reading and Third Reading and why are we in this exercise in futility doing a House Bill on Second Reading three days before we're adjourning?"

Speaker Redmond: "This was not, this was on postponed consideration yesterday, so that motion didn't reach it."

Meyer: "But it's on Second Reading now, Mr. Speaker."

Speaker Redmond: "Well, yes, but it didn't reach it. Would have... you would have to make the motion again in order to reach it, Representative Meyer. Representative Duff."

Duff: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I think this is one of those occasions where it might be good if we had the attention of the House in particular and the reason for that is that we are using here so far comments only from attorneys on a phrase called 'collateral source' and I suspect that perhaps there may be some Members who are not aware of what precisely that means. The collateral source when you have an action in tort to recover monies, a collateral source is a source



from which you get money otherwise than in your claim. For example, let's suppose that you had \$10,000 claim on a tort, on an injury and that you had your... the plaintiff had received let's say, \$2,000 from accident, health, or hospitalization insurance and that money had already been received or he had... he or she had a right to that money. That \$2,000 is the collateral source. Now then if the suit for \$10,000 were successful and the plaintiff got \$10,000 and let's say, gave a third of it to the attorney, then the plaintiff would get the monies plus the \$2,000 from the accident, health, or hospitalization policy. Now what this Amendment proposes is that not in a malpractice case, but in all cases where there was an injury and monies had already been received, 50% of those monies would reduce the total recovery. If it were to apply to malpractice only, I would suggest that it might very well be unconstitutional as making an exception out of one kind of common law recovery malpractice itself. On the other hand, I am going to speak for this Amendment, Mr. Speaker, and for these reasons. It seems to me that too often the people who go to the court for their recoveries are going there to potentially enrich themselves or with some feeling that they will come away with more money than a legitimate, non-litigious person might have. And furthermore, the percentage that the trial lawyer receives not of real loss, but of a total loss including the recoveries already made, increases that fee unnecessarily and is an incentive to the trial lawyer to attempt to recover the large amount. It seems to me only fair that if a person has already been paid a substantial amount of monies from a collateral source for their injury, particularly for economic loss, that... or any other litigant, it is only fair. And furthermore, I suggest that this idea is overdue in that it will reduce to some extent the amount of litigation that goes before the courts in the first place. Some would argue that on the small claim, if there was perhaps a \$2,500 loss and \$2,000 was recovered from a collateral source, that it would discourage the small claimant from getting the \$500 that was due them or, in fact, discourage the attorney from bringing



a suit since there would only be \$500 to work with. I would suggest, Mr. Speaker, that on those occasions, a good attorney would probably suggest to the plaintiff that they go through small claims court. There are recoveries available for that only objection that I can find. So, I do think that in the long terms even though this kind of suggestion may be litigated in the court, in the long term what is suggested in this Amendment may be a very beneficial thing to the public at large and not only in the malpractice situation."

Speaker Redmond: "Representative Beaupre, to close."

Beaupre: "Well, Mr. Speaker and Ladies and Gentlemen of the House, frankly, I am one of those on the Commission who voted against the recommendation to adopt the collateral source rule. But let me tell if we're really serious about it, if we're really serious about preventing parties from making multiple and double recoveries as a result of having other outside insurance or other benefits available, if we're truly serious about it, there's no reason why we shouldn't avoid it throughout the tort system and there's no reason why we shouldn't put it in a form that we know is constitutional. You can talk about experimenting with it, but you don't get much of an experiment if the courts strike it down. You don't really find out whether it works and whether it has any beneficial effect within the very first case that's taken up, it's struck down by the Supreme Court. I submit to you that that's quite likely if you read the opinions in the medical malpractice cases recently. Every piece of malpractice legislation that we have passed which referred only to medical malpractice cases has been struck down by the Supreme Court because it didn't spread across the entire system. If we are indeed serious and I'm not sure that we are, if we are indeed serious, we ought to spread it across the tort system and see how it works and I encourage your 'aye' vote."

Speaker Redmond: "The question's on the Gentleman's motion to adopt Amendment #7. Those in favor of the motion say 'aye', opposed 'no'. In the opinion of the Chair... Representative Beaupre."

Beaupre: "Request a Roll Call."



Speaker Redmond: "The Gentleman has requested a Roll Call. All those in favor vote 'aye', opposed vote 'no'. Representative Berman."

Berman: "Thank you, Mr. Speaker. To explain my vote, first of all I might point out, I don't if it's the official position, but many people in the labor movement are against this Amendment. Some people, such as the Gentleman from northern suburbs, talked about unjust enrichments if people go into court expecting to make a windfall. They forget that many of these collateral benefits such as hospitalization insurance and disability insurance are items that are negotiated by unions for the benefit of their workers and they take the place of wages that would otherwise be paid. These people are entitled to get this money back from the tort-feasor, the person that did the wrong, not... they're not getting unjustly enriched because they collected under their own premium. They paid for that coverage and what we are doing is really reverse of the traditional tort system. You're allowing the person that has caused the injury to get off the hook because the person that was injured was prudent enough to get his own benefits. That's reverse psychology. That's contrary to what we've always considered the system of American jurisprudence with a person that does cause the wrong is the person that should pay for that wrong. Secondly, I would point out that we are tacking on at the eleventh hour and 59th minute a program that will affect the entire tort system. We have heard no testimony, I repeat, no testimony in the Malpractice Study Commission on what the effect of this would be in other areas other than malpractice. In the malpractice area, we have already adopted it in a Bill that we sent over to the Senate. This goes beyond that. There is no basis in testimony before anyplace that I'm aware of that gives us any basis to adopt this for the whole tort system. I think we're going in the wrong direction by adopting this Amendment."

Speaker Redmond: "Have all voted who wished? Clerk will take the record. On this question there's 72 'aye' and 36 'no' and the Gentleman's motion carries and the Amendment's adopted. Any further Amendments?"



Clerk O'Brien: "Amendment #8, Beaupre. Amends House Bill 3545 as amended by deleting the title and so forth."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker and Ladies and Gentlemen of the House, I would move to table Amendment #8."

Speaker Redmond: "Any objection? Amendment #8's tabled. Is there any further Amendments?"

Clerk O'Brien: "Amendment #9, Beaupre. Amends House Bill 3545 as amended by inserting the following Section and so forth."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker and Ladies and Gentlemen of the House, this, too, is one of the recommendations of the Commission that I voted against in the Commission; but let me suggest to you that it does indeed have merit. There are indeed some arguments for it and I will do the best I can to portray those arguments to you. This question was 'editorized' as a result of an Amendment that was offered in the Senate and there was a tie vote, 28 to 28. That's how much merit it has. We're talking about placing an upper limitation on the amounts that can be recovered for noneconomic losses, in all negligent suits, pain and suffering, if you will. The Committee did indeed take a good deal of testimony, did indeed do a good deal of fact finding in regard to this question. And the conclusion of the Commission was that it would achieve a significant saving to the public without unfairly limiting the rights of injured parties. We're talking about a quarter of a million dollar limitation on the award of pain and suffering. The omnibus Bill which passed out of there was amended in the Senate and does indeed contain a provision whereby juries must break down between economic loss and noneconomic loss. The real problem here, however, is basically this. That actuaries for insurance companies have a very difficult time predicting what insurance rates should be in medical malpractice because of the potentiality for a large suit resulting from a jury in a very sympathetic type case awarding huge sums for pain and suffering. I would submit to you that pain is pain. It can only get so severe. It can only last so long. Maybe even a lifetime, but I ask you, is that worth



a quarter of a million dollars? This is a very reasonable cap. which the actuaries tell us would save approximately \$1,000 in insurance premiums on Class 5 position insurance rates. I submit to you that there is no pain and suffering in this world of ours that is worth more than a quarter of a million dollars, that we should indeed consider this, and that if we do, we will have probably made the most significant move that we could make to lower medical malpractice premiums. It would amount to approximately \$1,000 a year for Class 5 positions and I recommend this to you for your consideration."

Speaker Redmond: "Representative Washington."

Washington: "Mr. Speaker, Members of the House...."

Speaker Redmond: "Give the Gentleman order."

Washington: "I think Representative Beaupre is to be commended for his loyalty. He made it clear that he's opposed to this Amendment, but he felt that since he was a Member of the Commission, he should put it forward. As a matter of fact, I think he should be commended for putting all these Amendments forward. And I think he should be further commended for holding back these Amendments until we got the omnibus package out; otherwise, this might well have eventually that we would have passed nothing. But I'm opposed to this Amendment for a ~~lot of~~ reasons. In the first place, I think it's been pretty well grounded in the law that we cannot really measure the value of pain and suffering. It varies in intensity from case to case, but even more importantly, I honestly believe that in this area, we're running afoul of what the Supreme Court might well say is unconstitutional. The Wright case only came down several weeks ago and according there, struck down a similar recovery chapter that we had placed on malpractice cases. I'm inclined to think that the court might go in the same direction. But fundamentally, what we're dealing with here is a very subjective thing. A thing which juries should be permitted to address their attention to a case by case approach. We cannot sit here all high and mighty, look down upon the future sufferers and the present sufferers who are suffering because of the malfeasance, the negligence, if you will, of some



tort-feasor and say that your pain and suffering can be measured only in terms of X amount of dollars. We simply don't know. How do you measure the pain and suffering of a twelve-year-old child who must go through life with nurses and attendants and all that sort of thing? We simply can't do it. I think in this state, we've done the best thing by leaving that matter to the jury. The Supreme Court has supported that concept. I think we should continue it. We have debated this issue ad infinitum. I think we should stop it by defeating this Amendment."

Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker. Well, this Amendment probably would have absolutely no effect whatsoever on rates, contrary to what the Sponsor indicates. We had a Subcommittee meeting with the insurance industry and they tell us that as far as rate making is concerned, the large verdicts are so seldom that they don't even count in establishing rates. Therefore, if we did establish a lid of \$250,000 for noneconomic loss, that type of case in Illinois and elsewhere occurs so seldom, it would have absolutely no impact whatsoever on rates. As Representative Washington points out, also this Amendment is quite clearly unconstitutional under the Wright case which held that you cannot discriminate against the horrendously injured in order to try to save money. In other words, if you're going to let the jury establish a proper amount for pain and suffering for the plaintiff injured, then you must do so for the seriously injured and, for example, the type of person, perhaps a business man who can continue to work, who has to go through life because the doctor cut off the wrong leg and he has to go back and have both legs cut off and operate in a wheelchair for the rest of his life, you can't discriminate against him by artificially limiting the amount that a jury may award him. This is a bad Amendment and I urge its defeat."

Speaker Redmond: "Representative Beaupre, to close."

Beaupre: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I don't know what actuary my good colleague, Representative



Leinenweber, is consulting, but I will suggest to you that the testimony before the Medical Malpractice Commission was indeed and the figures were presented to us that this provision if a limitation was \$250,000 or a quarter of a million dollars on pain and suffering, would save 3% on medical malpractice premiums and if we lowered it to \$100,000, it would save 10%. That was brought to us and supplied to us by the actuaries from the insurance industry. So, I'm not really sure what actuaries you're consulting, but I'm suggesting to you that the actuaries did indeed, testify before the Commission that would result in a significant savings in terms of premiums. Secondly, as to the question of unconstitutionality, we are not discriminating against anyone. The severely injured or otherwise. We're suggesting that as a matter of public policy that this Legislature go on record as saying that there is no such a thing as pain that's worth more than a quarter of a million dollars. I don't find that to be unconstitutional. I think it's a matter of reasoning on the part of this General Assembly and certainly deserves our consideration because of the significant impact that it would have on medical malpractice premiums. I urge your support."

Speaker Redmond: "The question's on the Gentleman's motion to adopt Amendment #9. Those in favor say 'aye', opposed 'no'. Opinion of the Chair, the motion fails. Representative Beaupre. All those in favor vote 'aye', opposed vote 'no'. Representative Hirschfeld."

Hirschfeld: "Well, just very briefly, Mr. Speaker. I can understand why the trial lawyers would be opposed to this Amendment because they're going to lose a third of a quarter of a million dollars or up. But I practice law and it seems to me it's a very reasonable Amendment. If a person is hurt so badly that he's going to have excessive losses, he can take it in the form of economic loss. He doesn't have to take it in the form of pain and suffering. Although I'm a lawyer and do a great deal of trial work, I think it's a very fair Amendment. It will cut down a lot of recoveries. It'll cut down a lot of costs. I hope



we will pass this Amendment."

Speaker Redmond: "Have all voted who wished? Clerk will take the record. On this question there's 74 'aye', and 46 'no'. The motion carries and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment..."

Speaker Redmond: "We're going to close the blinds over there at the request of... Representative Beaupre."

Clerk O'Brien: "Amendment #10, Beaupre. Amends House Bill 3545 as amended by deleting the title and so forth."

Beaupre: "Mr. Speaker and Ladies and Gentlemen of the House, I'd move to table Amendment #10."

Speaker Redmond: "Any objections? Hearing none, Amendment #10 is tabled. Any further Amendments?"

Clerk O'Brien: "Amendment #11, Beaupre. Amends House Bill 3545 as amended by adding thereto the following new Section and so forth."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker and Ladies and Gentlemen of the House, I don't know how controversial this one is, but let me suggest to you that last year when we passed Senate Bill 1024 which was our effort last year to deal with the medical malpractice problem, that we put in Section 58.2 of the Civil Practice Act which said that in effect, we prohibited any kind of an agreement between a patient and a health care provider exculpating that health care provider from liability. This indeed has been the public policy of this state and hopefully will continue to be the public policy of this state that one who is under the burden of seeking medical treatment, should not be subjected to sign a contract exculpating that health care provider before he receives the treatment. That indeed is the common law as a matter of fact and has been in the state for many years. What the Commission is recommending basically is that in order to experiment with such programs as effective no-fault and voluntary binding agreements that we should remove this provision of the statutes and restore to this state the law which was indeed



the common law before. But if one is forced into signing an agreement under onerous circumstances that that agreement is indeed against public policy. I think it's very careful that we under... that we have to be very careful and make it very clear to understand that what we're talking about is reverting back to common law as it was before this Section of Senate Bill 1024 was passed so that we may indeed experiment with some of these more innovative programs without having that statutory prohibition and I would ask for your favorable support."

Speaker Redmond: "Representative Washington."

Washington: "May I ask a question of the speaker?"

Speaker Redmond: "Proceed."

Washington: "Representative Beaupre, you've stated it already, but for the record, would you give the legislative intent for this Amendment?"

Beaupre: "The legislative intent, Representative Washington, is to restore the Illinois law to what it was under the common law prior to the passage of Senate Bill 1024. That is to say, that where a person is seeking medical help from a health care provider and because of conditions which would threaten his life or place him in jeopardy, he is forced into signed a contract exculpating that health care provider. But that would be contrary to the public policy of this state. What we're attempting to do is to remove the statutory provision that was contained in Senate Bill 1024 which prohibited such contracts so that this state might experiment with such programs as elective no-fault and voluntary binding arbitration agreements."

Washington: "I think it's a good Amendment and I support it."

Speaker Redmond: "Anything further? Representative Berman."

Berman: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I recognize what Representative Beaupre has said he would like the legislative intent to be, but I'm not sure that that is what is going to be accomplished. When we pass a Bill that says that there cannot be exculpatory clauses and we repeal that law, I believe what we are saying here is that we're allowing any doctor before he treats a patient, to require that



doctor to let that doctor go free of any negligence that may occur as a result of that treatment. I think there is a better statutory way to approach this by definitive language, if we're talking about only experimental types or new types of medical procedures. Otherwise, I think what you're going to do here is result by the passage of this Amendment and the subsequent passage of this Bill and allow and having every doctor submit before he treats you, a release of any future negligence. That's I think, what will happen if this Amendment passes, notwithstanding the intent of Representative Beaupre."

Speaker Redmond: "Representative Beaupre, to close."

Beaupre: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I do indeed believe that this is a reasonable Amendment to give us an opportunity to look at some alternate method of dealing with medical malpractice problems. It is indeed the intent of the Medical Malpractice Commission, of the Sponsor of this Amendment and I believe those who vote for this to place us in the position that we were in before where all contracts that were bargained with on even footing were all contracts or releases that were entered into between patients and health care providers that... where there was a burden on one side or an overreaching by one of the parties would still be contrary to the law and I would ask you to give us this opportunity to have these kinds of experiments in the State of Illinois and I ask for your favorable support."

Speaker Redmond: "The question's on the Gentleman's motion for the adoption of Amendment #11. Those in favor say 'aye', those in favor vote 'aye', opposed vote 'no'. All voted who wished? Clerk will take the record. On this question there's 84 'aye' and 28 'no' and the motion carries. Representative Rayson 'aye'. Any further Amendments?"

Clerk O'Brien: "Amendment #12, Beaupre. Amends House Bill 3545 as amended by deleting the title and inserting in lieu thereof the following and so forth."

Beaupre: "Mr. Speaker and Ladies and Gentlemen of the House, I would move to table Amendment #12."



Speaker Redmond: "The Gentleman's moved to table Amendment #12.

Any objection? Hearing none, Amendment #12 is tabled."

Clerk O'Brien: "Amendment #13, Beaupre. Amends House Bill 3545

as amended by adding thereto the following new Section."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker and Ladies and Gentlemen of the House, this is the last of the recommendations of the Medical Malpractice Commission that I place before you. It deals with the subject matter of contingency fees between lawyers and their clients. May I suggest to you that it places a reasonable limitation, one which the Bar Association ought to welcome. One of the things that has taken place in the various crisis of medical malpractice throughout the country is that the doctors and public and the health and the insurance companies and the health care providers all point the finger at lawyers, saying this is the problem. That lawyers break off 28 to 35% of all the settlements that are received by or paid for by the insurance premiums, that a good share of the amount of money that's provided to the injured party ends up in the hands of lawyers. Let me suggest to you that I don't believe that that's true, but there are a few culprits in our profession just as there are in every profession. And the fact is that every now and then you'll find a situation where a law firm or an individual attorney who has tried a malpractice case, does indeed end up with a fee somewhere around 45 or 50% of the judgement that's awarded. So, I'm suggesting to you that we get rid of that problem and we get rid of that problem by placing a limitation on attorney's fees under contingency fee contracts. These are reasonable limitations. There's no limit, for instance, on any recovery above \$50,000 or up to \$50,000. The limitation between 50 and \$100,000 is 33 and 1/3%, the kind of fee that most of us all charge. From 100 to \$200,000, the limitation is 25%. And over \$200,000 is 15%. I suppose that there aren't very many lawyers in this House or in this General Assembly who will be very anxious to see attorney's fees regulated, but let me suggest to you that it's one of the best ways that we could clean up



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

our profession. It's one of the subjects that if we dealt with, I think would take the burden off our shoulders in regard to creating what is considered by the public and many of the health care providers to be a very onerous burden on the health care system. I would recommend this to your support. I would ask for you to pass it and with that, I will close."

Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Well, Mr. Speaker, unpopular as it may be, I'm going to object to this Amendment and I'll state the reason why. Now many of us are attorneys in this House, many of us are not. Many of you are... belong to other professions, many of you are realtors, many of you are insurance brokers, many of you are other types of professionals in the medical and other types of areas. This is a very bad precedent. I would suggest to those of you who are professionals to have the state set and that is to enter in for social reasons or any other reason, an attempt to place a limitation or control, a statutory control on the fees set or the fees charged by professionals. In this case, it's doctors. Those of you who are real estate brokers, you may be next. It may be decided that real estate brokerage fees increase the price of housing too much. Therefore, we have to reduce, legislatively establish a fee structure for the real estate brokers. Those of you who are in the insurance industry, it may be decided that the cost of insurance is too much and that portion of fees that goes to... that go to the fees of the broker ought to be reduced and we ought to establish a legislative schedule of fees. Those of you who are health care providers, I can say the same thing, even including the doctors. I discussed this Amendment with many of the doctors in my district. They all said they were for it. I told 'em I did not think the State of Illinois had any business regulating fees charged by professionals. I emphasized the word professionals and they got the message pretty quick and they thought was a reasonable argument. So, those doctors who I talked to left, opposing this particular Amendment. And you tell why



because Amendment #20 which is down the pike is coming up. I would suggest to you that by limiting the collateral source rule, to 50% of collateral sources you've already effectively cut fees charged by attorneys because it is an established practice in the legal business that no fees are charged for that portion of money recovered through collateral sources. It is only through sources from the verdict against the negligent wrongdoer. So, I suggest to you this is a bad precedent, a horrible precedent for those of you or any type of professional and I suggest to you its defeat is in order."

Speaker Redmond: "Representative Palmer."

Palmer: "If the Sponsor will yield for a question?"

Speaker Redmond: "He will."

Palmer: "What is on the appeals, normally P.I. cases are taken on a percentage, on a trial level, but if there is something else, if there's an appeal, it's 40% or 45%. Now apparently, there is nothing in the language of Amendment #13 that deals with appeals and I wonder whether or not that includes appeals."

Beaupre: "Well, Representative Palmer, there is if you look at the Amendment. The Amendment requires that the contingency fee agreement must be in writing and signed by both parties and it also provides that a court may review upon motion of any of the parties or any of the attorneys for fairness of the contract made between the attorney and his client and that if there is an additional effort or time put in by the attorney that the court may award additional fees."

Palmer: "Well, does that mean the fees on appeal also?"

Beaupre: "Yes, indeed. If there were additional time spent on appeal, then the contract, I presume, would contain a provision where it may go into court and ask for additional fees because of the additional time and effort that he has put in on the case and I presume that any judge would so award the additional fees."

Palmer: "All right, the second part is... the second question, is this. Are we not trying to statutorily fix prices for attorney services which might be in conflict with the opinion of the U.S.



Supreme Court and that, I believe, it was a Maryland case?"

Beaupre: "Well, that may be the view of some of the lawyers here. Frankly, it isn't my view. I don't see this as price fixing in any way, but placing reasonable limitations on what attorneys can charge in negligent cases."

Palmer: "Thank you."

Speaker Redmond: "Representative Rayson."

Rayson: "If the Sponsor would yield to another question or two? Jack, this Amendment that you're affecting now, is this applicable only to malpractice cases?"

Beaupre: "No, sir."

Rayson: "So, it's consistent with your prior Amendment with regard to collateral source Amendment, is that correct?"

Beaupre: "Yes, that is correct."

Rayson: "All right, in that, even though I... speak for the Amendment, Mr. Speaker... even though, the Bill is rather emasculated by these Amendments because we try to affect something by Amendment #1, I would be one of those who suggest conceptually, at least, that I would go on record as supporting this kind of reduction, even though it may have, you know, grave defects in the Amendment, plus constitutional problems; but if our real objective is to curb rates, this would be one way of doing so to that extent. I will support the Amendment, although reluctantly."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Will the Sponsor yield for a question?"

Speaker Redmond: "He will."

Geo-Karis: "I don't have a copy of this Amendment. I'm sure it's been distributed, but somewhere it must have been lost. Can you tell me, does your Amendment relate to appeal of cases?"

Beaupre: "I'm sorry, I couldn't hear her, Mr. Speaker."

Geo-Karis: "Does your Amendment refer to the appeal of a judgement?"

Beaupre: "The Amendment places no limitation on the first \$50,000 award. It places a 33 and 1/3% limitation up to \$100,000, so that the basic fee that most of us charge, 33 and 1/3% would still be in effect up to \$100,000. Then it starts scaling down



to 25 on the next 100 and to 15 on cases over \$200,000. There is a provision in the Amendment to allow those attorneys who have put in extra time and effort on a case over and above the normal time and effort that would be expended in a case, to go to the court and upon petition, ask for additional attorney's fees. So that that's the situation that you would face in an appeal. If you took the case up on appeal and you had a contract for 33 and 1/3%, you could go into the court and show the court the kind of work and effort that you put, the fact that the appeal may have taken two years and you had to run to Ottawa or wherever else and get additional fees."

Geo-Karis: "The only thing I'm asking, Jack, is this only related to appeals, is that right, your Amendment?"

Beaupre: "No."

Geo-Karis: "So on both appeals and on regular cases?"

Beaupre: "Yes, yes."

Geo-Karis: "Thank you. I'll support the Amendment."

Speaker Redmond: "Representative Ewell."

Ewell: "Speaker, Ladies and Gentlemen, I was just going to compliment on the Sponsor for this excellent Amendment. Now we'll hear a great deal of oratory from some of the lawyers in the House talking about pain and suffering and how terrible it is and how agonizing it is for a client to suffer and to endure all of these things. But on the other hand when it comes to the lawyers taking all the money for the clients pain and suffering, it's all right. I suggest that this is a very reasonable Amendment. It's not rate fixing. It's not price fixing. All it is is a simple limitation for a reasonable amount of money and can you imagine \$100,000, same fee, one third. No problem. It's just when we get over \$100,000 and I want to hear those voices over there now talk about the poor little guy, the pain and suffering and what ought to be done. I mean, we're lawyers. I think that the entire citizenry looks at us and looks at this vote to determine whether we're really for real or whether we're really trying to do something to help the people. It's a good Amendment and it ought to be supported unanimously by



this House, particularly the lawyers."

Speaker Redmond: "Representative Bluthardt."

Bluthardt: "Mr. Speaker, Members of the House, I think this matter has been settled. Geo-Karis has given her approval and I move the previous question."

Speaker Redmond: "The question is shall the main question be put. Those in favor say 'aye', opposed 'no'. The 'ayes' have it. Representative Beaupre."

Beaupre: "Well, Mr. Speaker and Ladies and Gentlemen of the House, and particularly the lawyers in the House, let me suggest to you that this is a way to get the monkey off our backs. I don't believe that lawyers charge exorbitant fees, but this is indeed a reasonable limitation on lawyer's fees in regard to contingency fee contracts. It's something that we ought to adopt and I encourage your favorable support."

Speaker Redmond: "The question's on the Gentleman's motion for the adoption of Amendment 13. Those in favor vote 'aye', opposed vote 'no'. Have all voted who wished? Have all voted who wished? Representative Sangmeister, to explain his vote."

Sangmeister: "Well, I can't help but comment on this because if we're interested in anything that's going to reduce premiums, this has got to be ridiculous because everybody knows that in a jury decision, it's all a matter of after the fact. Do you think that a jury's going to sit there and consider how much of this is going to be the lawyer's fee and tack on an additional amount of money. It's absolutely ridiculous to think that they're going to and this in no way is going to have any affect on malpractice premiums at all. It's just a big slap at the lawyers and if the doctors and their supporters are going to kick out of it, then have your jollies. The Bill isn't going anywhere anyway."

Speaker Redmond: "Take the record. On this question, there's 98 'aye' and 22 'nos' and the Gentleman's motion prevails. The Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #14, Tipsword. Amends House Bill 3545 as amended by deleting the title and inserting in lieu thereof



the following and so forth."

Speaker Redmond: "Representative Tipsword."

Tipsword: "Mr. Speaker, I'd like to move to table Amendment #14."

Speaker Redmond: "Any objections? Amendment number... tabled... 14.
Amendment #14 is tabled."

Clerk O'Brien: "Amendment #15, Tipsword. Amends House Bill 3545
as amended by inserting the following Section before the effective
date and so forth."

Speaker Redmond: "Representative Tipsword."

