

STATE OF ILLINOIS
82ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

16th Legislative Day

March 24, 1981

Speaker Ryan: "House will come to order, and the Members will please be in their seats. We'll be led in prayer this morning by Father Costa of the Immaculate Conception Church here in Springfield."

Father Costa: "Let us pray. Almighty and Eternal God, You guide and govern everything with order and love. You are the source of all wisdom. Look upon this Assembly of our leaders and fill them with the spirit of Your wisdom. May they act in accordance with Your will, and may their work this day be for the well-being of all the people of our state. Amen."

Speaker Ryan: "We'll be led in the Pledge today by Representative Kosinski."

Kosinski: "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 Ryan: "Roll Call for Attendance. Will you pick up the phone? Representative Friedrich. Take the record will you, Mr. Clerk? There being 157 Members answering the Roll, a quorum of the House is present. Introduction and First Reading of House Bills."

Clerk Leone: "House Bill 700, Collins-Peters-J.J. Wolf, a Bill for an Act to amend Sections of the Illinois Municipal Code, First Reading of the Bill. House Bill 701, McClain-et al, a Bill for an Act to amend Sections of the School Code, First Reading of the Bill. House Bill 702, McClain, a Bill for an Act to amend Sections of an Act to create street light districts, First Reading of the Bill. House Bill 703, Watson, a Bill for an Act to amend Sections of the Illinois Pension Code, First Reading of the Bill. House Bill 704, Catania, a Bill for an Act to amend

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Sections of the Illinois Human Rights Act, First Reading of
the Bill."

Speaker Ryan: "Representative Friedrich, did you have an
announcement?"

Friedrich: "Mr. Speaker, I would like to request a Republican
Conference in room 114 immediately, and it's my
understanding that you want to reconvene by 12:00."

Speaker Ryan: "Yeah, that would be right. We have the Governor
coming in. Alright, we're going to pass the Resolution
first, Representative, if you'll hang on. Resolutions.
Mr. Clerk, read the Resolutions."

Clerk Leone: "House Joint Resolution 15, Telcser, be it resolved
by the House of Representative of the 82nd General Assembly
of the State of Illinois, the Senate concurring herein
that the two Houses shall convene in Joint Session on
Tuesday, March 24, 1981 at the hour of 12:30 p.m. for the
purpose of hearing His Excellency, Governor James R.
Thompson, present to the General Assembly a special message
regarding transportation."

Speaker Ryan: "Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, I move for the adoption of House Joint
Resolution 15."

Speaker Ryan: "Gentleman's moved for the adoption of House Joint
Resolution. All those in favor signify by saying 'aye',
all those opposed 'no'. The ayes have it, and the
Resolution is adopted. Representative Telcser."

Telcser: "Mr. Speaker, could the Journal please show that
Representative Ebbesen and Representative Oblinger are
excused because of illness?"

Speaker Ryan: "The record will so indicate. Do you have any
absences, Representative Getty? No excused absences at
this time?"

Getty: "As of now we have not received any requests for excused

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absences."

Speaker Ryan: "Is Representative Madigan here today?"

Getty: "Yes, he's in the back room. Would you..."

Speaker Ryan: "The House will stand in recess till 12:00 noon.

The Republicans have a Conference in room 114 immediately."

Doorkeeper: "All are not entitled to this House floor. Will you please retire to the gallery. Thank you."

Speaker Ryan: "The House will come to order and the Members will please be in their seats. Introduction and First Reading of House Bills."

Clerk Leone: "House Bill 705, Henry, a Bill for an Act in relationship to beautifying vacant and abandoned property, First Reading of the Bill. House Bill 706, Mautino-et al, a Bill for an Act to amend Sections of an Act creating the Illinois Insurance Loss Study Commission, First Reading of the Bill. House Bill 707, Pouncey, a Bill for an Act to amend Sections of the Illinois Pension Code, First Reading of the Bill. House Bill 708, Dick Kelly, a Bill for an Act to amend Sections of the Criminal Code, First Reading of the Bill. House Bill 709, Mulcahey, a Bill for an Act to amend Sections of an Act to revise the law in relationship to sheriffs, First Reading of the Bill."

Speaker Ryan: "The House will be in order pending the convening of the Joint Session and the Members will please be in their seats. Mr. Doorkeeper."

Doorkeeper: "Mr. Speaker, the Senate wishes to enter this chamber."

Speaker Ryan: "Mr. Doorkeeper, against the will of the Members, would you please admit the honorable Senators. The House is in recess from the Regular Session. The hour of 12:30 designated in House Joint Resolution 15 having arrived, the Joint Session of the 81st (sic) General Assembly will come to order. Members of the House, the esteemed guests of

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the Senate please be in their seats. I'd like to take a minute to introduce the Comptroller of the State of Illinois, Roland Burris, who's here on the podium with us today, and I understand the Treasurer, Cosentino, is in the back and is going to join us on the podium shortly. Mr. Clerk, is a quorum of the House present?"

Clerk Leone: "Quorum is present."

Speaker Ryan: "Mr. President, is a quorum of the Senate present in the chamber?"

President Rock: "Mr. Speaker, a quorum of the Senate is in attendance."

Speaker Ryan: "There being a quorum of the House and a quorum of the Senate in attendance, the Joint Session is convened. The Gentleman from Cook, Mr. Telcser, is recognized with regard to Joint Senate Resolution #3..."

Telcser: "Will the Clerk please read the Resolution?"

Clerk Leone: "Resolved that a Committee of 10 be appointed, five from the House by the Speaker of the House and five from the Senate by the Committee on Committees of the Senate to wait upon His Excellency, Governor James R. Thompson and invite him to address the Joint Assembly."

Telcser: "Mr. Speaker, Members of the House, I move for the adoption of Resolution #3."

Speaker Ryan: "You've heard the Gentleman's motion regarding Joint Senate Resolution #3. The question is the adoption of the Resolution. All those in favor will signify by saying 'aye', those opposed by saying 'no'. The ayes have it, and the motion is adopted. The Escort Committee from the House will be made up of Representatives Wolf, Telcser, Tuerk, Giorgi, and Hanahan. And the Senate Members will be made up of Senators Netsch, Chew, 'Degnin', Mahar, and Davidson. Will the Committee of Escorts convene at the rostrum and then retire to the rear of the chamber to await

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the Governor? Mr. Doorkeeper."

Doorkeeper: "Mr. Speaker, the Honorable Governor of the State of Illinois, James Thompson, and his party wishes to admit this chamber."

Speaker Ryan: "Admit the Honorable Governor and his party. Will the Committee of Escorts...come forward to the rostrum? Ladies and Gentlemen, His Excellency, the Governor of the State of Illinois, James R. Thompson. In the gallery, if I can take a minute of your time here. In the gallery is the First Lady of the State of Illinois, Jane Thompson. Welcome to the Illinois House, Jane. She's escorted today by her mother and father. His Excellency, the Governor of the State, James Thompson."

