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Speaker Redmond: "House will come to order. Members please be in their seats. Will the Lady from Evanston please go to her seat. Lady from Glenview. Be led in prayer by the Reverend Krueger, the House Chaplain."

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. Lao-tzu, the philosopher said, 'As restrictions and prohibitions are multiplied, the people grow poorer and poorer. When they are subjected to overmuch government, the land is thrown into confusion.' Let us pray. Heavenly Father, Lord of all the Universe and Creator of all mankind; Thou Who hast bestowed upon us the heritage of cultural, social and economic liberty; we give Thee this day our praise and prayer. Do Thou, O Lord, instill within each of us as we serve this House of Representatives a sense of prudence and the value of practicability as we advocate legislation by which the people of this State of Illinois shall be governed. May we direct our attention to only issues of significant and major importance that the plethora of laws to which we are subjected, be not compounded with a super-abundance of similar trivia that continue the process of the erosion of human dignity and freedom; through Jesus Christ our Lord. Amen."

Speaker Redmond: "Pledge of Allegiance Representative Murphy."

Murphy: "I pledge Allegiance to the flag of the United States of America and to the Republic for which it stands one nation, under God, indivisible, with Liberty and Justice for all."

Speaker Redmond: "Roll Call for Attendance. Representative Chapman, you seeking recognition? Representative Chapman. Introduction, First Reading."

Clerk O'Brien: "House Bill 3493, Dave Jones-Oblinger.

A Bill for an Act creating the Illinois State Safety Coordinating Committee. First Reading of the Bill.

House Bill... House Bill 3494, Dave Jones-Oblinger.



A Bill for an Act to amend Sections of an Act concerning payments compensation awards to state employees. First Reading of the Bill. House Bill 3495, Dave Jones-Oblinger. A Bill for an Act making appropriation to the Department of Administrative Services. First Reading of the Bill. House Bill 3496 Dave Jones-Oblinger. A Bill for an Act making appropriation to the Department of Commerce and Community Affairs. First Reading of the Bill. House Bill 3497 McCourt. A Bill for an Act to amend Sections of the Public Community College Act. First Reading of the Bill."

Speaker Redmond: "Reading of the Journal."

Clerk O'Brien: "Journal for the 109th Legislative Day
Friday, April 4, 1980..."

Speaker Redmond: "Representative Matijeovich."

Matijeovich: "Mr. Speaker and Members of the House, I move that we dispense with the reading of the Journal and that Journal #109 of April 4, 1980 be approved as read. Let the objection be journalized by Representative Totten."

Speaker Redmond: "You've heard the Gentleman's motion. There being no objections, the question is on the motion. Those in favor vote aye, aye, oppose no. The ayes have it. The bull dog from Arlington Heights, the Palatine or wherever it was. Motion carried and the Journal is approved as read. The Clerk advises me that the way to have your objection noted is to vote no on the quorum Roll Call. Representative Simms is in the chamber. Mr. Doorkeeper will you announce that the House is now in Session. I understand that the current went off in the State Building and the Centennial Building and that the clocks are late."

Doorkeeper: "Attention Members of the House of Representatives. The House is now in Session."

Speaker Redmond: "We're honored with a visitor. Former House Member. I think he was awarded the best Legislator. I don't remember the narrow base group that awarded him."



Senator Pate Phillips, County Chairman of DuPage County. If you seek to enter the county, you must get permission from Ayatollah Phillips. Representative Ryan, are there any Republicans whose absence should be excused? Representative Ryan? Any excused absences? Lechowicz, any Democrats whose absence should be excused?"

Lechowicz: "Thank you Mr. Speaker. Will the record indicate that Representative Terzich is excused because of official business and Representative Garmisa who is ill?"

Speaker Redmond: "Any objections? Hearing none, the record will so show. Page three, House Bills, Second Reading. House Bill 282. Out of the record. House Bill 426. Out of the record. 703. Is Representative Younge in the chamber. Out of the record. 821, Younge. Out of the record. 958, Representative White. Out of the record. 1294, Representative Farley. Out of the record. 1444, Farley. Out of the record. 1920, Representative Schneider. Out of the record. 2318, Representative Daniels. You want to go with that one? Will you read that one. Let's see what Daniels does."

Clerk O'Brien: "House Bill 2318. A Bill for an Act to amend Sections of the Illinois Savings and Loan Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Redmond: "Any Amendments from the floor?"

Clerk O'Brien: "No motions or no Floor Amendments."

Speaker Redmond: "No Floor Amendments. Third Reading. 2349 out of the record. 2924. Let's try that one."

Clerk O'Brien: "House Bill 2924. A Bill for an Act to provide for the Ordinary and Contingent Expense of the Office of State Appellate Defender. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Redmond: "Any motion with respect to Amendments 1 and 2?"

Clerk O'Brien: "No motions filed."

Speaker Redmond: "Any Amendments from the floor?"



Clerk O'Brien: "No Floor Amendments."

Speaker Redmond: "Third Reading. 3034."

Clerk O'Brien: "House Bill 3034. A Bill for an Act making appropriation to the Ordinary and Contingent Expense for the Medical Center Commission. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Redmond: "Any motions with respect to Amendment 1 and 2?"

Clerk O'Brien: "No motions filed."

Speaker Redmond: "Any Amendment from the floor?"

Clerk O'Brien: "No Floor Amendments."

Speaker Redmond: "Third Reading. Wait a minute. Representative Totten."

Totten: "Thank you Mr. Speaker. On 3024, the Sponsor isn't here and I don't know whether we ought to move that with... That's a controversial Bill. Without him being here."

Speaker Redmond: "Well, it's the intention of the Chair that if the Sponsor asks to bring it back we'll do that. I hate to just sit up here and not do anything."

Totten: "We could read the Journal."

Speaker Redmond: "Well, my experience says that the Members aren't very attentive. So if there's any problem with them, we'll bring them back. 3037."

Clerk O'Brien: "House Bill 3037. A Bill for an Act to provide for the Ordinary and Contingent Expense of the Illinois Arts Council. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Redmond: "Any motions with respect to Amendment 1 and ... You don't want that one called? Out of the record. 3040."

Clerk O'Brien: "House Bill 3040. A Bill for an Act amending certain appropriation Acts for the fiscal year ending June 30, 1980. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Redmond: "Any motion with respect to Amendment 1 and



2?"

Clerk O'Brien: "No motions filed."

Speaker Redmond: "Any Amendment from the floor?"

Clerk O'Brien: "Floor Amendment #3, Representative Ewing."

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

Clerk O'Brien: "Amends House Bill 3040 as amended on page eight, line 15 by deleting 2,195,100 and inserting in lieu thereof 2,400,000."

Speaker Redmond: "We'll take this one out of the record.

How about House Bills, Third Reading, Short Debate. 1563. Representative Polk on the floor? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1563. A Bill for an Act to amend Sections of an Act in relation to the rate of interest and other charge in connection with sales on credit in the lending of money. Third Reading of the Bill."

Speaker Redmond: "Representative Polk. Out of the record? Out of the record. Representative Stearney here? 1828 out of the record. 2351, Representative Ewing here? Ewing here? Out of the record. 2722, Representative Taylor Pouncey. Out of the record. Representative Leon, for what purpose do you rise?"

Leon: "Mr. Speaker, I would like to suspend the posting rules so that two emergency Bills may be heard in the Committee this afternoon, Financial Institution. The House Bills are 3268 and 3288."

Speaker Redmond: "Have you discussed this with the Minority Leader?"

Leon: "The Minority Leader discussed it with me and requested that I do this."

Speaker Redmond: "And it's acceptable to the Majority, is that correct?"

Leon: "Sir?"

Speaker Redmond: "Acceptable to the Majority too."

Leon: "Yes."

Speaker Redmond: "Question's on the Gentleman's motion that



the posting rule be suspended. All those in favor indicate by voting aye, oppose no. Vote aye. Piel aye. Representative Piel. Go over and talk to him. I won't... Representative Bradley, for what purpose do you rise? Is it on Representative Leon's motion?"

Bradley: "I have another motion on that same subject."

Speaker Redmond: "Okay. Have all voted who wish? On this question there's 112 aye and no nay and the motion carries. Representative Bradley."

Bradley: "I spoke with the Minority Leader about House Bill 3498 and I'd like to suspend the posting rule so it could be heard in Rules tomorrow afternoon if we could sir."

Speaker Redmond: "Is there any discussion? Representative Lechowicz moves that we use the same Roll Call. Do we have leave? Hearing no objection, leave is granted the same Roll Call. The motion carried. Representative Vinson."

Vinson: "Thank you Mr. Speaker. Pursuant to the Rule 18K I would move to suspend the posting requirements so that Senate Bill 1645 can be heard in Appropriations II Committee on Wednesday. It's the supplemental appropriation for the Department of Mental Health to take care of a couple of emergencies resulting from the closure of private facilities for patients who are to transfer their patients to other facilities. It's been cleared with the Chairman and the Minority Leadership."

Speaker Redmond: "Gentleman have leave to suspend the rule with respect to Senate Bill 1645? Hear it in Appropriations wasn't it?"

Vinson: "Yes Mr. Speaker. Appropriations II."

Speaker Redmond: "Hearing no objections, the rule is suspended. Representative Ewing, do you want 2351 called on page four? Representative Ewing, do you want that one called? 2351. House Bills, Third Reading, Short Debate."



Clerk O'Brien: "House Bill 2351. A Bill for an Act to amend Sections of the Illinois Administrative Procedure Act. Third Reading of the Bill."