Tipsword: "Mr. Speaker, Ladies and Gentlemen, this Amendment is the
Amendment that would limit the time within which a person may
file an action for medical malpractice to within two years of
the occurrence of the injury. Now you received a letter that
would indicate that this Amendment would be offered on Senate
Bill 1952. It will not be offered on Senate Bill 1952. This
is the only Bill to which it will be offered as an Amendment.
The Bill, the omnibus Bill that went out of here would give
the opportunity for this time for filing of a medical malprac-
tice Bill to as much as five years. Now in general personal
injury cases, the limitation time on such injuries is limited
to two years. There has been an argument that we should allow
more than two years for medical malpractice because it might
not be discovered within that length of time. A survey which
has been made available to each of you would indicate that of
the 2,818 claims filed by adults, this does not relate to minors
because this limitation does not affect claims by minors, that
out of those cases filed in the last six months of 1974, 86%
of all of those claims were filed within two years. And a sur-
vey of 10,000 closed cases indicated that 99.2% of all injured
patients knew about their injury within two years so that there
would not be a wide-spread injustice by limiting this time to
two years from the time the injury occurred. It could only pos-
sibly affect 8/10's of 1% and it may well be that diligence
would have discovered all or most of those cases. If we wish
to really give the medical profession an opportunity to reduce
their medical malpractice premiums, this is the kind of an Amendment



that would really go a long way towards the reduction of those premiums because it is going to reduce the time within which this obligation may be made against... may be brought against a physician. It will insure and let the insurance companies and the physicians know that there is an absolute time limit against within which these claims are going to be made of only two years so that they do not have to keep the kind of reserves that would otherwise be necessary under the extended time that was... went out in the omnibus Bill. I would indicate to you, too, also, that our sister states of Indiana, Missouri, Michigan, Texas, Oklahoma, and Delaware, have amended their laws to provide this two year statute of limitations on medical malpractice. Two of those states are neighboring states, Indiana and Missouri. Michigan is not very far away and in this time of easy transferability and communication and movement, this provides merely another drain upon the medical personnel that are available to the people of the State of Illinois. I would urge that we would adopt this Amendment because I think it will not only give a possibility of reduced premiums on medical malpractice insurance, but more importantly, it will insure and provide to the people of each of our districts a better opportunity for medical care and really, that's what this is all about so far as we and our constituents generally are concerned, not what it costs the doctors, specifically; not what charges the legal profession may be making; but whether or not there is medical care for the people of our constituency and for each and every one of us who sit in this body. So, I would urge the Membership to please support this Amendment which put an absolute limitation of two years from the time injury occurred upon the bringing of a medical malpractice claim."

Speaker Redmond: "Representative Daniels."

Daniels: "The Sponsor will yield?"

Speaker Redmond: "He will."

Daniels: "Representative Tipword, let me see if I completely understand precisely what you're attempting to do here. In the first instance, you're saying that, using an example, if a patient



has his leg cut off, he obviously would have known about the occurrence. He then has two years from the date of that occurrence if the wrong leg was cut off to institute a lawsuit, is that correct?"

Tipsword: "Of course."

Daniels: "That is correct."

Tipsword: "That's correct."

Daniels: "The second part is if there's a foreign substance, using the example of a scalpel, left in the body during the operation, he then has two years from the discovery of that scalpel in his body, but an outside limit of ten years from the occurrence, is that correct?"

Tipsword: "That is not the intention of the Amendment. No sir."

Daniels: "All right, would you then tell me where I'm wrong on that part?"

Tipsword: "...the Amendment is from the time of the occurrence of the injury. That would be of the leaving of the scalpel, as I understand it, inside."

Daniels: "You mean, what you're saying is that if the scalpel was left in the body during surgery, on discovery or not, there would be a limitation of two years?"

Tipsword: "That is correct."

Daniels: "I suggest to you, Representative Tipsword, that the first paragraph, your Section 21.1, says contrary to your answer. I suggest to you that if the scalpel was left in the body, the person has two years from the time of discovery of that scalpel in which to institute the lawsuit. Now I'd also suggest to you that this is an important point for you to clarify since I think that it might affect certain votes on this Amendment if it's two years from the date of discovery with an outside long tail of ten years. And I really think that you mistaken on that point. I might suggest to you that you clarify it."

Tipsword: "On rereading it, I think you absolutely correct and I think I am mistaken in regard to the first paragraph. It would be... on rereading that, it would be the ten year time on the discovery of that kind of foreign substance. You are correct



and I stand corrected, sir."

Daniels: "Thank you, I'm trying to distinguish between the obvious occurrence of cutting off the wrong leg and the occurrence of leaving a foreign substance in a body which would then give you ten years, long tail statute to institute the suit two years upon discovery of that action, is that correct?"

Tipsword: "You are absolutely correct and I stand corrected."

Daniels: "There is one other point of your Amendment that what you're saying then is that as far as minors are concerned, under the age of 18, that their statute of limitations does commence to run until that disability, being a minor, is removed, is that correct?"

Tipsword: "In so far as the minors are concerned, this makes no change from the omnibus Bill. This only will apply to adults."

Daniels: "Thank you."

Speaker Redmond: "Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of this Amendment, I would just like to say that, you know, what is considered good medicine perhaps five or ten years ago, may not necessarily be good, considered good medical practice today and I'd like to cite just an illustration for you in my own particular field where back in the 50's where premature babies in hospitals were given too much oxygen. The end result of that was they, a condition known as retrolental fibroplasia which a membrane grew from the back of the eye and covered the back surface of the lens which ended up in a complete blindness for these infants. Now in those days, it was considered very, very good medical practice. However, now in the 1970's, we find many of these, due to the statute of limitations, many of these individuals who are now adults that are suing the doctor and the hospital and so forth and a case out in New York didn't go to trial, but ended up with a substantial settlement. Now the point in question is really that not only does this Amendment address itself to attempting to decrease the high cost of premiums, but to the patient, but the providers and all the allied professions in the delivery of what we call a



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

quality health care, are taking many, many more tests today than would normally be necessary. They're actually preparing themselves as if they were going to have to go to court and to me, it's not just necessary to the premium, but it's the cost to the individual for delivery of a quality health care. And I certainly think that this Amendment addresses itself to the key issue in potentially the reduction in these premiums and also less cost to the consumer as far as health care is concerned. I certainly would advocate an 'aye' vote."

Speaker Redmond: "Representative Washington."

Washington: "Mr. Speaker, Members of the House, I'm opposed to this Amendment and let me make it clear that I don't think there's any area in the entire field of personal injury law or medical malpractice law in which this General Assembly has been more responsible than in this area. We have been responsible, we have been cautious because we don't really know the net result of lowering the statute of limitations to a flat two years. For example, up until a year ago, the statute of limitations in this state was two years... pardon me, was the date of discovery with no limitations upon it. A year ago, we lowered that statute to five years. This year in House Bill 3957, we lowered it to four years and brought foreign substances in the body within the purview of that four years. And the reason why we have proceeded cautiously is not because we don't know the effects on insurance premiums. We have a pretty good idea what they will be, but we don't really know the practical effects of the number of lawsuits that will be frustrated by lowering this statute to a flat two years. We simply don't know. There are studies and studies and conflicting studies. Some studies indicate that after a period of two years, eighty-some odd percent of all cases are filed. And at the end of four years, ninety-some percent of all cases are filed. These figures are dubious, speculative and suspect and I suggest that we can't rely upon any of them. So we, in our... based on our best knowledge, have proceeded cautiously down the scale from no limit to five limit, to a five year limit and now to a four year



GENERAL ASSEMBLY

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

limit as embodied in 3957. I suggest strongly to you that by lowering this to a flat two years, notwithstanding whatever pressures that you may be receiving, would be totally and absolutely irresponsible because no one can stand on this floor and categorically prove to you statistical-wise or otherwise that no legitimate lawsuit, no legitimate claim would be frustrated by lowering it to two years. I think it's an irresponsible act. I understand the pressures you may be receiving to lower it, but I think if you do lower it, you will be hurting the general public and in particular, those people who may be injured who would not come within the flat two year statute of limitation. I strongly urge you to vote 'no' on Amendment #15."

Speaker Redmond: "Representative Porter. Representative Madison, for what purpose do you rise? Representative Porter."

Porter: "Well, Mr. Speaker and Ladies and Gentlemen of the House, it seems to me that we've finally caught on to the most meaningful possible provision for medical malpractice of all. All of the others that have been considered previous to us are relatively meaningless. This is the one that can truly reduce malpractice premiums and do... really do something to solve the problem. I would urge all the Members to vote 'aye'."

Speaker Redmond: "Representative Madison."

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

Speaker Redmond: "He will."

Madison: "Representative Tipword, I heard the dialogue between you and Representative Daniels and I kind of got lost there. Am I to understand that this two year limitation is based on injuries... is two years from the time that the injury was sustained or ascertained?"

Tipword: "Mr. Madison, I would first like to say that Representative Daniels was absolutely correct and I was confused by virtue of a discussion I had with the Reference Bureau in regard to changing that first portion of the statutes. And it was their intent in one Amendment to change the first portion of the statute. It is not changed in this Amendment and does not occur to foreign substances which are left in the body. The



foreign substances portion will remain the same as it would, as the omnibus Bill which previously went out of here, which amended the same sections of the statutes. However, in regard to death or injury brought against a physician or a hospital, it will be from the day that the injury occurred, not when the injury was ascertained; but the date the injury or death occurred in those instances. This does not relate, however, to foreign substances in the body."

Madison: "Well, Representative Tipsword, as I look at line 14, it has language, 'until the person actually knows or should have known', and I'm troubled by the phrase, 'should have known'."

Tipsword: "If you relate that back, you will see that that refers to whenever in the course of any treatment or operation, any foreign substance other than flesh, blood, or bone is introduced and is negligently permitted to remain. That refers to that."

Madison: "Well, I'm troubled by how a patient should know and who makes the judgement as to whether or not he should have known."

Tipsword: "Well, this is the kind of thing that we have in a lot of statutes other than this one in which it is required that a patient should be diligent, certainly, about his own health and about his own body and that if there has been some pain, for instance, he has had some indication that everything was not the way it ordinarily ought to be, he should have gone and got checked. In those instances, for instance, there is a sharp recurring pain in the abdomen and he has had an operation in the last four or five, six years, then he should have gone to his physician or some physician and checked it out. That is the kind of situation in which reasonable diligence in the law is required, that he should have checked to find that kind of a damage that he may have sustained."

Madison: "Thank you, Representative."

Speaker Redmond: "Representative Daniels."

Daniels: "Mr. Speaker, with leave of the House in an effort to clarify this so that subject to Representative Tipsword's approval, so that everybody understands what they're voting on, I think we



could use three examples as cases of malpractice. The one example is the obvious example of cutting off the wrong leg. In that case, you would have two years to file a suit from the time the wrong leg was cut off. Another example of the two year limitation is less obvious. That would be in a case where a doctor improperly set a bone, a broken arm. You would have a flat two years to file from the time of the improper setting of that bone, regardless of whether you knew about it or you didn't know about it, two year flat limitation. Where the ten year long tail statute limitation comes into play, is in cases of foreign substance. And in those cases, you would have an outside limit of ten years, two years from the time you knew or should've known of the occurrence. And I hope that clarifies a little bit for everybody to understand it."

Tipsword: "That's absolutely correct, Representative."

Speaker Redmond: "Representative VonBoeckman."

VonBoeckman: "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 those in favor say 'aye', opposed 'no'. The 'ayes' have it. The question is on the Gentleman's motion to adopt Amendment #15.

Those in favor vote 'aye', opposed vote 'no'. Representative Duff, to explain his vote."

Duff: "Mr. Speaker. Well, Mr. Speaker, I'm sorry to take this time.

I had my light on from the beginning of the debate and I would point out, Mr. Speaker, that you allowed some people to speak more than once on debate. I would like to suggest that this is a placebo. That's what a doctor gives you to make you feel better, but it won't do any good. Insurance companies can have other methods of handling this from their standpoint. They have claims made policies which allow doctors a by-out at the end of their practice. This is an Amendment which by the Sponsor's own comment, affects approximately 9% of the claims, but there's been no showing at all that those 9% were not good claims and then how about the other 1%? How about the illiterates or ignorant or the helpless? How about the person that's in



the hosp... in their own apartment building and can't get out and doesn't know what's wrong with him? Why should we change as Representative Washington pointed out something that is... we have not given an adequate opportunity to work. The delay, you know, works as much against the plaintiff as it does against anybody else. They lose witnesses. They lose time. They lose money. Insurance companies don't have to pay through the period of delay and I don't think it should be confused with the problem of the State of New York. The suggestion that was made about the oxygen problem of babies twenty years ago is not the heart of this question. That's the heart of whether or not cases should even apply in those situations. It seems to me that if you limited two year discovery and you've got some little old lady sitting in her apartment building, not feeling very well and perhaps not being very literate, perhaps not having very many friends and she finally discovers with one year and 364 days that she has a legitimate claim. She not only doesn't have time to even call a lawyer or another doctor or a friend and it seems to me that we are by this, first of all, not solving either the doctors or the insurance companies problem; and secondly, we are taking away from 1%, granted maybe it's only 1%, potentially as much as 10% of the people ~~their~~ legitimate right to recovery under the present statute. Representative Washington was...(microphone turned off)"

Speaker Redmond: "Bring your remarks to a close."

Duff: "Last sentence, sir. Representative Washington was the Chairman of the Committee that studied this as a great length. He has pointed out to you there is no legitimate basis for offering this Amendment on any statistical proof whatsoever. It's just going to make your doctor friends feel better and that's about all it's going to do."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of the House, being a lawyer, I feel we have a conflict of interest on voting my conscience and I would want for the record to show I'm voting my conscience and anything else. And I'm voting 'yes!'."



Speaker Redmond: "Have all voted who wished? Representative Beaupre."

Beaupre: "Mr. Speaker and Ladies and Gentlemen of the House, I would just like to say that while I appreciate Representative Tipsword offering this Amendment, it would be a shame that if it went on this Bill. This is contrary to the recommendations of the Judiciary Committee, the Subcommittee of the Judiciary Committee; contrary to the recommendations of the Medical Malpractice Commission. No one who studied this problem really is in favor of this Amendment. I think it would have a very adverse affect on what slim opportunity we have to pass a meaningful malpractice legislation in this Bill and I didn't really want to speak against Representative Tipsword, but I would hate to see this Amendment go on the Bill. I think it's contrary to what we're trying to accomplish to make meaningful resolution to this problem and I would hope to see more 'no' votes there."

Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Mr. Speaker, Members of the House, I wish you would... I hope you've been paying attention to what's going on because what this Bill provides and I think it probably will provide for some reduction in malpractice premiums where there's any real reason that you're cutting out legitimate claims. The type of claims which are being cut out are those claims which the claimant didn't know and couldn't find out that he had. So, if you're going to cut out legitimate claims and one of the things that we've been trying to do is to cut out the illegitimate ones, but this is cutting out legitimate claims that for people who... through the exercise of reasonable dilligence, couldn't have found out that they had. So, what you're doing is you're creating a class of people who have been injured through no fault of their own, through the fault of a health care provider in saying that they just absolutely cannot have a claim because of the fact that they couldn't find out that they were injured until after a two year period."

Speaker Redmond: "Have all voted... Representative Lundy."



Lundy: "Thank you, Mr. Speaker, Members of the House. I'll be brief because of the vote up there. I've supported... (microphone turned off) That's briefer than I had intended to be, Mr. Speaker. I have voted for most of the Amendments to this Bill, but I'm voting 'no' on this one. I'd like to explain why. In the case of medical malpractice, unlike most other personal injuries, very common for the injured party to continue to be treated by the same physician who may be guilty of the negligence. Now if you provide a mere two year statute of limitations, given the long recovery period from some types of surgery and other treatments, it seems to me very likely that the physician who is guilty of the negligence will be given a tremendous incentive to conceal from the patient that condition that exists as a result of his negligence and two years, in my view, may simply not be enough time for that kind of situation to be discovered. In other words, you are providing an incentive to the physician or the health care provider to conceal from the patient, negligence of which that health care provider may be guilty and the patient is really helpless in most of these cases to discover the nature of the injury him or herself and as a result, I think the two year statute is simply not long enough. I vote 'no' and I would urge others to do likewise."

Speaker Redmond: "Have all voted who wished? Clerk will take the... Representative Catania."

Catania: "Thank you, Mr. Speaker. I rise in opposition to this Amendment. I think that each of us can envision a situation where one of us might have an operation and hesitate really to accuse the doctor who may, in some cases, who's been a family doctor or we might not even realize that something was seriously wrong. Someone earlier mentioned the case of the senior citizens who becomes accustomed to various aches and pains and may not think that one new ache or pain is all that unusual and may not really consider that it's something as important enough to ask for consultation on. The senior citizen might not go to another doctor. People are not really aware, I think, that



medicine is not an exact science in many cases. Now the doctors are telling us that they are being overburdened by malpractice suits and they feel as if everybody's out to get them, but the patients aren't really all out to get the doctors and the patients still need to be protected. I think we need to defeat this Amendment so that people still do have the right to have time to realize what has happened to them, to have time to seek some kind of advice. This is not something that people do easily and it does take a long time, in many cases, for them to realize that they do have a serious problem that they have to seek advice, they have to seek another doctor's advice. They may even have to seek a lawyer's advice. People don't do this lightly in spite of the fact that as we all know, the doctors feel that they are being attacked by the general populace, but they're really not and we do still have an obligation to protect the general populace and I think we should vote 'no' on this Amendment."

Speaker Redmond: "Representative Mann."

Mann: "Thank you, Mr. Speaker. I did have my light on during the debate. There have been two misstatements made here or non sequiturs. One is that putting this Amendment on is going to provide better health care. Now, that is absolutely ridiculous. The reason why we haven't had decent health care is there are doctors located not in the areas where they're needed, but in the plush suburban areas. They don't make house calls at night and they limit enrollment in our medical schools and therefore, create an artificial shortage of physicians and medical care. And the second thing is that somehow or another, this will reduce judgement. Now, the fact of the matter is that the juries are returned these judgements against doctors because they are sick and tired of the poor medical care they're getting. They're sick and tired of not getting the benefit of night calls and they're sick and tired of the pious, hypocritical position which doctors now occupy by virtue of their status in our society. I think this is a poor Amendment and I think it ought to be defeated."



Speaker Redmond: "All voted who wished? Clerk will take the record.

On this question, 78 'ayes' and 53 'nays'. The motions carries.

The Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #16, Daniels. Amends House Bill 3545

as amended by inserting the following Section."

Speaker Redmond: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #16 deals with disciplinary proceedings against doctors. Now, I would urge you to listen carefully and I'll be very brief. We've talked about better health care. This is an Amendment that can, in fact, provide for better health care in the State of Illinois. It does expand the powers, duties, and rights of the Department of Registration and Education to review a doctor's license under additional grounds that are stated on page 3 and following. It does give the Department of Registration and Education, the authority to review a doctor's license if he's found or accused to be an incompetent, negligent or guilty of willful misconduct in violation of the standards of the medical community. It also gives them the authority to review the license on being found liable for medical malpractice and requires the department to report to the General Assembly, February 1 of each year as to their activities. Now, I would urge you to listen to this point that it does not require revocation, it does not require suspension; but what, in fact, it does is to give the department authority to revoke, to require continuing education, to suspend or to require the continued practice under licensed supervision. All this does is give the department additional authority to review a doctor's license and I urge your favorable vote on this Amendment."

Speaker Redmond: "Representative Washington. Anything further?

Representative Peters."

Peters: "Mr. Speaker and Ladies and Gentlemen of the House, what Representative Daniels indicated to you in regards to the contents of the Amendment is all fact and true. However, it probably goes just a little bit further than he did indicate to you



than it did. The Amendment does give the Department of Registration and Education the right to require that a physician participate in a program of continuing education as prescribed by the Department which might not be all that bad or require him to practice under the direction of another physician in a public or a private institution for a period of time specified by the department. I'm not exactly sure what administrative proceedings or procedures are set forth in the rest of the Bill here to insure a proper hearing for this doctor, nor am I informed or sure of exactly how a private institution might be directed by the State of Illinois to have a doctor come in and practice in their institution under some direction should they not want that to happen. Further, one of the new grounds that's being added in this Bill, not only for suspension, but also possible revocation, revocation-taking a man's livelihood away, is the fact that some disciplinary or action might have been taken against that doctor by a medical association society, whether or not that society or body is local, regional, state, national or international. Somebody, often a Belgian society, can end up saying that Doctor Berman hasn't done a good job and that now is grounds for the Department of Registration and Education to institute some hearings by a board which may or may not contain doctors or have professional advice, may or may not. Further, any information received by that department, any complaints, any allegations, any insinuations, any innuendos, made against any doctor are not liable under any grounds. The doctor has no recourse. A man's professional reputation may be totally ruined and he has absolutely no recourse in the courts against that association or against that doctor, that international body or whoever might be bringing malicious and false accusations against him. In regard to something that happened up in Chicago as I recall, one of the Representatives in making a comment on what transpired here in Chicago not too long ago, said that what's happening is that our national emblem, the eagle, is fast being replaced by the pidgeon. I suggest that when we make our laws that loose, where people can file with



state departments, rumors, insinuations, accusations, with the other end of that, being liable for what they say should that not be true. We are, in fact, extending a system which you and I concerned, I hope, about our liberties, our well-being, and the well-being of everyone in this system, should fight against. I recommend, Mr. Speaker, Ladies and Gentlemen of the House, a 'no' vote."

Speaker Redmond: "Representative Maragos."

Maragos: "Point of order, Mr. Speaker. I know you have made this a subject matter and we've been on this Bill now almost two hours with all these Amendments and it was pointed by, maybe the previous speaker, that this Bill is not going anywhere no matter what posture we put it in. I, therefore, implore the Members of this House not to talk lengthily on these Amendments and let's get this business of the House in hand because we got a lot of many vital Bills before us if we want to get out early this Session. So, please, I implore everybody, keep your remarks short so we can get through with this Bill."

Speaker Redmond: "Prepare the order and I'll sign it. Representative Holewinski."

Holewinski: "I wish to explain my vote, Mr. Speaker."

Speaker Redmond: "The question is on the Gentleman's motion, the adoption of Amendment #16. Those in favor vote 'aye', opposed vote 'no'. Representative Holewinski."

Holewinski: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think Representative Daniels is to be commended for presenting to us an excellent Amendment. This is the first Amendment that we've faced today that realistically addresses the question of quality of care and professional standards. The doctors have come in here and asked us to change the law of negligence to suit their individual problems and I think it is reasonable that we ask that they be held to some standard and that they be held to police themselves. I think this is a reasonable proposal and would ask the Membership to support it."

Speaker Redmond: "Have all voted who wished? Clerk will take the



record. On this question there's 61 'aye' and 25 'no'. The Gentleman's motion carries and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #17, Daniels. Amends House Bill 3545 as amended by inserting the following Section and so forth."

Speaker Redmond: "Representative Daniels."

Daniels: "Ladies and Gentlemen of the House, this is an extension of the previous Amendment that you just voted on. This deals with hospital disciplinary powers. Now, under the current law in the State of Illinois, no hospital can remove the staff privileges of a doctor unless it follows due process. Now, I would ask particularly the lawyers in this body, what do we mean precisely by due process? On what basis can we remove the staff privileges of a doctor in a hospital? Well, Amendment #17 answers that. Amendment 17 sets forth the rights, the powers, and the duties of a hospital disciplinary board to remove staff privileges of a doctor. I would suggest to you that in this case that your physicians, the physicians that are proud of their reputation, that are proud of the service that they give to the people, to, in fact, support this Amendment. It gives the hospital by a peer review group, the power to remove the staff privileges of a doctor if he's found incompetent, negligent or using habitual intoxicants or doing other things that's set forth in the Amendment. I urge your favorable vote."

Speaker Redmond: "Anything further? Representative Hirschfeld."

Hirschfeld: "Would the Sponsor yield, please?"

Speaker Redmond: "Indicates he will."

Hirschfeld: "Representative Daniels, what kind of a hearing is provided for? Is the doctor who's accused entitled to the right of legal counsel?"

Daniels: "Yes, he is, Representative Hirschfeld."

Hirschfeld: "In the Amendment?"

Daniels: "Yes, he is. If you look on subparagraph D, it says that, 'provided, however, that the procedure for such action shall comply with due process of law'."



Hirschfeld: "All right, the only reason I asked that question, I've had the misfortune of representing a doctor at these hearings that are called mortality and morbidity hearings. And the hospitals in this state that I have seen, refused to... they let the lawyer be present, but they refused to let him answer any questions..."

Speaker Redmond: "Representative Mann, for what purpose do you rise?"

Mann: "Point of order, Mr. Speaker."

Speaker Redmond: "State your point."

Mann: "Have photographers been given leave to take pictures?"

Speaker Redmond: "Yes, they have. The light is on."

Hirschfeld: "May I..."

Speaker Redmond: "Proceed."

Hirschfeld: "The hearings that I have set at is called due process and that's a many-tentacled word. I don't know what that exactly means because the lawyer was not permitted to ask any questions of the reviewing panel, nor was he permitted to supply any answers on behalf of his client."

Daniels: "Well, it would certainly be the intention of the Sponsor of this Amendment to forbid lawyers from participating in the hearings, Representative Hirschfeld. And if this Bill does go into the Senate, passed Third, I'll be happy to clarify that language so to satisfy you, but it is not my intention. My intention is for the record, that lawyers be present, that the hearing be following due process."

Speaker Redmond: "Representative Holewinski."

Holewinski: "Thank you, Mr. Speaker. If the Sponsor would yield for a question?"

Speaker Redmond: "He will."

Holewinski: "Representative Daniels, are you saying that a... that hospital boards do not have the powers you've got outlined here right now?"

Daniels: "Representative Holewinski, what I'm saying is that those powers are not defined, that the case only involves stating due process of law and we don't know on what grounds staff



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

privileges can be removed."

Holewinski: "My second question is, would you define medical staff as you've got it contained in Section 10.2? Is that the Board of Directors, anyone on the staff?"

Daniels: "That would be all the doctors on the staff of a hospital. This would be their peers."

Holewinski: "All right, thank you."

Speaker Redmond: "Anything further? The question's on the Gentleman's motion for the adoption of Amendment #17. Those in favor vote 'aye', opposed vote 'no'. Have all voted who wished? Have all voted who wished? Clerk will take the record. On this question there are 40... 55 'aye' and 9 'nay'. The motion carries. The Amendment, 17, is adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #18, Daniels. Amends House Bill 3545 as amended by inserting the following Section before the effective date and so forth."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #18 sets up an internal risk management program which requires every hospital in excess of 300 beds, to establish an internal risk program which will investigate and analyze the frequency of specific types of incidents, adverse incidents occurring in injury to the patients. The basis of this Amendment is so that we have statistical information as to injuries to patients in hospitals. It also requires the analysis of patient grievances and the like and I would urge your favorable vote on this Amendment. I feel it'll go a long way towards creating and giving us greater statistical information to deal with the malpractice crisis."

Speaker Redmond: "The question's on the Gentleman's motion to adopt Amendment #18. All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #19, Daniels. Amends House Bill 3545 as amended by inserting the following Section before the effective date and so forth."



Speaker Redmond: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, I would ask leave to table Amendment #19."

Speaker Redmond: "Any objection? Hearing none, Amendment 19 is tabled. Any further Amendments?"

Clerk O'Brien: "Amendment #20, Fleck. Amends House Bill 3545 as amended by inserting the following Section before the effective date and so forth."

Speaker Redmond: "Representative Fleck."

Fleck: "Mr. Speaker, Ladies and Gentlemen of the House, first, I would ask leave of the House to be recorded as voting 'aye' on Amendment 13. That was the one that limited the fees for attorneys. I don't think I could very well handle this Amendment and not be recorded in favor of that one."

Speaker Redmond: "Representative Fleck asks leave to be recorded as voting 'aye' on 13. All... any objections? Hearing none, leave is granted. Representative Fleck."