Governor Thompson: "Thank you, Mr. Speaker. Mr. Speaker, Mr. President, my fellow constitutional officers and Members of the 82nd General Assembly, the words that I address to you today will be the most important ever spoken by me to you in my whole time as Governor of this State. I will be plain, for the consequences of failure to act are plain, and I will be as brief as the problem allows for we must begin immediately. The RTA region of Illinois which carries almost a million transit riders to work, to school, to church, to stores, and homes each day has literally run out of cash and will be forced to shut its doors, the wheels rolling to a halt within three weeks at the outside. In my view, the consequences of a shut-down of the RTA system are awful to imagine and they included among the following: First, 80% of the people who work in Chicago's Loop will be unable to go to work unless they can find alternative means of transportation. And if even a modest percentage turned to the use of private automobiles doubling, tripling, and quadrupling ridership within single automobiles, the Loop, already crowded, will simply cease

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to function. Banks will close. Retail stores will have no sales persons and no customers, and commodity exchanges will not function. Checks from banks in the State of Illinois as far south as Springfield will not clear through the Federal Reserve System of Chicago. Secondly, the roads leading to the Loop, in fact, all the major arteries of our transportation system of Chicagoland will be hopelessly clogged with automobiles. Those who normally depend on auto traffic to reach their places of work will find travel near impossible, the economic systems of Chicago's suburbs and collar counties will be snarled and the constituents of a Majority of the Members of this Assembly will suffer deeply and immediately. Failure to act, and act now, will quickly focus all the disappointment, all the disagreement, all the finger-pointing, and all the blame which has been attached to the RTA from its beginning on this Assembly and its Members. Whether you view that as fair or unfair, it is irrelevant. People who cannot get to work, people who arise in the middle of the night to beat the rush down the highways, people who sit trapped in traffic jams miles long wasting millions of gallons of gasoline, people who lay in ambulances unable to move will be angry people. Shutting down the RTA by design or miscalculation, will have enormous economic and social costs for the whole people of Illinois. And once shut, it will not easily reopen. Millions of income and sales tax dollars will be lost irrevocably from the budget which is already precariously balanced, threatening the loss of vital services to our constituents all over Illinois. Moreover, solutions hammered out under the seige of closure are likely to be worse than solutions which can be considered and adopted in the time remaining. I do not know how to say it more plainly, but in my view, closing the RTA apart from causing

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economic and social misery for millions, will leave wounds and scars on the body politic of Illinois, will drive the wedge of further alienation between elected Members of the General Assembly in the Executive Branch of Government and the people of this state than can be imagined. And they will not be easily erased. And they will not be easily confused in the sure to follow welter of partisan finger-pointing. We will all take our share of the blame. I have not come to you prior to this time on this specific subject because in my conversations with leaders and Members of this Assembly and in my travels throughout Illinois I had not yet felt among our people, nor indeed among the Members of this Assembly, that sense of urgency necessary to compel sustained attention to the problem and its solution. But we have almost literally no time left, and we must act now. Bills will be introduced into the House of Representatives today sponsored by the Speaker of the House which embody my suggestions for a solution. They are the proposals of this administration. They are not part of a 'deal' or an 'agreement' struck with anyone. They have had sustained study, drafting, re-drafting, testing, and input from all over. And from today they will belong to you. Under our system of government, a Governor may propose, lobby for and act upon the product of this Assembly. This is what I have done. That is what I will do. But that is the limit of my political and governmental power. I cast no votes on this floor. It will be up to you. The mass transit proposal has been designed to achieve the following goals: (1) avert the impending shut-down, (2) provide stable long-term financing which will eliminate the call for periodic bail outs, (3) replace the RTA with a financial oversight authority charged with assuring balanced budgets and financial

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discipline by the CTA and other subsidized transit carriers, (4) provide for meaningful accountability, strong fiscal control and local decision making on operations, (5) preserve the best elements of regionalization while allowing the collar county boards to choose whether they wish to remain within the regional structure. It is time that we allowed the collar counties of the RTA the option of opting out of the RTA and increase funding equity by having the level of local support more closely reflect the level of service. I propose that we reduce the current one percent sales tax in suburban Cook County to one-half percent and to permit the collar counties to opt out of the system and thereby opt out of the one-quarter percent. To meet these goals, the proposal includes three major components: transition financing, long-term financing and financial reforms and accountability for public transportation. In order to provide immediate funds to reduce the unprecedented level of unpaid bills, which have been accumulated by the RTA, and interim loan authority of about \$200 million must be provided. That is the size of the bridge. By the end of March, the RTA's current bills will total more than 70 million and will grow over \$10 million a month. Since the revenue from any new tax will not be available until early next year, interim loan authority must be provided to keep the transit system running. These loans should be provided as needed up to an overall limit, timed to provide the minimum cash required until new revenues start to flow and keeping an account of the treasurers requirement for liquidity in the state accounts available for investment. Let me re-emphasize that, because not enough attention has been focused on the size of the bridge which will be necessary. Current media accounts and discussions among Members of the Assembly have

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focused on figures of 75 or 80 or 85 million dollars in interim financing. As a necessary bridge from where we find ourselves now to the time when any new revenues could be appropriated by this Assembly to any authority in Chicago, be it the present RTA or a new finance authority, in order to keep the system running. Closer scrutiny has convinced us that even under the best possible circumstances speedy passage of a tax which will adequately resource mass transit in this state a court test of that tax under the quickest possible circumstances, a favorable resolution by the court, immediate action by the Department of Revenue to levy and collect it, and swift action by this General Assembly to appropriate it, and distribution if it by whatever tax authority remains in the RTA area. The bridge must be at least \$200,000,000 to succeed, and the Members of this Assembly must understand the magnitude of the need. Obviously a bridge of that magnitude must have something on the other side for I suspect that neither the bank nor the treasurer nor both are going to commit \$200 or more million dollars of taxpayer and stock holder and investor money to short term financing if the bridge is a bridge to nowhere with no long term revenue in sight and no long term reform in sight. The long term program would be funded by a new five percent tax on the growth earnings of oil companies attributable to petroleum product sales in Illinois. In our estimation the tax would generate \$400,000,000 in fiscal 1982 which is a partial year and \$620,000,000 in fiscal 1983, the first full year of the tax. I would generate an average of \$850,000,000 a year in the next four years. The tax would be levied on oil companies that refine and distribute products in Illinois and on major distributors which do not refine but do distribute oil products. Products tax would include

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gasoline, diesel fuel, jet fuel, and aviation gasoline, distillet fuels, petro-chemicals, LPG, propane, butane, residual oil, asphalt and road oil. There are a number of advantages to funding transportation through this kind of tax. A few of these included: the tax burden is distributed broadly and equitably across the state. Because taxes raised in the RTA area would meet or exceed the cost for new transit aid, downstate Illinois would not be subsidizing Chicago transit, just as Chicago does not now subsidize downstate transit. It requires only one new tax. To provide the necessary funding, several tax sources were considered. It was our judgement that the only conceivable alternative tax proposal that could be assembled would require this Assembly to adopt four new taxes at once; an ad valorem tax which would hit the consumer smack at the pump directly, increase lisencc plate fees, increase liquor taxes, increase cigarette taxes. All would be necessary in combination. Three out of four of those taxes are no growth taxes, and we would soon find ourselves back at the place where we began, and moreover; I consider it unlikely that this Assembly is in a mood to enact four new taxes this year. This tax grows with the economy, thereby keeping pace with the needs for continued investment in the transportation system to support further economic growth. And it taxes a broader base of economic activity than current transportation revenue sources. This, I think, is appropriate since good transportation is fundamental to virtually all economic activity. I believe that market competition ought to insure that some of the tax will be absorbed by the oil companies and not passed on to consumers. Since oil companies will be able to write-off up to 46% of the tax absorbed within their companies against their Federal Income Tax, they have an

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added incentive not to pass all the tax on, moreover; others in the chain of distribution of petroleum base products. For example, farmers will be able to pass on or write-off the small extra cost of doing business. It should be emphasized, however; that even if all of the tax was passed on, by imposing a tax of 5% at that level of the chain of distribution of petroleum products an automatic pass on of the whole amount would lessen the percentage imposed by the ultimate consumer. Since between the oil company and the refiner and the ultimate consumer you have distributors, jobbers, wholesalers, and retailers all of whom have their profit margin and bring down that margin of taxation at the ultimate price. And it must also be remembered that by taxing oil refining and distributing companies and spreading the tax across the whole, wide range of petroleum base products, gasoline which accounts for only 50% of the sales of oil companies will be taxed at a lesser rate even if the full tax was passed through than it would be possible to tax gasoline if a flat rate or ad valorem gas tax was levied directly at the pump. To address the public transportation portion of the proposal, a new statewide Illinois Transit Fund would be created. The fund would be financed with a portion of the gross receipts tax on oil companies and with those general revenue funds now being used for public transportation programs down-state and for Amtrak services. This would provide a stable and growing source of funding for public transportation not only in the Chicago area, but also throughout the state. New revenues alone cannot solve the public transportation funding problem, and a long-term solution requires structural changes to eliminate those conditions which have led, in part, to the current financial crisis. The proposal would replace the RTA with