Speaker Redmond: "..., what's your pleasure. Okay. Let's roll with it. You're on."

Ewing: "Mr. Speaker, this piece of legislation I have explained a couple times has evoked some controversy but I see that Representative Yourell is on the floor and this deals with the taking or exempting from the Administrative Procedure Act those small changes which will be made in code classifications of jobs, and I believe that this is now agreeable with the Administrative Procedure Committee. And I would ask for its approval."

Speaker Redmond: "Is there any discussion? Representative Yourell."

Yourell: "Yes, thank you Mr. Speaker. The Gentleman is absolutely correct. We've ironed out the difficulties. The Amendment has been put to the Bill and the Bill is now in the order we think it should be and I move a favorable Roll Call on House Bill 2351."

Speaker Redmond: "Question is shall this Bill pass? Those in favor vote aye, oppose vote no. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question there's 112 aye and 1 no and the Bill having received the Constitutional Majority is hereby declared passed. Page 10, Senate Bills, Third Reading, Short Debate. 617. Senate Bill 617. Out of the record. Representative Cullerton. He here? 967, Representative Kornowicz. You want to go with that one Mr. Kornowicz? Out of the record. 1038. Pierce here? Out of the record. 1338, Kornowicz. Do you want to go with that one? Out of the record. Representative Totten. Next Secretary of State."

Totten: "Don't cause me anymore problems than I've already got."



Speaker Redmond: "Secretary of State."

Totten: "Mr. Speaker, I would like to suspend the posting rules on House Bill 2748 which was suppose to be heard in our subcommittee today but we didn't have a quorum so that it could be heard tomorrow afternoon. I've checked with the Chairman of the subcommittee, the Majority Leader and the Minority Leader and it'd be okay to hear that Bill tomorrow in the subcommittee on Personnel and Pension."

Speaker Redmond: "Does the Gentleman have unanimous consent? Hearing no objections, leave is granted and the rule is suspended. Representative Skinner, do you want to go with that Conference Committee Report on 925 page 14? Skinner here? Out of the record. How about 2410, Totten and Matijevich? 2411. 185. Davis. Representative Davis. 1150 Dawson. ...on the Order of Concurrence. Representative Winchester. House Bill 1062. Out of the record. Representative Mulcahey, for what purpose do you rise?"

Mulcahey: "Mr. Speaker, if you're researching around, I'd go to consideration postponed I have a Bill that could have called."

Speaker Redmond: "What's the number, 804?"

Mulcahey: "Mr. Speaker, it's 1404."

Speaker Redmond: "On consideration postponed, House Bill 1404."

Mulcahey: "Mr. Speaker, I would ask leave of the House to have Senate Bill 1404 moved back to Second Reading for the purpose of an Amendment."

Speaker Redmond: "Does the Gentleman have leave?"

Mulcahey: "Mr. Speaker, I would ask leave of the House to have Amendments #2 withdrawn from Senate Bill 1404."

Speaker Redmond: "Who's the Sponsor of Amendment 2?"

Mulcahey: "I am sir."

Speaker Redmond: "It was adopted."

Mulcahey: "Myself and Representative McMaster."



Speaker Redmond: "He now want to table Amendment 2 I take it.

Is that correct?"

Mulcahey: "Yes sir. And I do believe that Amendment #3 and Amendment #4 was withdrawn. Is that not correct Mr. Clerk?"

Clerk O'Brien: "3 was withdrawn previously. 4 is on the table for consideration."

Mulcahey: "4 is on the table. Is that the one I filed?"

Clerk O'Brien: "5 is yours, and 6 is Friedrich's."

Mulcahey: "Alright. I would ask leave to table Amendment #4 then also Mr. Speaker."

Speaker Redmond: "Well, we haven't yet. Does the Gentleman have leave to table Amendment #2 to House Bill(sic) 1404? Is it House of Senate? Representative McMaster."

McMaster: "Mr. Speaker, part of Amendment #2 was in regard to my problem with the Knox County land fill. The Senate went home previous to the time we could act on that Amendment and since the first of April is already passed I no longer have any interest in the Amendment anyway and I have no objection to him removing it."

Speaker Redmond: "That's Senate Bill 1404 I understand. Question is on the Gentleman's motion to table Amendment #2. Does he have leave? Hearing no objections, leave is granted. Amendment 2 is tabled. Now, any further Amendments? Representative Mulcahey."

Clerk O'Brien: "Amendment #3 was withdrawn previously. Amendment #4, McMasters. Amends Senate Bill 1404 on page one by inserting..."

Speaker Redmond: "Representative McMaster withdraws Amendment 4. Is that correct? Any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Mulcahey. Amends Senate Bill 1404 on page one by deleting line 14 through 17 and so forth."

Speaker Redmond: "Representative Mulcahey."

Mulcahey: "Mr. Speaker, Amendment #5 simply does the same thing that the first part of Amendment #2 did which we



adopted last week. Does three things really. Reduces from 10,000 to 5,000 the population of towns that are affected by chlorination of water. It requires a stand-by chlorination system to be available at all times. Number three, it provides that the EPA shall make annual inspections of all of these facilities.

I would ask for the adoption of Amendment #5."

Speaker Redmond: "Any discussion? Questions on the Gentleman's motion for the adoption of Amendment #5. Those in favor say 'aye'. Aye. Oppose 'no'. The ayes have it. Motion carried. Amendment 5 is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Friedrich. Amends Senate Bill 1404 as amended in the title and in the introductory clause of Section 1 and so forth."

Speaker Redmond: "Representative Friedrich."

Friedrich: "Mr. Speaker, I think the real problem, if there is one, is in towns of over 1,000 people. Some of these small towns have wells, very small distribution system and I think that certainly at least at that level this is safe. When you get into the larger towns I think there is some merit in having chlorination. So the purpose of this Amendment is to reduce this from 5 to 1... the previous Amendment to reduce from 5... to 5 and this would reduce it to 1. I don't know what the experience of the others are in the General Assembly and in their own districts. This, the only place I have that has a problem is the town of probably 500 people where there's a minimum number of users and that's the reason for this Amendment. And I move its adoption."

Speaker Redmond: "Representative Mulcahey."

Mulcahey: "Mr. Speaker, I rise to oppose this Amendment. Actually, what we've done already, we reduced the size of the population of the towns now from 10,000 to 5,000 which was one of the major concerns of the majority of this Body last fall and I believe the Bill is in



adequate form right now. If we go to a thousand and we adopt this Amendment and go to a thousand population it's going to completely defeat the purpose as far as the problem areas I have in my district. Some of the areas are 3,000, 3,500, 4,000 that we're talking about and I have to oppose the Amendment for that purpose."

Speaker Redmond: "Anything further? Representative Friedrich to close." Representative Sandquist, are you seeking recognition? You're flashing."

Friedrich: "I could only repeat what I said. I think we would be safe if we eliminated chlorination in towns of under 1,000 people and many of those towns that I know about are serviced by wells which would have a long track record of being safe. The distribution system is small, and my reason for it is if this isn't done in some of these smaller towns they're going to start losing their users. They're going to go back to wells and it will actually destroy the public water systems."

Speaker Redmond: "Question's on the Gentleman's motion for the adoption of Amendment 6. Those in favor vote aye, oppose vote no. Using the Roll Call. Have all voted who wish? Have all voted who wish? Representative McBroom, are you seeking recognition? Have all voted who wish? Clerk will take the record. On this question there's 38 aye and 57 no and the motion fails. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Third Reading. No, it goes onto consideration postponed, pardon me. Representative Sharp, for what purpose do you rise?"

Sharp: "Yeah, Mr. Speaker..."

Speaker Redmond: "Wait a minute. Representative Mulcahey."

Mulcahey: "Mr. Speaker, was Senate Bill 1404 moved back to Third now?"



Speaker Redmond: "No, it's put on postponed consideration from which it came."

Mulcahey: "Well, it was on Third a few minutes ago and I moved it back to Second for an Amendment."

Speaker Redmond: "It was on consideration postponed and we put it back where it came from."

Mulcahey: "Yes. My mistake, you're right."

Speaker Redmond: "Representative Sharp."

Sharp: "Yeah, I rise to ask leave to table House Bill 2082 and House Joint Resolution 87 of which... both of which I'm chief Sponsor."

Speaker Redmond: "Does the Gentleman have leave to table House Bill 2082, Joint Resolution 87? Hearing no objection, leave is granted. Table... and the Resolution are tabled. The Bill and the Resolution are tabled. What did you say? 2082. 2082. Anyone else have a Bill they want to table? It's been suggested that anyone that has a Bill that's on Third Reading should either stand and seek recognition or come down to the Clerk's Office and give us a list. House Bill 1503. You want that one called? Oh okay. Page eight. House Bills, Third Reading. Page eight. 2275. The Gentleman from DuPage. Read the Bill Mr. Clerk."

Clerk O'Brien: "House Bill 2275. A Bill for an Act to regulate the duty which an occupier of a premises owes to his visitors in respect to dangers due to the state of the premises or things done or admitted to be done on them. Third Reading of the Bill."

Speaker Redmond: "Any discussion? Representative Daniels. Representative Pierce, would you come to the podium please. Pierce. Representative Daniels?"

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2275 which is known as the Premises Liability Act was amended last week in the House as a result of a subcommittee hearing by the Judiciary Committee. Basically, what the Bill does at the present time is to abolish the



distinction under common law between invitees and licensees as to the duty owed an owner or occupier of premises. The duty owed to such interest is that of reasonable care. This Bill now ties in through the law the same duty then would be owed by all three classes of individuals. The Bill is in good form at the present time. It has been as a result of several hearings of the Judiciary Committee and I believe does not have any opposition at the present time that I know of. And I would seek your favorable support."