Fleck: "Mr. Speaker, Ladies and Gentlemen of the House, House Amendment 20, I don't really feel bad bringing it up 'cause it's in the form of self-flagellation that we're going through all these Amendments, but I'll tell you one thing. I will not and I repeat, I will not be issuing a press release after this Bill goes to Third Reading and we get it off of Second. This Amendment creates the medical review board which will be empowered to prepare curriculum for the continuing medical education of physicians, establish limitations on their fees, and review the fees charged by physicians. Very simple Amendment. It doesn't tell the doctors what they are going to be charging for their fees; but I think if we're going to be talking in terms of malpractice and expenses of health care providers, we ought to be looking at the front end where the doctors are charging the fees. We'll see our doctors, we go to the hospital where he refers us to a specialist who operates on us. The only time we see that specialist is just before we go underneath the sodium pentothal. The next time we see him, he comes in to say 'Hello, how are you? Is there any pain?'"



and off he hustles with his platoon of interns and nurses. Last time I was in the hospital was about two years ago and my family doctor, who brought me into this world, didn't operate on me, referred me to a specialist. The next day he came in and said, 'Well, how are you, Charles?'. I said, 'I'm fine.' He said, 'Did you have any pain?'. I says, 'No, I didn't have any pain, feel pretty good.' He says, 'Good, we'll let you out of here the day after tomorrow.' The next time I heard from my doctor after that brief conversation was when he hit me with a \$25 bill. Now, I computed that over what he would be charging by the hour and it would be somewhere around \$1,725. Now, for that brief conversation, I would rather be locked in a phone booth with Representative Cunningham and hear his down-state highway plea because it would be a lot more interesting and more informative than the big bill I paid for that doctor of mine. It's a modest proposal. I think it attempts to get to the fees and the health costs at the front end and not the back end where after the damage is done. And if we are going to limit fees for attorneys in this area, I think it's fair and reasonable that we look into and let a review board establish medical fees. And I would urge the House to adopt Amendment 20 to House Bill 3545."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker and Ladies and Gentlemen of the House, when we filed these Amendments on this Bill which represented the recommendations of the Malpractice Commission, I realized that there was a time problem and I would agree with those who say that it's a long shot that this Bill even has a chance of seeing the light of day in the Senate, but a long shot is better than no shot at all. If you read the editorials of almost every newspaper in this state, the provisions that have been put on this Bill have been recommended by the public and by the editorial writers throughout this state. It is indeed a long shot, but it's a shot worth taking. This Amendment is offered for the sole purpose of putting the final nail in the coffin of this Bill. The fiscal note has already been... the



been
request for a fiscal note has already filed/with the Clerk.
If this Amendment goes on this Bill, then that fiscal note
provision will be applicable. That's what this Amendment's
all about. As meritorious as it might be, let me suggest to
you that there's nobody writing press releases in regard to
this Bill, but I will suggest to you that if this Amendment
goes on, it has absolutely no chance of seeing the light of
day. That's what this Amendment is all about. The request
for a fiscal note's already been filed and if this Amendment
goes on, this Bill is dead. There's no question about and
I would suggest that you vote against it."

Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Will the Gentleman yield for a question? Represent-
ative Fleck, will you yield for a question?"

Fleck: "Yes."

Leinenweber: "Representative Fleck, if this Bill gets to the Senate,
would you consent to an Amendment changing that from medical
review board to professional review board?"

Fleck: "Well, I believe in the concept that this is a Bill dealing
with malpractice and I don't think it would be proper to limit
the fees charged by the professions across the board. So, I
don't think it would be germane to put that Amendment on in
the Senate."

Leinenweber: "Well, very briefly, Mr. Speaker, on the Amendment.
If you want to do something about limiting malpractice insurance
costs, this probably will have... will go a long way to doing
it because it will reduce the medical bills that a patient has
to pay to recover from instances of malpractice. However, I
unalterably opposed to legislating fees for professionals, so
I'll be voting 'no' on this. But I suggest if you want to go
a long way towards reducing judgements, reduce the costs that
go into making up the judgement, then you would probably want
to vote for this. However, I will be voting 'no'."

Speaker Redmond: "The question's on the Gentleman's motion to adopt
Amendment #20. Those in favor say 'aye', opposed 'no'. In my
opinion, the 'nos' have it. The Amendment fails. Any further



Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Representative Fleck."

Fleck: "Mr. Speaker, I think I'd like to have a Roll Call."

Speaker Redmond: "Okay, at 12 o'clock, Representative Fleck wants a Roll Call. Those in favor vote 'aye' and opposed vote 'no'. Have all voted who wished? This question... Clerk will take the record. Marovitz 'aye'. On this question, 30 'aye' and 70 'no'. The Gentleman's motion fails. Roll Call confirms the ear of the Speaker. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Consideration postponed. Order is concurrence, subject matter is appropriations. 3403. Representative Boyle, 3403."

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

I move to nonconcur in Senate Amendments to House Bill 3403."

Speaker Redmond: "The Gentleman has moved to nonconcur in Senate Amendments 1, 2, 3, 4, 5, 7, and 8 to House Bill 3403. All in favor indicate... Representative Schlickman. Representative Schlickman."

Schlickman: "Would the Sponsor kindly explain each of these amendments so that we know what we're voting on?"

Boyle: "All right, House... Amendment #1 reduces the Department of Conservation's operating request by \$676,100. Amendment #2 inserts two of the department's capital projects, Carlyle Lake at \$189,500 and Pere Marquette at \$35,400, making a grand total of \$224,900. Amendment #3 deletes the following projects from the budget-\$100,000 to dredge the ditches in Union County, \$710,000 to purchase land in Hamilton County, \$250,000 for a lake in Crawford County, \$13,000 for maintenance of the Cairo Custom House, and addition thereto the grants for the Seven Mile Lake and the Little Saline Lake are knocked out, taken out completely, at total reduction \$2,207,000. Amendment #4, Senator Partee's Amendment, this places restrictions of obligational authority on the department during the first six months of F.Y. 1977. Amendment #5 adjusts the use of special



funds to conform them to the improved fund level of predictions, it adds \$120,500 to the Game and Fish Fund, \$79,400 to the State Act Fund and there's...a...it decreases the reappropriation of \$314,000, the Land and Water Recreation Fund. Amendment #7 is a correction Amendment and Amendment #8 amends language of Amendment #7 to switch the source of General Revenue to Capitol Development Bonds. Now I think that some of them we may be able to take, but rather than go through there and take the time of the House, and split this thing up and say it concurs in this one, reject that one, I think we just as well reject them all and write the Conference Committee Report."

Schlickman: "Mr. Speaker, I move for division of the question."

Speaker Redmond: "The Gentleman has moved for division...we'll call them one by one. Representative Schlickman asks for division of the question."

Boyle: "I made the motion on all of them and I think that...to...to non concur in all of them, I think, you know, I still persist in that...I want a vote on that."

Speaker Redmond: "Representative Walsh."

Walsh: "Mr. Speaker, that request is automatic. The Gentleman has the right..."

Speaker Redmond: "You're right, there's going to have to be a division of the question, Representative Boyle. The first one is on Amendment #1."

Boyle: "Alright, then I move that we do not concur in Amendment #1. Amendment #1 reduces the Department's operation budget by \$676,100, this is the one that...one of the one's that we fought to put in, it cuts \$40,000 out of Law Enforcement, this is the same thing we went through with the Game Wardens and everything. I move/non concur in Amendment #1."

Speaker Redmond: "The Gentleman has moved to non-concur in Senate Amendment. Those in favor vote aye...say 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 101 aye and 19 nay and the Gentleman's motion prevails."



The House does non concur in Senate Amendment #1. Amendment #2."

Boyle: "Alright, Amendment #2 is a Senate Amendment which inserts two of the Department's capitol projects, Carlyle Lake, \$189,500; Pere Marquette, \$35,400. These are put in there, they weren't in the budget, you know, suit yourself, but I would ask you to non concur if you put them, well they'll be in there."

Speaker Redmond: "The question is on the Gentleman's motion to non concur in Amendment #2. Those in favor say aye. Opposed no. The motion carries to non concur in Amendment #2. Amendment #3."

Boyle: "Alright, Amendment #3 knocks off these projects out of the budget. \$100,000 Representative Choate was interested in down in Union County, \$710,000 to purchase land in Hamilton County, \$250,000 for a lake in Crawford County, \$13,000 for maintenance of the Cairo Custom House. In addition, the grant for the seven-mile lake and the Little Selene Lake were knocked out making a total wipeout of \$2,207,000 and I think there's enough projects for everybody that everybody's interested in there that I'd urge you to non concur in #3."

Speaker Redmond: "The question is on the Gentleman's motion to non concur in Amendment #3. Those in favor say aye. Opposed no. The ayes have it...Those in favor vote aye, opposed vote no. Have all voted who wished? The Clerk will take the record. On this question there's 92 aye and 32 no and the House non concurs in Senate Amendment #3. Amendment #4."

Boyle: "Alright. Amendment #4 is an Amendment which restricts the obligational authority of the Department for six months, the first six months of F. Y. 77 and feel as though it will tie their hands, it won't allow them to issue any indebtedness or go into debt in the first six months. I would recommend a non concurrence."

Speaker Redmond: "The Gentleman has moved to non concur in Amendment #4. Those in favor say aye. Opposed no. The ayes have it, non-concur in Amendment #4. Amendment #5."

Boyle: "Alright, Amendment #5...."

Speaker Redmond: "Representative Schlickman."

Schlickman: "I now withdraw my request for division of the question."



Speaker Redmond: "The Gentleman has withdrawn. The question now is Amendments #5, #7 and #8."

Boyle: "I move to non concur on Amendments #5, #7 and #8."

Speaker Redmond: "The question is on the Gentleman's motion to non concur in Senate Amendments #5, #7, and #8 to House Bill 3403, those in favor say aye. Opposed no. The ayes have it and the House non concurs in Senate Amendment #5, #7 and #8. Representative Berman."

Berman: "Parliamentary inquiry, Mr. Speaker."

Speaker Redmond: "State you point."

Berman: "On House Bill 3545, while it was on Second Reading, a fiscal note request was filed. Is it my understanding that the Speaker moved it to postponed consideration?"

Speaker Redmond: "My instructions are insofar as the basis that I interpret the rules is that after we have concluded with it, the only place it could go was to consideration postponed."

Berman: "I thought with the filing of a fiscal note request, it stays on Second and after the request is complied with, then it would go to postponed. Or is it the intention of the Chair that after..."

Speaker Redmond: "We'll discuss that later when we get back. Representative Lechowicz."

Lechowicz: "Thank you Mr. Speaker, I ask the Clerk to read House Resolution 956."

Speaker Redmond: "Mr. Clerk."

Clerk O'Brien: "House Resolution 956. Lechowicz, et al. Whereas the magic and enchanted time of year has come again when we join in celebrating the birthday of one of our most senior and beloved Members; and Whereas this House has been joined...joining the celebration of Clyde L. Choate's birthday for thirty years, formerly joining him on his occasion every other year and now every year, and Whereas on today, the occasion of good ole Clyde's fifty-sixth birthday, we also take note of Mr. and Mrs. Clyde L. Choate's wedding anniversary on May 10, which marks twenty-nine years of wedded happiness for Clyde and his lovely bride, Madonna, and Whereas this House has celebrated Clyde's birthday in recent years by the



singing of the ballad of Clyde Lee Choate, the Pride of Southern Illinois; and Whereas due to continuing developments in Illinois politics, this House has been constrained to amend the Ballad of Clyde Lee Choate from year to year, therefore be it resolved by the House of Representatives of the 79th General Assembly of the State of Illinois that we wish a very Happy Birthday and the best of future health and happiness to our senior college, and friend, the Honorable Clyde L. Choate, and our best wishes to Clyde and his Madonna on the occasion of their twenty-ninth wedding anniversary and be it further resolved that we join in singing the 1976 amended version."

Speaker Redmond: "Representative Lechowicz."

Lechowicz: "Well Mr. Speaker, before I move the adoption of the Resolution, I'd like to ask leave to have the microphone turned on at Representative Tipsword's desk so Representative Tipsword and Geo-Karis can sing the Ballad in its proper tune."

Speaker Redmond: "Representative Tipsword."

Tipsword: "If the House will indulge us, we will sing the rest of the Resolution that was not read. Representative Tipsword and Representative Geo-Karis sing the Ballad of Clyde L. Choate."

Speaker Redmond: "Representative Lechowicz."

Lechowicz: "Thank you Mr. Speaker and I do mean to thank you for going through this order of business at this time and I'd like to have you as a co-sponsor of this Resolution with me. And in turn, I want to wish my good friend, Clyde Choate, a very Happy Birthday and to his lovely wife and family and I would hope that the entire Membership would like to co-sponsor this Resolution. I move for the adoption."

Speaker Redmond: "Any objections..."

Lechowicz: "I move for the adoption..."

Speaker Redmond: "...I think you should amend that the Membership that are indebted to the songbirds, Representative Geo-Karis and Representative Tipsword..."

Lechowicz: "...and Grotberg, who came in late."



Speaker Redmond: "The Gentleman has moved the adoption of Amendment... of the Resolution. All those in favor...Representative Grotberg."

Grotberg: "Yes, Mr. Speaker, I'd like to speak to this Resolution.

I would hope that everybody here knows that this is the first year that I voted present on the Art's Council Budget and I have been a proponent of the Arts for so long, but when I heard that duet going over there, I had no recourse but to change from present to aye and go over and save culture for the State of Illinois because if you realize that the charming words and lyrics are going out over the State of Illinois, and if I had let that Bill go out unamended as I did and went over to help him, I think it would have been a travesty on this House and Clyde would have resented it and I wish to be recorded as such."

Speaker Redmond: "The question is on the Gentleman's motion for the adoption of the Resolution. Those in favor indicate by saying aye. Opposed no. The ayes have it; the Resolution is adopted. Representative Shea."

Shea: "Go ahead..."

Speaker Redmond: "Representative Choate, the birthday child."

Choate: "Only one point of order, the mathematics is wrong some way because Representative Lechowicz mentioned about doing this for thirty consecutive years and then he mentioned the 56th birthday and I was elected when I was 21. Now how does that add up to 56?"

Speaker Redmond: "Representative Lechowicz."

Lechowicz: "That was a biennial session a number of years as well."

Speaker Redmond: "One was leap year, Representative Shea.

Shea: "Mr. Speaker, I move that the House do now recess until the hour of 2:00 o'clock this afternoon."

Speaker Redmond: "...the Gentleman's motion that we recess, the Clerk has granted leave to read some Conference Committee notices."

Clerk O'Brien: "Conference Committee notice relating to House Bill 3058 which is going to meet at 1:00 o'clock. The appointed Members are Representative Chapman, Downs, McClain, Grotberg and Kempiners. Members of the Conference Committee will meet Monday, June 28th, at



1 o'clock p.m. in the east House corridor. A 1:30 meeting relating to House Bill 3374, the appointed Members are Representatives Rayson, Lechowicz, Gerald Bradley, Cunningham and Totten. Meeting of the Members of the Conference Committee will be Monday, June 28th at 1:30 in the east House corridor. A 2 o'clock meeting for Senate Bill 1621, the Members appointed are Representatives Richmond, E. M. Barnes, Gerald Bradley, Ryan and Totten. Members of the Conference Committee will meet Monday, June 28th at the hour of 2 o'clock p.m. in the east House corridor."

Speaker Redmond: "Motion carries and the House stands in recess until 2 p.m.

RECESS

Doorkeeper: "All persons not entitled to the House floor, please retire to the gallery."

Speaker Redmond: "House will come to order. Messages from the Senate."

Clerk O'Brien: "Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has refused to adopt First Conference Committee to House Bill 3068. Further directed to inform the House the Senate requests a Second Conference Committee. Action taken by the Senate June 28th 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has refused to recede from their Amendments #3 and 4 to House Bill 3374 and request a Conference Committee. Action taken by the Senate June 28, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has acceded to the request of the House for a First Conference Committee to Senate Bill 1935. Action taken by the Senate June 28, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has acceded to the request to the House of Representatives for a Conference Committee on Senate Bill 1638. Action taken by the Senate June 28, 1976.



Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in passage of Bill of the following title: House Bill 3629 together with an Amendment passed by the Senate as amended June 28, 1976.

Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate concurred with the House in passage of Bill of the following title to-wit: House Bill 3420 passed by the Senate June 28, 1976. Kenneth Wright, Secretary."

Speaker Redmond: "Conference Committee announcement."

Clerk O'Brien: "Conference Committee announcement relating to House Bill 3403. Members appointed to the Committee are Representatives Boyle, O'Daniel, Gerald Bradley, Totten and Washburn. Meeting of the Members of the Conference Committee will be Monday, June 28 at 2:30 o'clock in the east House corridor. Committee Conference announcement relating to House Bill 3417. Members appointed to the Committee are Representatives Williams, Matijevich, Gerald Bradley, Coffey and Totten. Meeting of the Members of the Conference Committee will Monday, June 28th at the hour of 3 o'clock p.m. in the east House corridor."

Speaker Redmond: "...Of nonconcurrence appears Senate Bill 3650. Representative Stone."

Stone: "Mr. Speaker, Ladies and Gentlemen, I move that the House refuse to recede from House Amendments #2 and 4 and that a Conference Committee be appointed."

Speaker Redmond: "You've heard the Gentleman's motion. All in favor... Representative Ryan. Representative Ryan. Ready for the question? Question's on the Gentleman's motion that the House refuse to recede from House Amendments #2 and 4, is that correct, Representative Stone? All in favor say aye; aye; opposed, no. The ayes have it and the House refuses to recede and request a Conference Committee. Conference Committee Report 3820. Representative Barnes."

Barnes: "Thank you very much. Mr. Speaker, Members of the House, I would move that the House do not adopt the First Conference Com-



mittee Report and that a Second Conference Committee be appointed."
 Speaker Redmond: "You've heard the Gentleman's motion. All in favor indicate by saying aye. Aye. Opposed, no. The ayes have it and the motion carries. Second Conference Committee will be requested."

REPRESENTATIVE BRADLEY IN THE CHAIR

Speaker Bradley: "...Calendar on Third Reading appears Senate Bill 1707."

Clerk O'Brien: "Senate Bill 1707. A Bill for an act authorizing the Director of General Services to convey certain real property in the county of Peoria. Third Reading of the Bill."

Speaker Bradley: "Gentleman from Peoria, Mr. Schraeder."

Schraeder: "Mr. Speaker, Members of the House, this is a Bill similar to House Bill 3556 which would give the...General Service Department the right to sell the Peoria State Hospital vacant grounds and buildings at a minimum bid of \$1,000,000. The only difference between this and the House Bill was that this would allow the General Services in their wisdom to sell in parcels rather than one tract if it's a more economical manner for the state. There's no...problem with this Bill; it's been passed...the other one has passed out; it's on the Governor's desk; this will give them the option. I move adoption of Senate...Bill 1707."

Speaker Bradley: "Discretionary Amendment. Questions on the adoption of Senate Bill 1707. All those in favor will signify by voting aye; opposed by voting no. All voted who wish? Have all voted who wish? Gentleman from Peoria wish to explain his vote?"

Schraeder: "Just to say this that Senator Knuppel's Bill only gives the General Service the option of whichever way they want to sell the property and it's noncontroversial."

Speaker Bradley: "Have all voted who wish? Clerk will take the record. On this question there's 99 ayes; 2 voting; 1 voting present. This Bill having received the constitutional majority is hereby declared passed. Representative Stubblefield on 1524. Senate Bills Third Reading."

Clerk O'Brien: "Senate Bill 1524. A Bill for an act providing grants for school districts and counties having an aggregate equalized



valuation of 40% or more in 1974. Third Reading of the Bill."

Speaker Bradley: "...Gentleman from Winnebago, Mr. Stubblefield."

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

I would like leave to consider with this Bill the companion appropriation Bill, Senate Bill 1956, and debate them together and one Roll Call."

Speaker Bradley: "Gentleman have leave to hear the two Bills? Hearing no objection read the...Gentleman from Cook, Mr. Walsh."

Walsh: "Would the Gentleman repeat that request, please?"

Speaker Bradley: "Mr. Stubblefield on the...is requesting hearing Senate Bill 1524 and what was the other Bill, Sir?"

Stubblefield: "1956 is the appropriation Bill."

Speaker Bradley: "The top and the bottom of the page on Senate Bills Third Reading."

Walsh: "All right. I have no objections."

Speaker Bradley: "Hearing no objections read 1956."

Clerk O'Brien: "Senate Bill 1956. A Bill for an act making an appropriation to the State Board of Education. Third Reading of the Bill."

Speaker Bradley: "Gentleman from Winnebago, Mr. Stubblefield."

Stubblefield: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this Bill in its original form would have provided a grant to school districts in counties where the assessed valuation was 40% or more. In its amended form it provides a grant to school districts and counties where the assessed valuation is 33-1/3% or more. It increased the appropriation and very frankly reduced the amount of money that would be distributed to the Winnebago County Schools by Amendment 3. I think we have debated the Bill with all the Amendments on Second Reading and I would urge a favorable Roll Call on this Bill."

Speaker Bradley: "Discussion. Hearing none the question is on the adoption of Senate Bill 1524. All those in favor will signify by voting aye; opposed by...oh, and Senate Bill 1956. All in favor will vote aye; opposed will vote no. The Gentleman from Kankakee, Mr. Ryan."

Ryan: "Mr. Speaker, what...you got two Roll Calls going here?"

Speaker Bradley: "We asked for leave and Mr. Walsh, agreed, I heard



no objection at that time. If...if you'll look at the calendar at the appropriation bill or the supplemental bill at the number of first bill appearing on Senate Bills Third Reading and the last bill."

Ryan: "These are the Hickey Bills to bail out Winnebago County?"

Speaker Bradley: "Well, I don't know about that but it's the...have all voted who wish? The Gentleman from Bureau, Mr. Mautino. Oh, have all voted who wish? Have all voted who wish? The Clerk will take the record. This question we have 107 ayes; 6 nays; 6 voting present. This Bill having received the...these Bills having received the constitutional majority are hereby declared passed. ...The calendar under the order of concurrences appears House Bill 3138. Gentleman from Cook, Mr. Kosinski."

Kosinski: "Mr. Speaker, Ladies and Gentlemen of the House, this is Senator D'Arco's Amendment #1 from the Senate to House Bill 3138. The hyphenated co-Sponsor Romie Palmer and I concur...wish concurrence with this Amendment. Actually what this does is tightens up the Bill defining hospitals, that type of institutions providing fulltime residentials, facilities and treatments for in-patients; excludes the out-patient situation. And I move for concurrence."

Speaker Bradley: "Gentleman moves to concur in Senate Amendment #1 to House Bill 3138. All those in favor will signify...the Gentleman from Cook, Mr. Katz."

Katz: "Mr. Speaker, I think that this Bill involves a problem that I think the Members ought to be aware of when they vote upon it. This is the problem regarding the Firearm Owner's Identification Act under which an individual is precluded from registering and owning a firearm if he has been a patient in a mental hospital and the problem is...is how do you protect the rights of people who in fact are entitled to privacy when they are patients in the hospitals. Now what...the problem I have with the Amendment frankly is this. If an individual applies for a firearm owner's identification card he doesn't know really that he is thereby letting it be known that he was a patient in a mental hospital, in a state mental hospital and it does seem to me that the Bill and the pro-



posed Senate Amendment #1 is deficient in failing to have the individual who applied for a firearm owner's identification card to specifically consent to the release of information concerning him in a state mental hospital. In other words, the individual who applies for the card really does not know that the fact that he was a patient in a state mental hospital is going to be divulged and I believe that there ought to be a consent that the individual would sign when he applies for the firearm owner's identification card. And in failing to require, I believe that the Amendment is deficient and accordingly I would have to, myself, oppose the Amendment as impinging upon the privacy of individuals concerning their hospitalization in Illinois' mental hospitals."

Speaker Bradley: "The Gentleman from Cook, Mr. Kosinski, to close."

Kosinski: "Mr...Mr. Speaker, Ladies and Gentlemen of the House, conversely this person is not notified that if he has a criminal history within five years this will be known to the firearm owner's identification section. We respect the right of privacy but we also are concerned about public safety. This is^a missing link to a viable statute which this General Assembly passed some years ago. We now have the computerization or will have shortly the computerization of those people convicted of felonies within a five year period. Here we do not wish the records of the mental health institutions; we wish to redline those applicants that are not entitled to firearms under the statutes. This is good anti-crime legislation and I ask for your concurrence."

Speaker Bradley: "The Gentleman moves that the House does concur in Senate Amendment #1 to House Bill 3138. All those in favor will signify by voting aye; opposed by voting no. Have all voted who wish? All voted who wish? Could you vote Gerald Bradley aye, please? Have all voted who wish? Clerk will take the record. On this question there are 109 ayes; 27 nays; 1 voting present. The House does concur in Senate Amendment #1 to House Bill 3138. Mr. Katz on 2736. Turn Mr. Katz on, the Gentleman from Cook."

Katz: "This is a part of the series of bills that modernize certain sections of the Code, the rest of them had been already passed out.



In this particular one, when it was in the Senate, certain Amendments were added to, five by number, to reflect changes that had been made in the intervening period of time. In my opinion after studying it while I think that they are correct in making the changes I think in the way that it's done it's been a little confusing and I would hence move that we nonconcur in the Senate Amendments and suggest a Conference Committee where we can straighten out some loose ends that are left as a result of the Senate Amendment."

Speaker Bradley: "The Gentleman moves to nonconcur in the...in Senate Amendments #1, 2, 3, and 5 to House Bill 2736. All in favor of the Gentleman's motion say aye;...1, 3, 4 and 5. Say aye; the opposed say no. The ayes have it; the Gentleman's motion prevails and the House does nonconcur in House...Senate Amendments to House Bill 2736. On the calendar of concurrences appears House Bill 3518. Gene appears 3643, are you ready to go with that, Sir? Take...take 3518 out of the record right now. The Gentleman from Sangamon on House Bill 3648 on concurrence."

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

Speaker Bradley: "Pardon me, Mr. Kane, if Representative Berman's within hearing distance of my voice, would he please come to the House floor? The Gentleman from Sangamon, Mr. Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, I would move that the House concur in Senate Amendment #1 to House Bill 3648. What Senate Amendment #1 does is authorize the Department of Labor to adopt regulations waiving quarterly unemployment insurance contributions, interests or penalties that total less than a dollar. As a result of the Department's recently introduced lockbox system for quarterly contribution payment employers must send their unemployment insurance contributions in one envelope directly to the bank and their quarterly wage data report in another envelope to the Department and the cost for postage in many cases where the amount is less than a dollar exceeds the contribution. The Department of Labor survey based on a 10% sample of liable employers indicates that approximately 24,500 employers where 12% of all covered employers pay less than a dollar per quarter and the average dollar remittance was 52 cents.



If all such contributions were waived the resulting loss in state revenue would be \$50,000 per year but the Department estimates that the cost of processing these small contributions exceeds that loss. The proposed amendment would result in the removal of the significant irritants of many small employers and would aid the Department the contribution section which is already working under very heavy work load and I would move for concurrence in Senate Amendment #1."

Speaker Bradley: "Gentleman from Cook, Mr. Walsh."

Walsh: "Mr. Speaker and Ladies and Gentlemen of the House, I rise to oppose the Gentleman's motion to concur not because of the substance of the Senate Amendment nor the substance of the Bill. It seems to me that each is at...is at best unimportant. The important thing that this Bill is is that it is the last possibility for us in this Session of the General Assembly to address ourselves to what we were supposed to have been gathered here for namely to consider emergencies in the operation of our state and our state government. The emergency in this regard is that unemployment compensation premiums have tripled or are expected to triple over a two year period that business is being driven from this state; that we have the impossible situation where people are better off drawing unemployment compensation than they are producing and working for a living. So I would strongly urge, Mr. Speaker, that we nonconcur and that we get this Bill into a Conference Committee and at that Conference Committee may address itself to what we should have been addressing ourselves to for these six months. Now we have failed absolutely and dismally in the area of workmen's compensation because of the Democratic Party. This is our opportunity to possibly do something about unemployment compensation so I urge your no vote on the Gentleman's motion to concur."

Speaker Bradley: "The Gentleman from Kane, Mr. Hill, and just a minute Mr. Hill. Mr. Stone, did you move this morning to nonconcur in 1650? Thank you. The Gentleman from Kane, Mr. Hill."

Hill: "Mr. Speaker and Members of the House, for the life of me I cannot understand Representative Walsh. Here he is trying to defeat an Amendment that would help the small business community of the state of Illinois. What is he trying to do? I...for the life of me when



you read this Amendment and see that this beneficial to the small business community in the state of Illinois and here we have a Republican trying to defeat it. Is he going to use this as a campaign measure too? I don't know how he can get along with those small business people by defeating this particular Amendment. This is one that you should be for. It's a good Amendment. It will help these people and certainly you should respect the idea that small business needs some help. Thank you."