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a new Transit Finance Authority, TFA. The new authority would be charged with financial oversight of transit services in Cook County, including the Chicago Transit Authority, commuter rail services throughout the region, and bus services in those collar counties which choose to participate in the TFA. The proposal would permit collar counties to opt out of the RTA and its successor agency so far as bus transportation is concerned. Collar counties would be given broad flexibility to determine the terms of transit service in their areas with such options as: participating in the new TFA and retaining the current one-quarter percent sales tax; or establishing a county transit system to contract with the TFA or another provider for bus service; continue the one-quarter percent tax county-wide for buses where needed and use the balance for roads or other transportation purposes where deemed appropriate by the County Board; receiving state assistance up to 1/3 of operating costs through a newly created collar county bus program similar to the existing program. Creating one or more transit districts at the subcounty level and joining in the new collar county bus program as above or dropping bus transit services all together. Those would be the options of the collar county boards. While the RTA sales tax would be retained in Chicago, it would be reduced from the current one percent to one-half percent in suburban Cook County by July of 1982. This restructuring if intended to increase the equity and reflect the amount in use of service between suburban Cook County and the City of Chicago and, in my judgement, it is fair especially when you consider that user or non-user residents of suburban Cook County would pay the state-wide gross receipts tax on the same basis as citizens of the City of Chicago. In my view, the TFA would

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strengthen accountability because it would replace the unwieldy twelve-member RTA board with a more workable five-member board. The members would be appointed by the Governor: two from nominees submitted by the Mayor of Chicago, two from nominees submitted by the suburban members of the Cook County Board and the chairman selected by the Governor to represent the entire region. They would not be paid. The TFA oversight responsibility must promote tough cost control by the CTA and other carriers. This will be done by requiring the CTA to submit annual balanced budgets and by monitoring those budgets on a quarterly basis throughout the year. The TFA would be prohibited by law from providing public subsidy to carriers whose budgets were not in balance. This monitoring system would provide early warning of any problems so that corrective steps could be taken before another crisis developed. Financial discipline and oversight would also be provided by making state assistance to the TFA subject to annual appropriations by and quarterly reports to the General Assembly and the Governor. Highways are facing similar funding problems. The fiscal 1982 road program has dropped to 550 million, the smallest road program in more than 25 years in terms of real buying power. The reduced program level for fiscal 1982 will signal the start of a steady decline in the quality of highway transportation service in Illinois that cannot be avoided under the current revenue structure. I go up and down the roads of Illinois, and I get complaints from your constituents and mine. There are worse states. In some stretches of the Pennsylvania Turnpike, motorists on that famed interstate high-speed highway now drive under barracades and signs which read 30 miles an hour because the Pennsylvania Turnpike is literally gravel. The Representatives of the people of

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Pennsylvania for so long turned their back on additional highway funding that their once famed, proud road has been reduced to literally to gravel with consequent risk loss, of life loss, of limb loss, of time to the people to the people of Pennsylvania, and it is beginning to happen in Illinois. For the past four years, Illinois has supported one of the nations road largest programs while maintaining lower than average highway taxes, however; current financing conditions dictate that only one-half of the previously planned four year fiscal 1980 to 1983 highway program can be implemented within that time frame. Why? First, federal budget reductions. When I last stood before you to deliver the budget address, I emphasized that nearly 40% of our current transportation budget rests on the federal dollar. That is dangerous. In the last year in the Carter administration and in the first year of the Reagan administration and in succeeding years of the Reagan administration, no matter how the bottom line of the President's budget fairs in the Congress you may be certain that we are going to lose substantial federal dollars for both transit and highways. That is a certainty. For the last four years, I am proud to tell you that Illinois has received back from Washington a greater percentage of federal highway dollars than any state in the nation because we went to Washington to make sure that those formulas, unlike some others that were written years ago, were fair to Illinois—very fair to Illinois. But since we were the largest recipient to federal highway funds when they are cut, we take the hardest hit. That should be plain. The federal budget constraints when combined with reduced discretionary and interstate transfer grants will result in the loss... a loss of \$327 million dollars in anticipated federal highway aid to Illinois in this year

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alone. The constrained budget climate, as I said, is expected to continue and further efforts will be made to control federal spending through federal highway program reductions despite the central roll of highways in increasing national economic productivity. These budget cuts, as I said, will heavily affect Illinois. Declining State Revenues—Because the state gas tax is linked to a flat seven and one-half a cents per gallon, revenues decline with decreased consumption. The gasoline tax in Illinois has been raised only once and then only by two and one-half cents in the last 27 years. One raise of two and one half cents in the last 27 years. And when the tax rate was last changed in 1969, consumption and therefore revenues were growing at a rate exceeding costs. But since 1974, revenues have grown at a rate far less than inflation and current revenues are declining for the first time in both real and percentage terms. During the past year, fuel consumption in Illinois dropped by eight percent. It is expected to continue to decline, although at a slower rate, during the next several years. As a result, Illinois has lost \$68 million dollars in anticipated state gas tax revenues since the General Assembly last addressed the issue of transportation financing in 1979, and an additional loss of \$170 million by the end of fiscal 1983 as anticipated. The situation is similar regarding state revenues from license plate fees where the tend to purchase smaller cars with their lower vehicle registration fees and greater fuel efficiency will further accelerate the decline in state revenues available for highway work. Rising Costs—Persistent high inflation in the construction industry has seriously eroded the state's buying power; during 1978 and 1979 alone the Illinois Highway Construction Price Index increased more than fifty percent.

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Although highway costs actually dropped slightly in 1980 due to the recession and the near bankruptcy of many road building firms, double-digit inflation in the construction industry is likely to continue for several years due to the industries heavy dependence on petroleum products. This funding shortage is not unique to Illinois. Most states of our nation have been forced to deal with the problem of declining highway revenues and rising costs during the past five years while we have not attended this problem by either reducing their road programs or increasing their gas tax rates. During the past two years, seventeen states have increased their gas taxes. Twenty states are currently considering increases and forty of the nations remaining forty-nine states currently have rates higher than Illinois' seven and one half cents per gallon basic gasoline tax. Forty of the other forty-nine states have a higher state gas tax than we do, and I will say again, we have increased our state gasoline tax by only two and one half cents in the last twenty-seven years. You need not be a member of the Transportation Committee or an economist or anything else other than a plain, common-sensed person to understand the difference in construction, maintenance, and repair costs in 1981 and twenty-seven years ago and the economic disaster that could spell for Illinois. We have avoided, until now, the choice between cutting programs or increasing highway user taxes by increasing our receipt of discretionary federal highway funds and by issuing bonds to provide the state matching share for federal highway grants. And we have tried to re-enforce these funding efforts in a variety of ways: by increasing emphasis on the rehabilitation and repair of existing roads and bridges rather than new construction, because it is five times more expensive to replace than it is to repair. We have tried

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through an ongoing value engineering program aimed at reducing construction costs through cost saving design and other construction techniques, and we have tried through an aggressive productivity program because highway maintenance accounts for a significant share of overall highway expenditures. The aggressive pursuit of federal discretionary funds for Illinois yielding a total of \$130 million dollars over the past four years, the issuance of bonds earmarking a portion of general sales tax revenues to the road fund, phasing out road fund diversion, and implementation of cost cutting measures within the Department of Transportation had been effective until now in delaying the eventual choice between reduced highway programs or increased taxes. But that choice is now upon us. Obviously, the performance of the highway system will suffer if the funding problem is not solved. More seriously, the economy of the state will suffer with Commerce hindered by the growing knowledge of deteriorated and inadequate roads and bridges. And a poor highway system has many costs. Lives are involved. Well designed highways have shown to be four times safer than older, narrower roads. Secondly, it costs more money to operate an automobile over substandard roads. Recent studies by the University of Illinois for the Road Information Program indicate that unless we act to provide additional funding sources for the State Highway Program, Illinois motorists will be forced to spend up to an extra 200 dollars a year for brake, steering, and suspension system repairs, tire damage, and additional fuel due to highway pot holes and other surface problems. These added consumer costs out of the pocket would increase dramatically if the states aging road system were allowed to deteriorate further. Let me put it plainly, part of my job as the Governor of this

