

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

86th Legislative Day

March 24, 1982

Speaker Ryan: "The House will be in order. The Members will please be in their seats. The House will come to order. We will be led in prayer today by Father John Spreen from the Church of the Little Flower located in Springfield, Illinois. Father Spreen."

Father Spreen: "Let us pray. Almighty God, Creator of all things, Provider of all needs, Protector of all, as we begin the work of this Assembly today, we pause to thank you for the blessings we have all received from the abundance of Your gifts. We are conscious that our astronauts are exploring the depths of the still unknown and expanding the present limitations of earth to the limitless dimensions of space. Humble us, O God, to recognize our own human limitations, that no man is an island unto himself. No human person is absolute and irreplaceable. But we are here for a short pilgrimage on earth. And as we travel on this course of time today, may we all use our gifts, our talents, our intelligence, and our wisdom for Your greater honor and glory and for the advancement of all people. We humbly ask this, O Heavenly Father. Amen."

Speaker Ryan: "Thank you, Father. We will be led in the Pledge today by Representative Bower."

Bower et al: "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. Take the record, Mr. Clerk. With 156 Members answering 'present', there is a quorum of the House present. Are there any excused absences? Representative Getty."

Getty: "Mr. Speaker, may the record reflect that Representatives

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Glenn Schneider, James Keane, Lechowicz, and John O'Connell are excused because of official business and that Representative Doug Huff is excused due to illness?"

Speaker Ryan: "Did you get those, Mr. Clerk? Could you repeat the names?"

Getty: "Representatives Glenn Schneider, James Keane, Ted Lechowicz and John O'Connell due to official business. Representative Doug Huff due to illness."

Speaker Ryan: "They will be so recorded. Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, can the Journal please show that Representatives Karpiel and Kucharski are excused because of business, and that Representatives Marvin Olson, Judy Topinka, Susan Catania are also excused for legislative business, and that Representative Timothy Bell is absent because of a death in the family?"

Speaker Ryan: "The record will so indicate. Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, for the purpose of an introduction. Up in the gallery above the Speaker's...behind the Speaker's podium we have 31 seventh and eighth grade students from Dixon, Amboy, Franklin Grove and Paw Paw are visiting the State Capitol today. They are journeying on the on the Campsville archeological site where they will spend three days participating in the archeological...the students are all participants in Lee County Gifted Program where they were introduced to the study of archeology by two archeologists from Northwestern University. The students are accompanied by two teachers and two administrators from Lee County. They are represented by Representative Olson, Mautino and Ebbesen. They are up here in the right hand. Let's give them a hand."

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Speaker Ryan: "Representative Mays."

Mays: "Yes, Mr. Speaker, I would like to introduce some people from Brown County in a district represented by Representatives McClain, Findley and myself. They brought their case through car caravan 80 miles over our highways to the Governor today on a medium security prison. Their effort is on behalf of that. So I would just like to take this moment to recognize them, again, on behalf of the Representatives from our district. And thank you."

Speaker Ryan: "Committee Report."

Clerk Leone: "Representative Wikoff, Chairman from the Committee on Cities and Villages, to which the following Bills and or Resolutions were referred, action taken March 23, 1982 and reported back the same with the following recommendations: 'do pass' House Bill 1655."

Speaker Ryan: "Representative Daniels, for what purpose do you seek recognition? Representative Conti, do you seek recognition? Representative Friedrich."

Friedrich: "Mr. Speaker and Members of the House, I would like to request a Republican conference in Room 114 immediately. It is my understanding that the House will reconvene at 1:30."

Speaker Ryan: "That is absolutely right. We will reconvene at 1:30. Representative Getty, do you have a....Greiman, do you have a request? Representative Greiman."

Greiman: "Thank you, Mr. Speaker. The Democrats will have a conference, I assume in Room 118. I assume that will be open for us, and along the same lines of time."

Speaker Ryan: "Have you checked out the room?"

Greiman: "No, but it will be open, I am sure, by the time we get down there. Rank must have its..."

Speaker Ryan: "Room 118 is open."

Greiman: "118 is open. Thank you, Mr. Speaker."

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Speaker Ryan: "Alright, here is where we are, folks. The Republicans are going to conference in Room 114. The Democrats are going to conference in 118, and then we are all going to reconvene back here at 1:30. And until that time, the House stands in recess. The House will be in order, and the Members will please be in their seats. Page two of the Calendar under House Bills Third Reading Short Debate appears House Bill 1224, Representative Mays. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill..."