Speaker Redmond: "Is there any discussion? Representative Brummer."

Brummer: "Will the Sponsor yield? He indicated that the standard of care or responsibility would be the same to all three classes of occupiers of premises. Is that right?"

Daniels: "I can't hear you." Not as to trespassers."

Brummer: "Okay. What would be the standard owed to trespassers of property?"

Daniels: "They have a duty of care in general terms only as to willful and wanton misconduct."

Brummer: "Would you read for me the provisions of the Bill that provide the duty of care with regard to trespassers?"

Daniels: "Yes, on the last Section of the Bill, line 14 through 16, Amendment #2 it says nothing here in effect to the law regards any category of trespassers including the trespassing child entrant. Which means that we are going to follow the current pace law as it previously... as it is today."

Brummer: "With the Amendment, which I do not have in front of me, which distinctions are we removing?"

Daniels: "The distinction between invitee and licensee only."

Brummer: "Thank you."

Speaker Redmond: "Anything further? Representative Leinenweber."

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

Speaker Redmond: "He will."



Leinenweber: "This is the... was originally the premises liability law and still is that. Is that correct?"

Daniels: "That is correct."

Leinenweber: "Can you... Maybe you did this and I wasn't listening, tell me briefly how this changes the common law in Illinois?"

Daniels: "It only changes it as to licensees and what we've done here is in fact, abolished distinction between licensees and invitees as to the duty owed such category of entrance upon land. What we're saying now under this legislation by Amendment #2 is that the distinction between these two categories will be the same. In other words, the duty owed to licensees and invitees would be that of reasonable care under the circumstances regarding the state of the premises."

Leinenweber: "What about social guests? As I understand, existing law there's three categories of people come on premises..."

Daniels: "Well, social guest is really a licensee under Illinois law."

Leinenweber: "I think the law treats them the same but they are separate so in other words a social guest, a licensee, and an invitee will be treated the same. Is that correct?"

Daniels: "That is correct."

Leinenweber: "So, does this extend liability then to certain, let's say, if the licensee or social guest suffers an injury under certain circumstances, now he will receive the same care as if the person was a business invitee as I understand the Bill. Now does that raise them to a level of the invitee or does it lower the invitee to the level of the social guest or meet somewhere in between."

Daniels: "Raises the licensee. It gets rid of the blanket immunity that's now there."

Leinenweber: "Well, as I understand the law right now the... an occupier of premises is liable to a social guest



for... I get this mixed up... patent defects only and that's for latent defects where he's liable for both patent and latent defects to an invitee. Now, does the social guest now have a cause of action for both patent and latent defects in premises?"

Daniels: "It would be a standard of reasonable care to the social guest under this legislation. The example would be where a social guest would go onto a premises invited say that you were to invite somebody to your home, you would have a standard of reasonable care under this legislation."

Leinenweber: "Well, let me say that that's one ... so I can clear it in my own mind is the... if we pass this Bill there's a law related to a business invitee will it be identical to the common law?"

Daniels: "As to the invitee, yes."

Leinenweber: "It will be identical so then you're raising the standard of care by this Act owed to the licensee and the social guest."

Daniels: "That is correct."

Leinenweber: "And what is the purpose for changing the common law?"

Daniels: "We want to get rid of the blanket immunity. There's a case right now that has been pending in the Supreme Court which we believe the Supreme Court will rule on in the next few months which, in essence, will do somewhat similar to what we're dealing with here but we don't feel that we should wait for the Supreme Court to speak. We should feel that the Legislature itself should be the determining Body on what the state of law is. We feel the state of law prior to this has been very confusing and that this, in fact, will give proper remedies to those invitees, licensees, or social guests that are invited on property the standard of reasonable care where before there was a blanket immunity."

Leinenweber: "The one question that comes in my mind looking



at the list of Cosponsors and seeing the number here who usually are not seen sponsoring Bills in behalf of claimants which this Bill would seem to be would seem to liberalize the law as far as liability of property owner, occupier or premises is concerned."

Daniels: "I think that's more than using the term, liberalizing. What it does is it brings it into a common standard so it's more easily understood instead of dealing with the immunity question or patent or latent defects. We are now dealing with a standard of reasonable care."

Leinenweber: "Thank you."

Speaker Lechowicz: "The Gentleman from Cook, Mr. Getty."

Getty: "Will the Gentleman yield?"

Speaker Lechowicz: "Indicates he will."

Getty: "Representative Daniels, if a farm owner were to be approached by a group of hunters who wanted to enter upon his land for the purpose of hunting, would the effective adoption of this Amendment if that farmer were to grant them permission to enter, would the standard of care be raised to the farmer?"

Daniels: "You're taking him out of the classification of trespasser, obviously, because there's permission to go onto the land. So you're dealing with a business invitee is that correct or a licensee?"

Getty: "No, he's a... he becomes a licensee when he's given permission to enter upon the land as opposed to..."

Daniels: "The standard under this legislation would be the standard of reasonable care."

Getty: "Alright. As of right now then there is not duty or standard that the farmer has relative to the land. Is that correct?"

Daniels: "There's willful and wanton misconduct under the law today."

Getty: "Alright. But he does not have the obligation of reasonable care."



Daniels: "No."

Getty: "So that the hunter would just enter and take his own chances is that correct?"

Daniels: "Today."

Getty: "Alright. Then I think that, Mr. Speaker, Members of the House, you who represent farming communities and farmers, I don't represent more than two or three in my district might want to hear about this and I don't think you're paying attention. If a farmer in your community grants the right to a hunter to enter on his premises he will now have assumed liability that he didn't have before and I think you ought to consider it. I don't necessarily think that this is a bad Amendment but it'll raise certainly insurance costs of that hunter... scratch that... to that farmer and it will possibly impare, as far as hunters are concerned, their ability to get permission merely to enter upon land. I think you ought to seriously consider that."

Speaker Lechowicz: "Any further discussion? Gentleman from Lake, Mr. Deuster."

Deuster: "If the Sponsor would yield for a question this may have already been answered but my staff analysis indicatest that there is a case pending in the Illinois Supreme Court which the analysis said would answer most of the questions in this area and it also indicated that the Sponsor does not intend to proceed with the Bill unless or until the opinion comes down. Has that come down and what is the result?"

Daniels: "It has not come down and it might not for a while and I don't know what the analysis said about my not proceeding. We intend to proceed because what this Bill does is address the standard of reasonable care. That is if you allow somebody or invite somebody to your home. Let me give you an example Representative Deuster. If you invite somebody to your home..."

Speaker Lechowicz: "Mr. Daniels, the Gentleman in the rear can't



hear you. Would you speak up just slightly?"

Daniels: "Hello."

Speaker Lechowicz: "Thank you."

Daniels: "If you invite somebody to your home as a social guest, let's say your Aunt Nellie and she's bringing chocolate chips over to your home for your pleasure, and she is acting as your social guest. At the present time if she were to fall because your steps are in disrepair you don't owe her any duty whatsoever. She has a blanket immunity and you would only be guilty of willful and wanton misconduct. For instance in example of willfully failing to repair those steps. What is being done here at the present time is we are saying that that standard of care as to your social guest should be a reasonable standard of care to keep your premises in reasonable repair. The Supreme Court in the case of 'Presibian' has not yet ruled and that case is pending in the Supreme Court. We believe that the Supreme Court may abolish the distinction as it is through our judicial ruling. However, at the same time, we do not believe that we should sit and rest upon the judicial interpretation to, in essence, legislate so that's why we brought the Bill up after a series of hearings in the Judiciary Committee and the subcommittee hearing in Chicago. What we're saying here basically applies to reasonable standard of care and those people that are on property are owed that standard of care."

Speaker Lechowicz: "Any further discussion? Gentleman from Sangamon, Mr. Kane."

Kane: "Would the Gentleman yield for a question?"

Speaker Lechowicz: "He will."

Kane: "Would you explain to us non-lawyers the difference between an invitee, a licensee, and a social guest?"

Daniels: "An invitee is one that, for mutual purposes and economic purposes, a business invitee. A licensee is one such as a social guest. One that's invited on



your property. You invite me over to your home. I am a licensee or a social guest. If I enter your premises, your business premises, I am an invitee. A trespasser is a third class trespasser. Obviously you know what that is. It is not affected by this legislation."

Kane: "So there's no difference between a licensee and a social guest?"

Daniels: "They are the same. There is a slight distinction but for purpose of this legislation they would be the same."

Kane: "And there is now a blanket immunity that you are trying to get rid of."

Daniels: "That is correct. That immunity involves willful and wanton activity."

Speaker Lechowicz: "The Gentleman from Wayne, Mr. Robbins."

Robbins: "I have a question from the Sponsor."

Speaker Lechowicz: "Indicates he'll yield."

Robbins: "I have a pond on my farm. If you come down and fish out of it now without my permission are you covered?"

Daniels: "The Bill does not affect that. That would be a trespasser. The Bill doesn't change that at all."

Robbins: "Okay. That doesn't affect."

Daniels: "No."

Robbins: "But if you come down and fish in this pond with my permission, you will be covered where you wasn't before. Is that correct?"

Daniels: "It was covered before but under that law it would be willful and wanton activity. In other words, you would have to do something that was willful and wanton to affect my liability. Under the present law, you would owe me the pending Bill right now, House Bill 2275, you would owe a standard of reasonable care. Reasonable care not to injure somebody."