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state is to try and help persuade business to bring jobs within this state or to keep them here, and everytime I turn on my speaker box and listen to the debates in the House and listen to debates in the Senate, I am sure to hear words about the state's business climate. We need a better business climate. Our business climate is deteriorating and those words come from Republicans and they come from Democrats and they come from House Members and they come from Senate Members. And your ideas and your attitudes about how to improve and maintain the state's business climate may differ and differ radically, but let me tell you what I hear on the road. The number one question I am asked by persons who are considering bring jobs to Illinois or keeping them here has nothing to do with Worker's Compensation, has nothing to do with Unemployment Compensation, has nothing to do with the level of taxation in this state, it has... it has....Thank you. I've been waiting for that since my State of the State Address. But you weren't listening to me. I said the number one question that I am asked by most of those people who are interested in bringing jobs to this state or keeping them here does not have to do with Worker's Compensation or Unemployment Compensation or the level of taxation in Illinois, but has to do with 'how will I get my raw materials in and how will I get my product out and how will I get my people to work and how will they get to home and church and school and the rest of their social life?'. While Worker's Compensation as all of the Members of this chamber knows, since you all ran on it in the last election in one form or another; and Unemployment Compensation as all of the Members of this chamber know since you all ran on it in one form or another in the last election; and the level of taxation in this state as all of the Members of

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this chamber know since you sure as hell ran on that in the last election and you will on the next have a lot to do with the bottom line cost of business in the State of Illinois and need reform. But I am here today to tell you that the most immediate crisis facing all of the people of our state is the adequate funding of transit and highway programs so that people can live their lives without fear of losing them, or losing limbs, or paying horrendous automobile maintenance and repair costs, and be assured of getting to a productive job so they can pay the taxes that support the services that you want to provide to the people of Illinois and unless we act and act now, our people will be deprived of that basic opportunity. This transportation financing package will enable the continuation of a strong highway program, not as strong as I would like, not as strong as many of you would like, but as strong as we may be able to obtain to assure the viability of the existing system and enable the continuation of key projects. Nobody wants to see bridges or roads end in a corn field pointed out to the scorn of citizens around the state as examples of government raising expectations and failing to keep its word, and that's as true in Cicero as it is in southern Illinois. That's as true in western Illinois as it is in Rockford or Decatur. That's as true in the City of Chicago as it is in Cairo. The people of this state, more than 11 million strong, all have their own transportation priorities and it is the obligation of this Governor and this General Assembly to attempt as equitably as possible to attend all the transportation priorities of all the people of the State of Illinois. Let me return, for just a moment, because in my view, it is the center piece of this proposal to the subject of the proposed grossed receipts tax. In my view, any viable tax must have these

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advantages: (1) It must be able to be passed. (2) It must raise the revenue required. (3) It must be easily imposed, collected and enforced. (4) It must be spread over a wide base to lighten economic impact. (5) It must be reasonably related to the objective sought by its imposition. (6) It must be fair and perceived as fair. In my view, the gross receipts passed all these tests better than any alternative that we have been able to devise. In the past few weeks, we have heard suggestions for two basic modifications of such a tax. First, an anti-pass through provision, and second, a host of exemptions supposedly designed to ease its impact. I cannot, in conscience, support either of these and neither should you. First, the anti-pass through. Though attached to similar taxes now imposed in New York and Connecticut, both of which are in the courts, in my view and in the view of every lawyer to whom I have spoken, an anti-pass through provision is plainly unconstitutional. It is also unenforcable and deceptive and would send the worst possible signals to the business community throughout our state and nation at a time when, as I have said almost every voice in this chamber has been raised in favor of improving the business climate of this state, we cannot afford to signal our belief that when any industry reaches a certain level of profitability we will, through taxation, seek to capture some of those profits as a cost of doing business without the opportunity to pass such a tax on as every tax imposed in the State of Illinois and every cost of doing business is passed on. Were we to do that, even successfully, my view is that business would start to pass us by and then our jobs would disappear. And then our people would suffer. Moreover, whether the ultimate product is gasoline or any other petroleum based substance,

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this tax has been designed so that a combination of federal tax deductions and natural market forces will, together, guarantee less impact upon ultimate consumers far less than the natural market fluctuations we have seen in the just the past few months and will see again than any other single tax which can constitutionally be devised. Second, exemptions—Some have been suggested and some have surface appeal, for example, home heating oil. But natural gas and electricity are now taxed at the rate suggested here and there is no fair reason to exempt home heating oil from a like tax. That would discriminate against the great bulk of our citizens and would lead, in the end, to a Bill so riddled with exemptions that significant revenues would be lost, enforcement would be crippled and the validity of the tax would be thrown in jeopardy. What I have suggested today is, obviously, not easy. And while a gradual consensus may build concerning the fairness and utility of the tax proposed, arguments over structural changes in the RTA and the CTA will rage in both Houses and on both sides of the aisle. Obviously, fairminded consideration and willingness to compromise are needed as they always are in the legislative process. And I encourage that. For that which I have proposed is neither perfect nor sacrosanct. But it is fair, it will work, it will save our people from countless social and economic miseries and losses. It is now yours and you must act. I will help, but you are the ultimate repositories of the legislative power of our people and the ultimate repositories of their trust and faith in government to do for them that which they cannot do for themselves. And I believe, as hard as it may be, none of us dares let them down. Thank you, very much."

Speaker Ryan: "Will the Committee of Escorts come forward to the rostrum to escort the Governor from the chambers? The

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President of the Senate, the Honorable Phillip Rock, is recognized for a motion."

President Rock: "Thank you, Mr. Speaker. I move that the Joint Session do now arise."

Speaker Ryan: "The President has moved that the Joint Session do now arise. All those in favor will signify by saying 'aye', those opposed by saying 'no'. The ayes have it and the Joint Session will rise. The House will be at ease for a few minutes. The House will come to order and the Members will please be in their seats. Mr. Doorkeeper, will you clear all unauthorized people from the floor? Introduction and First Reading of House Bills."

Clerk Leone: "House Bill 710, Klemm, a Bill for an Act to amend the Workman's Compensation Act, First Reading of the Bill. House Bill 711, Cullerton, a Bill for an Act to amend an Act in regard to evidence in depositions, First Reading of the Bill. House Bill 712, Terzich, a Bill for an Act to amend Sections of the Illinois Pension Code, First Reading of the Bill. House Bill 713, Terzich, a Bill for an Act to add Sections to the Illinois Pension Code, First Reading of the Bill. House Bill 714, Klemm, a Bill for an Act to amend the Workman's Compensation Act, First Reading of the Bill. House Bill 715, Leverenz-Reilly, a Bill for an Act to amend Sections of the Illinois Vehicle Code. First Reading of the Bill."

Speaker Ryan: "On page four of the Calendar appears House Bills, Third Reading. House Bill 103, Representative Abramson. Out of the record? Out of the record. House Bill 109, Representative Ronan. Representative Ronan, do you want your Bill called? House Bill 109? Out of the record. House Bill 116, Representative Vinson. Is Representative Vinson on the floor? Out of the record. House Bill 120, Representative Darrow. Out of the record. House Bill 129,

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Hallstrom. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 129, a Bill for an Act to amend the Illinois Governmental Ethics Act, Third Reading of the Bill."

Speaker Ryan: "The Lady from Cook, Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This particular Bill passed the House of Representatives twice last year. Representative Chuck Campbell had a Bill, and I had one, and they were both passed. They were stopped in the Senate Rules Committee. I reintroduced the Bill this Session because I think it's an important one. It merely changes the amount of money that someone earns before they have to send in their ethic statement. It does not change any of the categories. It changes the amount of money from \$20,000 to \$30,000. All of the local municipalities in my district have requested that this Bill be introduced. It will save money. It will save time, and I believe it's a reasonable approach and I would appreciate your support. Thank you."