Speaker Ryan: "Is Mr. Mays on the floor?"

Clerk Leone: "...1224..."

Speaker Ryan: "Out of the record. Wait a minute, here he is.

You want to hear your Bill? The Gentleman asks leave to table House Bill 1224. Are there any objections? Hearing none, leave is granted, and House Bill 1224 is tabled. House Bill 1763, Representative Telcser. Is Representative Telcser on the floor? Out of the record. House Bill 79, Representative Catania. Out of the record. House Bill 89, Representative Deuster. Representative Deuster. Out of the record. House Bill 115, Representative Wikoff. Out of the record. House Bill 139, Wikoff. Out of the record. House Bill 140, Wikoff. Out of the record. House Bill 156, Representative Stearney. Out of the record. Where are you, Representative Stearney? You want to call House Bill 156? Out of the record. House Bill 179, Representative Wikoff. Out of the record. House Bill 210, out of the record. House Bill 211, Representative Vinson. Out of the record. House Bill 281, Representative Deuster. Out of the record. House Bill 369, Representative Robbins. Repre...out of the record. House Bill 429, Representative Pechous. Representative Pechous on the floor? Out of the record. House Bill 519, Representative Hoxsey. Out of the

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record. House Bill 554, Representative Daniels. Out of the record. House Bill 555, out of the record. House Bill 556, out of the record. House Bill 584, Representative Stuffle. Out of the record. House Bill 609, Representative Kelly. Out of the record. House Bill 615, Representative Swanstrom. Out of the record. House Bill 618, Representative Topinka. Out of the record. House Bill 625, Representative Huff. Out of the record. House Bill 658, Representative Collins. 658, out of the record. House Bill 665, Representative Catania. Out of the record. 672, out of the record. 675, out of the record. House Bill 680, Representative Braun. Out of the record. House Bill 703, Representative Watson. Representative Watson on the floor? Out of the record. House Bill 710, Representative Klemm. Out of the record. House Bill 711, Representative Cullerton. Out of the record. House Bill 712, Representative Terzich. Out of the record. House Bill 714, Klemm. Out of the record. House Bill 730, Pierce. Representative Pierce on the floor? Out of the record. House Bill 731, Representative Robbins. Out of the record. House Bill 745, Representative Stearney. Out of the record. House Bill 779, Representative Stuffle. Out of the record. I might add that this...we have a very extensive Calendar, and, Representative Friedrich, would you make your announcement on the Rules Committee please?"

Friedrich: "Yeah, Mr. Speaker and Members of the House, there will be Rules Committee meeting immediately after the Session next Tuesday. You are required to file with the Committee your request for exemption. Now, it is the intention of the...my intention to hear all the Bills possible that there are a request for on that afternoon. There may not be a vote taken at that time, but I want to emphasize if you want your Bills heard in Rules Committee,

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be sure and get your exemption request to me today or tomorrow because we are going to post at the time we go home. The Rules Committee does not require a full week. So the posting will probably be Friday after you get your requests in. Once again, if you have a Bill which has been introduced and has been assigned to Rules Committee, the slips, incidently, are down at the...in the well with the Clerk of the House. So get those back to me today or not later than tomorrow. Thank you, Mr. Speaker."

Speaker Ryan: "You file those with the Clerk. Is that right, Representative Friedrich? They file...they file those slips with the Clerk if they want their Bills heard in Rules Committee."

Friedrich: "The Clerk or with me, either one."

Speaker Ryan: "File with the Clerk, I understand."

Friedrich: "I'll turn the ones in that I get to the Clerk."

Speaker Ryan: "Alright, I might add that we've now gone through two pages of the Calendar and nobody wanted to call their Bill. This Calendar will expire on April the 26th. And if you're not going to have your Bill called, then...at the very end, then you ought to get it called now while everybody is in the mood to vote for it. On page four under House Bills Third Reading appears House Bill 798, Representative Hannig. Out of the record. House Bill 804, Representative Macdonald. Out of the record. House Bill 807, Representative... Out of the record. House Bill 818, Representative Bowman. Representative Bowman, you want to hear your Bill? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 818, a Bill for an Act to amend the Election Code, Third Reading of the Bill."

Speaker Ryan: "The Gentleman from Cook, Mr. Bowman, on House Bill 818."