Speaker Bradley: "The Gentleman from Cook, Mr. Lundy."

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

Of course the Assistant Minority Leader's suggestion is wholly improper. He asks us to nonconcur in this Amendment which is a good Amendment; a beneficial Amendment for the small businessmen in this state so that, as he describes it, the Bill can go to Conference Committee to again be involved with a subject that has been debated endlessly not only the floor of this House but on the floor of the Senate as well; on which every Member of this House and every Member of the Senate has had a chance to vote already in order to satisfy his particular conception of changes that should be made in the Workmen's Compensation Law. Now that's that a wholly improper suggestion coming from any other Member of course it wouldn't even be paid the least heed but because he..."

Speaker Bradley: "The Gentleman from McHenry, ~~rises~~ on a point of order. State your point, Sir."

Skinner: "Mr. Speaker, I thought this Bill amended the Unemployment Compensation Act and I don't think the Workmen's Compensation Act has anything to do with it. Is that correct?"

Speaker Bradley: "Would you confine your remarks to the...Lundy although they do kind of intercede a little and he's making his point, proceed, Mr. Lundy."

Lundy: "Yes, I'm certainly glad that Representative Skinner pointed that out since that makes the suggestion of the Assistant Minority Leader even more ridiculous than the...than if he had been talking about the Workmen's Compensation Law but of course his suggestion is wholly improper; that's not a proper use for a Conference Committee to attempt



to deal with a subject that's not raised in the Bill and I would urge an aye vote. This is a Bill and an Amendment which are in the interest of small business in this state and I think anyone who's concerned about the burden which recently enacted legislation imposed on those small businessmen ought to be for this Amendment and for the Bill. And I urge an aye vote."

Speaker Bradley: "The Gentleman moves that the House does concur in Senate Amendment #1 to House Bill 3648. All in favor of the Gentleman's motion will vote aye; opposed will vote nay. The Gentleman from McHenry, Mr. Skinner, to explain his vote."

Skinner: "You want to turn the board on and we can all vote. I think the Gentlemen from the other side of the aisle perhaps have overreacted to the comments on this side of the aisle about workmen's compensation insurance changes during the last Session. I don't remember ever having discussed how horrendous the unemployment compensation bill that we passed last year are and so since we have not yet debated that subject on the floor this might give us a vehicle to do so."

Speaker Bradley: "Have all voted who wish? The Gentleman from Sangamon, Mr. Kane, to explain his vote."

Kane: "Wasn't given an opportunity to close..."

Speaker Bradley: "I'm sorry, Sir, you certainly weren't, would you go ahead and close, Sir."

Kane: "Yes, what I would like to do is to urge that we adopt this Amendment in the Senate...the suggestion from the Minority Leader, or the Assistant Minority Leader that we use this Bill as a vehicle to discuss workmen's compensation legislation is entirely out of order and is completely ridiculous. I understand early in the Session he was talking about shell bills and this is the first time I ever thought that a Member of the Minority Party would be suggesting that we take a Bill that does very little; takes care of some of the problems that the Department of Labor is having.. It solves the problems that the state retirement system is having. It's going to do something for the small employers of this state and he suggests that we gut the whole bill and start all over again. And he was the one that was



arguing against shell bills earlier. I think this is a complete prostitution of the legislative responsibility. I think that we ought to concur in this Amendment and stop playing games. I urge an aye vote."

Speaker Bradley: "He was...he was closing. The Gentleman from Cook, Mr. Walsh, to explain his vote."

Walsh: "Well, I'm afraid not to explain my vote, Mr. Speaker, because there may be some protest to that. I rise on a point of personal privilege."

Speaker Bradley: "I think...I think...pardon me, he was rising, he was rising on a point of personal privilege. I was mistaken, he was lipreading and I was trying to lipread and didn't understand... Go ahead, Sir."

Walsh: "Mr. Speaker, to listen to that unholy alliance over there, those three that attacked me for my position on that Bill, or this Bill, you would think that we were doing something significant here. Believe me, Mr. Speaker, we are not. What we are doing for the small businessman..."

Speaker Bradley: "What purpose the Gentleman from Cook, Mr. Maragos, arise?"

Maragos: "Mr. Speaker, the Assistant Minority Leader rose allegedly on the grounds of personal privilege; what he's doing here he's...he surreptitiously trying to explain his vote and I think that's defeating the purpose of the Rules."

Speaker Bradley: "Well, I don't think he's really gotten into what he's going to say. Let's give him an opportunity to...continue we'll try to make a determination..."

Walsh: "If they keep it up it'll take me the rest of the day. I must, Mr. Speaker, because they in connection with my objection pointed out this Bill and what I am doing to the small businessman. I suggest to you that they are doing to all business people what they accuse me of doing to the small businessman. What the Senate Amendment does is save the small businessman and get this, this is the maximum benefit that a small businessman can get from this Senate Amendment \$4.00. Now probably it'd be substantially less than



\$4.00 and that's in a one year period, Mr. Speaker, a one year period. The Amendment does not give the small businessman the need to fill out these odious forms, that they must continue to do. But because they have difficulty counting the money in the Department of Labor they forgive him if his payment for a quarter is one dollar or less. So that's the great benefactor of business, the Democratic Party would save \$4.00. I submit to you, Mr. Speaker, once again that this is our only opportunity to undo greivous harm we did to the state of Illinois one year ago. If we do not avail ourselves of this opportunity then it will go probably for another year and I urge your no or present vote."

Speaker Bradley: "In the opinion of the Chair I think you were speaking to the Bill. The Gentleman from Cook, Mr. Maragos, to explain his vote."

Maragos: "Mr. Speaker, Members of the House, for a whole year we've been hearing from certain elements of the other side of the aisle that we have been unfair to the businessmen in adopting many of these workmen's compensation and the unemployment compensation laws and now there's a measure that's come before us this afternoon in order to give some relief to the small businessmen without in any way hurting the full thrust of that legislation last year and now we get a squall and squeak from the other side saying that we are not doing enough. Let us take the step and support this Amendment and therefore not to talk in both sides of the mouth as has been done by the elements of the other side without mentioning any names because they'll ask for a personal privilege and say to them...and say to them that at this time this is a wonderful Amendment and we should adopt it and concur as the Sponsor of the Bill desires to do."

Speaker Bradley: "The Gentleman from Christian, Mr. Tipsword, to explain his vote and would the Gentleman, the Lady standing right in front of him please give...please sit down so we can see Mr. Tipsword."

Tipsword: "Mr. Speaker, Ladies and Gentlemen, in explaining my yes: vote I'm voting yes because I have been informed by the Department that this affects about 24,000 employers in the state of Illinois. It is not a minor matter and it will save considerably more than \$24,000 to the Department. And so I would urge in the interest of economy



and in the interest of decency and the interest of fairness to these 24,000 employers that we vote aye on this...this Amendment."

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

Clerk will take the record. This question there are 100 ayes; and 16 nays; 31 voting present and the House does concur in Senate Amendment #1 to House Bill 3648. For what purpose does the Gentleman from Cook, Mr. Madison, arise?"

Madison: "Yes, Mr...Mr. Speaker, I would like to have leave of the House to table House Bill 3777 of which I am the principle Sponsor."

Speaker Bradley: "Does the Gentleman have leave to table House Bill 3777? Hearing no objection the Bill is tabled. Messages from the Senate."

Clerk Selcke: "Message from the Senate by Mr. Wright, Secretary.

Mr. Speaker, I am directed to inform the House the Senate has refused to concur with the House in the adoption of the Amendment of the House to a Bill of the following title: Senate Bill 1594. Action taken by the Senate June 28th 1976. Kenneth Wright, Secretary. Mr. Speaker, I am directed to inform the House that the Senate has refused to concur with the House in the adoption of Amendments to the House to a Bill of the following title: Senate Bill 1936 which Amendments are as follows: 1, 2, 3, 5, 7, 8, 9, 10, 14, 15, 17, 21, 25, 29, 30, 31, 32, 35, 36, 37, 38. Action taken by the Senate June 28th 1976. Kenneth Wright, Secretary. Mr. Speaker, I am directed to inform the House the Senate has refused to concur with the House in the adoption of Amendments to the House to a Bill of the following title: Senate Bill 1997. Action taken by the Senate June 28, 1976. Kenneth Wright, Secretary. Mr. Speaker, I am directed to inform the House the Senate has refused to concur with the House in adoption of Amendments of the House of Representatives to a Bill of the following title; Senate Bill #1932 which Amendments are as follows: 1, 3, 4, 6, 7, 8, 9, 10, 14, 15, 18, 19, 20, 21 and 24. Action taken by the Senate June 28th 1976. Kenneth Wright, Secretary."

Speaker Bradley: "The Gentleman from Cook, Mr. Maragos, what purpose do you rise, Sir?"

Maragos: "Parliamentary inquiry, Mr. Speaker. I would like to know if



Chair intends to go the order of motions at all this afternoon because there's several bills that have to be considered; have to be passed this afternoon in order to move the...the way the motions are."

Speaker Bradley: "We'll check with the permanent Speaker and we'll let you know."

Maragos: "Thank you kindly."

Speaker Bradley: "On Third Reading on Senate Bills Third Reading appears Senate Bill 1750."

Clerk Selcke: "Senate Bill 1750. A Bill for an act to amend the Illinois Highway Code. Third Reading of the Bill."

Speaker Bradley: "The Gentleman from Effingham, Mr. Keller."

Keller: "Yes, Sir. Thank you, Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 1750 provides the local match and annual program for the township and county bridges in downstate. I...this is the one that goes along with Senate Bill 2000 which passed out of here last night and there was some of them...people that weren't here that I promised I'd hold it 'til today so that they could be on the Roll Call. I'd ask for a favorable vote."

Speaker Bradley: "The Gentleman from Henderson, Mr. Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen. This is a very important Bill to the whole state of Illinois and particularly to the downstate area. We have over 12,000 bridges here in the state; that is township and county bridges. Approximately one-half of these bridges have been rated now; the rest will soon be rated. Of these bridges several of them, 783 of these bridges have zero tons; that is they should not be used at all. We have another 5611 bridges that are rated to where school buses cannot travel in and then we have less than the legal load that can carry the rest of...legal load that's 757 bridges and there's only 4383 of all of these bridges of the 12,000 that can carry the legal limit. There's approximately 7% of all these bridges that will not carry any load at all and either should be closed or will be closed in the near future; 65% will not carry actively a legal load limit. This is something that's very important and I hope we will all give this a yes vote."



Speaker Bradley: "The Gentleman from Cook, Mr. Palmer."

Palmer: "If the Sponsor will yield for a question."

Speaker Bradley: "He indicates that he will."

Palmer: "Of course these Bills are quite attractive but I would like to ask whether or not the township...counties whether or not they've levied enough money to take care of these bridges and...as to repair or do whatever is necessary and secondly why should the people, all the people in the state be paying for something that's a local obligation?"

Speaker Bradley: "Turn on Mr. Keller."

Keller: "Yes, I'm glad you asked that question because the Bill does not take effect until 1977 and the purpose of that was so that the townships and the counties could go home and get the referendum passed so that they could get the match funds to meet this obligation. And let's see, your second question was...go ahead..."

Palmer: "Well, the second question was why should all the people of the state pick up..."

Keller: "Yes, we did away..."

Palmer: "...The tab that's a local obligation."

Keller: "...When we do away with the personal property tax what's going to happen, that's takes away funds where these bridges could have been built in the past and this...this helps makes up the difference where that personal property tax was being used before."

Palmer: "Well, I thought that income tax was going to replace personal property."

Keller: "Well, you know what happened to income tax and so do I."

Palmer: "Thank you."

Speaker Bradley: "The Gentleman from Stephenson, Mr. Brinkmeier."

Brinkmeier: "Thank you, Mr. Speaker, would the Sponsor yield to..."

Speaker Bradley: "He indicates that he will."

Brinkmeier: "Yes, I'm...I'm curious. It's my understanding that the bridges that are used by school buses should have the top priority, is that correct, Sir?"

Keller: "Yes, Sir."

Brinkmeier: "...Very briefly, Mr. Speaker, I'd like to address myself to



the Bill. I think this is...this is desperately needed, at least in northwestern Illinois and I presume all over downstate. Many of these bridges are actually unsafe. School buses are using them today and those of us that are concerned with school bus safety I would submit to you that this is far more important than whether or not a bus has four lights or eight lights on it and I would urge you...support this Bill."

Speaker Bradley: "The Gentleman from Cook, Mr. Schlickman."

Schlickman: "Would the Sponsor yield?"

Speaker Bradley: "He indicates that he will."

Schlickman: "Does this Bill, as amended, still provide that the General Assembly shall appropriate to the Department of Transportation from the Road Fund the general revenue fund and any other state funds or combination of those funds, \$15,000,000 for apportionment?"

Keller: "What...what happened....what happened is...yes, it can come from any one of the various funds wherever we could end up finding the money."

Schlickman: "Which other state funds are you referring to?"

Keller: "Well, the ones you mentioned."

Schlickman: "Well, we have the Road Fund, I know about that."

Keller: "Right and the income tax."

Schlickman: "We have the General Revenue Fund, I know about that."

Keller: "General Revenue."

Schlickman: "Then you make reference to any other state funds or combination of those funds, now what do you mean by that?"

Keller: "This, of course, was amended in the Senate. Now I took what they meant for that that we could get this money from wherever it might be available at. I think...I think, though, that we're going to find that this money all comes from the Road Fund but there's been so many things that have borrowed money from the Road Fund and taken money from the Road Fund that I don't know how much money is going to be left there."

Schlickman: "May I address myself to the Bill, Mr. Speaker?"

Speaker Bradley: "You certainly may, Sir."

Schlickman: "Mr. Speaker, Members of the House, we all know, I think



everybody admits, no one denies, that the General Revenue fund is near exhaustion. There isn't enough money in the General Revenue Fund for public education. There isn't enough money in the General Revenue Fund for the care of our mentally ill and mentally retarded. And the Senate determined last...last week that there isn't enough fund in the General Revenue Fund to take care of the RTA. If all of that is so, and I accept it, how in the world can we conclude that there's sufficient money in the General Revenue Fund to take care of roads and bridges? Mr. Speaker, Members of the House, this is unprecedented that the General Revenue Fund would be tapped for road purposes such as bridges. I respectfully suggest, Mr. Speaker, Members of the House, this is ill-timed, ill-conceived and a Bill that should be resoundly defeated."

Speaker Bradley: "The Gentleman from Winnebago, Mr. Mulcahey. The Gentleman from Cook then, Mr. Lundy."

Lundy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I move the previous question."

Speaker Bradley: "Gentleman moves the previous question. The question is shall the main question be put. All those in favor will say aye; opposed no. The ayes have it and the Gentleman's motion prevails. The Gentleman from Effingham, Mr. Keller, to close."

Keller: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 1750 is the final product of combining Senator Glass' Senate Bill 1784 and to Senator Knuppel's original proposal to solve a severe problem that exists throughout the state of Illinois and I think it's one that we have to think about when we're transporting school children back and forth to school. And we have many organizations throughout the state who are in dire need and in support of this including the IACAH, Illinois Agriculture Association, the Illinois Farm Bureau, the Illinois Farmer's Union, the Illinois Land Improvement Contractor's Association and all the township officials of Illinois. I'd appreciate a favorable Roll Call on this Bill."

Speaker Bradley: "The question is shall Senate Bill 1750 pass. All



those in favor will vote aye; opposed will vote no. The Gentleman from McHenry, Mr. Skinner, to explain his vote."

Skinner: "You know I was going to vote against this Bill until I heard how sneaky the Sponsor really is. This Bill is really about as good as any southern Illinois Bill I've seen. It's got more loopholes than any other I've seen and one of those loopholes would allow them to use the money in the public transportation fund that we're not going to pass to pay for the RTA to build bridges downstate. And I would contend that is one heck of a lot better expenditure and more benefits to the state than funding the RTA fully. So I'm certainly going to support it."

Speaker Bradley: "Have all voted who wish? Gentleman from DuPage, Mr. Hoffman, to explain his vote. And will those people standing in front of Mr. Hoffman give him a little breathing room?"

Hoffman: "Mr. Speaker, Ladies and Gentlemen of the House, just a brief explanation on my present vote. I had a question in reference to the year in which the assessed valuation of taxable property of 30,000 was established because that's a breaking point in the \$3.00 below and the dollar above and with the movement upward in many counties in assessment level I wonder if that figure is going to move with the change in the assessment level or if in fact the assessment level is going to stay at that point, and let's say to use '74 or '75 and for that reason I'm voting present."

Speaker Bradley: "Have all voted who wish? Have all voted who wish? Gentleman from Knox, Mr. McMasters, to explain his vote."

McMaster: "Well, Mr. Speaker, Ladies and Gentlemen of the House, just to correct one statement in explaining my vote made by one of the Gentlemen from Cook County in which he referred to the township share of the state income tax. Your information, Mr. Palmer, the townships do not share in the state income tax at all and I think they should. We have made various attempts to do so. I think that these bridges that we are attempting to provide some funds for are very much needed in rural Illinois. If we're going to transport children to schools; if we're going to transport farm products to market which all of you...all of us need. We need:



the need the farm products and I would certainly urge a green vote on this."

Speaker Bradley: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question...have a 119 ayes, 23 nays, 6 voting present. This Bill having received the constitutional majority is hereby declared passed. On the calendar on Senate Bills Third Reading appears Senate Bill 1590."

Clerk Selcke: "Senate Bill 1590. An act to provide for the Metropolitan Exposition Auditorium Authority in Madison County. Third Reading of the Bill."

Speaker Bradley: "The Gentleman from Peoria, Mr. Tuerk."

Tuerk: "Mr. Speaker and Members of the House, I'd ask leave of the House to hear Senate Bill 1590 and 1591 together, they are companion Bills..."

Speaker Bradley: "Gentleman requests leave to hear 1590 and 1591. I hear objections, Mr. Tuerk. Will...1590, there are objections to hearing it together so we'll proceed with 1590."

Tuerk: "Well, Mr. Speaker, Members of the House, if there have been objections raised I think it is only fair of the House Sponsor to proceed in numerical order with Senate Bill 1590. Frankly, I'm not sure what the objections are other than the fact that there seems to be some disparity of thought relative to the title of the Bill. Now, if that's the only problem involved there I think that can be resolved by other vehicles. So, on Senate Bill 1590, what it does is recreate a civic center authority called the Madison County Civic Center Authority Act which was in...in Senate Bill 166 some two, or three years ago which was ruled unconstitutional because there was some amendments made to the Bill relative to the funding mechanism. Senate Bill 1590 merely sets up the Madison County Civic Center Authority and I'd ask for a favorable vote."

Speaker Bradley: "Discussion? Hearing none, the question is shall Senate Bill 1590 pass. All those in favor will vote aye; no, there's a Gentleman from Marion, Mr. Friedrich."



Friedrich: "Mr. Speaker, in the past, this Bill has provided for in the...a....St. Clair, Madison County area, it referred to the Metro-East Area. For some reason, and I suspect I know what it is, the Senate sponsored this as unbeknownst to some of the people over here, put this merely for Madison County after it was understood by everyone that it was to be the Metro-East Area. For that reason, I'm going to vote against the Bill and I suggest that others do to because I think this is unfair to the understanding that was made some time ago."

Speaker Bradley: "The Lady from St. Clair, Mrs. Stiehl."

Stiehl: "Thank you Mr...thank you Mr. Speaker and Ladies and Gentlemen of the House. I believe that we are going to have these authorities establishing convention centers they should really be in their proper order. Now this Bill, the last time, was the Metro-East Exposition Authority. I believe that it should be the Metro-East Exposition Authority because there has been no determination as to where this convention center will best serve the people in the Metro-East. If we are to put this convention center in any area where it is to be economically viable and I think it is important that this authority be established as the Metro-East Exposition Authority and I would ask for a no vote on this."

Speaker Bradley: "The Gentleman from Madison, Mr. Byers."

Byers: "Will the sponsor yield for a question?"

Speaker Bradley: "He indicates that he will."

Byers: "Mr. Tuerk, where's the location of the exposition center going to be now?"

Tuerk: "I have no idea. That has not been determined. I think it's a question of the people in that particular area in the southern part of the State to get their heads together and resolve their problems, if there are problems, the idea of it being called Madison County versus Metro-East, frankly, I don't know what the real problem is, but that's something for you people down there to resolve."

Byers: "Does it specify in the Bill that it be built at S.I.U.-Edwards-



ville?"

Tuerk: "I beg your pardon?"

Byers: "Doesn't it say, specify in the Bill that it be built at S.I.U., Edwardsville?"

Tuerk: "Not to my knowledge."

Byers: "Does it have language in the Bill that will make provisions for them to give land to this authority and then they, in turn, will build a building on that site?"

Tuerk: "That is always a possibility that it can occur."

Byers: "Mr. Speaker, I'd like to address the Bill."

Speaker Bradley: "Proceed sir, you certainly may."

Byers: "I would also like to speak against this Bill. We're building a new...a...there's a new convention center being built right in our area right now. This proposal is \$15,000,000 and we, as other speakers have pointed out, we do not have money for Mental Health, we do not have money for Education and I do think that this should be included in both the Metro-East Area. I represent people in St. Clair County also and I have had nobody contact me and say they think this would be a good piece of legislation and I'm going to vote no on this also."

Speaker Bradley: "The Gentleman from Madison, Mr. Lucco."

Lucco: "Mr. Speaker, Ladies and Gentlemen of the House, there isn't any question that this Bill calls for this exposition center to be built specifically in Madison County. That's the way the intent of the sponsor from the Senate laid the Bills out for several years ago and specifically now it is earmarked for Madison County. A night or two ago there was an attempt made by Representative Flinn to place an Amendment on this to include St. Clair County along with Madison County. That attempt failed and I ask now and solicit your support for this Senate Bill 1590 as it is proposed."

Speaker Bradley: "The Gentleman from Cook, Mr. Collins, for the purpose of an announcement. I think we all might give Mr. Collins a little attention."

Collins: "Yes, thank you Mr. Speaker, Ladies and Gentlemen of the



House, just a short time ago, Charley Fleck and Harry Leinenweber and I went over to St. John's Hospital where we visited with Chuck Campbell. And it is a real pleasure to be able to announce that Chuck is progressing very well, he looks and feels good. Naturally, he's going to be required to rest for quite some time, but I don't think it'll be too long before he rejoins us and he asked us to extend all his best wishes to everyone of you and to thank you for your expressions of concern. Chuck is well on the road to recovery, it is something I think we all should be very happy about."

Speaker Bradley: "The Gentleman from Cook, Mr. Madison."

Madison: "Thank you Mr. Speaker, will the sponsor yield?"

Speaker Bradley: "He indicates that he will."

Madison: "Representative Tuerk, according to the digest, this authority can issue revenue and general obligation bonds. Who's going to pay for these bonds?"

Tuerk: "Well the way that bonds are issued for this particular purpose is that the Civic Center Authority can issue the bonds. If they issue the bonds, it would require referendum. They can enter into a inter-governmental agreement with the municipality and if that municipality is a home rule unit, it can issue the bonds. That's the way it is implemented and it's backed up by the funds that are in the funds, the same fund that built McCormick Place in Chicago. That's the way it occurs in the orderly procedure of how the money is raised."

Madison: "Does the full faith and credit of Illinois stand behind these bonds?"

Tuerk: "Well the money that is provided for in Senate Bill 1591, which will be heard in just a few moments, which we can get into at that time and to answer your question, there is money provided in the earmarked funds, it does not come out of General Revenue, it comes from the Parimutual Tax Fund which goes into a separate fund from which, then, appropriations are made to the Department



of Economic Development for the payment of the debt service for the particular projects throughout the State."

Madison: "Alright, thank you Representative Tuerk."

Speaker Bradley: "The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Thank you Mr. Speaker. Mr. Speaker, we've been talking about this for several days now. Saturday this Bill failed to get enough votes to pass. Friday night, what Representative Lucco says is true, an Amendment I offered failed. But one of the things we've been talking about is what this does to Peoria, what it does to the hole in the ground here in Springfield and what it does to some of the other areas who have made great plans for its civic centers. Now this Bill, 1590, for the first time is being heard by itself. It has nothing to do with Peoria, Springfield, Danville, Rockford, or anybody else. It has only to do with the arguments between St. Clair County and Madison County as to whether we will have a Metro-East Civic Center Authority or whether we'll have a Madison County Authority. Now the sponsor, the Senate sponsor of this Bills seized upon an opportunity provided by him through the Supreme Court when they knocked down the law last year for technical reasons. There was nothing wrong with St. Clair County being included in the Metro-East Civic Center Authority. He chose that opportunity to take us out of it. I'm not saying that his county is not the best place to put the civic center, I'm saying that we should consider the whole Metro-East Area for the consideration of this civic center. Now if you will watch when I vote on 1591, the authority for Peoria, the authority for the money for Peoria floating the bonds and Springfield and Rockford and Danville and everybody else who's included, you will find out I will put my vote where my mouth is. I'm not against those people, I'm going to vote yes for 1591, but I cannot support 1590 so long as it cuts my county out and I'm going to be against this Bill and I hope everybody else withholds their votes."



Speaker Bradley: "The Gentleman from Peoria, Mr. Mudd."

Mudd: "Yes, would the sponsor of the Bill yield for a question please?"

Speaker Bradley: "He indicates he will."

Mudd: "Representative Tuerk, is this true that St. Clair County now has the ability to obtain a Civic Center Authority by action of the County Board?"

Tuerk: "Yes."

Mudd: "So this Bill would not effect their ability to have their own Civic Center Commission if they so chose to do so?"

Tuerk: "That's correct."

Mudd: "Thank you."

Speaker Bradley: "The Gentleman from Cook...a...Peoria, Mr. Tuerk, to close."

Tuerk: "Well Mr. Speaker, Members of the House..."

Speaker Bradley: "...pardon me sir. Mr. Ewell, did you have... the Gentleman from Cook, Mr. Ewell."

Ewell: "Question of the sponsor."

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

Ewell: "Is my understanding correct that this money comes from the parimutual...a...parimutual betting?"

Tuerk: "Well that's a correct assumption, but we are not speaking to that point at the moment. We will be speaking to that with Senate Bill 1591, but the funds to provide State input for the civic centers does come from parimutual funds."

Ewell: "And is it true that most of the parimutual money comes from Cook County?"

Tuerk: "I don't know what the break down is on the revenue itself, but I do know that there are quite a few racetracks in the Cook County area."

Ewell: "Maybe I'll see if I can get it to you for the other...when you get to the other Bill, I'll try to see if I can get that information for you so at least you'll know where the money is coming from and who's getting it."

Sp



Speaker Bradley: "Now the Gentleman from Peoria, Mr. Tuerk, to close."

Tuerk: "Well Mr. Speaker, Members of the House, when I agreed to sponsor these Bills in the House, I agreed to sponsor them as companion Bills because in Senate Bill 166, 1974, all the elements of 1590 and 1591 were encompassed in that Senate Bill at that time. Because of the court test, it was necessary to come back to the General Assembly, reenact these Bills and on advice of many, many lawyers, it was decided that the best way to approach it would be to establish the one authority which recreates the authority in Madison County in Senate Bill 1590. The funding mechanism is in 1591. Now I'm not necessarily going to get involved in all the political ramifications between Madison County and St. Clair County, only to say that the Senate sponsor of these Bills has been working for six years on the adoption of a law which would provide the opportunity for Southern Illinois to qualify for the funds in order to get a civic center in that area. Now whether it belongs at Edwardsville or somewhere else, that's a problem that can be resolved and in my response to Representative Mudd's question relative to whether or not St. Clair County can now do what it is attempting to do, it can. And why they want to come in and foul up this Bill for Madison County is beyond my comprehension and I would move for a favorable Roll Call on Senate Bill 1590."

Speaker Bradley: "The question is shall Senate Bill 1590 pass, all those in favor will vote aye, opposed will vote no. The Gentleman from Madison, Mr. Steele, to explain his vote."