Speaker Ryan: "The Gentleman from Cook, Representative Kosinski."

Kosinski: "If the Sponsor would yield?"

Speaker Ryan: "She indicates she will."

Kosinski: "Representative Hallstrom, your intent here is laudible. Certainly \$20,000 is much too low in the light of incomes today. If I have a concern, however; it's if that this Bill now would eliminate an ethic statement by the General Assembly, if I understand correctly because we have a \$28,000 ceiling. Is that correct?"

Hallstrom: "We have a \$28,000 ceiling, Sir, but it does not affect the Members of the General Assembly."

Kosinski: "Where is the exclusion? I neglect to see that."

Hallstrom: "Sir, may I come down there to show you or..."

Kosinski: "I'll presume it exists and we can discuss it later,

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because I certainly did not want the General Assembly excluded."

Hallstrom: "Oh, absolutely not."

Kosinski: "Thank you."

Hallstrom: "I'm only trying to exclude people who work for local municipalities such as people who are picking up garbage, people who are in other forms of employment who are not in any decision-making position. But, absolutely, we are still included under this Act."

Speaker Ryan: "Any further discussion? The Gentleman from Cook, Representative Greiman."

Greiman: "Thank you, Mr. Speaker. I wonder if the Lady would yield for a question."

Speaker Ryan: "She indicates she will."

Greiman: "Thank you, Sir. Dolly, will Nortran bus drivers be relieved of the obligation at this point of filing ethic statements?"

Hallstrom: "Sir, this was brought up in the Committee and many people wanted to either subtract or add and my answer is that anyone... the categories are still the same. That as far as the bus drivers, anybody making \$30,000 will have to, and I understand they make \$30,000, and they will have to."

Greiman: "They were Nortran. That's CTA, not Nortran. Okay. Thank you."

Speaker Ryan: "Is there any further discussion? The Gentleman from Hardin, Representative Winchester."

Winchester: "Will the Lady yield to a question?"

Speaker Ryan: "She indicates she will."

Winchester: "Does this legislation include provisions that says that publishers, editors, and reporters who make \$30,000 or more will be required to file ethic statements with the Secretary of State?"

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Hallstrom: "No, Sir."

Winchester: "That's too bad. I would have been a good Bill."

Hallstrom: "Well, if you would like that, Sir, I think that probably would be a good Bill for you to introduce, but it is not on my Bill."

Speaker Ryan: "The Lady from Cook, Representative Chapman."

Chapman: "Thank you, Mr. Speaker. Mr. Speaker and Members of the House, I was very much interested in the question that Mr. Kosinski raised because I do think that we want to see that Legislators are covered under the Illinois Governmental Ethics Act, and I see that there is a requirement in the Act that Members of the General Assembly and candidates shall file these statements. So, Representative Hallstrom, I think you have a good Bill, and I'm going to vote for it."

Speaker Ryan: "The Gentleman from Rock Island, Representative Polk."

Polk: "Mr. Speaker and Ladies and Gentlemen, I wish they'd refer to Mr. Greiman in regard to his comments. Mr. Greiman... Representative Greiman, if you will look under Subsection B of Paragraph 4 under the portion where you may use tax credit write-off to distribute an equal balance I think you'll answer your question and I'd like to, you know, hopefully you'll take a chance to look at that."

Speaker Ryan: "Is there any further discussion? The Lady from Cook, Representative Hallstrom, to close."

Hallstrom: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, last Session this Bill passed almost unanimously in this House, and it was because you had received information from your local municipalities as I did that this was a very important issue to be straightened in the General Assembly. I ask you to use the same wisdom that you used last Session and pass the Bill. Thank you."

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Speaker Ryan: "The question is, 'Shall House Bill 129 pass'?"

All those in favor will signify by voting 'aye' and all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 133 voting aye, 14 voting no and this Bill having received the Constitutional Majority is hereby declared passed. Representative McMaster on the floor? Did you have a motion, Representative?"

McMaster: "Thank you, Mr. Speaker. Representative Yourell and I have a Bill that is of an emergency nature. For that reason, I would like to move to suspend Rule 31B and move House Bill 605 to Second Reading Second Day. Let me explain the emergency of this Bill. Legislation that we passed last Session, Public Act 81-1490 removed from the electors of the township powers historically theirs at the annual town meetings. Because of an error in the final draft of this Act, certain taxes formally approved at this meeting must now appear in referendum form at the April 7, 1981 Consolidated Election. This is the township election. The error was not discovered by the State Board of Elections until it was too late to have these propositions appear on the April 7th ballot. To correct this oversight, Representative Yourell and I have introduced House Bill 605 which restores certain of these powers to the annual town meeting to be held this year on April 14, 1981. In other words, the electors at the annual town meeting have the power to approve these propositions. You can see that it is an extremely... extreme emergency nature and, for that reason, I would like to move to suspend Rule 31B and move this Bill to Second Reading, Second Day. I have talked to Representative Getty in regard to this. I have talked to Representative Collins and have their approval."

Speaker Ryan: "Representative McMaster, because your motion is

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not on the Calendar, we're going to have to ask leave to have your motion heard. The Gentleman asks leave to have this motion heard. Are there any objections? Hearing none, leave is granted. Now, Representative, will you explain your motion, please?"

McMaster: "I think that I just did explain it, Mr. Speaker."

Speaker Ryan: "Is there any discussion on the Gentleman's motion? Representative Huskey."

Huskey: "Well, Mr. Chairman, we're running township elections in this state, and this Bill is directed at some of the things that are in this upcoming election. I feel that this should be held till after the election. And we don't have any analysis on our desks on this, and don't even have the Bill on our desks."

Speaker Ryan: "Mr. Huskey, the Gentleman has moved that the provisions of Rule 31B be suspended to move House Bill 605 up to Second Reading, Second Day which will put it on the Calendar, and that's his motion."

Huskey: "I think this Bill, Mr. Speaker, should go to the Committee like all other Bills. There's plenty of time for it."

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

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Representative McMaster, who explained the reasons for this motion..."

Speaker Ryan: "Just a minute, Representative. Let's have some order in the chamber here if we may. Will the Members please be in their seats. This is third Reading. You're going to vote on some Bills and you ought to know what they're about. Continue."

Yourell: "Thank you, Mr. Speaker. Representative McMaster in describing the provisions of his motion and the reason for it... for that motion is entirely accurate. We have been

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meeting very often with the township officials of Illinois, and they have pointed out to us something that we forgot to do in the 'Elco' Bill. What we decided to do was to let the townships retain what they've always done at the annual town meeting. It has nothing to do with any upcoming election. It has nothing to do with anything except that which is right and proper. The township officials are concerned about this legislation because of an inadvertent omission in the recommendations of the Election Laws Commission and the State Board of Elections, and I think it's must perfectly proper that Representative McMaster's motion be supported."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Conti."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, I've been trying, to no avail, to find a copy of this Bill. It's not in my Digest. I know McMaster has always stood for good government and township government, and I have the utmost respect, and I believe in whatever he would have to do with township government. There's only one concern I share and that's on the south end of the county where we're having a problem with township government, and it raises a red flag if Yourell is one of the Sponsors, not that I doubt or mistrust Mr. Yourell. But I would like to know a little more about this Bill. Is this an emergency Bill that has to take effect this year, this coming April 2, Buz? Is that the reason why you're suspending the rules or could you put this off at least for 24 hours?"

Speaker Ryan: "The Gentleman from Knox, Representative McMaster. Would you care to respond?"