Robbins: "On... Then under the law as it is at the present



time, if I don't give you permission and you hunt on my place I can't be held liable. Is that right?"

Daniels: "That is correct as to the trespasser. This Bill, House Bill 2275, does not affect that. If you don't give me permission to be on your land, this Bill doesn't change anything."

Robbins: "But if I do give you permission, it does change."

Daniels: "Then you owe a standard of reasonable care not to injure me."

Speaker Lechowicz: "The Gentleman from Adams, Mr. McClain."

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

Speaker Lechowicz: "Indicates he will."

McClain: "Lee, would this... is this near the latest United States... or the Illinois Supreme Court decision on social guests and drinking?"

Speaker Lechowicz: "Did you hear the question Lee?"

Daniels: "Yeah, I did but I'm not... What's the decision you're referring to?"

McClain: "The latest decision the Supreme Court basically almost transfers the dram shop into a persons home saying that you have a social guest in your home who... he or she has two or three drinks and they go out and hit somebody that the person can end up suing you as the person as the provider of the liquor."

Daniels: "I don't think this legislation address the 'dram' shop issue."

McClain: "Well it's not. I'm paraphrasing dram shop so the non-lawyers can understand it. The Illinois Supreme Court said that you then can... the social guest or the person injured can then directly sue the homeowner for the damages, and I use dram shop..."

Daniels: "I think we have missed it on that Mike. If you're talking about third party liability if somebody's injured by somebody drinking at your house. This Bill does not affect that. That's why we're not on dram shop."

McClain: "No, no, no. But the social guest may also sue."



Daniels: "The social guest status would be owed the duty of reasonable care. Now if you could tie that in to drinking at the house maybe you serve bad booze or something like that it's a different story. Under the dram shop liability that's third party liability. And this..."

McClain: "I was just using that for a..."

Daniels: "But this Bill is first party liability. This Bill is liability of the social guest. One that's invited into your home and does not tie into the third party. The dram shop does."

McClain: "Okay. You do not understand. I'll drop it."

Speaker Lechowicz: "Gentleman from Cook, Mr. McAuliffe."

McAuliffe: "Mr. Speaker, Ladies and Gentlemen. I'd like to ask Representative Daniels a question. How will this affect a relationship between hunters and fisherman when they go out to the country and ask permission of a farmer to go on the property to hunt and fish?"

Daniels: "It won't affect you at all. The farmer, if you trespass on the land, this Bill doesn't address that issue. It doesn't change it. The farmer doesn't owe you a duty of reasonable care, but if you enter the farm land with the farmers permission, he owes you a standard of reasonable care. But it's reasonable care."

McAuliffe: "Well, if you're walking along and you trip in a hole and break your ankle, is the farmer going to be liable because of this?"

Daniels: "Well that would all depend upon factual circumstances but I don't believe so if you're walking along his farm. But if he sets a trap in a well traveled area, I don't think that's reasonable. And if you catch your foot in a trap but I think that you would duty today possibly under the law. But that's just actual determination. I think that your question is would that hunter or fisherman receive any less rights under this



legislation and the answer is no."

McAuliffe: "I'm not worried about the hunter or fishermans rights. I'm worried about the access to get on to people's property. If I ask to go on somebody's property, it's not my intention to sue them if I fall down and break my leg. I'm worried about what the farmers going to think when I go out and want to hunt on his property."

Daniels: "Well, the farmer owes you a duty of reasonable care. Now that reasonable care has to be defined under the circumstances and if there's a hole in the land I don't think that that's an unreasonable activity. Everybody knows that land is unbalanced at times and has certain problems with it. So I mean under your circumstance, I don't see that it would cause the farmer a problem at all."

McAuliffe: "I'd like to address the Bill Mr. Speaker if I may."

Speaker Lechowicz: "Please proceed."

McAuliffe: "I'd like to speak in opposition to this Bill..."

Speaker Lechowicz: "Excuse me. Give the Gentleman some order please."

McAuliffe: "I'd like to speak in opposition to this Bill because it's becoming increasingly harder to find a place in Illinois or any other state where you can get on property and go hunting or fishing. If we pass this kind of legislation farmers are going to become more and more restrictive of any people on their private property and we'll have no place to hunt except on public preserves or in case you have friends some other place. I see the Speaker's laughing. He knows what I'm talking about. This is going to severely restrict access to private lands in Illinois. I think every hunter and every sportsman ought to vote no on this Bill."

Speaker Lechowicz: "Gentleman from Knox, Mr. McMaster."

McMaster: "Will the Sponsor yield?"

Speaker Lechowicz: "Indicates he will."



McMaster: "Lee, let me go back to this pond that Clyde Robbins has on his farm. I have one on my farm. Let's say I give someone permission to go fishing there. He's over there and he decides to go swimming or maybe his lure caught on something and he wants to go out in the pond and retrieve it. Let's suppose he drowns. Am I liable for the fact that he drowned in my pond with my permission to be there?"

Daniels: "Well, that again is a factual determination. My answer to you would be no. You are not. You've given him permission to fish, not to swim."

McMaster: "But, of course, you're getting to what is reasonable. Let's say that also I have traps..."

Daniels: "I think you're going..."

McMaster: "Let me finish Lee."

Daniels: "Let me finish the answer to the question you asked because I think the same thing could be answered under the current law today. Could that man sue you? Sure he could sue you. Would he collect? I don't think so. Would he collect under this Bill? I don't think so."

McMaster: "But again we get into the problem of me hiring another mouth piece to defend myself as far as my farm's concerned."

Daniels: "I don't think so."

McMaster: "Let's take another example Lee. Let's say that I have set traps along the boundary of this pond to catch muskrats. In the process he's stepped in one of them and injures himself. It's a well traveled area. People are using it for fishing but he is obviously like Roger from town. He doesn't know what muskrats traps are for, maybe! But you say whether it's reasonable that I should have that trap there or not. Then we become just what two guys are always involved in. Two attorneys fighting over what is and what is not reasonable. And I am inclined to agree with Representative McAuliffe. You're putting an



undue responsibility on the farmer and I can't support this Bill."

Daniels: "Well, let me ask you this, Tom. Under law today, would you put a muskrat trap around your pond that you fish in? And if you'd do that today, if I were your lawyer, I'd tell you you're crazy and it hasn't changed a darn thing."

McMaster: "Quite frankly Lee, we put the muskrat traps around the pond for one reason. They destroy the dams. That's why we put them around there."

Daniels: "Do you let people come into your property and fish?"

McMaster: "I don't care whether they fish there or not. I think it's fine. If they want to place to fish, yes, I let them go in."

Daniels: "When they ask you you let them go in and you don't tell them about the muskrat traps."

McMaster: "I think probably I tell them about muskrat traps."

Daniels: "I think that you've met an any condition that this Bill would apply upon you because you've been reasonable in your warning to them. But if don't tell them about it, that's a different story. If I were your lawyer today, I'd tell you the same thing. Don't be a fool. Don't tell them... you know. Don't let them on there without warning them about the muskrat traps."

McMaster: "Are you charging me for this advice Lee?"

Daniels: "No, as a matter of fact, I give that to you free."

Speaker Lechowicz: "Any further discussion? Gentleman from Jackson, Mr. Richmond. Richmond please."

Richmond: "Thank you Mr. Speaker. Question of the Sponsor please. Mr. Sponsor, a question. What would be the effect of this Bill on homeowners insurance?"

Speaker Lechowicz: "Question on the affect of the Bill on homeowners insurance."

Richmond: "On the premiums yes."

Daniels: "In other states, as we understand, there hasn't been any effect on homeowners insurance. About half



the states in the United States today have this...
 have the law the way this legislation proposes."
 It's our understanding that their premiums have not
 increased because of this legislation."

Richmond: "Although it does put another stipulation on the
 property owner who pays the premium, it hasn't affected
 the..."

Daniels: "As a matter of fact, it abolishes distinctions
 that are most confusing as you can tell from the
 conversation today. The conversation being what is
 a social invitee, a licensee, as trespasser..."

Richmond: "One other question. What would be the effect
 on the renters liability?"

Daniels: "I would answer that the same in our understanding
 that there is no effect on it."

Speaker Lechowicz: "Gentleman from Cook, Mr. Piel!"

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

Speaker Lechowicz: "Gentleman has moved the previous question.
 All in favor signify by saying 'aye'. Aye. Oppose.
 The previous question's been moved. Gentleman from
 DuPage, Mr. Daniels, to close."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House,
 I think that what we are involved here is the very
 reason for the need for the legislation. As you could
 tell, our last discussion over the last 20 minutes
 has been the distinction between an invitee, licensee,
 social guest, and trespasser. Under current Illinois
 law, it's most confusing. That's why, in Illinois today,
 pending before the Supreme Court is the decision that
 may come down in the next couple of months abolishing
 some of this distinction. That's why the Illinois
 Supreme Court has recommended that this legislative
 Body in its 1979 report that we abolish the distinction.
 Now what are we doing in here? We are saying to
 people that own property that they owe a standard of
 reasonable care, reasonable care to people that enter upon



that property. And you've heard examples about what if we put a muskrat trap around a pond and you heard my answer to that. Free legal advice to Representative McMaster that if he's doing it today without warning people he's probably making a serious mistake. So what we're doing here is addressing an issue the Supreme Court has suggested we address after a result of many hearings before the Judiciary Committee. I think that it's a reasonable distinction to be made. We're still providing the same law as to trespassers, and I would suggest that you support this Bill affirmatively and abolish this most confusing distinction in Illinois law today."