Steele: "Thank you Mr. Speaker and Ladies and Gentlemen of the House, I would urge your support for this Bill, it's a companion Bill with Senate Bill 1591, which does provide for the needed centers in Peoria and here in Springfield and of Rockford, Illinois. It's a companion Bill with that Bill. These centers, they are vitally needed and perhaps this convention center can be justified more so than any others because it does have a proposed user for sixty



percent of the time already. The only objections raised to the fact that maybe other counties should be included in the Bill. Well I say there's probably already enough counties that are included and I think that the convention centers as proposed should be supported. I want to point out additionally, it does provide that there would have to be an economic feasibility study made. It also provides that it must be approved by the Business and Economic Development Department of Illinois. These Bills have been approved before, they're corrective legislation to put in technical changes required by the Supreme Court. They have been passed before and I would urge your support of this legislation."

Speaker Bradley: "Have all voted who wished? Have all voted who wished? The Gentleman from DeKalb, Mr. Ebbesen, to explain his vote."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I think that this particular Bill, a man has worked on it for six years. I did hear some criticism about the location of the...of the a..a..development, but in my opinion, how can you criticize, he's had at least a year since that ruling by the Supreme Court, every opportunity to introduce legislation for himself, his own county, here's a man who has worked six years for the proposal, he's got an excellent piece of legislation here and I certainly would encourage everyone to give this a green light and let's get on to the next Bill, which is we are talking about the dollars and get this program on to the Governor's desk."

Speaker Bradley: "Have all voted who wished? The Gentlemen from Cook, Mr. Lechowicz, to explain his vote."

Lechowicz: "No, Mr. Speaker, I don't believe that's necessary now. Thank you very much."

Speaker Bradley: "The Gentleman from Marion, Mr. Friedrich, to explain his vote."

Friedrich: "I have reason to believe that there are people voting



aye on this who aren't present and I'm going to ask for a verification."

Speaker Bradley: "Have all voted who wished? Now we'd save some time, possibly, if there's been...that's been done if they'd vote those people present. Have all voted who wished? The Clerk will take the record. On this question there are 104 ayes and 37 nays. Mr. Friedrich, do you persist in your request sir?"

Friedrich: "The red votes...a...green votes up there are the people who are not here, Mr. Speaker, I'm reluctant to do this because it takes time, but I don't want to call names either, but I'd just ask for a verification unless they want to change."

Speaker Bradley: "The Gentleman from Cook, Mr. Fleck, for what purpose do you rise sir?"

Fleck: "Mr. Speaker, change my vote to aye."

Speaker Bradley: "Record Mr. Fleck as voting aye, then. Mr. Grotberg wishes to be recorded as voting aye. Jane Barnes.... there she is, aye. Porter wishes to be recorded as voting aye. Mr. Lauer, for what purpose do you rise sir?"

Lauer: "Mr. Speaker, change me from present to aye."

Speaker Bradley: "Record the Gentleman as voting aye. Anybody not entitled to the floor...The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Mr. Speaker, I see we have one of our honorable Senators from the other side of the Rotunda. I think he ought to be introduced so he can go back over and tend to his business in the Senate."

Speaker Bradley: "Senator Sam Valdabene. What's the count now Jack?"

Clerk O'Brien: "108 ayes."

Fleck: "Apparently, I have a negative influence so I withdraw my request."

Speaker Bradley: "Alright, now on this question there are 108 ayes, 37 noes and 15 present, and this Bill having received the constitutional majority is hereby declared passed. Now..."



Conference Committee announcements."

Clerk O'Brien: "Announcement for Conference Committee relating to House Bill 3820. Second Conference Committee, the Members appointed are Representative E. M. Barnes, Gerald Bradley, Giorgi, Totten and Ryan. A meeting of the Members of the Conference Committee will be held Monday, June 28 at the hour of 3:30 o'clock in the East House Corridor. A message relating to a Second Conference Committee relating to Senate Bill 1935. Members appointed to the Conference Committee are Representatives Hanahan, E. M. Barnes, Gerald Bradley, Ryan and Totten. A meeting of the Members of the Conference Committee will be Monday, June 28 at the hour of 4:30 in the East House Corridor. Meeting for Conference Committee relating to Senate Bill 1650. Members appointed to the Conference Committee are Representative Stone, Berman, Bradley, Totten, and Ryan. A meeting of the Members of the Conference Committee will be Monday, June 28 at the hour of 5:00 o'clock in the East House Corridor."

Speaker Madigan: "On the order of Senate Bills' Third Reading appears Senate Bill 1591, the Chair recognizes the Gentleman from Peoria, Mr. Tuerk."

Clerk O'Brien: "Senate Bill 1591. A Bill for an Act to amend the Illinois Horseracing Act, Fair and Exposition Authority Reconstruction Act and Springfield Metropolitan Exposition and Auditorium Authority Act. Third Reading of the Bill."

Tuerk: "Mr. Speaker and Members of the House, as eluded to a moment ago, Senate Bill 1591 is indeed the funding Bill for these civic centers throughout the State. As we debated on Saturday, I shant go into all the details of why Senate Bill 1591 is needed other than to say that when we passed Senate Bill 166 in the fall of 1974, it provided for the funding of these civic centers throughout the State. Namely, Springfield, Peoria, Aurora, Danville, etc. Since it was tested in court and the court found it to be unconstitutional because of some



technical language in the Bill, it has been necessary to reintroduce the Bills in the form of 1590 and 1591. What these Bills do, what this particular Bill does, is provide that the State will provide the funds with a maximum of twenty million dollars for any one civic center up to a limitation of funds for all the civic centers throughout the State. The funding mechanism is exactly the same as provided for by this General Assembly on two other occasions for the construction and reconstruction of McCormick Place in Chicago. There is no difference, the Bill itself will bring, as I said on Saturday when most of you were present and heard the debate on the Bill, will bring convention business across this State and in the long run, be advantageous to the State of Illinois in terms of additional sales tax revenue and income tax revenue. We won't go into the details of just what that will mean in the years to come, but you are all well aware of the fact that Springfield, for example, has begun the construction of its civic center, it cannot proceed the point of a whole in the ground out here across from Forum 30 without 1591 becoming law. Peoria, in the meantime, is ready to proceed with its plan to build one in downtown Peoria which will be the catalyst, the catalyst for downtown redevelopment and a plan which has been encompassed and embraced by the city fathers and one that is waiting to move forward as soon as we get the assurance from the State that it will commit these funds for the civic center. I'd be glad to answer any questions that you might have, I'm perfectly aware of the fact that five out of the racetracks of the State are in Cook County. There are also two in Madison County and one in Moline. The funds from all these eight tracks go into this special fund from which, then, will be certain amount of the funds earmarked and appropriated for this purpose. I would ask for a favorable Roll Call to this very important Bill to the entire State of Illinois."

Speaker Madigan: "The Chair recognizes the Gentleman from Sangamon,



Mr. Londrigan."

Londrigan: "Mr. Speaker and Ladies and Gentlemen of the House, I too, rise to support this Bill once again. Historically, the racetrack funds were used to build McCormick Place. At that time, it was said that after McCormick Place was built that the downstate communities would then have their opportunity to build their convention center and this is the pledge we are seeking to redeem here today. We have probably passed the Springfield Bill, it's been given approval here in the House, at least nine times in the last six years or so. What we have done is proceeded with this authority from a House and the Senate and the Governor and have started our construction already. That's a big big hole on the other side of Forum 30. Now that the State has pledged their support, the Supreme Court found technicalities and we must again come back to get this authority again. I believe the House is morally, and not only morally, but legally, legally pledged their support and authorization for these projects all over the State and we must keep good faith with these communities and once again give this support and I ask you to do so."

Speaker Madigan: "The Chair recognizes the Gentleman from Sangamon, Mr. Jones."

Jones: "Mr. Speaker, Ladies and Gentlemen of the House, I only want to repeat that in the Springfield situation, it has been many years that we have been working on this project, we even had the law changed so we had an elected board so it will be close to the people and so that they will have control over the project. The community has put in a million dollars of tax funds and then also enacted a hotel-motel tax for revenue bonds to pay off the cost of the development and I call to your attention and strictly in fair play. On May 6, we appropriated \$10,250,000 to the Metropolitan and Fair Exposition Authority for debt service on bonds so to help it rebuild McCormick Place. This \$10,250,000 constitutes the last payment the State has to pay off. The \$40,000,000 in the bonds sold to



help the authority rebuild McCormick Place after it was destroyed by fire in 1967. So now it's downstate's turn on the same principle so that we can develop our civic centers in the same way that Chicago did and from the same fund that was authorized expressly for that purpose and a technicality last year when we amended the Metro-East Act and did not amend the individual Act that the Supreme Court through it out and we are back here again to enact the proper legislation to have to help to see these civic centers come into being. I'd appreciate your consideration with a green vote. Thank you."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook,

Mr. Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, it seems like a number of these projects begin with a hole in the ground, some small and some large, but yet they always start with the hole in the ground. I promised the Membership that we would find out just a couple of things and the first fact is that is that of this money that they are using to build these various projects, \$57,203,453.98 comes from the Chicago area. The rest of the State contributes \$7,981,000 and I had to round that one off. I'd like to point out that it is true that the money was used to help build McCormick Place, but when we come in for a little money from McCormick Place, we pay through the nose at that time. We have to give up whatever is necessary in order to get the votes and in order to get McCormick Place passed. Now I have no objections to giving all the rest of the communities the money that belongs to the State or more specifically, the money that comes from the Chicago area because we are not greedy, we are not selfish, we believe it is one State, but I'd like to point out to you that every time we come to the rest of the people next year, or even this year, because we have a little bit of a problem, it becomes a new deal and time to gain some more concessions. I think this is wrong. I think that if we are going to have moral



obligations, we ought to have continuing moral obligations and the City of Chicago ought not be put in the bind and made to pay over and over and over again for each little piece of legislation that we get and so I merely point out these figures to you and hope that you Gentlemen will remember some of these moral obligations with the City of Chicago needs some given item and not ask us to then repay you over and over again with a new deal."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook, Mr. Meyer."

Meyer: "Thank you Mr. Speaker, I'd just like to amplify Representative Ewell's words for a few moments. First of all, McCormick Place is being repaid and quite frankly, \$75,000,000 bond issue will never be repaid. Now we are having a series of Conference Committees today. The Department of Conservation which provides outdoor public recreation is taking it in the ear for \$8,000,000, not a special interest. The schools have taken it and quite frankly, I don't understand how we can sit here in all good conscience and vote our \$75,000,000 of bonds which will cost over a hundred million dollars to retire for the self and grandisement of a few Mayors who want to put up temples. I realize that I am speaking in futility because this is the best example of log rolling that I've seen in this House in ten years of my being here. Thank you."

Speaker Madigan: "The Chair recognizes the Lady from St. Clair, Mrs. Stiehl."

Stiehl: "Thank you Mr. Speaker and Ladies and Gentlemen of this House, this is the biggest pork barrel that's come before this Session. It boggles the mind to think how we could be considering legislation such as this after we have spent the whole Session worrying about the State's financial condition. After we have spent the whole Session cutting back on our major programs and now we are here considering wall to wall convention centers. Maybe one or two of these convention centers are justified, but there is not one shred of evidence that shows that we need a proliferation



of conventions centers throughout this State. And how many expositions and how many conventions can Illinois attract to its State. Are we not building a number of white elephants throughout this State? What happens when we meet the point that we are saturated with convention centers? Then what happens to the local communities? Do they have to take these over? I think, Ladies and Gentlemen, that this is the most irresponsible legislation to come before this House and what about the people in Illinois, how are you going to explain to the people that you cut back on education, you cut back on the roads, you cut back on Mental Health, you built convention centers all over this State without ever knowing that they were needed. I think that if you went back to the people, even the people where these centers are going to be built, they would tell you that they do not want these convention centers at the price they are going to have to pay. This is irresponsible, Ladies and Gentlemen, and I ask for a no vote."

Speaker Madigan: "The Chair recognizes the Gentleman from DeKalb, Mr. Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I certainly take issue with the previous speaker saying that this is not good legislation, this is corrective legislation, this was passed out of both the House and the Senate and signed by the Governor and the court said do it over again, it wasn't just right, so that's the issue at hand here. And when Representative Ewell stated something about the dollars that were spent at these racetracks and how much money generated, I'd just like to remind you that I've never been to either one of these tracks, Cahokia Downs and Fairmont, but they generate something like five million dollars a year that goes into this fund. For years they've done this. And I'd also like to remind you that when McCormick Place burned down, it was a twenty-three million dollar grant that went out of the taxpayers



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

funds and to me, what's at issue here is one basic principle and that is that we've got to give the entire State a shot at having this type of activity, this type of a development and I certainly would encourage everyone to vote aye on this particular proposal."

Speaker Madigan: "The Chair recognizes the Gentleman from Peoria, Mr. Tuerk, to close the debate."

Tuerk: "Well Mr. Speaker, Mr. Speaker, Members of the House, some of the people who have spoken in support of this legislation are absolutely correct. Some of the people who have spoken in opposition of this legislation have come up with some of the most specious arguments I have heard in my four terms in the legislature. Representative Ebbesen just pointed out to you and he's entirely correct, that what this is is corrective legislation to speak to the court's action of some year, year and a half ago. This General Assembly has already acted on this in past Sessions to the point where they feel it is in the wisdom of the State of Illinois to provide some of the funds, and I say some of the funds, because the local municipalities and civic center authorities must come up with the money to feed these civic centers in their local communities. I don't know what's concerned the people of St. Clair County. If they got the Amendment on the other night, some of those people who were speaking a moment ago about it being irresponsible and pork barrel legislation, I'm sure that if they would have attached the Amendment on the 1590, then they would have thought that this is very responsible and not pork barrel legislation. The arguments about where the revenue comes from, I'm aware of the fact that a lot of it does come from Chicago because the tracks are there. I'm also aware of the fact that there are tracks down in the southern part of the State and in the central part of the State. Now this is a community effort, it's an effort which is going to enhance the economic value of the State of Illinois in years to come in terms of the revenue that it



generates within those areas that have civic centers and are able to host conventions within those particular communities. With that, I would ask for your favorable support to probably one of the most important Bills to come before the House this year."

Speaker Madigan: "The question is shall Senate Bill 1591 pass. All those in favor signify by voting aye. All those opposed by voting no. Have all voted who wished? Have all voted who wished? The Chair recognizes the Gentleman from Peoria, Mr. Tuerk, to explain his vote for one minute."

Tuerk: "Well Mr. Speaker, I just closed the debate and I thought I presented to this Body sufficient arguments to get at least as many votes as we got on 1590, namely 108. I think this Bill deserves at least 108, probably 128 or 138 because I think really what this Bill will do for the whole State of Illinois this will salutary that you can't vote any where but aye."

Speaker Madigan: "The Chair recognizes the Gentleman from Sangamon, Mr. Jones, to explain his vote for one minute."

Jones: "Mention was made about the East St. Louis area, I call to your attention that many State-wide groups like the Illinois Board of Realtors, the Bar Association, if you will, are having their downstate meeting in St. Louis and where all the income and the taxes are paid go to, accrue to Missouri instead of Illinois and it's time that we had the facilities on our side of the river so that those incomes would come into the State of Illinois and that the tourism that is to be effected, especially in this year, will bring monies into the State of Illinois on a cost benefit ratio and remember, these are not outright grants, it's a debt service, it is not a hand out of these dollars intoto as such."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook, Mr. Meyer, to explain his vote for one minute."

Meyer: "Point of parliamentary inquiry, Mr. Speaker, how many votes



92.

does it take to pass? It's a three-fifths majority isn't it?"

Speaker Madigan: "Would the Parliamentarian come to the Speaker's rostrum? The House will stand at ease and if there is a Page in the Chamber who knows Mr. Epstein, the Parliamentarian, please go to the Senate, I believe he is over there and ask him to return to the House Chambers. And the Chair recognizes the Gentleman from Grundy, Mr. Washburn, for purposes of an announcement."

Washburn: "Thank you Mr. Speaker, while the House is at ease, I would like to introduce a distinguished couple that we have in the Speaker's balcony on the Republican side of the aisle, Mayor and Mrs. Philip Everett of historic Albion in Edwards County represented so ably by Cunningham, Keller and O'Daniel. Mayor and Mrs. Philip Everett."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook, Mr. Davis."

Davis: "I just wanted to explain my aye vote if it's permissible. I was here, Ladies and Gentlemen of the House, when the first twelve million dollars that had lapsed from some hospital somewhere down in Southern Illinois, I don't recall, was put into it. I know that we took the money out of the Agriculture Premium Fund to build McCormick Place, but it was the best investment we ever had. McCormick Place put Chicago in competition with other large metropolitan cities and we've been able to entertain conventions that we never would have been able to entertain except that we built it. Now you men that stay out here at the Forum 30, I would think that you are tired of looking out of your window, looking over there at that deep hole over there. They want to build a convention city over there and beautify this town. You mean to tell me you don't want to put the capitol city, I call it one of the capitol cities of the world because it is named for the great emancipator. You mean to tell me you don't want to put this town in competition with other towns who can entertain conventions."



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

Of course, they need a convention center here. You mean to tell me you don't want to put Peoria and other towns in competition. What are you going to let your cities do? Are you going to let them die? I had to talk here yesterday about how you beautified the cities of continental Europe and every time we tried to do something for our own, somebody gets up with a lot of objection. I'm proud to vote aye."

Speaker Madigan: "The Chair recognizes the Gentleman from Peoria, Mr. Mudd, to explain his vote."

Mudd: "Yes, Mr. Speaker, Members of the House, I think the one point that hasn't been made strong enough here today is the fact that the State is not going around and bailing cities out and providing the funds for them to build civic centers all over the State, what we are attempting to do is to provide money and join with cities to help them in an investment type of a situation to bring money back here to the State of Illinois. We know that these civic centers and these cities are going to help them to not only develop their downtown areas, but also generate the types of taxes that support State government, sales tax, hotel-motel tax, and those taxes that we depend on down here to support our education funds and those funds that mean something to every citizen in the State of Illinois. It's an investment, I think it's a good one. I think it's one that the State can join with local municipalities to raise the kind of funds that we need down here in Springfield. so I support this Bill fully."

Speaker Madigan: "The Chair recognizes the Gentleman from Lawrence, Mr. Cunningham, to explain his vote."

Cunningham: "Well Mr. Speaker and Ladies and Gentlemen of the House, I'm voting red on this Bill and I want to tell you why. Those of you who are casting those callous green votes are sending a message loud and clear to various groups in this State. First to the poor who yearn to be fed, to the ignorant who want to be educated, to the thousands of people who need better recreational facilities, to the motorists that are tired of having their



vehicle self destruct if they go over the decrepid highways of this State. And the message..."

Speaker Madigan: "...for what purpose does the Gentleman from Macoupin, Mr. Boyle, arise?"

Boyle: "I rise on a point of order. Mr. Speaker, I'd like a ruling as to how many votes this measure takes for passage?"

Speaker Madigan: "Mr. Boyle, the Parliamentarian is researching that point right now pursuant to the request of Representative Meyer. You are a little late, Mr. Boyle."

Boyle: "Well that's fine then. At the appropriate time, I would like to explain my vote, I apologize for interrupting my good friend, Representative Cunningham."

Speaker Madigan: "Proceed with the explanation of your vote. Mr. Cunningham has completed, he's used his allotted time and you're on, Mr. Boyle."

Boyle: "Alright, thank you Mr. Speaker. Ladies and Gentlemen of the House, I rise to support this measure, it's got 89, even if it needs 107, I'd hope that we don't put this Bill in jeopardy by being five votes short. This Bill is very critical to Senator Vadalabene and my good friend, Jim Londrigan, and I know that both Sam and Jim have voted for legislation that would be beneficial to each and every Member on this floor and I'd hope that since they have been working on it in the last six years, together with Representative Jones, that we'd give them the votes necessary to pass this important Bill for their district."

Speaker Madigan: "The Chair recognizes the Lady from Adams, Mrs. Kent, to explain her vote."

Kent: "Thank you Mr. Chairman. I am wondering if all of you realize the economic benefit that these civic centers will bring. When we bring in people from other states, we generate money that we would not have otherwise. Think back to how much money you spend when you go to a convention. You spend much more than you do at home. You go to the restaurants, you stay in the motel, you buy the things in the towns, this is one way to encourage more



jobs, get money in circulation, to really put it so that people know that they have the backing of us so that they can have an economic impact. To me tourism is a big job, it's a big money maker, for heaven sakes, don't be pound foolish, let's go over the top and put this over."

Speaker Madigan: "The Chair recognizes the Gentleman from Madison to explain his vote."

Wolf: "Mr. Speaker, Members of the House, I arise to support this legislation and I would just like to echo the remarks of another of the other speakers in which they have recognized the importance of the location of these convention centers in a location for which they are intended. Now I think we've taken a lot of steps in this Session of the Legislature to provide facilities for areas to provide some facilities to keep the money in the State of Illinois that's been going to the bordering States, such as Missouri and others. I urgently request your support of this legislation and let's get this money back in Illinois where it belongs. Thank you."

Speaker Madigan: "The ruling of the Chair concerning the point of parliamentary inquiry by Representative Meyer is that this Bill requires 89 votes to pass, the reasoning being that the bonds provided for in the legislation are bonds of local governmental entities and not bonds of the State of Illinois and that the Bills do no provide in any way to obligate the full faith and credit of the State to pay for the bonds, it simply provides for an annual appropriation, Mr. Meyer. Have all vote who wished? The Clerk will take the record. On this question there are 110 ayes, 39 noes, 12 voting present and Senate Bill 1591, having received a constitutional majority is hereby declared passed. Messages from the Senate."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to recede from their Amendments #1, #2, #3, #5, #7, and #8 to House Bill 3403, request a Conference Committee. Action taken by the Senate June 28, 1976. Kenneth



Wright, Secretary. A Message from the Senate by Mr. Wright, Secretary. Mr. Speaker I am directed to inform the House of Representatives that the Senate has refused to recede from their Amendments #1, #2, #3, #4, #5, #7, #8, #9, #10, and #11 to House Bill 3377, request a Conference Committee. Action taken by the Senate June 28, 1976. Kenneth Wright, Secretary. A Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to recede from their Amendments #1, #2, #3, #4, #5, #6, #7, and #8, to House Bill 3417, request a Conference Committee. Action taken by the Senate June 28, 1976, Kenneth Wright, Secretary."

Speaker Madigan: "The Chair recognizes the...on the order of Senate Bills' Third Reading, appears Senate Bill 1547, the Chair recognizes the Gentleman from Cook, Mr. Kozubowski."

Clerk O'Brien: "Senate Bill 1547. A Bill for an Act to amend the Workmens Compensation Act. Third Reading of the Bill."

Kozubowski: "Thank you, Mr..."

Speaker Madigan: "Representative Kozubowski."

Kozubowski: "Thank you Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1547 transfers the administrative bookkeeping functions presently performed by the State Treasurer under the Workmens Comp. Act to the Industrial Commission. This Bill was at the suggestion of the State Auditor General who for reasons suggested that this would make for more efficiency in the operation of the office asked the adoption of this Bill and I would ask for a Roll Call."

Speaker Madigan: "Is there any discussion? There being no discussion, the question is...the Chair recognizes the Gentleman from Cook, Mr. Walsh."

Walsh: "I wonder if the Gentleman would yield to a question?"

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

Walsh: "I had an Amendment for Senate Bill 1546, which was tabled yesterday, I wonder if you'd take this back to Second Reading and give me an opportunity to offer that Amendment."

Kozubowski: "Well, Mr...Representative Walsh, I certainly understand your question and for your information, Senate Bill 1546 was not tabled,



it was sent back to the Committee on Commerce and Labor."

Walsh: "That's pretty close. All right, thank you."

Speaker Madigan: "Is there any further discussion? There being no further discussion the question is shall Senate Bill 1547 pass? All those in favor signify by voting aye; all those opposed by voting no. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 123 ayes, 7 nos, 12 voting present. And Senate Bill 1547 having received a constitutional majority is hereby declared passed. Mr. Berman. Is Mr. Berman in the Chamber? Mr. Maragos. Chair recognizes...On the order of Senate Bills Third Reading appears Senate Bill 1950. The Chair recognizes the Gentleman from Cook, Mr. Maragos."

Maragos: "Mr. Speaker,..."

Clerk O'Brien: "Senate Bill 1950. A Bill for an act to require labeling of equipment facilities for use transportation, transmission storage and manufacture of hazardous substances. Third Reading of the Bill."

Maragos: "Mr. Speaker, we have discussed in full the purposes of Senate Bill 1950 of which Mr. Partee is the Chief Sponsor in the Senate and we have amended it to the satisfaction of most of the Members of the Transportation Committee for the ~~Minority~~ as well as the Majority side and including the Chairman, Mr. Garmisa. I would like to state that there might be some technical questions involved; we'll get to those later if Mr. Partee wishes to take care of technical deficiencies but at this time I ask for an aye vote for House Bill 1950 as amended...Senate Bill 1950 as amended."

Speaker Madigan: "Chair recognizes the Gentleman from Cook, Mr. Mahar."

Mahar: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, will the Sponsor yield for a question?"

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

Mahar: "Yes, Sam, I...all I have really is Amendment #1. I tried to get the other Amendments and they weren't printed yet so I have to ask you a couple of questions."

Maragos: "Now, Mr. Mahar, these are the same Amendments we discussed



last night which were put on here and includes the emergency services. We discussed this same..."

Mahar: "I...I haven't been able to get copies of them."

Maragos: "Well you can come over here and I'll show them to you. They include what we amended, what we stated to you last night because they were passed out Saturday."

Mahar: "Is the chairman of the SDA still the chairman of the Emergency Committee? Or the Advisory Board?"

Maragos: "Yes. The...this has nothing to do with the SDA; all it has to do..."

Madigan: "Mr. Maragos and Mr. Mahar and I see Mr. Lauer seeking recognition, we'll take this Bill out of the record, you can confer and decide what you wish to do with the Bill. On the order of Senate Bills Second Reading appears Senate Bill 1523. The Chair recognizes the Gentleman from Winnebago, Mr. Stubblefield."

Clerk O'Brien: "Senate Bill 1523. A Bill for an act to amend the Revenue Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Mr. Stubblefield."

Clerk O'Brien: "Amendment...Floor Amendment #1. Kane. Amends Senate Bill 1523 as amended on page..., line 3."

Speaker Madigan: "The Chair recognizes the Gentleman from Sangamon, Mr. Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, I move to table House...Floor Amendment #1."

Speaker Madigan: "Gentleman moves to table Amendment #1. Is there leave? Leave being granted the Amendment is tabled. Are there further Amendments?"

Clerk O'Brien: "Amendment #2. LaFleur. Amends Senate Bill 1523 on page 2 by deleting lines 14 through 24 and so forth."

Speaker Madigan: "The Chair recognizes the Gentleman from DuPage, Mr. LaFleur."

LaFleur: "Mr. Speaker, I move to table Amendment #2 and Amendment #3."

Speaker Madigan: "Gentleman moves to table Amendments 2 and 3. Is there leave? Leave being granted Amendments 2 and 3 are tabled. Are there further Amendments?"



Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Washington, do you wish to call Senate Bill 1952? Do you wish to hold that all day? Thank you. Mr. Hoffman, Gene Hoffman and Mr. Schneider, do you wish to...on the order of concurrence do you wish to call House Bill 3147? You wish to hold that all day? Mr. Hoffman."

Hoffman: "We'll decide. Thank you."

Speaker Madigan: "Well, how shall we mark the calendar for today? Hold?"

Hoffman: "Hold until you hear from us."

Speaker Madigan: "Mr. Laurino, which Bill did you wish to call? Mr. Laurino. Mr. Laurino on the Democratic side, second row. Which Bill, Mr. Laurino?"

Laurino: "Actually both of them, House Bill 3952, they're both on concurrence."

Speaker Madigan: "We'll take one at a time. On the order of concurrence appears House Bill 3843,...the Chair recognizes the Gentleman from Cook, Mr. Laurino."

Laurino: "Mr. Speaker, Ladies and Gentlemen of the House, I wish to nonconcur with Amendments...Senate Amendments 1, 2 and 3."