McMaster: "Thank you, Mr. Speaker. I think Mr. Huskey and Mr. Conti, if you were listening when I explained the emergency nature of this Bill, I don't think it would be necessary to

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ask these questions. Due to legislation that we passed in the 81st Session, the townships must have referendum to approve their levy, their appropriations, their budget. Ordinarily, this has been done at the annual town meeting which this year takes place April 14. The State Board of Elections did not make them aware of the necessity of the referendum until it was too late to file a referendum for the April 7 election. There just wasn't enough time to file it, and there was no way they could file the referendum. Therefore, in order to correct this, this is of an extreme emergency nature, and we've got to have it through both houses, signed by the Governor before we go home next week. And there just isn't a great deal of time. If we're going to have any action on it, I think we've got to take action today. I'm sorry. I do not ordinarily bring something like this before this House, but due to the emergency nature, I feel that I must, of necessity, do so. And I apologize for any inconvenience that I cause either you or Mr. Huskey."

Conti: "Mr. McMaster, please, can you tell me what would happen if we failed to act on this then?"

McMaster: "The townships would not be able to make any tax levy for this coming year."

Conti: "Okay."

Speaker Ryan: "The Gentleman from Sangamon, Representative Kane."

Kane: "Would the Gentleman yield?"

Speaker Ryan: "Indicates he will."

Kane: "Would this mean that the townships could not levy a tax at all or just could not increase their road taxes?"

McMaster: "I don't think it would have anything to do with increases. It would be with their normal levy. That's my understanding, Doug."

Kane: "They would not be able to levy their normal rate. This is

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not increasing..."

McMaster: "It does not involve a rate increase, no. It's the normal rate."

Speaker Ryan: "The Gentleman from Cook, Representative Collins."

Collins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I don't think any further explanation is necessary. I think Representative McMaster explained it throughly. It is truly an emergency. Unfortunately, the Committee on Assignment had not assigned the Bill... had not had time to assign the Bill to meet the emergency situation. Representative McMaster came to me and also to Representative Getty who...the Democratic Member of the Committee on Assignment, and we agreed that this was an emergency. There wasn't time to act through proper channels, and it was our suggestion, or mine anyway, that he pursue this method of bypassing Committee so that they could deal with this emergency legislation. It's... there's no attempt at subterfuge or fooling anybody. This was done with the full knowledge of everyone involved and I would urge the Membership to listen to Representative McMaster's explanation and vote in the affirmative on this motion."

Speaker Ryan: "Gentleman from Cook, Representative Yourell, for what purpose do you rise?"

Yourell: "Yes, finally, Mr. Speaker, to assure Mr. Huskey who wants assurance that this is to protect his Republican township highway commissioner."

Speaker Ryan: "Is there any further discussion? The Gentleman from Knox, Representative McMaster, to close."

McMaster: "Thank you, Mr. Speaker. I think we have gone through the contents of this Bill very thoroughly, and I respectfully ask for a yes vote from the Membership of this House."

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Speaker Ryan: "The Gentleman has asked for the suspension of House Rule 31B on House Bill 605 to move it... to advance the Bill to Second Reading, Second Day. All in favor will signify by voting 'aye', all opposed by voting 'no'. The Gentleman from Cook, Mr. Huskey, to explain his vote. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 150 voting aye, 1 voting no and the Gentleman's motion prevails. On the Calendar on page four under the Order of House Bill, Third Reading appears House Bill 134, Representative Klemm. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 134, a Bill for an Act to amend the Surface Mine Land Conservation and Reclamation Act and the Environmental Protection Act, Third Reading of the Bill."

Speaker Ryan: "Representative Klemm."

Klemm: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 134 basically is to restore local control back to the municipalities and counties that our courts had taken away from us. For many of the Members that were here back in the early '70's when the Environmental Protection Act and Reclamation Act were both adopted, and I think properly so, counties and municipalities still had some zoning control over the local of gravel mining in the State of Illinois. And they did so, and I think very properly until 1978 when Appellate Court decisions ended up overturning the intent of the General Assembly and took away its authority. House Bill 134, which is similar in other Bills passed last year by this House, would again restore the controls to municipalities and counties. I think it's a Bill that deserves our unanimous support. It did go to Executive Committee where it did receive 21 favorable votes with none opposed. I certainly will be delighted to answer any of

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your questions."

Speaker Ryan: "The Lady from Cook, Representative Karpel, do you seek recognition? Turn your button off, would you please? Is there any further discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Ryan: "He indicates he will."

Mautino: "Representative, this legislation is very similar to what Representative Skinner had over the past few years. May I ask, Sir, if in McHenry County do you have people on the County Board that are knowledgeable and qualified under the reclamation procedures of the federal and the state programs as it pertains to, not only sand and gravel, but to coal mining enterprises?"

Klemm: "The Bill does not exclude the requirement of still going to the state for the reclamation plan and for the EPA permits. It does not still do away with that. So, therefore; we still have the state control."

Mautino: "Well, it seems to me, as I read the legislation, you are moving the rules and regs from the state control to local control."

Klemm: "No, only the location, Sir."

Mautino: "The locations in aggregate mining are now set by previous mining entities. In other words, you just don't go and start an aggregate mine. It's usually a pit or quarry that's already there and has been in operation for more than forty of fifty years. Now, do you have some new sites up in McHenry County?"

Klemm: "Yes. Since the Act, to give you an example, since the Act was first started say in 1971 in McHenry County, for example, there were 13 pits that had been applied for and only two were denied by the County Board meaning 11 of them

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were successful operations. Since that time, since the courts have taken away local control, three gravel mining operations have started, new operations, and nobody new about until those gravel shovels were in the ground."

Mautino: "Were there not hearings because the state law..."

Klemm: "None at all."

Mautino: "... the state law says that you cannot expand over 15 acres without a hearing within 45 days of the permit. Are you saying that your county did not have a public hearing or are you saying that the state was remiss in their job under the Department of Mines and Minerals?"

Klemm: "Well, I'm saying the state did not send notices to the county, that's true. But still regardless in all the seven years that county and municipality governments have had that control, I think they've wheeled it responsibly. And I think it would be, as an Attorney General's opinion was given us, that it's wholly unreasonable that on the main street of a municipality that you could, regardless of the zoning, put a gravel mining operation. I think we've come to the time where we have to have compatibility between residential and mining and residential and industrial, and we have to be able to allow those people to operate and we have to allow the people to live in some harmonious cooperation. We're not doing it when you don't have local input."

Mautino: "Well, my final question then, Mr. Speaker, is this. Representative Klemm, are you aware that in 1979 the Governor vetoed almost identical legislation because you would then be having peacemeal evaluation of future sites, and it was his feeling at that time and it is the Governor who just left this chamber that the state should be the optimum in deciding where or where not those sites may be. Now, if he vetoed legislation identical to it, what makes

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you think that this legislation would solve the problem since we do have the same Governor?"

Klemm: "First of all, it's not the identical piece of legislation. The first piece of legislation you referred to last year concerned itself only to the EPA Act and the courts have fully recognized that you needed to correct both so, therefore; the problem would not have been solved if that Bill had, in fact, been signed by the Governor. And secondly, that Bill at that time it was vetoed said, and I'll quote, 'and provide further that no unit of local government is hereby granted power over any other unit of local government or school districts'. I have not included school districts whatsoever in the zoning responsibility. I feel they neither should be there nor should properly be considered and, therefore; this Bill is totally different in that respect. It does not include school districts and I don't intend it to include school districts."

Mautino: "Okay, then I'd like to address the legislation."

Speaker Ryan: "Proceed, would you please."

Mautino: "This Bill addresses two contradictory court decisions in McHenry and Kendall Counties. In the McHenry County the court system said that the EPA preempted all local agencies while in Kendall County it held just the reverse. What I believe you will find and the aggregate mining industry is probably the second or third largest industry in the State of Illinois, sand, gravel, concrete, etcetera is that you will be getting back to local government where there will not be qualified people to make the determination of sites that have been there and in operation, in most cases, not only in Kendall and McHenry County, but in the rest of the State of Illinois. What happens in the aggregate industry is a pit or a quarry is out there in the country and pretty soon the city starts to build out to it. Now those people

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that are building out to it know full well that the quarry was there and has been there and in operation. So what I think you have is a piece of legislation that will, once again, cause a conflict between the state agency under the Federal Act 95-87 and our existing EPA Code in trying to put back in a county government where they have no knowledge or virtually very little knowledge of the aggregate mining industry and a good evidence of that is in the existing strip mining activities of the coal mining industry. So, therefore; I recommend a no vote on this legislation and hope that we don't have this problem continuing at the local level again."