Speaker Lechowicz: "Question is shall House Bill 2275 pass? All in favor vote aye, all oppose vote no. Gentleman from Henderson, Mr. Neff, to explain his vote. Timer's on."

Neff: "Thank you Mr. Speaker. I think maybe this vote is going as it should be and you folks that live in the city want to remember that you have a lot of people that like to come out and hunt and this would just about knock them out. I doubt that any farmer would give a man permission with this type of law in effect. It would just knock all of the folks from the city coming out to a farm. Farmers try to be at this time polite and a man comes in and asks him and he generally lets him go hunt and this would knock them out completely."

Speaker Lechowicz: "Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question there are 33 ayes, 93 nays, 5 recorded as present. This Bill having not received the Constitutional Majority is hereby declared lost. House Resolution 678."

Clerk O'Brien: "House Resolution 678. Whereas, Miss Karen Marie 'Groat', 18, was crowned Miss Illinois, USA of 1980 on March 17, and whereas, the beautiful and talented



Miss 'Groat' will compete in the Miss USA pageant on May 15 at Biloxi, Mississippi, and whereas, Miss 'Groat' is the native of Princeton and the daughter of Mr. and Mrs. Hank 'Groat,' and whereas, we extend extremely proud and honored to claim Karen as our Miss Illinois, USA with epitomizing as she does, the best qualities of talent, dedication, training, grace and beauty to be found in Illinois. Therefore, be it resolved that the House of Representatives of the 81st General Assembly of the State of Illinois that we congratulate Miss Illinois, USA, Karen Marie 'Groat' on her selection for this great honor that we extend our best wishes for a joyous and rewarding reign and for continued success in all her future endeavors and be it further resolved that a suitable copy of this Preamble and Resolution be presented to Karen Marie 'Groat', Miss Illinois, USA."

Speaker Lechowicz: "You've heard the Resolution. It's been moved by Representative Mautino, Schuneman, and Ebbesen. All in favor signify by saying 'aye'. Aye. Oppose. The Resolution's adopted. Now it gives me a great deal of pleasure to have Representative Mautino introduce Miss Illinois and Miss USA to you, Miss Karen Marie 'Groat'. It's really a pleasure for us to have her in our chambers and I'm sure you'll welcome her accordingly. Representative Mautino."

Mautino: "Thank you very much Mr. Speaker. Ladies and Gentlemen of the House, it is indeed an honor and most certainly a privilege to present to you today Miss Illinois USA, Karen Marie 'Groat' of Princeton, Illinois which is still a county in a part of the 37th Legislative District. With her on the dias is Mr. and Mrs. Hank 'Groat' of Princeton, her parents. I would like to welcome Miss Groat and her entourage here and present to you Miss Illinois, Miss USA from the 37th District, Miss Karen Marie Groat."



Groat, Karen Marie: "Thank you. Thank you Mr. Speaker, Honorable Members of the House. You are kind to allow me to interrupt you very busy schedule. This is indeed a unique experience for a young lady from Princeton that I should have a chance to cast my first ballot as a voter and address my State Legislature all in the same year. This thrill will certainly equal my experience of continuing for Miss USA in Biloxi. I feel very honored to represent Illinois in the USA Pageant this May 15. Unknowingly, you will be assisting me in my competition because on June 19, 1975 you passed a Bill naming the regal monarch Butterfly as our state insect. Since it is a requirement that each contestant wear a costume depicting their state, I have chosen our state insect, the monarch butterfly. I hope that our combined efforts will bring victory to the State of Illinois. Thank you."

Speaker Lechowicz: "House Bill 245... Back to Third Reading on page eight. House Bill 2453, Mr. Patrick. Take it out of the record. Mr. Gaines on 2475. Take it out of the record. 2495, Mr. Leverenz. House Bill 2496, Mr. Leverenz. 2524, Mr. Hanahan. Out of the record. 2530, Mr. Pierce. Out of the record. 2536, Mr. Schlickman. 2572, Mr. Anderson. 2607, Mrs. Currie. The Lady from St. Clair, Mrs. Young, what purpose seek recognition?"

Young: "Mr. Speaker, I have two Bills I want placed back on Second Reading for purposes of an Amendment."

Speaker Lechowicz: "What are they ma'am?"

Young: "On page six, House Bill 1278 and House Bill 1384."

Speaker Lechowicz: "Clerk, House Bill 1278, Third Reading.

Lady asks leave of the House to bring the Bill back for the purpose of an Amendment. Any objection?

Hearing none, the Bill is back on Second Reading.

House Bill 1384, Jack. 1384, Third Reading, Jack.

Lady asks leave to bring the Bill back to Second Reading



for the purpose of an Amendment.

Are there any objections? Hearing no objections, the Bill is back on Second Reading. Yeah, we're going to hold both Bills on Second Reading. 1278 and 1384. Okay. Back on the Calendar on Third Reading. House Bill 2621, Bower. Out of the record. 2703, Mr. O'Brien. Maybe I better make an announcement. It's the intention of the Chair to go approximately to 2:00 then we'll break for Committees and it's not our intent to work tonight. So we'll not be working tonight so if you want your Bills called, let's call them today. Unless things change so let's get cracking. House Bill 1503, page six on the Calendar. And may I also remind you that next week is the deadline on all these Bills so in all fairness if you want your Bill called, let's call it today or tomorrow."

Clerk O'Brien: "House Bill 1503. A Bill for an Act to amend Sections of the Illinois Administrative Procedure Act. Third Reading of the Bill."

Speaker Lechowicz: "Gentleman from Cook, Mr. Yourell."

Yourell: "Thank you Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1503 was heard last year, in last year's Session it was placed on Spring Calendar because there was some division of opinion as to whether this is what could pass out of the House. Since that time, we've adopted an Amendment to the Bill which I believe clears up much of the problems that existed prior to the... prior to the adoption of the Amendment. The Amendment now becomes the Bill. What it does is establishes a veto power for the Joint Committee over proposed emergency and preemptory rules of state agencies. The Joint Committee could veto a rule only if it found that the rule would exceed the agency statutory authority or would constitute a serious threat to the public interest, safety, or welfare. A 3/5 vote of the Members appointed to the Joint



Committee would be required to veto a rule. The Joint Committees veto would last only 180 days unless the full General Assembly passes a Joint Resolution affirming the Joint Committees action. If such a Joint Committees ... a Joint Resolution is passed, the rule would be permanently vetoed. So what we've done is bring the rule-making directly back into the legislative process so that we are the ones that are responsible for the adoption of rules that are needed preemptory or not in a public interest, safety, or welfare of the state. It also provides that the Secretary of the State is prohibited from accepting a rule for filing which has been vetoed by the Joint Committee or the full General Assembly. It eliminates the original provision, the provision and original version of House Bill 1503 which would have authorized a Joint Committee to require agencies to adopt rules. I think the Bill is in the shape that most people want it in. I know we debated at great lengths over this legislation in the past, and I hope that you'll cast an affirmative vote for House Bill 1503."

Speaker Lechowicz: "Gentleman from Cook, Mr. Greiman."

Grieman: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. The Sponsor very accurately states what this Bill does and what it does it to place upon this General Assembly some responsibilities that we neither are prepared to adopt or should have. We are the legislative branch of government. We make the framework of government and in that framework the Executive is allowed to operate. If the Executive overshoots its mark, if the Executive doesn't do what we have prescribed then it is the responsibility of the courts to tell them that they have not done... followed the appropriate legislation. This Bill is marvelous because it manages to invade the province not just of the Judiciary, but of the Executive as well.



Now, I'm not opposed to parliamentary form of government. It may well be that that's what we should have. That we should have a system where the Legislature, as in England, is both the Executive and the Judicial as well. And perhaps that's the way it should be, but under our Constitution however, we have separation of powers. This is not well thought out. This would put upon us, the General Assembly, really the responsibility for every Executive Act because if in order... if a rule is approved, then they will come to you, your constituents, and they will say, 'How come that Joint Committee approved this rule? That's a bad rule.' You people weren't doing your job.' I don't want the job of being part Executive. I got enough responsibility answering for my votes here let alone answering for how the Executive believes that the General Assembly meant what it did. Now as to the Joint Committee, I'm a Member of that Joint Committee. It's one of the great, great, growing, burgeoning bureaucracies in Illinois. The object was to put a control on bureaucracy. That's what it was sold as. It's got about 35 employees. It's got a half a million dollar budget and all that just in a couple of years. I imagine given a few more years, we could have hundreds of employees doing nothing but working for the Joint Committee and we could have millions and millions of dollars in the budget. And that's maybe good government but right now as long as we're going to keep separation of powers, I think we should vote no on this Bill. Thank you."