Speaker Madigan: "Mr. Laurino, the calendar indicates that there's only one Amendment on House Bill 3843."

Laurino: "Oh, I had the wrong...I...'343' I wish to concur with Senate Amendment #1; it's just a clean-up bill, a clean-up amendment. They forgot to put the effective date on; I wish to concur with Senate Amendment #1 to House Bill 3843."

Speaker Madigan: "The Gentleman moves to concur with Senate Amendment #1 to House Bill 3843. All those in favor signify by voting aye; all those opposed by voting 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 are 120...130 ayes; no nos; 2 voting present and the House does concur in Senate Amendment #1 to House Bill 3843. On the order of concurrence appears House Bill 3952. The Chair recognizes the Gentleman from Cook, Mr. Laurino."



Laurino: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I wish to nonconcur in Senate Amendments 1, 2, and 3, and request a Conference Committee to House Bill 3952."

Speaker Madigan: "Mr. Laurino, what is your motion? To nonconcur in those three amendments?"

Laurino: "Correct."

Speaker Madigan: "Mr. Laurino moves to nonconcur in Senate Amendments #1, 2 and 3 to House Bill 3952. On that motion the Chair recognizes the Gentleman from Lake, Mr. Deuster."

Deuster: "Well, I think it would be a good practice when we're being asked to concur or not concur if the Sponsor would explain briefly what we're doing, what do these Amendments that the Senate put on do and why should we reject them?"

Laurino: "Well, Senate Amendments 1 and 2 aren't consistent with Senate Amendment #3 which I believe to be unconstitutional because they deal with the write-in capabilities on judicial ballots for the machine."

Speaker Madigan: "Is there further discussion? There being no further discussion the question is shall the House nonconcur in the Senate Amendments to House Bill 3952. All those in favor signify by saying aye; all those opposed... The ayes have it and the House nonconcur in the Senate Amendments to House Bill 3952. Mr. Taylor in the Chamber? Mr. Taylor do you wish to move on House Bill 3930?"

Taylor: "Mr. Speaker and Members of the House, I move that the House concur with Senate Amendment #2, 3, 4 and 5 on House Bill 3930. This Amendment...all they do is put House Bill 3930 in the same form as Senate Bill 1945 which we passed out of this House last night. Amendment #2 clarifies the definition of conservation and blighted area. Senate Amendment #3 provides that revenue from the sale of real property acquired by fund and tax implements bond ...will be placed in the tax allocation fund to be used to pay off the bonds. Senate Amendment #4 does provide that if land in a redevelopment area is to be put to proper use then the payment in lieu of taxes shall be made by the private party using the



land equal to the taxes they would have paid and set out procedure for such payments. And Amendment #5 clarifies the definition of a redevelopment plan. Clarifies the problems of a redevelopment commission; clarifies the procedures for the determining state aid for local school districts which contain redevelopment areas and make other technical changes. I move for the...that the House concur with Senate Amendments #2, 3, 4 and 5 to House Bill 3930."

Speaker Madigan: "Mr. Taylor moves that the House concur in Senate Amendments 2, 3, 4, and 5 to House Bill 3930. On that motion the Chair recognizes the Gentleman from Cook, Mr. Porter."

Porter: "Mr. Speaker, has these Amendments been distributed, I don't find them in my billbook and I wonder if they've been distributed so we can look at them."

Speaker Madigan: "The Clerk informs me they were distributed yesterday. Is there further discussion? The Chair recognizes the Gentleman from Cook, Mr. Schlickman."

Schlickman: "Well, Mr. Speaker, Members of the House, I count about 13 reasons why we should vote no on concurrence with Senate Amendment #2 to House Bill 3930. The Bill in its original state and as amended raises these questions. One, there may be an artificially low initial assessment exaggerating the proportion of subsequent tax revenues for the tax allocation fund and thus depriving taxing bodies of their fair share of total taxes. Two, the opportunity exists for municipalities to capitalize their operating expenses by including employees salaries and other administrative costs in the redevelopment project bond. Three, taxing districts at their tax rates limits will lose local tax revenues which are attributable to increases in assessed value and redeveloped areas. Four, the current value of a redevelopment area could fall below the initial equalized value thereby causing all taxing districts in the redevelopment area to lose local tax revenues. Five, direct voter approval is not required for redevelopment project plans or for the issuance or commitment of bonds and other financial resources to finance such plans. Six, there is no provision for review or other way to obtain an objective determination of the municipalities



process or conclusion. Seven, taxing district not at their rate limit including municipalities are allowed to artificially increase their tax rate which results in increased property taxes for taxpayers. Eight, increment financing raises constitutional questions. Nine, there are no limits placed on redevelopment areas. Ten, the lines of authority between the municipality and the commission created in the Bill are unclear. And Mr. Speaker, Members of the House, those are just ten questions that are raised by this Bill as submitted and there are others. I respectfully suggest that this Bill, as amended, raises more questions than problems that it attempts to solve. I don't think it constitutes good legislation and therefore respectfully suggest your no vote."

Speaker Madigan: "The Chair recognizes the Gentleman from Peoria, Mr. Tuerk."

Tuerk: "Mr. Speaker, Members of the House, what we're doing on concurring on House Bill 3930 is precisely what we did last night when we passed the Senate Bill 1945 by 101 votes in this Chamber. What the Gentleman from Cook just recited are perhaps ten reasons but they're ten invalid reasons why you should oppose this and I could offer him a number reasons why many of the statements that he just read from a sheet of paper distributed by certain people that are inaccurate in that appraisal. Now what we've done with these Amendments in both the House and in the Senate was address ourselves to many of the problems raised not only here but also in the Senate. And regardless of how many Amendments we might have adopted there might still be some people who oppose the concept and if they want to oppose the concept, fine, but if they want to get up and read a litany of inaccurate statements then that is doing injustice to the House of Representatives. I would urge your concurrence vote on House Bill 3930."

Speaker Madigan: "Chair recognizes the Gentleman from DeKalb, Mr. Ebbesen."

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

Speaker Madigan: "The Gentleman moves the previous question. All those in favor signify by saying aye; opposed... The ayes have



it and the Chair recognizes the Gentleman from Cook, Mr. Taylor, to close the debate."

Taylor: "Thank you, Mr. Speaker. I did hear the remarks made by the distinguished Gentleman from Cook on the other side of the aisle. But I don't think that I've ever introduced a Bill in this House that he could not find ten or fifteen objections. I say to you that these objections that he have made are unfounded but in order to make certain that we do what we are proposing to do in this state government some sacrifices have to be made. So I solicit your support for Senate Bill...House Bill 3930."

Speaker Madigan: "Question is shall the House concur in Senate Amendments 2, 3, 4 and 5 to House Bill 3930. All those in favor signify by voting aye; all those opposed by voting 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 are 97 ayes; 35 nos; 11 voting present and the House does concur in Senate Amendments 2, 3, 4 and 5 to House Bill 3930. On the order of Conference Committee Reports Supplemental Calendar #1 the Chair recognizes the Gentleman from Stephenson, Mr. Brinkmeier, on House Bill 3858."

Brinkmeier: "Thank you, Mr. Speaker and Members of the House, House Bill 3858 deals with the reorganization of the Illinois State Fair. I might say at the outset that the Conference Committee was unanimous in suggesting these following changes which we accepted from the Senate. Very briefly I'll run down the list, they're are only five and explain them to you and if you have any questions I'd be glad to answer. Number one, these are changes made from the Bill that we've sent over to them. It changes the first meeting date of the Board from within 30 days to within 45 days thereby giving 15 additional days. It changes the date for turning over records to the new board from September 1 to November 1 of 1976. It also provides that the Fair Board members will receive a stipend of \$50 per day during the State Fair if they are in attendance, and if they are in attendance only. Also there's another change provides for an additional 60 days for the transition period.



And finally there's one more, just a moment, please. It provides, yes, this you'll be interested in it provides that no more than three members appointed by each of the Executive Officers will be from the same political party. I would be glad to answer any questions. I would move that we do accept this Conference Committee Report which I said a moment ago was unanimous."

Speaker Madigan: "Mr. Brinkmeier moves to adopt the First Conference Committee Report on House Bill 3858. Is there any discussion? There being no discussion all those in favor signify by voting aye; all those opposed by voting no. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 124 aye; 3 no; 8 voting present. And the House does adopt the First Conference Committee Report on House Bill 3858. On the order of Conference Committee Reports First Supplemental Calendar there appears House Bill 3553. The Chair recognizes the Gentleman from Cook, Mr. Williams."

Williams: "Thank you, Mr. Speaker, Members of the House, I would move to concur with Senate Amendment #1 which is in Conference Committee Report #1 and then I would move to concur in the Conference Committee Report. The Senate Amendment #1 removed \$1,000,000 from the Bill and this is agreeable; it was signed by all Members of the Conference Committee except Representative Barnes. I understand his reason for not signing it but I would move to concur in the Conference Committee Report on House Bill 3553."

Speaker Madigan: "Mr. Williams moves to adopt the First Conference Committee Report on House Bill 3553. Is there any discussion? There being no discussion all those in favor signify by voting aye; all those opposed by voting 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 are 118 aye; 15 no; 6 voting present. And the House does adopt the First Conference Committee Report on House Bill 3553. Mr. Kane, do you wish to move on Senate Bill 1637? On the order of Conference Committee Reports First Supplemental Calendar there appears Senate Bill



1637. The Chair recognizes the Gentleman from Sangamon, Mr. Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, this is the Bill that we voted to nonconcur or to ask for a Conference Committee on House Amendment #5. The Conference Committee recommended that we adopt Amendment #5 which provides for the funding for the Legislative Intern Program and which seemed to be the will of the House earlier this morning and I would move for the adoption of Conference Committee #1."

Speaker Madigan: "The Gentleman moves that the House do adopt Senate... the First Conference Committee Report on Senate Bill 1637. On that motion the Chair recognizes the Gentleman from Cook, Mr. Madison."

Madison: "Mr. Speaker, I don't have a copy of the Conference Committee Report."

Speaker Madigan: "Mr. Clerk, have these been distributed? The Clerk informs me that the Reports have not been distributed and therefore this matter shall be taken from the record. On the order of Senate Bills Third Reading appears Senate Bill 1950. Is Mr. Maragos in the Chamber? He has returned."

Clerk O'Brien: "Senate Bill 1950. This Bill has been read a third time previously."

Speaker Madigan: "Mr...."

Maragos: "Mr. Speaker and Members of the House, Senate Bill 1950 has to do with the placarding of hazardous materials as was discussed Saturday and last night and this morning. It has been amended whereas the Illinois Department of Transportation will have the complete control of the setting-up the rules of the placarding however the emergency as the response will have...be under the control of the ESDA. This has been checked over with the various Members of the Transportation Committee, both Minority and the Chairman and they are now in agreement that this is the best possible posture we could get this Bill in. I ask for an aye vote on House Bill, I mean Senate Bill 1950."

Speaker Madigan: "Mr. Maragos moves that House Bill 1950 pass. Is there any discussion? The Chair recognizes the Gentleman from Cook, Mr. Lechowicz."



Lechowicz: "Thank you, Mr. Speaker, Senate Bill 1950, is that correct?"

Speaker Madigan: "That's correct, Mr. Lechowicz."

Lechowicz: "All right, thank you."

Speaker Madigan: "The Chair recognizes the Gentleman from Kane, Mr. Waddell."

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

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

Waddell: "With all of the Amendments that have been made and subsequently have been adopted in going back to placarding, would you tell me what the Department of Transportation now can do besides just approving placarding?"

Maragos: "Right now...well, I should state there are other two bills, 1815 and 3906, I believe is the other number, House Bill, which are now in the Senate which would give the Department more opportunity to study all the hazardous materials questions as far as transportation. This Bill merely would state that any shipment of these particular hazardous materials shall be placarded in a proper manner and primarily adopt the rules of the federal government and however it's going to be under the supervision of I-DOT and the emergency response of ESDA. The Emergency Service and Disability. Disaster fund, yes."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook, Mr. Miller. Mr. Miller."

Miller: "Thank you, Mr. Speaker, will the Sponsor yield?"

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

Miller: "Representative Maragos on a train coming into the state of Illinois carrying a hazardous material who's responsibility would it be to placard the car?"

Maragos: "That would be the interstate shipper, that's under the federal regulations and the...the Illinois Department of Transportation would not have anything to do with that..."

Miller: "All right, now on an intra-state train shipment who would be responsible?"

Maragos: "If it originated from the state of...intra-state it would normally...intra...be initiated in the state of Illinois and



in that case the Illinois Department of Transportation would have authority to state that the regulations should be adhered and the enforcement of it would be under the state agency."

Miller: "Well, I understand the enforcement would be there but the responsibility span with regard to putting the placard on the car as I read your Bill at the bottom of page 7, it said it is the responsibility of any person who owns, leases or operates or controls it. Now a railroad car might be owned by one company, it's transported by the railroad and my question is, who specifically has the responsibility to placard that car? As I read the Bill it could be both and I'm not too sure that is what you intend."

Maragos: "Well, if it...if it is operated and controlled that would be the same as one person but any one of them on the line should be responsible to see that it does comply with the regulations and I...shall advise you that it's going to go over to the Senate for a concurrence and I think there's a...I've discussed certain factions of our economy and I talked over with the Member of the Illinois State Chamber of Commerce who raised that question that we...they have an amendment, I think, over in the Senate which will be brought back and I'll concur whatever amendment they put at that time."

Miller: "All right, this Bill has already a House Amendment on it?"

Maragos: "It's got two of them."

Miller: "Thank you."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook, Mr. Schlickman."

Daniels: "Mr. Speaker, may I have leave to talk from Mr. Schlickman's desk? Will the Sponsor yield?"

Maragos: "I will."

Daniels: "Representative Maragos, please tell me the enforcement of this act. Now, you have two provisions. One is an amendment to the criminal code and I would assume that that would be enforced by the state's attorney of the county involved, is that correct?"

Maragos: "Most likely 'cause that...the enforcement per se does not change the full nature of the emergency responsibility section."



whether it's the original act as it was passed out of the Senate. So these, that facet really doesn't change the present law only adds these violations to that law."

Daniels: "When you say most likely I assume your answer is yes."

Maragos: "Yes because as you know the Attorney General does not have the authority to initiate some of these areas unless given authority by the state."

Daniels: "The second part is now..."

Speaker Madigan: "Mr. Daniels before you go further let the record show that at the time I recognized Mr. Schlickman that Mr. Daniels has been speaking, that's so that the tapes are correct, Mr. Daniels."

Daniels: "That's fine. I ask you leave to do that, Sir."

Speaker Madigan: "What's wrong with your chair?"

Daniels: "I don't have these big volumes here in front of mine and Mr. Schlickman has a good legal mind and he's advising me on what to say to Representative Maragos."

Maragos: "I was going to couch my answer to Mr. Speaker that when Mr. Daniels that he didn't ask the same questions that Mr. Schlickman but I guess the atmosphere and environment has given you the same questions."

Daniels: "Yes, well, it's causing me..."

Speaker Madigan: "For what purpose does the Gentleman from Winnebago, Mr. Giorgi, arise?"

Giorgi: "Mr. Speaker, it's come to our attention that there are a group of cyclist..."

Speaker Madigan: "What's your purpose for rising, Mr..."

Giorgi: "For an announcement."

Speaker Madigan: "Proceed, Mr. Giorgi."

Giorgi: "What else. Representative Van Duyn asked me to announce there are a group of bicyclist up in the back balcony that are cycling from Dover, Delaware to Oceanside, California. They're all members of a Christian Church and I'd like to have them stand and be recognized."

Speaker Madigan: "Proceed, Mr..."

Daniels: "Representative Maragos...oops, Representative Griesheimer



is yelling again."

Speaker Madigan: "For what purpose does the Gentleman from Lake,
Mr. Griesheimer, arise?"

Griesheimer: "Mr. Speaker, just to make an inquiry of the Chair. Is
there any reason for us to be concerned at the fact that there are
three fire trucks sitting outside the Capitol Building? And quite
a raging fire going on in the basement."

Speaker Madigan: "Well, I haven't been advised at all in that regard,
Mr. Griesheimer. Mr. Daniels."

Daniels: "I assume that it's only appropriate that we're handling a
hazardous material bill right now. Now, Representative Maragos,
we'll try again. What about the enforcement of the new provisions
that you are adding to the hazardous material bill. Who enforces
those provisions?"

Maragos: "The provision, first of all, has been...I should say now
that the...originally these are federal regulations and they're
on the books now. What we are saying is that the state offices
under the I-DOT, I think it's Division of Highways, is going to
enforce this...to serve the regulations of rules that will become
state regulations therefore giving the authority to them and it
would be our police and also our fire department would have...
and also the Office of Emergency and Disaster. Illinois Emergency
Services and Disaster Aid."

Daniels: "The very simple question is is the Attorney General of the
State of Illinois to enforce the provisions of this act?"

Maragos: "I do not believe so because he's not given any power any
more than he's given any other...that's why the rules and regula-
tions will say that but right now it could be the local state's
attorneys where these particular actions for criminal purposes."

Daniels: "So that the state agency you said had the overall enforcement
powers connected with it, is that correct?"

Maragos: "Primarily for regulation making and for supervision and then
I think individual complaints will go to local state's attorneys."

Daniels: "So we don't have any involvement of state agencies in the
enforcement and the court procedure?"



Maragos: "No, outside of maybe that he finds the state police may do if they have violations but not for the...but for the prosecution would be by the local agency."

Daniels: "Thank you."

Speaker Madigan: "The Chair recognizes the Gentleman from Will, Mr. Kempiners."

Kempiners: "Thank you, Mr. Speaker, will the Gentleman yield?"

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

Kempiners: "In your explanation of this Bill you indicated that House Amendment #1 changes the supervising agency from the Emergency Service and Disaster Agency to the Department of Transportation but yet you drew a distinction between what the authority of each of these would be. What would the responsibilities of the DOT be and what would the responsibilities of the ESDA be?"

Maragos: "I should state, Mr. Kempiners, that Senate, I mean Amendment #1 was tabled and we're really discussing Amendment #4 in this area and it gives the Department of Transportation the authority to lay down the rules and to be an advisory as to what articles and amendments are going to be to the rules from time to time and to further coordinate the federal regulations with those of the state regulations. The Department of Emergency Service and Disaster Agency will have authority at the time the disaster takes place and they will be in charge like they are in other disaster functions that they have to take over."

Kempiners: "Okay. When was this Amendment #4 added?"

Maragos: "It was added on last night."

Kempiners: "Fine. Thank you."

Speaker Madigan: "The Chair recognizes the Gentleman from Henderson, Mr. Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 1970 with all due respect to the Sponsors of the House and the Senate Sponsor does have several major problems. Now we have discussed this, something on these Amendments. I spoke this morning with the Department of Transportation and the Bill as it now stands now has major drafting errors. We adopted Committee



111.

Amendment #1 which put all of the authority in DOT. Then Amendment 4 which the DOT drafted switched some of these powers back to Emergency Service. However Amendment #4 was drafted with the expectation that Amendment 1 would be left on the Bill. Yesterday however the Amendment 1 was tabled by the Sponsors. The result is that Amendment 4 refers to portions of the Bill which are as I say are not actually in the Bill. This will have to go to a Conference Committee. It has besides these technical errors I feel the Bill has several major substantive problems. Now in the first place this Bill allows eight state agents to continue to regulate hazardous material. He does...it does not consummate consolidate these activities to make regulations more effective. Second, it places... placarding regulatory authorities and Emergency Service Disaster Agency. This is a very small agency which I believe is ill prepared to deal with this major problem. Placarding for transportation purpose would be...should be regulated by the Department of Transportation. Third, definitions in the Bill are not precise. The definition of hazardous material probably does not cover some of the very dangerous and hazardous materials that we do transport. By attempting to be specific this legislation by not mentioning these several dangerous compounds may thus be exempting them from regulations. And in addition the definition of a person does not include a...or truck so business in these conditions may not be included at this time. Fourth, conflicting sections of the Bill covers a limit of the state regulation. One section says the regulations must be consistent with federal regulations. Another section contains an agriculture exemption which is not in the federal act. Finally, legislation as...finally the legislation that has been approved and sent to the Governor, House Bills 1850 and House Bill 3980 which requires a study of this problem. We have appropriated funds for these studies, this legislation is premature and should be held pending completion of that study which we have now authorized to do and the Governor signed into law. Handling of hazardous materials is a serious problem and we all realize this but it's also very complex that is why we must give thorough consideration to the problem before



we approve legislation. The House considered this legislation within the last two weeks. Finally section 502 of the Bill says federal regulations governing transportation, storage and manufacturing of hazardous material shall be the guidelines to state rules and regulations. And that state regulations cannot be inconsistent with federal rules. However no federal rules governing storage is this, does this act then prevent the state from adopting its own regulations. Now this last question I...Mr. Speaker, I would like to ask the Sponsor, House Sponsor of this Bill, a question please."

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

Neff: "Representative Maragos, no federal rules or governing storage exists as you know. Does this act then prevent the state from adopting its own regulations on this particular section?"

Maragos: "No. If you read, as you just read, Mr. Neff, on Section 502 it says 'in adopting the placarding system, the agency and so on divides placarding requirements'. This is limited only to the area of placarding and not to any other. As you and I have agreed on House Bill 1815 which...after we discussed it we put your Amendment on it, we're going to make these studies in other areas but on this one here we are not... except for the area of placarding."

Neff: "Representative Maragos, I have one more question. I think it does cover placarding for storage and there is no rules and regulations for storage."

Maragos: "No. The...the rules and regulations of how to store an item do not have to do anything with the identification of the item. They know what a particular chemical or hazardous material may be but it doesn't mean they have to go into the area of saying how they're going to store it. So this has to do primarily with the placarding of that particular item. They know what the noxious fumes are or chemical may be."

Neff: "Mr. Speaker, in just saying further on in the Bill I think this Bill should be defeated because it's a kind of a mixed-up affair as we all agree and I'm sure the Sponsor agrees. It's going to have to have a lot of work done in Conference Committees and so forth



we do have a Bill that will correct this problem or give us study so that we can write up legislation the early part of next year that will do the job. This is Representative Maragos' Bill that has now gone to the Governor and I think this Bill should be left and defeated and let us go ahead with the Bill we passed and try to get something worked out that will be good legislation on this particular subject the coming year."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook, Mr. Lundy."

Lundy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I move the previous question."

Speaker Madigan: "The Gentleman moves the previous question. All those in favor signify by saying aye; opposed... The ayes have it and the Chair recognizes the Gentleman from Cook, Mr. Maragos, to close the debate."

Maragos: "Mr. Speaker, Members of the House, as many of you are aware, I have worked on this problem of hazardous materials for at least two-and-a-half years, formerly when I was Chairman of the Illinois Commission on Atomic Energy plus many Members... Representative Hudson and others have been concerned about this particular problem. Secondly, I should state that Representative Mahar and I last year worked on... tried to get a new act for the emergency response when he was the chief Sponsor and I was the next Sponsor of the Emergency Services and Disaster Agency. What we are trying to do, and I agree with Mr. Neff, that we have House Bill 1815 presently on the Governor's desk and also 3980 which will look in the area of the transportation of these subjects, the control of these subjects while they are in transit. However this Bill which is... the Chief Sponsor of it being Senator Partee, the President of the Senate, feels very strongly that at least we could be able to identify these hazardous materials. There is no great secret as to what those items are excepting that if a disaster takes place or an incident takes place we can readily recognize what's in those tank cars; what is in those trucks that are going down our highways causing the disasters. Therefore even though I agree with



Mr. Neff, we have some problems involving this particular Bill, we have been promised by the...all the agencies that they will come out with a concurrent report from Senator Partee's office to put it into final form and I think they should also advise everybody that right now the Conference Committee Report waiting in the...regarding the appropriation of these items and unless we pass this Bill, it is going to use up that whole Conference Committee Report and therefore I ask for your aye vote in this particular matter so we can bring it back to the final form that we desire. Let us not hesitate any longer, at least in this small area of hazardous materials placarding. Thank you and I ask for your aye vote."

Speaker Madigan: "The question is shall Senate Bill 1950 pass. All those in favor signify by voting aye. All those opposed by voting no. Have all voted who wished? The Chair recognizes the Gentleman from Lake, Mr. Duester, to explain his vote for one minute."

Duester: "I can explain my vote shorter than one minute. I think the procedure here, there are some technical problems with the Bill. If you vote no, well all that needs to be done is to bring it back to Second Reading, they can straighten-it-out, put an Amendment on it and that would be the tidy and proper way to handle this so a no vote in my case is not against the subject but just so they can straighten out the technical problems."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook, Mr. Mahar, to explain his vote for one minute."

Mahar: "Thank you Mr. Speaker, Ladies and Gentlemen of the House, I know that Representative Maragos has worked very long and very hard on this Bill, and is very knowledgeable. It seems to me that problems have been created in the last few days are probably not at his choosing. I'm inclined to agree with Representative Duester that there are many unanswered questions as far as this Bill is concerned and that probably the Conference Committee is not the best way to handle it. Maybe we ought to put this Bill



over to the next Session so that we can have the advantage of these studies that are going to be made so when legislation is finally proposed that it will reflect not only the Department of Transportation, but the E.S.D.A. and I'm not too sure that the Emergency Service Department is properly reflected in this Bill and I'm going to reluctantly vote no."

Speaker Madigan: "The Chair recognizes the Gentleman from Anderson, Mr. Steele, to explain his vote for one minute."

Steele: "Thank you Mr. Speaker in explaining my vote, I would only point out to you that we are being called upon by this Bill to say that we are going to adopt federal requirements which have not yet actually been adopted and in those requirements that may be adopted federally, we may be imposing restrictions upon the farmer, upon the transporting of farm chemicals, placing restrictions and burdens and regulations upon the farmer that we are not aware of because we don't know exactly what the federal rules say. But I think that we'd better wait and we'd better vote no on this until the federal rules are adopted and then we can vote intelligently to say that we are going to adopt them because if we pacifitate our action here and vote upon something we don't know what they are going to include, we may be placing some restrictions upon the farmers that we're going to hear a lot about in the future. We've made this mistake in the past, I think for the protection of our constituents and for the protection, particularly, of those in farming who rely upon their occupation to be able to transport chemicals and fertilizers to and from their fields without unnecessary burdens and restrictions upon the highways, I think that we'd better use good judgement and not vote at this time and vote red until we actually know what we are going to be voting on."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook, Mr. Maragos, to explain his vote for one minute."

Maragos: "Mr. Speaker and Members of the House, I don't like to belabor the point except to state that the federal regulations regarding properties are already in effect. This will not effect



the farmer because most of his materials that he uses are already placarded. The labor is not a big issued here. Please give us your support in this regard because all we are saying here that Senator Partee wants to do in this particular regard is to state that at least we should placard so when an incident does take place they know what they are dealing with, what chemicals they are dealing with disaster, they don't have to evacuate all the towns. At least like...like what happened up in Glen Ellyn a few months ago when they had that incident up there, passed the time, they sat at least three hours to find a chemist to identify what they should do with this particular material because they don't know what it was. I would appreciate it if you would give us an aye vote and the Conference Committee Report can at least correct one of the technical amendments, we can bring it back and pass it out at this Session at least we know we're on the right tracks. It does not interfere with the studies of the Bill that I was sponsor of, 1815, nor with 3980 because that is an area of transportation, this has very ...to do with labeling. And I ask, therefore, we get an aye vote in that regard please."

Speaker Madigan: "Have all voted who wished? The Clerk will take the record." On this question there are 89 ayes, 31 noes, 34 voting present and for what purpose does the Gentleman from Henderson, Mr. Neff, arise?"

Neff: "Mr. Speaker, I would like to have this Roll verified and also, first, I would like to have the absentees, the Roll verified...a..."

Speaker Madigan: "Mr. Maragos, do you request a poll of the absentees?"

Maragos: "That's correct."

Speaker Madigan: "The Clerk will poll the absentees."