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

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to comment on this Bill. First of all, if you go back in the history, it probably was the intent of this Legislature when it passed the Bill in the early '70's that the intent to put the ... on the state... Bureau of Lands and Reclamation was on the reclamation of those mines, and the reclamation projects. It's really important in my county that we and your counties that we have some input on how our land is going to be zoned and what the future is for our counties. The problem that exists in Kendall County as well as other counties in this state is that once this has been zoned, new pits and new pits mining operations have come up and been proposed and been accepted by the State Reclamation Bureau and Mines Bureau and through that acceptance, those mines have become a reality. The county certainly does have an opportunity to have hearings, but the hearings aren't binding. The zoning is not binding that's in the counties. So, with those ideas in mind and those points in mind, I recommend an aye vote."

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Speaker Ryan: "The Gentleman from Will, Mr. Leinenweber."

Leinenweber: "Thank you, Mr. Speaker. I rise in support of House Bill 134, and the need for this Bill comes about because of what many people familiar with the law in this area considered a rather screwy Appellate Court decision out of the second appellate district which interpreted the reclamation, the Surface Mine Reclamation Act as preempting on behalf of the state the primary location of the surface mine... surface mining business. Prior to that time, it was always considered, if you read the Reclamation Act, you will have to come to conclusions, as far as I can see, that the Sponsors of that legislation in this General Assembly concluded that they did not intend to preempt the original location of surface mining industry, but instead had in mind preempting on behalf of the state the regulating of reclamation at the conclusion of the surface mining activity in a particular site. That, of course, has to do... requires a certain amount of expertise and uniformity which was felt rested with the particular department of the state and probably not so well with the units of local government. But the original decision, those questions highest and best used; those land use questions are primarily local in character and not statewide in character. As a matter of fact, when this particular task of zoning, and that's what it is, was thrust upon the reclamation board, they had to my knowledge to this day they still don't have any land use experts to determine the highest and best use of a particular land which... for which surface mining is sought. So what we are saying here is turn back to local governments those questions which are local in character which pre-eminently is the original idea whether they ought to locate a surface mine in... right next to a subdivision, existing subdivision or whether or

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not the particular area is suitable for surface mining because of the character of the surrounding land. These are questions which ought to be left to the bodies with the appropriate experts which are your local county and municipal zoning boards, zoning commissions. That's all this Bill seeks to do. It's a good idea to return this, if you're in favor of local government, of local home-rule powers. It's a good idea. It came out of Executive Committee, I believe unanimously, and I think it deserves your unanimous support."

Speaker Ryan: "The Gentleman from McHenry, Representative Klemm, to close."

Klemm: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As the previous speaker had said, this is to return local control. Just briefly, the Appellate Court decision, to give you an idea, basically said were not for the factors we would hold that the EPA was not intended to exclude or supercede a local zoning ordinance insofar as it applies to the location of particular land uses. The second Appellate Court decision said the General Assembly by enacting the Reclamation Act preempted counties from using a zoning ordinance to prohibit operation of lime stone strip mining which was subject to the Reclamation Act. It preempted counties from conditioning operations of such mining on submission and approval of the Reclamation Act. And the Attorney General had said that the General Assembly, realizing the adverse affects of strip mining and wishing to control them would intentionally pass and...would not intentionally pass an Act allowing one who merely meets the requirements for adequate reclamation to surface mine along the main streets of a thriving metropolis. Therefore, I certainly ask your support. The Municipal league is unanimous in their support and the

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counties are also unanimous. Thank you."

Speaker Ryan: "The question is, 'Shall House Bill 134 pass'? All those in favor will signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Gentleman from Cook, Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, I wasn't going to get involved in this debate but we've experienced a sad experience. The very fact that we didn't have the law like this on the books a few years back out in Hillside where the village of Hillside had absolutely nothing to say with a big open pit that was there that was picked up by some of the scavengers to start filling up the big pit that's been out there for a good many years and it's a shame that a freshman Legislator on his first Bill would have to come with a good Bill like this. It's should have been taken up by some of us older fellows that have been in here. This is his first Bill."

Speaker Ryan: "The Gentleman from Lake, Representative Deuster, to explain his vote."

Deuster: "The Sponsor of this legislation comes from a county that has a problem of residential development and gravel pits and I think if any of you have this question confronting you where you buy a home and all of a sudden you think that you bought into a residential area and just down the road somehow some people in Springfield approved a gravel pit, you think it's a little strange. We ran into a similar problem with garbage dumps and many Members of this General Assembly have sponsored legislation to say at least there ought to be, before they put a garbage dump next to your house, and it's happened to mine, it was proposed, there at least ought to be a public hearing or something. This legislation properly returns to local governments some

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authority and some control to protect the citizens and to protect the residents and the homeowners from some real horrible surprises. I think the county government, homerule governments already have this as I understand it and this legislation would enable non-homerule counties and local units of government to exercise this same protective control for their citizens. I urge more green votes."

Speaker Ryan: "Have all voted who wish? The Clerk will take the record. This is the Gentleman's first Bill. On this question there are 127 voting 'aye', 24 voting 'no' and this Bill having received a Constitutional Majority is hereby declared passed. Agreed Resolutions. We're going to adjourn here in just a minute. Representative Greiman, for what purpose do you rise?"

Greiman: "Well, Mr. Speaker, I would just respectfully request that we allow for a Democratic Conference tomorrow at 1:00. We have, the press of course, the Republicans have the opportunity for some advanced copies of the Governor's speech. We have not and we would like some time to process it and would like to announce a conference tomorrow that will take up our rules of our conference as well as other organizational issues and any other issues that Members of the conference might want to bring before the conference at that time. So I would like to request that at this time, Mr. Speaker."

Speaker Ryan: "You bring that to my attention in the morning would you, Mr. Greiman?"

Greiman: "Pardon."

Speaker Ryan: "You bring that to my attention tomorrow again, please."

Greiman: "I will, thank you."

Speaker Ryan: "The Gentleman from Macon, Representative Dunn, for what purpose do you rise?"

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Dunn, Jack: "Thank you, Mr. Speaker. Due to some technical problems with the language of a Bill I would like to table it. It's my Bill. I move to table House Bill 690 of which I am the chief Sponsor."

Speaker Ryan: "Was that 690?"

Dunn, Jack: "690, yes."

Speaker Ryan: "The Gentleman asks leave to table House Bill 690. Are there objections? Hearing none, the Bill is tabled. The Gentleman from Cook, Representative Huskey."

Huskey: "Mr. Speaker, the Motor Vehicle Committee will meet at 2:45 in Room C1. 2:45 in C1."

Speaker Ryan: "The Lady from Cook, Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. I move to table House Bill 509 which has some Constitutional problems and things have been in another piece of legislation."

Speaker Ryan: "Are you the chief Sponsor of that Bill, Representative?"

Catania: "Yes."

Speaker Ryan: "The Lady asks leave to table House Bill 509. Are there objections? Hearing none, leave is granted. The Gentleman from Champaign, Representative Wikoff."

Wikoff: "Thank you, Mr. Speaker. Cities and Villages will meet in 114 in at 2:45. We've just got a couple of Bills up and if everybody is there we can get out rather quickly."

Speaker Ryan: "The Lady from Cook, Representative Karpziel."

Karpziel: "Thank you, Mr. Speaker. Although I am from DuPage I move to table House Bill 269. I am the chief Sponsor."

Speaker Ryan: "What's the Bill number, Representative?"

Karpziel: "269."

Speaker Ryan: "259?"

Karpziel: "269."

Speaker Ryan: "269. The Lady asks leave to table House Bill 269."