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

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

Some Members will recall that last year a related Bill was considered. That Bill went at the problem in a very different fashion. It granted to the Joint Committee the power, if they disapproved of a rule, to change the



burden of proof when a case went to court challenging the validity of the rule and, to an effect, deprive any presumption of validity from the rule. The full Legislature was in no way involved in that process, only the Members of the Joint Committee. Because of that aspect, because it permitted a small group of the Legislature and not the full Legislature to pass on the regulation and to make any final determination, and because that determination had a substantial impact in subsequent litigation, I spoke against that Bill and even went to the length of seeking a verification in defeating the Bill. The Bill this year is a very different Bill. It involves the full Legislature. Every Member of this House, every Member of the Senate at an appropriate point and time has a role under this Bill in passing on the validity of a regulation. Now, for those...the reason of that change, I intend to support this Bill this time. I think what it does is it appropriately restores a role in a total legislative process to the Legislature. What we do with administrative agencies, with the bureaucracy, is to delegate to them legislative power in the form of rule-making under Bills we pass. What this Bill does is, along with that delegation, it reserves some role in that final process to the full Legislature. No small group of willful men on any one Committee have a role in defying the will of the full Legislature or the will of the administration under this Bill. The entire Legislature is fully involved and I think that that restores a degree of fairness to the process that was not present in last years Bill and I think it makes this Bill a good Bill and a desirable Bill. And I think for those reasons we ought to adopt that. Even being close to this administration and having great respect for it, I think I can see examples occasionally where the administrative process goes awry. And giving this veto power to the



Legislature will help, I think, the Governor control that bureaucracy. And for those reasons, I would urge adoption of the Bill."

Speaker Lechowicz: "Any further discussion on this good Bill? Gentleman from Cook, Mr. Conti."

Conti: "Well Mr. Speaker and Ladies and Gentlemen of the House, I kind of like the concept but I'm a little concerned as much as I was concerned when the Constitution gave the Governor the right for an amendatory veto. I'm afraid of the intervention between the Judicial and the Executive and the Legislative Branch. Maybe some of the legal minds can help me make up my mind here today whether we are setting a dangerous precedent here of the separation of powers. That's my main concern on this Bill. I know I regret to this day that we gave the Governor that much power on the amendatory veto."

Speaker Lechowicz: "... constitutional change, we'll support you. The Gentleman from McHenry, Mr. Skinner. Your light's on. Gentleman from Will, Mr. Leinenweber. I'm sorry. Did you seek recognition sir? You looked startled when I recognized you. Mr. Skinner."

Skinner: "I'm sorry Mr. Speaker. I only looked startled because Representative Johnson was conspiring with me to kill the Chrysler Bill. This Bill, however; does not deserve to be killed."

Speaker Lechowicz: "Mr. Giorgi, did you hear that? Please continue sir."

Skinner: "We do a lot of awe-inspiring things in this General Assembly. In fact, we do a lot of terrifying things in this General Assembly to our constituents. What this Bill tries to do is to give us, as Members of the General Assembly, an ability to undo the horrible things that the Executive Branch does with the beautiful Bills that we pass. You will see Bills that you have written come out with regulations that you cannot believe. The regulations do the reverse of what you wanted to have accomplished



and yet you have no remedy whatsoever except to change the law. Now, the last time a Bill was up to extend the powers of this Joint Committee, the argument was made that it was going to make a small group of people very powerful. And so the Sponsor of the changed legislation this time has come up with a broadening concept. He wants all of us to take a responsibility that he was willing to take he and his colleagues on the Committee were willing to take upon their shoulders alone last time. It seems to me that a one-House veto or a two-House veto is a very good idea, and I think we should support this legislation. And if we don't support the legislation, perhaps the proponents of cutting back the size for the Legislature shouldn't limit their efforts to the House. Perhaps they should cut back the size of the Senate as well. Certainly, there... I think we have the ability and the responsibility to take on the mandates that this Bill will give us. I think we should be a check and balance on the Executive Branch and I can't find a better way on this House floor to do it than by supporting this Bill."

Speaker Lechowicz: "Gentleman from Cook, Mr. Grieman, what purpose seek recognition?"

Greiman: "Thank you. Just a point of personal privilege. I note that I'm one of the Sponsors of this Bill in the synopsis and I'd like to have my name removed from the synopsis. Thank you."

Speaker Lechowicz: "Objections have been heard. Gentleman's name will be removed from House Bill 1503. Gentleman from Will, Mr. Leinenweber."

Leinenweber: "I have a question for the Sponsor."

Speaker Lechowicz: "Mr. Greiman. I'm sorry. He removed his name."

Leinenweber: "Representative Yourell, as I understand it, the Joint Committee, under the Bill as amended, is given the power to delay the effective date of proposed



agency regulations for rules under two circumstances. One, both of which are determined by a Majority vote of those appointed to the Joint Committee. First, that a proposed rule etc. exceeds the agency's statutory authority and second, where a proposed rule constitutes a serious threat to the public interest, safety, and welfare. Is that correct?"

Yourell: "That's correct."

Leinenweber: "Alright. Now, I've read the Amendment through and I see no real definition or any guidelines to determine what is or what might constitute a serious threat to the public interest, safety, or welfare. Isn't that true?"

Yourell: "I don't know how you can put that in words in an Amendment or a statute. I think that the determination of the Members of the Joint Committee and their conversations and deliberations with the staff of the agency and to go through the statute and to ask the staff of the agency whether in fact the rule does satisfy and provide a statutory authority without injuring the public safety or welfare."

Leinenweber: "As I understand the procedure, then you would have a hearing on a proposed rule whereby, of the agency's people to come in, the general public, affected public etc... and anybody else could come in and give testimony. Under the current rules of the procedure of the Joint Committee, what provisions are there for the conduct of such hearings? Are there, for example, requirements of a complete verbatim record or minutes of what the testimony is or can you tell us what the agency now does...or the Joint Committee now does?"

Yourell: "Yes sir. What happens when a agency files a rule with the index division of the Secretary State's Office that rule or regulation is published for a period of 45 days in the Illinois Register. During that time



of publication, the agency, the staff of the agency or those responsible for the agency work with the staff of the Joint Committee and try and attempt to iron out any technical difficulties that might exist in the promulgation of the rule or regulation. And to go into the statutes in depth and determine if indeed the rule or regulation conforms with the legislative intent of the statute as passed. The next thing that happens is that those individuals in the public who are interested in the rule or regulation may appeal to the agency for a public hearing. At that time, those interested in the rule or regulation may appear before the agency and provide input into that deliberation as to the adoption of the rule or regulation. After that process takes place, then we go into a session with the Joint Committee at which the time the Members of the Joint Committee are allowed to question the staff of the agency involved as to the rule itself. And then the Joint Committee... the Joint Committee may object to the proposed rule, They may not object or they can suggest other things at the Joint Committee meeting that would provide the agency to go back, for example, to the drawing board and develop legislation that all of us could vote on instead of adopting a rule or regulation. That's the process. It does provide for input by the public in the area."

Leineweber: "That really wasn't my question. My question was what kind of a record is kept in maintaining so that, for example, when the Joint Committee, should the Joint Committee come before the General Assembly with the Resolution which presumably would go to Committee and so forth. What kind of evidence or record would there be available in support of the Joint Committees determination that the proposed rule constituted a serious threat to the public interest etc."

Yourell: "All testimony and evidence presented to the Joint



Committee or at the public hearing held by the agency would be recorded and be made available to Members of the General Assembly. That's the process that we engage in presently."

Leinenweber: "Alright. Mr. Yourell, how many instances have there been during the life of the Joint Committee that the agencies have refused to modify, amend, or make adjustments in rules when suggested and requested by the Joint Committee?"

Yourell: "I think 250. That figure is pretty close to being accurate."

Leinenweber: "There have been 250 instances where they've refused to accede to the Joint Committee's recommendations."

Yourell: "That's correct."

Leinenweber: "And how many... out of how many proposed rules is that?"

Yourell: "I think that the Joint Committee to date and I don't have these figures in front of me but I believe that perhaps if Representative Reilly's on the floor he could tell us. About 1500."

Leinenweber: "So 200 and some out of 1500 are the instances where there have been disagreements which might have led to the suspension of the rule under this proposed Bill. Is that correct?"

Yourell: "Yes sir."

Leinenweber: "Mr. Speaker, Members of the House, very briefly on the Bill. There's no question as Representative Vinson pointed out that the Amendment is far superior to the original Bill as was voted on last spring when we were able to defeat the Bill. However, there still are some problems which I see in this Bill which I think we ought to consider before we greatly expand the authority of the Joint Committee. I really cannot see any serious objections to giving the Joint Committee the power to, perhaps, suspend or delay the rules whereby the Joint Committee finds after a hearing that



the rule exceeds the agency's statutory authority. But this Bill goes far beyond that and covers a situation whereby a rule falls clearly within the statutory authority but the majority of the Committee feels that it's a serious threat to the public interest. Now what we are, in that instance in my opinion, doing is giving the Joint Committee and the full House and Senate, by Resolution, the power, in effect, to amend substantive legislation which has previously been enacted. Now it would seem to me that if we're going to do that, it ought to be by the legislative process. That, as I understood the original concept of the Joint Committee was the way it was to operate. The Joint Committee was to review these rules and regulations. When they found the rules and regulations, it was clearly unreasonable, exceeded the statutory authority or whatever it bring that matter to the attention of the General Assembly probably by filing a Bill. It would be considered through the legislative process and the agency would, in due course, have its ears trimmed. But this Bill seeks to short-circuit the legislative process by letting the Joint Committee and the House and the Senate to do this not by the lawmaking process, by Resolution. I think that this exceeds probably the constitutional authority of this Legislature power that it can grant to the Joint Committee. I think that this one, what I consider a very serious flaw in the Bill, will make it mandatory that we vote against this Bill."

Speaker Lechowicz: "Is Mr. Stearney in the chamber? Would you kindly get up the Speaker's podium please? Mr. Stearney. Gentleman from DuPage, Mr. Hudson."