Clerk O'Brien: "J. M. Barnes. Boyle. Campbell. Capuzi. Craig. Duff. Hirschfeld. Klosak. LaFleur. Lauer. Leverenz. McAvoy. McGrew. McPartlin. Mudd. Mulcahey. Rose. Sangmeister. Schoeberlein. Schuneman. Telcser. Wall. Mr. Speaker."

Speaker Madigan: "Record Mr. Mudd as aye and for what purpose does the Gentleman from Cook, Mr. Bluthardt, arise?"



JUN 8 1976

Bluthardt: "To change my vote from no to aye please."

Speaker Madigan: "Record Jane Barnes as aye. For what purpose does the Gentleman from Winnebago, Mr. Mulcahey, arise?"

Mulcahey: "Mr. Speaker, please record me as no."

Speaker Madigan: "Record Mr. Mulcahey as no. For what purpose does the Gentleman from Cook, Mr. Leverenz, arise?"

Leverenz: "Mr. Speaker, please record me as aye."

Speaker Madigan: "Record Mr. Leverenz as aye. Record Mr. Sangmeister as aye. Record Mr. Tuerk as aye. Record Mr. Luft as aye. Record the Speaker as aye. What do we have now, Mr. Clerk?"

Clerk O'Brien: "97 ayes, 30 nays."

Speaker Madigan: "The Chair recognizes the Gentleman from Henderson, Mr. Neff."

Neff: "Thank you Mr. Speaker, I withdraw my motion to have a verification."

Speaker Madigan: "Record Mr. Schneider as aye. On this questions there are 98 ayes, 30 nays and Senate Bill 1950 having received a constitutional majority is hereby declared passed. On the order of Senate Bills' Third Reading appears Senate Bill 1739, the Chair recognizes the Gentleman from Cook, Mr. Berman."

Clerk O'Brien: "Senate Bill 1739. A Bill for an Act in relation to the implementation of a public..."

Speaker Madigan: "Mr. Berman."

Berman: "Mr. Speaker, I'm waiting for an Amendment to be drafted, could you please take it out temporarily?"

Speaker Madigan: "Take this Bill out of the record. On the order of Conference Committee Reports, First Supplemental Calendar, appears Senate Bill 1637, the Chair recognizes the Gentleman from Sangamon, Mr. Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, the Conference Committee Report has now been distributed, what it does is ask the Senate to concur with House Amendment #5 which is the Amendment which provides \$65,000 for the intern program that's been handled by a group of about eight or nine universities primarily from the



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

northern part of the State and I would ask adoption of
Conference Committee Report #1 on Senate Bill 1637."

Speaker Madigan: "Mr. Kane moves that the House adopt the First
Conference Committee Report on Senate Bill 1637. Is there
any discussion? The Chair recognizes the Gentleman from Kankakee,
Mr. Ryan."

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

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

Ryan: "Now Representative Kane..."

Kane: "Yes, you may have one intern, George."

Ryan: "How many?"

Kane: "One? Two? How many do you want?"

Ryan: "This is going to reduce the increase by...this makes a new
total. Is that right? Twenty..."

Kane: "This would add \$65,000 to the Board of Higher Education
appropriation, an upper line item."

Ryan: "Alright, what's the new total on the Bill?"

Kane: "Whatever it was when it left the House."

Ryan: "I see, I'm with you now. Okay, thank you."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook, Mr.
Holewinski."

Holewinski: "Thank you Mr. Speaker, just one quick question for the
sponsor..."

Speaker Madigan: "...the sponsor indicates that he will yield."

Holewinski: "Representative Kane, just so I'm clear. This puts the
money back in for the internship program, is that correct?"

Kane: "Yes."

Holewinski: "Thank you."

Speaker Madigan: "Is there any further discussion? There being no
further discussion, the question is shall the House adopt the
First Conference Committee Report on Senate Bill 1637. All those
in favor signify by voting aye. All those opposed by voting no.
The Chair recognizes the Gentleman from Will, Mr. Leinenweber, to



explain his vote for one minute."

Leinenweber: "Thank you Mr. Speaker. This is one time I think the Senate was right, I think that the Conference Committee is wrong and I...it looks like I'm whistling into the wind, but we do get \$12,000 to by office staff and to help us out in our legislative duties and I don't see any reason why the taxpayers should shoulder any more. I urge a no vote, but it looks like it's not going to do any good."

Speaker Madigan: "Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 112 ayes, 25 noes, 5 voting present, and the House does adopt the First Conference Committee Report on Senate Bill 1637. For what purpose does the Gentleman from Kane, Mr. Hill, arise?"

Hill: "Mr. Speaker and Members of the House, I would request that the Speaker appoint a three-man, three-person Committee to investigate the engineers that design the air conditioning for the House of Representatives. I understand that it was a large amount of money and it seems to me that something has gone wrong with it and someone should investigate it because the taxpayers of the State of Illinois seem to be getting ripped off."

Speaker Madigan: "Mr. Richmond, do you wish to call your Conference Committee Report on Senate Bill 1621? On the order of Conference Committee Reports there appears Senate Bill 1621, the Chair recognizes the Gentleman from Jackson, Mr. Richmond."

Richmond: "Thank you Mr. Speaker, Ladies and Gentlemen of the House, this, the First Conference Committee Report, although it has been signed, there has been new information and disagreements and we have scheduled a Second Conference Committee, which has not occurred at this time."

Speaker Madigan: "The Gentleman moves that the House do adopt the First Conference Committee Report on Senate Bill 1621. Excuse me, Mr. Richmond...Mr. Richmond, would you turn on Mr. Richmond?"



Richmond: "I move that we do no adopt the First Conference Committee Report..."

Speaker Madigan: "Excuse me, the Gentleman moves that the House do not adopt. On that motion, all those in favor...for what purpose does the Gentleman from Cook, Mr. Collins, arise?"

Collins: "Well Mr. Speaker, point of clarification, I think the Gentleman stated that the Conference Committee was going to have a second meeting in spite of the fact that a Conference Committee Report has been signed and circulated. I think the proper motion would be not to adopt and that a Second Conference Committee be appointed. Now beyond that...."

Speaker Madigan: "...you're correct, Mr. Collins. do you want to speak to the motion?"

Collins: "Well on the motion, I would like to speak against the motion, I think that this is one of the more outstanding efforts that has been put together by a Conference Committee and I would urge that the Conference Committee Report be adopted."

Speaker Madigan: "Is there any further discussion? The Chair recognizes the Gentleman from Cook, Mr. Schlickman."

Schlickman: "Thank you Mr. Speaker, would the sponsor yield?"

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

Schlickman: "Could you advise us as to what the net fiscal effect of Conference Committee Report #1 is?"

Richmond: "Yes, it would reduce the General Revenue Fund allotment to this Arts Council by \$62,600."

Schlickman: "It sounds like a good Committee Report, Conference Committee Report. Thank you."

Speaker Madigan: "The question is shall the House do not adopt the First Conference Committee Report on Senate Bill 1621. All those in favor signify by saying aye. Opposed...the ayes have it and the House...does not adopt. The First Conference Committee Report on Senate Bill 1621 and a Second Conference Committee shall be appointed. Ladies and Gentlemen, for what purpose does the Gentleman from Cook, Mr. Totten, arise?"



Totten: "Well thank you Mr. Speaker, I don't know whether my ears are a lot different than yours, but that voice vote on that last one, it seems to be overwhelmingly for not for the Conference Committee Report to be...a...not have a second one appointed. I wonder why we can't have a Roll Call."

Speaker Madigan: "A Roll Call was not requested in a timely manner Mr. Totten."

Totten: "Well I had my light on and my hand waving and my mouth open."

Speaker Madigan: "Your mouth is open quite often. Ladies and Gentleman the Speaker wishes to announce at this time that the House will now stand in recess until 7:00 o'clock. Thank you." And the Clerk will read some messages."

Clerk O'Brien: "Announcement of the Conference Committee relating to House Bill 3377. Members appointed to the Conference Committee are Representative Byers, Boyle, Bradley, Totten and Ryan. The meeting of the Members of the Conference Committee will be Monday, June 28 at 5:30 in the East Hall Corridor."

RECESS

Speaker Redmond: "The House will come to order, the Members will please be in their seats. Messages from the Senate."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary.

Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to recede from their Amendments to a Bill with the following title, House Bill 3818 and request a Conference Committee. Action taken by the Senate June 28, 1976, Kenneth Wright, Secretary. A Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of Bills with the following titles, to wit: House Bill 3637, together with an Amendment, passed by the Senate, as amended, June 28, 1976, Kenneth Wright, Secretary.



JUN 28 1976

122.

A Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of Amendment #1 and #2 to a Bill with the following title, Senate Bill 1945, concurred in the Senate June 28, 1976, Kenneth Wright, Secretary.

A Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of House Amendments to a Bill with the following title, Senate Bill 1967, concurred in by the Senate June 28, 1976, Kenneth Wright, Secretary.

A Message from the Senate by Mr. Wright, Secretary, Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of House Amendments to Bill with the following title, Senate Bill 888, concurred in the Senate June 28, 1976, Kenneth Wright, Secretary."

Speaker Redmond: "Conference Committee Announcements."

Clerk O'Brien: "Announcement relating to Conference Committee on Senate Bill 1621. The following Members are appointed to the Conference Committee. Representatives Richmond, E. M. Barnes, Bradley, Ryan and Totten. A meeting of the Members of the Conference Committee will be held Monday, June 28th, at 8:00 o'clock in the East House Corridor."

Speaker Redmond: "Agreed Resolutions."

Clerk O'Brien: "House Resolution...House Resolution 958. Whereas it has come to the attention of this House that Miss Donna Grotberg has been chosen Miss North Dakota and whereas as incredible as it may see, the lovely and talented Miss Grotberg is related to our distinguishable colleague, the Honorable John E. Grotberg, and whereas she will be competing for the title of Miss America in competition in Atlantic City New Jersey on September 11, 1976, and whereas the charming eighteen year old niece of Representative Grotberg has accorded this high honor and competition among fourteen regional winners representing hundreds of beautiful and talented young women throughout the great State of



GENERAL ASSEMBLY

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

North Dakota, and whereas Miss Grotberg will perform a musical composition by Aaron Copeland on the piano during the talent portion of the Miss America competition and is also a talented guitarist and singer, and whereas it is the conclusion of this Body that where all men are created equal, all Grotberg's surely are not. Therefore be it resolved by the House of Representatives of the 79th General Assembly of the State of Illinois, that we congratulate Miss Donna Grotberg on her selection as Miss North Dakota for 1976, that consistent with our affection and loyalty for our own Miss Illinois, we wish Miss Grotberg in the upcoming Miss American competition, it being our option that if a daughter of Illinois is to be denied that honor, then a niece will do very nicely, and be it further resolved that immediate negotiations between the Governors of North Dakota and Illinois be commenced for the purpose of affecting a trade for their Grotberg in exchange for our Grotberg and a player to be named later, and be it further resolved that suitable copies of this Preamble and Resolution be presented to Miss North Dakota, Donna Grotberg, and to her proud uncle, Representative John E. Grotberg."

Speaker Redmond: "Representative Giorgi, do you seek a verification of that allegation?"

Giorgi: "Yes, Mr. Speaker, I'm kind of impressed with the mythology of the Resolution, so I move for the adoption of the Resolution."

Speaker Redmond: "Representative Grotberg."

Grotberg: "Well I'm pleased and flattered that Representative Giorgi would express the will of this House by making that motion and deeply grateful for it because it is one thing to be the only Grotberg that ever got out of North Dakota and I think a generation later when they sent...they only let one out every generation and it's nice that this one is a lovely young lady and we will express good wishes of Illinois to her. Thank you very much."

Speaker Redmond: "Representative Giorgi has moved the adoption of the Agreed Resolution. All in favor say aye. Opposed no. The ayes have it. Representative Giorgi? Do you have more Resolutions?"



Clerk O'Brien: "House Resolution 953. Sangmeister. House Resolution 954. Washburn. And 959, Choate."

Speaker Redmond: "Representative Giorgi."

Giorgi: "Mr. Speaker, House Resolution 953 honors Miss Jane Dunn Leinenweber, daughter of Representative Leinenweber and Mrs. Harry Leinenweber has won the Centennial Essay Contest in the grade school division sponsored by the Herald News, Joliet, Illinois. This proves that a mentally deficient father can sire a brilliant daughter."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Mr. Speaker, I just heard a Member of this House suggest in fact, explicitly say that another Member was mentally deficient, now I call to the attention of that Member that we do have a transcript of our proceedings and I respectfully suggest that he apologize to the Member who is here and ask that those words be stricken from the record."

Giorgi: "He's right, Mr. Speaker, for the first time, Representative Schlickman is right and what I should have said was that he acted, at times, mentally deficient, really being very competent although I'd never hire him as a lawyer."

Speaker Redmond: "Representative Washburn."

Washburn: "I had my light on, Mr. Speaker, and Representative Schlickman jumped up and I think that Representative Giorgi should have a few kinder remarks of apology than those that he just gave. And I would ask, Mr. Speaker, if he doesn't care to do that, I think that we ought to wait until we get a House full of Members here, seats are pretty slim right now and I think we are getting started off on pretty bad footing here tonight. The Session's coming to an end, but there is no excuse for anything like that at any time during the Session."

Giorgi: "Alright, Mr. Speaker, I wish that all of the remarks that I made about Representative Leinenweber be stricken. Is that good enough? Is that good enough?"

Speaker Redmond: "Representative Giorgi."



Giorgi: "House Resolution by Sangmeister honors Miss Jane Dunn Leinenweber, daughter of Representative and Mrs. Harry Leinenweber for winning the Bicentennial Essay Contest in the grade school division sponsored by the Herald News, Joliet, Illinois. 954 by Washburn honors the intense work by the Republican staff who were diligent, industrious, and overworked and House Resolution 959 by Choate honors Vernon Randolph, who's retiring as State Sanitary Engineer and House Resolution 958 has been adopted already so I move for the adoption of the Agreed Resolutions."

Speaker Redmond: "Representative Matijevich."

Matijevich: "Mr. Speaker, I agree with everything said on the other side of the aisle, but I want to say that if all these crazy Resolutions weren't introduced in the first place, we'd never get to that point."

Speaker Redmond: "The Gentleman has moved the adoption of the Agreed Resolutions...all in favor...Representative Washburn."

Washburn: "Thank you Mr. Speaker, I'd like to have House Resolution 954 pulled out of the record."

Speaker Redmond: "Take it out of the record."

Washburn: "...for the time being."

Speaker Redmond: "All those in favor say aye. Opposed, no. The ayes have it, the motion carries and the Resolutions are adopted. Representative Grotberg, do you want to explain to Comptroller Lindberg that Miss North Dakota is not here and present, in person, I saw him coming in when that Resolution was being read, why I noticed the Comptroller came in."

Grotberg: "By the time we need the suit from Lake, or from McHenry, County, Mr. Lindberg, there's never been a Norwegian that passed up a chance for an honorable voucher from a Swede and if... Comptroller Lindberg, where are you?"

Speaker Redmond: "He's over with Representative Washburn."

Grotberg: "We'll take care of her, everybody will get paid."

Speaker Redmond: "Further Resolutions?"



Clerk O'Brien: "House Resolution 855. Stearney."

Speaker Redmond: "Representative Stearney."

Stearney: "Mr. Speaker, could the Clerk read the Resolution please?"

Speaker Redmond: "Read the Resolution."

Clerk O'Brien: "House Resolution 955, whereas officers and agents of business entities in this State have programs of bribing and corrupting officials of this State in order to advance the special interest of those business entities against the public interest and have used funds to such business entities for that unlawful and unethical purpose..."

Speaker Redmond: "Representative Shea."

Shea: "Mr. Speaker, this Resolution is not agreed, I understand it's going to a Committee, there is no Resolution on the calendar to move it and therefore, I move that it be sent to the appropriate Committee."

Speaker Redmond: "Committee on Assignments. Representative Stearney."

Stearney: "Mr. Speaker, I'm asking now that the House suspend the Rules on this particular matter for immediate consideration and I would draw the Majority Leader's attention to supplemental calendar #2, which is on the list, House Resolution 955, and the purpose of having this read is because I am going to ask that we suspend the rules for immediate consideration of this Resolution. I think it is appropriate that it be considered at this time and not be sent off to Committee to be never heard of again."

Speaker Redmond: "Representative Matijevich."

Matijevich: "I raise a point of order. All the calendar says is that Resolution is on the Speaker's table, there is no motion and it'd have, the motion would have to be on the calendar and it's not and therefore this is out of order and the Speaker just referred it to the Assignment Committee where it belongs. Everything else is out of order."

Speaker Redmond: "Committee on Assignments. Representative Schlickman."

Schlickman: "Mr. Speaker, I move for a call of the House to determine



whether or not a quorum exists."

Speaker Redmond: "Representative Matijevidch."

Matijevidch: "I guess he's in order, but I've been here Saturday and I've been held here Sunday, I didn't see him here and now he's telling other Members they have to get here. I think that ought to put him out of order right there."

Speaker Redmond: "Representative Washburn."

Washburn: "Mr. Speaker and Ladies and Gentlemen of the House, as I stated earlier, we are getting started off on bad footing here tonight. In the first place, there weren't many Members here when we started to transact business and not too many here right now, there are a lot of empty seats on both sides of the aisle. I think that these remarks that some of the Members, regardless of which side of the aisle they might come from, and they've both come from your side up to this point, you should restrain them and I think that Representative Schlickman has every right to follow the procedure that he is attempting to follow."

Speaker Redmond: "We'll be at ease for about three minutes. Roll Call for attendance. Roll Call for attendance. Representative McClain."

McClain: "Mr. Speaker, inquiry please? Is it true that if we don't reach 89, those Members that were here earlier in the day would not received per diem?"

Speaker Redmond: "Probably. Representative Schlickman."

Schlickman: "On a point of personal privilege, Mr. Speaker, for the edification of the Gentleman from Cook, and he knows full well why I was not here Saturday and Sunday. It just happened, John, you know darn well, Margret and I celebrated our 25th wedding anniversary and this weekend, I was not going to have my priorities screwed up by being down here with you."

Speaker Redmond: "I think that about evens the score. Now let's start over again on a better vein. Representative Matijevidch, please don't get into the personalities."

Matijevidch: "No I won't, because I've never...and I don't think I've



ever risen on a point of personal privilege, and they have, you know they always say that, I don't think I have, but I just passed my twentieth anniversary too and I'll be damned if I wasn't right here working where I should be and my wife was glad to see me work here where I should be and I think all of us...what did you say, Clyde? And Clyde had his twenty-ninth and he was working here. Nothing personal about it, Gene, nothing personal at all."

Speaker Redmond: "Go back to the Speaker's office and we'll give you a gold star. I see Representative Washburn, I think, isn't he on the Roll Call? He says there's a quorum present. There's a quorum present, non concurrence. Representative Simms."

Simms: "Mr. Speaker, I'd like to verify that Roll Call. I don't think there are 98 Members of the House that are present."

Speaker Redmond: "Verify the Roll Call, Mr. Clerk. Representative Shea."

Shea: "Mr. Speaker, that wasn't timely, you declared a quorum present, there's a quorum present here now, I think that we ought to get on with the business of the House."

Speaker Redmond: "Representative Simms, for what purpose do you rise?"

Simms: "Mr. Speaker, I question it, I can see some people's lights that have been pressed and are not in their seats. There is not a quorum. I don't feel that's present, I can challenge and ask for another quorum call. I would like you to verify it or ask for another Roll Call be taken."

Speaker Redmond: "Representative Hoffman, Ron Hoffman."

Hoffman: "Mr. Speaker, I think that we've gotten to that point in time where I would move to adjourn."

Speaker Redmond: "Representative Maragos, do you have an announcement?"

Hoffman: "I'd like a Roll Call vote on that, Mr. Speaker."

Speaker Redmond: "The Gentleman has moved that we adjourn.
Representative Shea."

Shea: "Well Mr. Speaker, I think there's a quorum present, I don't



6-28-76

Gentleman was recognized for that, I think if we get on with the business, we can get out of here in about an hour."

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

Hoffman: "Mr. Speaker, please record me as present. I am physically and mentally here."

Speaker Redmond: "Representative Waddell."

Waddell: "Mr. Speaker, I'm present."

Speaker Redmond: "There's a quorum present. The order of business is nonconcurrence. Representative Shea, which one do you have there?"

Shea: "1997."

Speaker Redmond: "1997. On Supplemental Calendar #2."

Shea: "Mr. Speaker, I move that the House refuse to recede from House Amendment #1 and that a Conference Committee be appointed."

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

Schlickman: "Mr. Speaker, I thought the point was made earlier that the courtesy be extended to the House to give an explanation of these Amendments so that we know what we are voting on, concurrence or non concurrence."

Snea: "Mr. Speaker, Ladies and Gentlemen of the House, as 1997 left here. the other night, we made it in the same shape that Mr. Schlickman amended Mr. Getty's Bill. The Senate refused to accept that Amendment and I move that we now non concur with the Senate...er, refuse to recede from our House Amendment and asked that a Conference Committee be reported, or asked for."

Speaker Redmond: "Representative Schlickman."

Schlickman: "With respect to the Amendment by the House, it wasn't just one Member's Amendment. Senate Bill 1997 was put in the form of a House Bill which was different, basically, on account of the requirements that the State's Attorney consent be a condition for supervision. And that was not my Amendment as the Gentleman full well knows. But I do concur with his motion for non-concurrence."

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



House non concur...Representative Shea, will you state your motion again?"

Shea: "I move that the House refuse to recede from House Amendment #1 and ask for the appointment of a Conference Committee."

Speaker Redmond: "The question is on the Gentleman's motion to ...Representative Choate."

Choate: "Three times I have asked the sponsor of this motion, what does the Amendment do? And what is the motion about? I would like to know.."

Speaker Redmond: "...Representative Shea."

Shea: "This Bill deals with the problem of supervision in allowing a judge.....allowing a judge on a plea of guilty to give supervision. The Senate refused to go along with the House Amendment requiring the concurrence of the State's Attorney. Again, I renew my motion that we refuse to recede from the House Amendment and ask for the appointment of a Conference Committee."

Speaker Redmond: "Are you ready for the question? Representative Maragos."

Maragos: "Mr. Speaker, I think this is the first time that I have maybe disagreed with my leader on this side of the aisle, but I think the House to refuse to recede is a better tactic, because I don't like to have the State's Attorney to have the right of refusal or the right of veto when a certain Member stands up. But if there's another reason why we should put it over, all right, I...I've been explained by the Sponsor Mr. Houlihan, no less. He gave me a reason why he wants to put this over, now I'll step back."

Speaker Redmond: "Representative Hill."

Hill: "Mr. Speaker, I would like to request of Representative Maragos, what that reason was because I was going to go along with him, he seemed to be so intelligent about the subject and I'd like to know what the clarification was."

Speaker Redmond: "Representative Houlihan."



JUN 24 1976

Houlihan: "If Representative Maragos is yielding to me to respond to that, what I indicated to Representative Maragos was what we had indicated at the time that this Bill came over from the Senate is that we would put the House Amendment on the Bill, that was our committment with Representative Katz and also with the minority spokesman on Judiciary II which, at that point, was Representative Duff. We agreed to that so that this Bill could get into a Conference Committee format and that we could have in that Conference Committee the differing aspects of the supervision Bills that have gone through both Houses. Now that's what this is about and that's why I support the request for a Conference Committee."

Speaker Redmond: "Representative Choate."

Choate: "We understand, Representative Houlihan, that it's a House Amendment, but what does the House Amendment do?"

Houlihan: "By way of background, Representative Choate, the Illinois Supreme Court in the case of People vs. Breen, early this year, held invalid the judicial grant of orders of supervision, which had been something of a tradition. In many areas of this State, particularly in the Cook County area, the Court, the Illinois Supreme Court, held that there was no legislative foundation for this. Since that time, there have been a number of Members of both Houses which have sought to address the problem which has been raised by Breen. The House Amendment that you referred to is a supervision Bill which ties the grant of supervision to the consent of the prosecutor, that is the basic difference between the House version of the Bill and the Senate version, which does not have the right of voidance in the prosecutor. So House Amendment #1 to this Senate Bill is the House version of supervision which does require the consent of the State's Attorney before a judge can impose an order of supervision."

Speaker Redmond: "Now Representative Shea, will you once again



pose your motion?"

Shea: "That the House...that the House refuse to recede from House Amendment #1 and for the appointment of a Conference Committee."

Speaker Redmond: "The question is on the Gentleman's motion that the House refuse to recede from House Amendment #1 and that a Conference Committee be appointed. All those in favor say aye. Opposed no. The ayes have it; the motion carries and the House refuses to recede from House Amendment #1.
1594. Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1594, it was an Act requiring certain types of Bills introduced in the General Assembly be provided with an impact statement by the Public Pension System. What happened when we amended the Bill in the House was that we did not use the proper language in requiring that the impact statement be provided on Amendments on the floor of the House and therefore I request that we refuse to recede from House Amendment on Senate Bill 1594 and a Conference Committee be set."

Speaker Redmond: "Any questions? The question is on the Gentleman's motion that the House refuse to recede from House Amendment #1 and a Conference Committee be requested. All those in favor say aye. Opposed no. The ayes have it and the motion carries.
1936, Representative Mudd. Representative Mudd, 1936?"

Mudd: "Yes, Mr. Speaker, on 1936, I would move to not concur and ask for a Conference Committee."

Speaker Redmond: "Any questions? Representative Leinenweber."

Leinenweber: "As Representative Schlickman asked earlier, I think it would be helpful if the Sponsor would say what we are not concurring with."

Mudd: "Well in the Senate Amendment, they recede from all House Amendments, don't they? They're actions? Yeh, they're not accepting any, so I move to non concur with their motion which is to non concur with any and ask for a Conference



Committee."

Speaker Redmond: "The Gentleman has moved that the House refuse to recede from House Amendments #1,#2,#3,#5,#7,#8,#9,#10,#14, #15,#17,#21,#25,#29,#30,#31,#32,#35,#36,#37,#38, and that a Conference Committee be appointed. All those in favor say aye. Opposed no. The ayes have it, the Gentleman's motion carries. Conference Committee Reports." House Bill 3850, Representative Schneider." Are you ready for that one, Representative Schneider?"

Schneider: "That's Representative Chapman's motion, Mr. Speaker."

Speaker Redmond: "Representative Chapman? Is Representative Chapman on the floor? Representative Chapman."

Chapman: "Mr. Speaker, I move that the House concur with Amendment #1 to the Senate Amendment #1 to House Bill 1350. Of, of course, I beg your pardon. I move that we, I move to adopt Conference Committee Report, House Bill 1850...3850, I'll get it right eventually. This is the Bill that clarifies the educational tourist law that gives to school boards the authority to sponsor educational tours and there was a question that came up in regard to the Senate Amendment, which in no way hurts the purpose of the Bill, and relates to the penalties of school boards as the initial Bill does in their authority to appropriation from the Educational Fund and borrow funds simply for the purpose of purchasing the land on which to conduct educational training in the form of the building trade and they would be required to sell this lot when the improvement had been made. I would ask for your favorable vote."

Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Thank you Mr. Speaker, this is the Bill that the Amendment is really, there was a question of germaness of the Amendment because rather than deal with the subject of the Bill which was education tours, the Amendment provides authority for school districts to borrow funds for the



purchase of real estate for the improvement or construction of buildings. Now there's a very slight, and it seems to me to be an elusory change in language in the Conference Committee Report over the Amendment which was overwhelmingly defeated. Representative Berman spoke at length as the reasons why the Senate Amendment was not...was not acceptable, the Conference Committee Report makes no changes in the reasons that he specified and basically it was that it just merely extends blanket authority to borrow funds, there are no conditions, there's no...a... any regulations as to how much interest, how long period of time, how much dollar amounts can be borrowed and I think it's a bad Conference Committee Report, it's the same as Senate Amendment #1 was bad. We defeated Senate Amendment #1, we ought to defeat this Conference Committee Report."

Speaker Redmond: "Representative Berman."