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Are there objections. Hearing none, leave is granted. The Gentleman from Cook, Representative Wolf."

Wolf, J.J.: "Thank you, Mr. Speaker. I just like to have a brief meeting in my office with the appropriation sub-committee chairman immediately following adjournment."

Speaker Ryan: "The Lady from Cook, Representative Macdonald."

Macdonald: "Yes, Mr. Speaker, I wanted to tell all of the Members of the Conservation Natural Resource Committee that Representative Polk has asked to have the one Bill that we were to hear this afternoon postponed until next week so there will be no meeting of the Conservation Natural Resource Committee meeting today."

Speaker Ryan: "Are there any further announcements? The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, I move that the House stand adjourned until 12:00, Wednesday, March 25, after having about a 15 minute or half an hour perfunct today. I would also like to announce that 30 minutes after adjournment there will be a Republican Leadership meeting in the Speaker's office. Mr. Speaker, I move the House stand adjourned until Wednesday, March 25, the hour of noon."

Speaker Ryan: "Would you hold that motion for just a minute. We've got some things to do here. The Clerk on change of vote."

Clerk Leone: "Change of vote. Representatives Bell, Carey, and Domico request to vote 'aye' on House Bill 129."

Speaker Ryan: "Are there objections to the change of vote? Could the Gentleman have leave? Objections? Hearing none, leave is granted. Agreed Resolutions."

Clerk Leone: "Representative Preston also wishes to vote 'aye' on the motion to advance to Second Reading without reference to Committee to House Bill 605."

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Speaker Ryan: "The Gentleman asks leave to be recorded on the motion. Is there any objection? Hearing none, leave is granted. Agreed Resolutions."

Clerk Leone: "House Joint Resolution 16, Greiman - Jaffe, House Resolution 149, Matijevich-et al, House Resolution 150, J.J. Wolf-et al, House Resolution 151, Collins - Leinenweber, House Resolution 152, Murphy, and House Resolution 153, Mays - McClain - Findley."

Speaker Ryan: "The Gentleman from Cook, Representative Conti."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, House Joint Resolution by Greiman-et al, is bestowing honor on William Segal, who has had 20 years of dedicated committed service, the village clerk of Skokie. House Resolution 149 by Matijevich-et al, is an anniversary for J. Sterling Morton, the idea of tree planting program in 1872 to establish an Annual Tree Day, planting day which is now known as Arbor Day, and we're celebrating the 100th anniversary. House Resolution 115 (sic) by J. Wolf-et al, marks the 63rd anniversary of 'Bulareism' Independence who fought off communism for a good many years. House Resolution 151 by Collins and Leinenweber recognizes one of our Members, J.J. Wolf. The State Representative Wolf has begun his political career as a volunteer worker and became Treasurer and later Executive Treasurer of the 40th Ward Republican Organization of the Americans of German and decent to take more of an active role in the political affairs. House Resolution 152 by Murphy, selection of Miss Illinois was taken place in Elgin, and we congratulate the winners of the Miss Illinois Pageant, Leslie K. Renfrow, Carlo Joe Danielson, Margot Ann Kestain, Laura Laurine Wikom, Linda Lee Ucombunes and Linda Lee Ucombunes, the pageant producers Joann Toni Selerno and the city of Elgin at the Chateau Louise Resort Hotel. House

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Resolution 153 by Mays - McClain, I reluctantly introduce this Resolution because the Quincy Bluedevils beat my old alma mater, Proviso East, for the... and captured the Illinois High School class A basketball championship on March 21. Mr. Speaker, I move for the adoption of the Resolutions."

Speaker Ryan: "The Gentleman moves for the adoption of Agreed Resolutions. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Resolutions are adopted. The Gentleman from Cook, Representative Telcser, would you renew your motion, Mr. Telcser?"

Telcser: "Mr. Speaker, I move the House stand adjourned until the hour of 12:00, Wednesday, March 25."

Speaker Ryan: "There will be perfunctory Session for the Clerk to do some work for about 30 minutes. The Gentleman's motion is that the House stand adjourned until 12:00 tomorrow. All in favor will signify by saying 'aye', all opposed by saying 'no'. The 'ayes' have it, and the House stands adjourned until tomorrow."

Clerk Leone: "House will reconvene in Perfunctory Session. First Reading and Introduction of Bills. House Bill 716, Wikoff-et al, a Bill for an Act to amend Sections of the Juvenile Court Act, First Reading of the Bill. House Bill 717, Pullen, a Bill for an Act to amend Sections of the Illinois Municipal Code, First Reading of the Bill. House Bill 718, Collins-et al, a Bill for an Act to amend the Election Code, First Reading of the Bill. House Bill 719, Yourell, a Bill for an Act to amend Sections of the Revenue Act, First Reading of the Bill. House Bill 720, Yourell, a Bill for an Act to amend Sections of the Revenue Act, First Reading of the Bill. House Bill 721, Yourell, a Bill for an Act to amend Sections of the Illinois Municipal Code, First Reading of the Bill. House Bill 722, Yourell, a Bill

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for an Act to amend Sections of the School Code, First Reading of the Bill. House Bill 723, Peters-et al, a Bill for an Act to amend the Pharmacy Practice Act, First Reading of the Bill. House Bill 724, Mautino-et al, a Bill for an Act in relationship to the licensing and practice of nurse midwifery, First Reading of the Bill. House Bill 725, Vinson, a Bill for an Act to amend Sections of the Inheritance and Transport Tax Law, First Reading of the Bill. House Bill 726, Stuffle, a Bill for an Act to amend the Illinois Pension Code, First Reading of the Bill. House Bill 727, Davis - Wikoff, a Bill for an Act to amend Sections of the Illinois Public Aid Code, First Reading of the Bill. House Bill 728, Schuneman-et al, a Bill for an Act to amend Section of the Illinois Vehicle Code, First Reading of the Bill. House Bill 729, Schuneman-et al, a Bill for an Act to amend Sections of the Illinois Vehicle Code, First Reading of the Bill. House Bill 730, Pierce - Bell, a Bill for an Act to amend Sections of the Illinois Income Tax Act, First Reading of the Bill. House Bill 731, Robbins, a Bill for an Act to amend the Unemployment Insurance Act, First Reading of the Bill. House Bill 732, Robbins - Winchester - et al, a Bill for an Act to amend Sections of the Civil Administrative Code of Illinois, First Reading of the Bill. House Bill 733, Robbins - Winchester, a Bill for an Act making appropriation to the Department of Agriculture for the control of starlings, First Reading of the Bill. House Bill 734, John Dunn-et al, a Bill for an Act to amend Sections of an Act to regulate advertising of gasoline prices, First Reading of the Bill. House Bill 735, DiPrima-et al, a Bill for an Act to amend Sections of the Personnel Code, First Reading of the Bill. House Bill 736, Tate, a Bill for an Act to amend Sections of an Act to revise the law in relationship to

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township organization, First Reading of the Bill. House Bill 737, Ryan-et al, a Bill for an Act to establish the Illinois Transit Fund, First Reading of the Bill. House Bill 738, Ryan-et al, a Bill for an Act providing for the establishment for the program of financial assistance for operating public transit provided in the Collar County areas, First Reading of the Bill. House Bill 739, Ryan-et al, a Bill for an Act to amend Sections of the Transportation Bond Act, First Reading of the Bill. House Bill 740, Ryan-et al, a Bill for an Act to amend Sections of the Regional Transportation Authority Act, First Reading of the Bill. House Bill 741, Ryan-et al, a Bill for an Act in relationship to the tax upon persons engaged in businesses selling petroleum products, First Reading of the Bill. House Bill 742, Ryan-et al, a Bill for an Act to amend Sections of an Act to repeal Downstate Public Transportation Act, First Reading of the Bill. House Bill 743, Ryan-et al, a Bill for an Act to reconstitute the Regional Transportation Authority amended certain Acts here in name, First Reading of the Bill. No further business. The House now stands adjourned until 12:00 noon, March 25."