Hudson: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. It seems to me and I've tried to listen carefully to the arguments pro and con relevant to this Bill, but it seem to me that when the Legislature grants



these agencies the power to devise rules and regulations which then, in turn in effect, become law that there should be some check, and I think that's basically what we're talking about here, is a check and a balance that the Legislature should have over those rules and regulations which do become law. If there's one thing that our people, I think, are suffering from in this country and perhaps indeed even the state are rules and regulations that have the effect of law that are not, in effect, made by the Representatives of the people. They're feeling this as it comes out of Washington and they're feeling this as it pertains to the State of Illinois. And it seems to me, with the Amendment that's been added to the Bill, keeping in mind some of the imperfections that the Bill as it now stands may have. That is does provide a check and a balance for our legislative Members in our Legislature against the intent of the law, the intent of the statutes that they had in mind when they originated them. I think this is a reasonable approach. It may need some changes. It may need some revisions in the future, but I feel that the protections are ...are inherent in this measure that we need and the people in the State of Illinois could profit from. And I would urge support of the measure."

Speaker Lechowicz: "The Gentleman from Macon, Mr. Borchers."

Borchers: "Mr. Speaker and fellow Members of the House,

I would like to remind you about June or about the last day of June last year I had a complaint. Now I feel that this Bill is something that we need to do because it does put a restraint upon the legislative powers of the bureaucracy. Now I had an occasion to authorize an aide of mine to look into the homes of foster children and see how not to stick out noses into the foster children and who they were and all that but to see how the money was spent in the homes, if they were clean,



and if they had enough money to take care of the children and so on. What the conditions were. Now this is on June the 30 of last year. On July 2 thereabouts, about two days later the Department of Children and Family Services discovered that I was investigating these homes. I want to tell you of all the homes we investigated only one could I say that there was a genuine involved. But the head of the Department of Children and Family Services immediately put out a policy rule, I forget its number now. If it was important I could go get it, but put out a policy rule effective immediately that I or you, Members of this Legislature have no right to find out how the money was being spent in the foster homes. Well now this is clearly our responsibility to see how our money is being spent. But they did put out this rule and as a result, the people that I sent to be investigated refused to allow my aide to check into... to even get into the home to see what it was like. So I appealed to the Rules Committee, Joint Committee under Representative Yourell and he looked into it and he came very quickly to the conclusion that they were exceeding their authority. Well now when you take the Environmental Protection Agency and surely some of you realize that we still have rules on the books that this Legislature though they have rules on the books that are the same as law that this Legislature did not intend to become law. The Department of Children and Family Services, and I suppose every Department of one kind or another would fall into this category, it seem to me very obvious that we should take the responsibilities to our own Committees to make certain that what we wish and what we mandate as the law really becomes the law. Not some obscure reason or act that certainly says to me for example that I cannot go into a home as a Member of the Legislature responsible to the people



for the spending of the peoples money to see how that money's being spent. Now I feel that this is a very good Bill and should be passed."

Speaker Lechowicz: "Gentleman from Cook, Mr. Collins."

Collins: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. I must admit that I share the Sponsor's apprehension over the role of administrative rule-making and their frustration also at our apparent inability to do anything about it. I would suggest that this Bill, as amended, has merely turned a terribly bad Bill into what might be classified as merely a bad one. I think it's important that the Legislature has input about changing the administrative rules but I suggest again to you that this Bill, as the previous Bill, would do nothing but establish a veto power into a small commission of this Legislature to change rules which we have authorized by statute that agencies be entitled to make. Now I think that this Administrative Committee is one of the finest things that we have created but I'm fearful over the growth of this Committee and the power at which it yields and wishes to yield. I don't know how many of you have gone across the street to look at their quarters in Lincoln Tower but as Representative Ryan ... Grieman said, this budget has reached astounding proportions. They've taken over the entire caucus room over there for office space and they're continually hiring additional people. I think that this is an empire that has to be... has to have the reins put upon it and rapidly. Now, if this commission was to form its function to advise the Legislature as to rules that they think were excessive and should be changed and then would introduce legislation or cause to be introduced legislation to change these rules, I would join them and say, 'This is eminently reasonable'. But what they're doing is putting themselves in a position



of an absolute power grab to set themselves up as an elite veto group to change rules that are authorized by statute. I think this is a very dangerous precedent. I think it's a dangerous Bill and I think it should be defeated." Advisory yes, but veto no. Please defeat this Bill."

Speaker Lechowicz: "The Gentleman from Cook, Mr. Yourell, to close."

Yourell: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. The Gentleman that you heard oppose this legislation obviously have not taken the time to read the Amendment. The last Gentleman that spoke talked about the premises that the Joint Committee occupies. That has nothing at all to do with this Bill. He talked about the staff that is available to the Joint Committee has nothing to do with the Bill. He's just concerned about the budget of the Joint Committee, certainly not with the activities of the legislation. The Gentleman indicated that he would be delighted to support legislation that will allow the Joint Committee or if the Joint Committee proposed legislation to take the place of the rule or regulation, then he would be agreeable. That's exactly what we do. That's exactly what we're trying to do with this Legislation. This is not a small group of people trying to veto a rule or regulation. The Amendment clearly states, clearly state if you take time to read the Amendment that the veto only lasts 180 days. If the General Assembly, the full General Assembly, that's you and I and everybody in the House and the Senate, decides to pass a Resolution to sustain the actions of the Joint Committee then the veto is upheld. The Joint Committee does not veto a rule or regulation. The full General Assembly does that. We've worked long and hard to give each of you, each individual who is an elected official the right to question a rule or regulation that is not in the best interest of



the people of Illinois. This Bill will do that. You will have the authority to pass by a majority vote a Resolution to veto that rule or regulation. That is not the preemptive sole function of the Joint Committee. The Joint Committee has to by 3/5 vote of the Committee veto a rule. That's the first thing that has to take place. Then if this General Assembly does not take any action within 180 days then the veto is done away with and we go back to the rule or regulation. This, for the first time, gives each Member of the General Assembly the State of Illinois the right to have something to say about the rules and regulations that are killing industry and commerce in the State of Illinois. The farmers are for this Bill. The Illinois State Chamber of Commerce are for this Bill. The Illinois Manufacturers Association are for this Bill. The National Federation of Independent Businesses is for this Bill. Every person in this House got a statement from all of those organizations supporting this Bill. To give you an example of what happened last year. A primary example that you all know about. House Bill 4..."

Speaker Lechowicz: "Excuse me Mr. Yourell. Give the Gentleman some order. Please continue sir."

Yourell: "House Bill 453 which was signed into law in August of 1979. It deals with waste and disposal and has an effective date of April 1, 1980. The Bill had tremendous impact on Illinois industry and commerce and business yet the EPA waited until last week, last week to publish rules and regulations under the emergency provision thus allowing no time at all for industry preparation or even rebuttal of that legislation... that rule or regulation. And I think it's high time. This is not increasing the power of a Joint Committee on administrative rules. This is bringing to the Illinois General Assembly for the first time the authority to act on rules and



regulations that they believe, not the Joint Committee, that they believe are not in the best interest of the people of Illinois. I suggest an aye vote. This is a good vote. It's supported through the State of Illinois and you could do no worse than vote aye for House Bill 1503."

Speaker Lechowicz: "Question is shall House Bill 1503 pass? All in favor vote aye, all oppose vote nay. Have all voted who wish? Have all voted who wish? Gentleman from Cook, Mr. Kelly to explain his vote."

Kelly: "Yes, Mr. Speaker and Members of the House, I, too, am a Member of this Committee and I might say that one of the arguments made by one of the opponents was that this legislation was bad because this Committee might be over-staffed and might be spending too much of the taxpayers money and becoming another bureaucracy of government. Well Ladies and Gentlemen, this is... this particular Bill is one reason... it would give this Committee more work and more ability to review the rule making-process so I say, if anything, it would probably and would, in fact, provide this Committee with this type of work and would make an assignment. Now Cal Skinner was very right when he pointed out, and I've been sitting in on these Committees, that a number of our Bills that have passed the House and have gone onto the Governor and signed into law... by the time that it gets to the Department and when the Department makes a determination many of these concepts are totally turned around 180 degrees. And our Committee has made a close review and as Representative Yourell pointed out, the legislation will come back to us and each Member of this House will have an opportunity to participate and to review the rules of these Committees and these agencies."

Speaker Lechowicz: "Have all voted who wish? Clerk will take the record. On this question there's 104 ayes, 50 nays,



3 recorded as present. This Bill having received the Constitutional Majority is hereby declared passed. Gentleman from St. Clair, Mr. Flinn, what purpose seek recognition?"

Flinn: "Mr. Speaker, I rise for the purpose of a introduction. In the west balcony here is the eighth grade of the Crystal School of Chicago. Mr. 'Bayer' the Principal, Mr. Park is the teacher and they're represented by Representative Keane, Emil Jones, and Representative Meyer."

Speaker Lechowicz: "Welcome to Springfield. Any announcements? Gentleman from Lake, Mr. Matijevich."

Matijevich: "Mr. Speaker, Appropriations I Committee is meet- in room 114 and I'd appreciate if we have a little better attendance this afternoon because if we do, we can move along and I think we'll be out of there in time ... in better time than we were last week."

Speaker Lechowicz: "Any further announcements? The Rules Committee will meet immediately after adjournment in room 118. Any further announcements? Cities and Villages will meet in 122B. Elementary and Secondary Education. Agreed Resolutions."

Clerk O'Brien: "House Resolution 701, Bower. 702, Yourell. 703, Redmond et al. 704, Christensen. And House Joint Resolution 90, Bullock."