Berman: "Thank you Mr. Speaker, Representative Leinenweber is correct, I did object to the concurrence at the time it was presented because I was under the impression that the School Boards Association that it was not workable. Immediately following that, I did discuss this Amendment with Ron Cardoni, their legislative liason, and he indicated that I was mistaken that they did not have any objection to this and that it was workable. So for that reason I signed the Conference Committee Report that you have before you and I would urge its adoption."

Speaker Redmond: "Representative Waddell."

Waddell: "Mr. Speaker and Ladies and Gentlemen of the House, this is a good Report and it answers a specific problem and especially at a time when dollars are short as far as these various districts are concerned. For example, if you have a vocational project whereby these kids are building a home, have to go and borrow the money and in most cases, the banks are willing to lend it to them, but under the existing law and under the



existing conditions whereby these Reports have to be made on the financial side, this was the only answer so that they could go ahead and build them, sell them, retain the funds that they had so that they could reinvest them in materials to build another house. I submit this is good legislation and encourage your concurrence."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Mr. Speaker and Members of the House, I am sorry to say that this is a dishonest Conference Committee Report. This Report, Mr. Speaker and Members of the House, does nothing but to restore the language of Senate Amendment #1 which this House previously rejected. There is no practical difference between Senate Amendment #1 and the Conference Committee Report. Now what Senate Amendment #1 did was simply to authorize school boards for the purpose of acquiring real estate for vocational and other training purposes to borrow money without any restriction with respect to referendum, without any restriction with respect to interest, without any restriction as to the money being placed within a special account, without any restriction as to the kind of lien or incumbrance to secure the loan. And what we have in the Conference Committee Report is the same deficiencies that existed in Senate Amendment #1. There is no difference, practically speaking. Mr. Speaker, Members of the House, we are being asked by the adoption of Conference Committee Report #1 to House Bill 3850 to accept Senate Amendment #1 with Carte Blanche, give the school boards the authority to borrow money. That is unprecedented in the annals of school law in the State of Illinois. And I join with the Gentleman from Will in opposing this, it's subtrafuge, it's deceitful, it's nothing more than what we previously rejected and I think previously rejected for sound, fiscal, accountable reasons. And I urge a no vote on the adoption or acceptance of Conference Committee Report #1."



Speaker Redmond: "Representative Chapman."

Chapman: "Mr. Speaker, possibly I could refresh Mr. Schlickman's and Mr. Leinenweber's memory because this was not overwhelmingly defeated, we never voted on it. Representative Berman raised the question which I thought we should respond to and so that we non concur in order that we be sure that we had an understanding of what the problem was. Now there was nothing dishonest about this at all. When a legitimate question is raised instead of going ahead for the vote which I felt too, was fair, I wanted to respond to a reasonable question and I did that, we discussed that in the Conference Committee, the Conference Committee was posted by the way so any of you who have so much interest in this could have been there. On the subject of germaness, both of these provisions amends Section 10 of Chapter 122 of the School Code. I don't know how you could get much more germane than this. Now this Amendment #1 is not one that I had asked for, but it does respond to a need that Senator Jack Schaefer raised in the Senate and it has bipartisan support in the Senate, it passed by a vote of 53 ye nothing. It does respond to a need which school districts have and in a way that is completely reasonable manner. We are talking only about a Bill..building program that is operated very sucessfully in Bloomington and in Arlington Heights and in many other areas where rather than asking students to learn in the classroom about the building trades, they actually go out and build, construct a home or some other building. It works well and this helps it work better. I hope that you will join me in providing the 89 votes needed for House Bill 3850."

Speaker Redmond: "The question is on the Lady's motion that the House adopt First Conference Committee Report on House Bill 3850. Those in favor vote aye, opposed vote no. Representative Meyers to explain his vote."

Meyers: "Thank you Mr. Speaker, I'd hoped to ask the Lady from



Cook County a question. As I read the Conference Committee Report and I'm reading, it says to improve...on lines 23 and 24, and other educational training of pupils by way of a question, Mrs. Chapman, would this include all school buildings, or do lines 23 and 24 include any school building?"

Speaker Redmond: "Representative Chapman to explain her vote."

Chapman: "Is my mike on? Okay. Mr. Meyer, if you would read further, you would see that that property could not be used for a school, it could not be kept permanently by the school district, but it could only be purchased to improve by construction to build, that is, buildings or other structures or to improve real estate in a deteriorated or uninhabitable condition. In other words, you could buy an old house and get it back in shape and then sell it and this gives the students an opportunity to learn about plumbing and wiring and carpentry and all of the skills associated with construction. But then there is the requirement that within five years, this land must be sold so it...and also there is a further limitation, I don't know anything that is more limited than this particular provision in the School Code. There is a provision also that you can...a school district can only purchase one piece of property like this, only one piece of property to build or rehabilitate a structure and then if your Education Region Superintendent approves this, you could gain the permission to purchase an additional piece of property so it really is extremely limited. Only one piece of property to a school district, you can't use it for a school, you can only use it for training purposes to construct the building and then you can only keep it for a period of up to five years at which point you would resell it. Now as a matter of fact, they purchase and sell them annually...."

Speaker Redmond: "Representative Kempiners, for what purpose do you rise?"



Kempiners: "Well, if I could while she's explaining her vote, Mr. Speaker, and I apologize for not rising earlier, but I have a question, in Joliet, the township highschool district has a program where they do buy property and build a home on it during one semester and then sell the home and use it to train students of the school districts who are interested in becoming carpenters and brick layers and so on and so forth. The trade, now if that's what the Lady is talking about, I think that this is a good idea and we ought to be voting for this Conference Committee Report, if this permits school districts to do this."

Speaker Redmond: "Have all voted who wished? The Clerk will take the record. On this question there's 102 aye and 28 no and the Lady's motion carries and the House does adopt the First Conference Committee Report to House Bill 3850. On concurrence, House Bill 3867, Representative Shea, are you ready on that one? VonBoeckman, don't get away from me here. 3629. 3637, Representative Shea, are you ready? Out of the record. On the order of concurrence 3629, Representative VonBoeckman."

VonBoeckman: "Mr. Speaker and Ladies and Gentlemen of the House, I move we concur in Senate Amendment #1."

Speaker Redmond: "Representative VonBoeckman, 3629."

VonBoeckman: "Mr. Chairman, Amendment #1, it just provides that the word 'public' would be therefore park and recreational and related uses. That the property would revert to the State if it is not used for that purpose. I move concurrence."

Speaker Redmond: "Representative Porter....Representative Leinenweber?"

Leinenweber: "I have one question for the sponsor. Representative VonBoeckman, I think Senate Amendment #1 knocks out, or it removes Section 2 of the Act."

VonBoeckman: "That's a hold harmless Act, it removes that."

Leinenweber: "What was the purpose for the inclusion in the first place, was there a possible legal....a...."

VonBoeckman: "...no it was just a routine....a....in any transfer of



property and park board. In the resolution the attorney felt like it shouldn't be in there so the Senate took it out."

Leinenweber: "All right thank you."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Well, would the Sponsor yield?"

Speaker Redmond: "He will."

Schlickman: "Why take out the hold harmless provision? That protects the state with respect to any liability that may result from the transfer?"

Von Boeckman: "Well, again, the Park District felt that if anything came up that the state was responsible for prior to that the Park didn't want that responsibility. After the transfer the ...the Park District will assume all responsibility of course."

Schlickman: "May I address myself?"

Speaker Redmond: "Proceed."

Schlickman: "Well, Mr. Speaker, Members of the House, by House Bill 3629 we are being asked to convey approximately 1500 acres of state owned property to the Pekin Park District without consideration. Now that doesn't bother me but the fact that there may be some civil liability that will be imposed...opposed...in part imposed upon the state as a result of the transfer does bother me. And it seems to me, Mr. Speaker, Members of the House, that the least the state can ask for in making this conveyance by quit claim deed of 1500 acres of state owned to a unit of local government is simply to provide that by reason or virtue of the transfer the state will not incur, be subject to any civil liability. And for that reason, Mr. Speaker, Members of the House, and it's very little consideration to ask by the state, for that reason, I urge a no vote on the concurrence of Senate Amendment #1 to House Bill 3629."

Von Boeckman: "Well, Mr. Speaker, Mr. Speaker, if I may inject here that the hold harmless will be in the...in the quit claim deed transfer. I urge your support, Mr. Speaker."

Speaker Redmond: "Question's on the Gentleman's motion the House concur in Senate Amendment #1 to House Bill 3629. Those in favor vote



aye; opposed vote no. Have all voted who wish? Have all voted who wish? Representative Walsh."

Walsh: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this hold harmless which is a part of every conveyance of the state to a unit of local government or for any..."

Speaker Redmond: "Presume you're explaining your vote, is that right?"

Walsh: "I thought you knew that, Mr. Speaker."

Speaker Redmond: "Well, you've got one minute so hurry up."

Walsh: "You're not counting the time I chuckled, Mr. Speaker, and think..."

Speaker Redmond: "Yes, I am."

Walsh: "...Of the times you permit...well, this hold harmless which is a part of every...every lease, or every deed that the state gives a unit of local government or anyone else, it seems to me is an automatic thing. Now what...what bothers me about this transactions is that they...the state is deeding what I understand to be no cost but for recreational purposes to the Pekin Park District this land which I'm sure has considerable value. Now at the same time they take out the hold harmless which it seems to me would also take out the prior part of the Bill which says that it must be used for recreational purposes so that the Pekin Park District then possibly could with this land sell it to a developer or do whatever else they wanted to. This, it seems to me, is a flaw in this Bill, I just don't think it should be passed in this way."

Speaker Redmond: "Have all voted who wish? Representative Von Boeckman."

Von Boeckman: "Well, Mr. Speaker, that's not so what the previous speaker said that they could sell it. Now that's not so, it's in the Bill and it said that it has to be used for recreation of park, recreational and related services. That's one of the...part of the Amendment and the Senate in its wisdom said that no way can Pekin Park District sell this to gain monetary funds."

Speaker Redmond: "Clerk will take the record. On this question there's 94 aye and 17 no. The Bill...Gentleman's motion carries and the House does concur in Senate Amendment #1 to House Bill 3629. Conference Committee Reports appears Senate Bill 1614."



1614. Senate Bill 1614, Representative Byer. Representative Kosinski."

Kosinski: "Mr. Speaker, Ladies and Gentlemen of the House, I move to accept the Conference Committee Report on Senate Bill 1614.

The report is that the House recede from House Amendments 4, 5, 6, 8, 12, 18, 19, 20, and 22 and that the Senate..."

Speaker Redmond: "What...what..."

Kosinski: "I will go into it. That the Senate concur..."

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

Macdonald: "Point of order. I don't have this Conference Report on my desk as yet."

Speaker Redmond: "It's there."

Macdonald: "I have it now, thank you."

Speaker Redmond: "Proceed, Representative Kosinski."

Kosinski: "And that the Senate concur in House Amendments #1, #7, #9, and that Senate Bill 1614 be further amended as follows: on page 4, line 1 by deleting '25,183,500' and inserting in lieu thereof '25,813,100' and on page 4, line 2 by deleting '5,952,100' and inserting in lieu thereof '5,996,884' and on page 4, line 4 by deleting '2,086,150' and inserting in lieu thereof '2,141,350' and page 4, line 6 by deleting '250,100' and inserting in lieu thereof '252,720'. I will answer any questions to the best of my ability."

Speaker Redmond: "Representative Fleck."

Fleck: "Well, Mr...would the Sponsor yield?"

Speaker Redmond: "He will."

Fleck: "I can read the Conference Report myself so...I...I notice that they increase the appropriations, could you tell us what these increases were for and to whom they went?"

Kosinski: "Is there a specific amendment or the several amendments? Do you want me to read them all?"

Fleck: "Well, the Senate Amendment where you further amended the Bill."

Kosinski: "All Right. Senate Amendment 7 increased the Bureau of Identification for...by a 153,300 in the computerized criminal history's line item. Amendment #9 provided that no funds of this Act may



be spent for the Office of Special Investigation. In addition, the Bill is amended further to provide for a 2-1/2% increase for state police sworn personnel. The lines adjusted are: personnel services sworn a plus \$629,600 with a retirement plus of 52,200 for a total plus \$681,800. The addition in the Amendment #9 is the additional funding for the four truck weight inspectors which were agreed by House Amendment #20 but which were deleted when Amendment #20 became technically incorrect. The lines adjusted are: personal services non-sworn 44,784, retirement 3,000, social security 2,620 for a plus of 50,404. The net addition by this further Amendment is 732,204. The deletions, incidentally, by the other Amendments was a deletion of \$735,000, they just about balance each other."

Speaker Redmond: "Representative Madison."

Madison: "Thank you very much, Mr. Speaker, will the Sponsor yield?"

Speaker Redmond: "He will."

Madison: "Representative Kosinski, as I look at the House Amendment that this Conference Committee Report is asking us to recede from those Amendments were all increases in Senate Bill 1614. My question is, what is the net effect of this Conference Committee Report? Does it increase Senate Bill 1614 from what it was when it left this House or does it decrease it? And if so, by how much?"

Kosinski: "It's approximately..."

Madison: "Well, let me put it this way..."

Kosinski: "...\$400,000 from the way it came off Third Reading."

Madison: "Okay. At the present time when this Bill left the House the total appropriation was \$60,337,000, what is it now based on this Conference Committee Report?"

Kosinski: "\$58,432,724."

Madison: "That's roughly 1.9 million dollar decrease."

Kosinski: "Roughly."

Madison: "Thank you."

Speaker Redmond: "Representative Schuneman."

Schuneman: "Thank you, Mr. Speaker, I'd simply like to call the attention



of the House to the fact that the Senate refused to accept Amendment #19 to this Bill which was the one that would tie up money that might be used for the moving of state police headquarters in the state of Illinois and I was sorry to see that Amendment knocked off there because I know the interest of a lot of people in this House and a concern on their part that the state police are planning a relocation of their headquarters and those of us with headquarters in our district are interested in that item. And I'd like to call the attention of the House to the fact that the Senate refused to go along with that."

Kosinski: "Did you wish a comment, Sir?"

Schuneman: "Not necessarily."

Kosinski: "Thank you."

Speaker Redmond: "Representative Lauer."

Lauer: "Thank you, Mr. Speaker, my questions have been answered."

Speaker Redmond: "Representative Mulcahey. Mulcahey."

Mulcahey: "Would the Sponsor yield?"

Speaker Redmond: "He will."

Mulcahey: "...Mr. Speaker. Representative, you're requesting that the House do indeed recede from Amendment #8, is that correct?"

Kosinski: "That was the vote opinion of the Committee, yes, Sir."

Mulcahey: "I see. May I speak to that Amendment, Mr. Speaker?"

Speaker Redmond: "Proceed."

Mulcahey: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #8, if we should recede to this particular Amendment we would once again be taking from the now very, very decreasing Road Fund some \$3,000,000. The Senate is asking that 75% of this particular Bill be funded from the Road Fund. The 75% results annual loss, from the Road Fund of almost \$3,000,000 per year. Now I think it wasn't too long ago, and all of us remember as a matter of fact it was about a year ago, \$17,000,000 was taken from the Road Fund from House Bill 1539. This year in 1976 there were numerous bills that attempted to reduce the Road Fund for Mines and Minerals and what have you. As a matter of fact Mines and Minerals took \$1,000,000



for disaster relief. Within the last five years the state only portion of the Road Fund has been reduced from a \$100,000,000 to \$25,000,000. Now this Road Fund revenue is needed; it's needed for both retirement of obligated bonds as well as for construction. If you want to go back to 1967 construction costs have increased over 200% and this has been draining the Road Fund. The percentage factor is designed to represent that portion of the budget which is transportation related and nobody here including the Transportation Study Commission has been able to determine the actual percentage of this...that is, transportation related. We...we indeed should not recede from Amendment #8."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Are we on Senate Bill 1614 or are we on House Bill 3417?"

Speaker Redmond: "Senate Bill 1614."

Geo-Karis: "Well, he talks...the prior speaker talked about...
House Amendment #8?"

Speaker Redmond: "Representative Kosinski."

Geo-Karis: "Thank you."

Kosinski: "Yes, this is Amendment #8, as Mr. Mulcahey was very aptly explaining. The general feeling Miss Geo-Karis was of the Committee that our General Revenue Fund was more depleted than the Road Fund hence the...receding from the Amendment. Far more."

Geo-Karis: "Thank you."

Speaker Redmond: "Representative Maragos."

Maragos: "Mr. Speaker and Members of the House, I move the previous question."

Speaker Redmond: "The Gentleman has..."

Kosinski: "Mr. Speaker."

Speaker Redmond: "The Gentleman has moved the previous question. I have to put the question, that's the privilege..."

Kosinski: "Mr. Speaker."

Speaker Redmond: "Representative Kosinski."

Kosinski: "In view of Mr. Byers' broken leg I was handling this in Conference for him. Mr. Byers is the original Sponsor has a



comment, may he?"

Speaker Redmond: "Yes, if you ask Representative Maragos to withdraw his motion. Now Representative Byers."

Byers: "Well, thank you, Mr. Speaker, as Sponsor of this Bill of course I had a little trouble getting around at the present time and Representative Kosinski served on this Conference Committee and ...and...however there are several things in this that I'm not in agreement with; the House did agree to give the state police a 5% raise, that's not in this Bill. We also voted to fund ten additional agents for the IBI for the racetrack, that's not in this. Representative Schuneman already talked to the part about changing their substations and my recommendation is that this be sent back to a Conference Committee and vote no on this proposal."

Speaker Redmond: "Representative Terzich, for what reason do you rise?"

Terzich: "I have a couple of questions I'd like to ask the Sponsor. ...According to your statement that they reduce the salary increase for the state police from 5 to 2-1/2 and you totally eliminated the pay raise we adopted for the IBI agents."

Speaker Redmond: "Representative Kosinski."

Kosinski: "Yes, Mr. Terzich, the 2-1/2 amendment for IBI would have moved had we left the increase for the state police at 5% however inasmuch as the base pay of the IBI is greater than that of the state police the 2-1/2 for the IBI was dumped when the reduction occurred in the 5%."

Terzich: "Does that mean that they don't need the 2-1/2% raise or that they haven't been affected by inflation or what?"

Kosinski: "The 2-1/2 is already built in for the IBI."

Terzich: "Well, Mr. Speaker, I'd like to make one comment. On Senate Bill 1614 I think we spent approximately three hours discussing twelve amendments on this Bill and I notice in the Conference Committee Report that they knocked out nine out of the twelve amendments that was put in this House. And if they think that you can discuss this entire Bill within a few minutes I...I think it's absolutely ridiculous and I think the Conference Committee



Reports are ridiculous too. I...I couldn't figure up these figures fast enough, my calculator couldn't even handle them all and we're supposed to digest it in a few minutes. I...I do it in the form of a protest. I...I don't think we should concur and send it back to a Conference Committee."

Speaker Redmond: "Representative Ryan."

Ryan: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House, I...I certainly agree with Representative Terzich. There's several things wrong with this Bill, one of the basic things that has been pointed out by several people here and that's the 75-25% breakdown of the money that they want to take out of the Road Fund. The second thing is that the House passed on the 23rd of June a pay raise with over a hundred votes of 5% for the state police and that's been reduced to 2-1/2%. I think it was the intent of this Body to make sure that the state police got a 5% pay raise. And the other thing that was pointed out by Representative Schuneman is on House Amendment 19 that added that language that prohibited the state police from redistricting or moving facilities within the state. They have not supplied the plan that was requested and haven't lived up to the House Resolution that was passed. And so I would suggest that we do not concur in this Conference Report."

Speaker Redmond: "Representative Maragos."

Maragos: "Mr. Speaker, I renew my motion to move the previous question."

Speaker Redmond: "Representative Schraeder first and then back to you. Representative Schraeder."

Schraeder: "Mr. Speaker, I want to be very brief but I've been looking for something that says House Amendment #3 which covers the 2.3 million for collective bargaining. I wonder where that is?"

Kosinski: "Mr. Speaker."

Speaker Redmond: "Representative Kosinski."

Kosinski: "Mr. Schraeder, that's not in this Bill. That's in corrections."

Schraeder: "I beg your pardon."

Speaker Redmond: "Representative Maragos has moved that the...he



moves 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 Kosinski to close."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, it was my opinion that while certain areas were injured the matter under consideration were discussed; the votes ran high in the directions in which the Conference Committee came, finally, with this report and I move for its adoption."

Speaker Redmond: "Gentleman...Gentleman has moved the adoption of the First Conference Committee Report. Those in favor vote aye; opposed vote no. Ring the bell. Have all...favor vote aye; opposed vote no. Representative Byers."

Byers: "Thank you, Mr. Speaker, this is the law enforcement budget and I would recommend a no vote on this and send it back to Committee, as Sponsor of the Bill. The Senate, again, failed to look on any action that we took very favorably and I think it should definitely go back to a conference committee."

Speaker Redmond: "Have all voted who wish? Representative Meyers."

Meyer: "Thank you, Mr. Speaker, you're more than generous, I'll keep my mind shut...my mouth shut if there's only 30 votes on there."

Speaker Redmond: "Have all voted who wish? The Clerk will take the record. On this question there's 30 aye and 98 no and the Gentleman's motion fails and the House does not adopt the First Conference Committee Report. Is there a request for a second conference committee, Representative Kosinski? Request for a second conference committee. Representative Shea."

Shea: "Mr. Speaker, I move that the House do now adjourn until 9 o'clock tomorrow morning."

Speaker Redmond: "Representative Katz."

Katz: "Mr. Speaker, Ladies and Gentlemen of the House, there will be a meeting of the House Rules Committee, a very brief meeting, at our regular place down in Room 122-B immediately upon adjournment here tonight. So the Members of the Rules Committee, it will be respectfully pleaded that you come down to 122-B quickly so the



people don't have to wait around, immediately upon adjournment."

Speaker Redmond: "Representative Shea."

Shea: "There's one resolution if I could get read, please."

Speaker Redmond: "Resolutions."

Clerk O'Brien: "House Resolution 960. Garmisa, whereas at this Second Session of the 79th General Assembly draws to its historic conclusion and Members find themselves in a particular somber situation and whereas this situation is created by the fact that one illustrious adviser, counsel, erstwhile lobbyist and citizen of Chicago has chosen not to continue...not to continue in his present role as protector of Cook County's Home Rule powers. And whereas it is sincerely hoped that when the 80th General Assembly next January assumes its place in Springfield this Gentleman will be benched for good. And whereas in all other resolutions honoring this man and his lovely wife has mentioned their five adoring children, Valerie, Michael, Gregory, Jonathan and Valissa, whereas the proceeding resolutions concerning this couple have honored them on June 28th, the anniversary of their wedding date; and whereas this year is no different; and whereas the happy bride is enduring countless situations from her loving husband due to the Sessions, Specials Sessions, court cases and Sparky Garmisa, and whereas the bride's philosophy in her dilemmas has always been the same as her husband's when legislation important to him has been called, namely, this too shall pass. And whereas maybe next year they can celebrate their silver anniversary in the beautiful confines of their own home. Therefore be it resolved by the House of Representatives of the 79th General Assembly in the State of Illinois that we congratulate Al and Jeanne Green on their 24th Wedding Anniversary; that we wish them more and that we wish Al well in his new endeavors and be it further resolved that a suitable copy of this preamble and resolution be presented to Mr. and Mrs. Al Green."

Speaker Redmond: "Representative Shea."

Shea: "Should we let the Gentleman from Cook, Mr. Garmisa, handle that?"



Speaker Redmond: "Representative Garmisa. Give the Gentleman order."

Garmisa: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I know how happy all of you are that we will be rid of Al Green in the next Session and...in celebration of just that you're all invited back in Jerry Shea's office to partake of the anniversary cake and I would ask for the adoption of the Resolution, Mr. Speaker."

Speaker Redmond: "Gentleman has moved the adoption of the Resolution. Those in favor say aye. Aye. Opposed, no. The ayes have it; the Resolution's adopted. Death Resolution."

Clerk O'Brien: "House Resolution 957..."

Speaker Redmond: "Death Resolution. Please be in order."

Clerk O'Brien: "House Resolution 957. Byers, et al. In respect in memory of Milton 'Mink' Mueller."

Speaker Redmond: "Read the Resolutionn."

Clerk O'Brien: "Whereas this House is saddened to learn of the recent passing of Milton 'Mink' Mueller, our friend and former colleague. Whereas a lifelong resident of the Highland, Illinois, area, Mink Mueller was educated at local schools and became secretary of a large milk producers association, eventually becoming the association's president; a position he held for twenty years. And whereas for much of his life he successfully operated a large dairy farm near Highland. And whereas known by his neighbors for his outstanding qualities of leadership in business, Milton was elected as a Representative to the 62nd General Assembly and was subsequently re-elected twice. And whereas he served as Senator from the 47th District to the 65th, 66th, 67th and 68th General Assembly establishing a reputation for integrity and distinguished service. And whereas he was appointed as investigator for the Illinois Colt Stakes in 1955 by Governor Stratton. A post held by him for almost ten years and to which he was subsequently reappointed by Governor Walker. And whereas he was a valuable and active member of the Elks, Shriners, Knights of Pythias, Eagles, Loyal Order of the Moose, Illinois Agriculture Association and Evangelistical United Church of Christ, Highland. And whereas he is survived by his sisters, Mrs. Robert 'Elsie'



Nagle, Mrs. Norbert 'Grace' Arth. Therefore be it resolved by the House of Representatives the 79th General Assembly of the State of Illinois that we express our profound sorrow of the passing of Mr. Milton Mink Mueller, the distinguished man, a faithful public servant and that we extend our condolences to his family and friends and a suitable copy of this Resolution be forwarded to Mrs. Nagle and Mrs. Arth."

Speaker Redmond: "Representative Byers."

Byers: "I move for the adoption of this Resolution."

Speaker Redmond: "Gentleman has moved for the adoption of the Resolution. Those in favor say aye. Aye. Opposed, no. The ayes have it; the Resolution is adopted. Message from the Senate. Introduction and First Reading. Message from the Senate."

Clerk O'Brien: "Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has refused to adopt the First Conference Committee Report on Senate Bill 1637 and request a Second Conference Committee. Action taken by the Senate June 28th 1976. Kenneth Wright, Secretary. A message from the Senate by Mr. Wright, Secretary. I am directed to inform the House of Representatives the Senate has concurred with the House in the adoption and passage of Bill of the following title, House Bill 3099 together with an amendment. Passed by the Senate as amended June 28, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in the passage of Bill of the following title to-wit; House Bill 3560 together with amendments. Passed by the Senate as amended June 28, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in passing a Bill of the following title, to-wit: House Bill 3918. Passed by the Senate June 28, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate



GENERAL ASSEMBLY

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

has adopted Second Conference Committee Report to House Bill 3370. Adopted by the Senate June 28, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has adopted the following First Conference Committee Report on House Bill 3820. Adopted by the Senate June 28, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representative the Senate has adopted the following First Conference Committee Report on House Bill 3858. Adopted by the Senate June 28, 1976. Kenneth Wright, Secretary."

Speaker Redmond: "Representative Shea, are you seeking recognition? Representative Shea."

Shea: "Well, Mr. Speaker, instead of adjourning now and coming in at 9 in the morning, why don't we recess now; let the Clerk have an opportunity to get in Messages from the Senate; read those in and take care of the clerical tasks and when he's through with the Messages from the Senate we will then adjourn until 9 o'clock in the morning."

Speaker Redmond: "You've heard the Gentleman's motion. All in favor say: aye; opposed, no. The ayes have it; motion carries. Representative LaFleur, do you seek recognition?"

LaFleur: "The only thing I wish to do, Mr. Speaker, was to remove from the calendar a motion I have in regards to Senate Bill 1555."

Speaker Redmond: "Is there any objection? Hearing none, leave is granted. 1555. You've heard Representative Shea's motion. All in favor say aye; aye; opposed, no. The ayes have it. Motion carries. Recess until the Clerk reads the Messages and then adjourn until tomorrow morning until 9 o'clock."

Clerk O'Brien: "Introduction to First Reading. House Bill 403. Younge. A Bill for an act to amend Section 3 of the Capitol Development Bond Act of 1972. First Reading of the Bill."