Speaker Lechowicz: "Gentleman from Winnebago, Mr. Giorgi."

Giorgi: "Mr. Speaker, House Resolution 701 by Bowers talks about the petroleum problem. 702 by Yourell honors Reverend William Goodard. 703 by McClain... 703 by McClain he'd like to have that read. And..."

Speaker Lechowicz: "We'll get back to that one."

Giorgi: "House Joint Resolution 90 by Bullock talks about Saturday, the 24th Black Census Day, and I move for the adoption of the Agreed Resolution and House Joint Resolution."

Speaker Lechowicz: "What about 704?"



Giorgi: "704, Christensen talking about a special Congressional Advisory Council on our ways to strengthen and improve the Social Security program, and I move for the adoption of the Agreed Resolution."

Speaker Lechowicz: "Any discussion? Question is shall the Agreed Resolutions be adopted? All in favor signify by saying 'aye'. Aye. Oppose. Agreed Resolutions are adopted. Now, Clerk will read House Resolution 703."

Clerk O'Brien: "House Resolution 703. Whereas, our affable, capable colleague, Representative Bruce A. Farley, on Saturday, April 12, 1980 reached the vigorous and rewarding..."

Speaker Lechowicz: "Excuse me. Please continue. Start from the beginning."

Clerk O'Brien: "Whereas, our affable and capable colleague, Representative Bruce A. Farley, on Saturday, April 12, 1980 reached a vigorous and rewarding age of 37 years, and whereas, even one of the latest spring snowstorms on record did not dim nor dampen his distinctive air of right but calm, optimistic outlook and enjoyment of the world as it is, and whereas, Bruce Farley is a valued Member of this Body because no one... because not only does he bring it to the experience gained doing four years of service to the 14th Legislative District in superlative manner but also the addition of academic preparation, and whereas, after attending St. Alphonse Grammar School and DePaul Academy he added this academic foundation as a graduate of Loyola University with a political science major, and whereas, during the current Session of the 81st General Assembly he is Chairman of the House Labor and Commerce Committee, Co-Chairman of the Space Needs Commission and a Member of the House Transportation Committee, and whereas, Bruce A. Farley has rendered outstanding service as a former Member of the Labors Law Commission and Bicentennial City of Chicago Commission, Minority Womens



Employment Commission, House Environment Energy and Natural Resources Committee, House Revenue Committee, and House Personnel and Pension Committee, and whereas, he served the party of his choice faithfully as Democratic Precinct Captain of the 47th Ward since 1965..."

Speaker Lechowicz: "The 'fighting' 47th Ward. Please proceed."

Clerk O'Brien: "... and whereas, he also has served his country honorably and the United States Air Force from 1966 until 1972, and whereas, although it is not known whether he heeds or believes in astronomy, he reads his horoscope daily. His birthdate of April 12, 1943 makes him an Aries person and this first sign of the Zodiac attributes to those under his sign qualities reflected by Bruce Farley, vital, determined, and persuer of achievement in all purposes and aims, therefore; be it resolved the House of Representatives of the 81st General Assembly of the State of Illinois that all Members of this Body join his other friends and his constituents in the 14th Legislative District he serves so well in wishing our colleague and valued co-worker best wishes on his birthday, and be it further resolved, a suitable copy of this Preamble and Resolution be presented to Representative Bruce A. Farley as a formal expression of our friendship and esteem with the most sincere best wishes for many more happy birthdays."

Speaker Lechowicz: "The Gentleman from Adams, Mr. McClain."

McClain: "Thank you Mr. Speaker. I was going to ask for a Roll Call but Zeke said it would probably be defeated so I move for the adoption."

Speaker Lechowicz: "Gentleman has moved for the adoption of the Resolution. All in favor signify by saying 'aye'. Aye. Oppose. Resolution is adopted. Happy Birthday, Bruce. Many more. The Lady from Cook, Mrs. Chapman." Purpose of an announcement?"

Chapman: "Yes Mr. Speaker. This is in regard to the time at which Appropriations II will be meeting tomorrow. It



appears that we will not need to begin our meeting until 9:30 tomorrow so rather than 9:00 as it's posted, Appropriations II will meet promptly at 9:30 in room 118 and now a message for Democratic Members of Appropriations II. We will be meeting at 9:00 on the fifth floor in one of the conference rooms up there. Thank you."

Speaker Lechowicz: "The Gentleman from Madison, Mr. McPike, what purpose seek recognition?"

McPike: "Thank you Mr. Speaker. I move to table House Bill 3477."

Speaker Lechowicz: "Gentleman has moved to table House Bill 3477. Any objections? Hearing none, House Bill 3477 is tabled. Gentleman from Cook, Mr. White. Yeah I know. Gentleman from Cook, Mr. Conti."

Conti: "Mr. Speaker, Ladies and Gentleman of the House. I don't have any Resolution but I could remember not too far back when the County of DuPage produced a great states attorney and that states attorney later became a Legislator in this legislative Body. And I used to pick him up and take him down to Springfield and bring him back home and when I used to do that on occasions we'd have some bar-b-ques in the back yard. And in that back yard there was a youngster running around in short pants who later became the grandson of this great states attorney who today achieves the vigorous age of 38 and it's my colleague. I want you all to join me in wishing him a happy birthday. Lee Daniels."

Speaker Lechowicz: "Happy birthday Lee. Between you and Farley tonight we'll all have a good time. Gentleman from DuPage, Mr. Daniels."

Daniels: "It's a heck of a way you guys treated me earlier with my legislation on my birthday. That's all I got to say."

Speaker Lechowicz: "Having voted on the prevailing side, I



want the vote to remain the way it was. The Gentleman from Cook, Mr. Collins."

Collins: "Mr. Speaker, question of the Chair. Is that the new Parliamentarian to your right?"

Speaker Lechowicz: "The Commander in Chief. Any further announcements? Gentleman from Cook, Mr. Leon."

Leon: "All Committee Members of Financial Institutions there will be a meeting promptly at 2:00 in room D-1. I'd appreciate a full attendance. Thank you."

Speaker Lechowicz: "Any further announcements? The Gentleman from St. Claire, Mr. Flinn, moves that the House stand adjourned till 11:00 tomorrow morning after we give the Clerk 10 minutes for Perfunctory Session. All in favor signify by saying 'aye'. Aye. The House now stands adjourned until 11:00 tomorrow morning after 10 minutes of perfunct.."

Clerk Leone: "Introduction and First Reading. House Bill 3498, Bradley et al. A Bill for an Act to add Sections to the School Code. First Reading of the Bill. House Bill 3499, Bradley. A Bill for an Act to add Sections to the School Code. First Reading of the Bill. House Bill 3500, Ewing. A Bill for an Act to amend Sections to the School Code. First Reading of the Bill. House Bill 3501, Stuffle. A Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 3502, Stuffle. A Bill for an Act to amends Sections of the School Code. First Reading of the Bill. House Bill 3503, McPike. A Bill for an Act to amend Sections of the Unemployment Insurance Act. First Reading of the Bill. House Bill 3504, Schisler. A Bill for an Act to add Sections to the Civil Administrative Code of Illinois. First Reading of the Bill. House Bill 3505, Ropp et al. A Bill for an Act to amend Sections of the Inheritance and Transfer Tax Law. First Reading of the Bill. House Bill 3506, Hannig. A Bill for an Act to add Sections to



the Illinois Highway Code. First Reading of the Bill. House Bill 3507, Pierce-Ewing et al. A Bill for an Act to amend Sections of the Revenue Act. First Reading of the Bill. House Bill 3508, Cullerton-Greiman. A Bill for an Act to amend Sections of an Act relating to compulsory retirement of judges. First Reading of the Bill. House Bill 3509, Sam Wolf-Birchler. A Bill for an Act to amend Sections of an Act to establish an Appellate Court. First Reading of the Bill. House Bill 3510, McClain-Kent. A Bill for an Act to amend Sections of the Illinois Health Facilities Planning Act. First Reading of the Bill. House Bill 3511, Friedrich, Leverenz, Neff, Skinner. A Bill for an Act to amend Sections of the Unified Code of Corrections. First Reading of the Bill. House Bill 3512, Schisler. A Bill for an Act to amend Sections of the Physicians Assistants Practice Act. First Reading of the Bill. House Bill 3513, Greiman. A Bill for an Act to prohibit the state from purchasing products of persons who have violated the National Labor Relations Act. First Reading of the Bill."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment, Second Reading. House Joint Resolution Constitutional Amendment #44. Resolves that the House of Representatives of the 80th General Assembly of the State of Illinois and the Senate concurring herein that there shall be submitted to the electors of this state for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution a proposition to amend Section 8 of Article 5 of the Constitution to read as follows: Article 5, the Executive. Section 7 vacancies in other elected officers. If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his office becomes vacant, the Governor shall fill the office by appointment. An appointee to fill a



vacancy shall be a Member of the same political as the person he succeeds. The appointee shall hold office until the elected officer qualifies or until a successor is elected or qualified as may be provided by law and shall not be subject to removal by the Governor. If the Lieutenant Governor fails to qualify or if his office becomes vacant, it shall remain vacant until the end of the term. Schedule of this Amendment takes effect upon its approval by the electors of this state.

Amendment #1 adopted in the Executive Committee.

Amend House Joint Resolution Constitutional Amendment #44 on page one, line four by deleting 80th and inserting in lieu thereof '81st'. Second Reading of the Constitutional Amendment. The Constitutional Amendment will be held on Second Reading. No further business. The House stands adjourned until 11 a.m., April 16."



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