Bowman: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of

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the House. Somebody had to go first, and this is about the simplest Bill on the Calendar so I decided why not. What this Bill does is to conform the Election Code to a decision of the circuit court. There is, on the books right now, a law that says you can't electioneer within 100 feet of the polling place. That is fine. This Bill doesn't change that. But there is a question as to exactly what constitutes the polling place as to whether it is the interior door or the exterior door of a building, and the circuit court has said that the 100 'foot' rule shall obtain with respect to the interior door of a polling place, and this Bill simply puts that language into the statutes so everybody knows exactly what the law is. This language, then, can be put into the judges' manuals, and everybody can conform to the law. It came out of the Elections Committee 12 to nothing. There have been no negative votes cast against this legislation at any time. I ask an Affirmative Roll Call at this time."

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

Getty: "Will the Gentleman yield?"

Speaker Ryan: "He indicates he will."

Getty: "I wonder if you would explain for the record, what is the exterior door of the polling place? I don't believe that that is completely clear."

Bowman: "Well, let me give you an example. Would that suffice? If you have a school building, for example, and the exterior door to the school building would be the door which separates the entire structure of the building from the out of doors. The interior door that we were referring to in the statute or the Bill rather, would be the door to the room wherever the polling place happens to be located. If it is the gymnasium, it would be the door to the

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gymnasium. If it is in a classroom, it would be the door to the classroom."

Getty: "Alright, so...but we are at all times referring to a door to a building, an outer door, and not a room."

Bowman: "No, Representative Getty, it is the other way around. There is an ambiguity in the way the law now is as to which it should be, and the Bill would make the reference point the room, not the exterior door."

Getty: "So it is the exterior door of the room and not the exterior door of the building."

Bowman: "I see. Yes."

Getty: "Thank you."

Speaker Ryan: "The Gentleman from Lake, Representative Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, I would like to rise in opposition to this Bill. I have always, and I suppose I am speaking as a lame duck, and I hope that gives me some perspective and independence, but I have always objected to those people who are crowded around a church, or a school, or a polling place on election day with trucks, and big signs, and harrassing the people as they come in. I have always believed that your campaign ought to sort of conclude the day before the election, and there should be something sacred, and independent, and respectable about election day. Now, what this Bill would really mean is that in most cases in my district and around the state where you have the polling place in a school, or a church, or some building, you can now have political workers jammed right in the inside, quite often, and harrassing people. I would say most people would feel they are being harrassed as they are walking through the door. It is one thing to be out in the fresh air a reasonable distance away, 100 feet, but it is another thing to be right inside the building lined up the corridors. As you

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walk in the outside door of the church, you normally go down a hall. You may go down some steps, or a school, you may wind around through the building and into a gymnasium or a basement room or something. And if you start using a tape measure measuring 100 feet up the stairs and around the stairs and down the hall, it is going to be almost impossible and confusing to calculate. Much less, it is going to open the door and open this license, so to speak, for a gang of political workers to be lined up and down the halls inside the churches and these buildings where the citizens coming in ought to be free to walk in without being harrassed. And because I feel quite strongly about this sort of activity on election day, and the sacredness and the independence of the polling place, I think this Bill is not wise, is not a good one, and will really open the door to a lot of abuses, and we're going to find this is going to be another one like the machine gun Bill where once the voters get...go through this obstacle course of trying to find their way through the hall in the midst of all the literature passing out, and the handshaking, and the buttons and everything else, they are going to come down on us and say, 'Whoever voted for this bad Bill?' I think it is a bad one. I think it ought to be defeated."

Speaker Ryan: "Further discussion? The Gentleman from Hardin, Representative Winchester."

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill did go through the Elections Committee. It did receive a unanimous vote. There has been some interesting questions that has been brought up on the floor that we did not discuss in the Elections Committee. But, you know, I would still ask that a favorable vote be cast on this Bill. Thank you."

Speaker Ryan: "The Gentleman from Cook, Representative Ronan, we

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now have your light fixed."

Ronan: "Thank you. And the people of my district appreciate that also, Mr. Speaker."

Speaker Ryan: "They didn't know your light's been out for a while though, did they?"

Ronan: "That just goes to show you what hard work will get you. I have a question if the Sponsor will yield."

Speaker Ryan: "He indicates he will."

Ronan: "Yeah, Representative Bowman, now, I probably wasn't paying attention, but does this affect the front door or the door of the room inside the building?"

Bowman: "The reference point in the added language is the door to the room in which the polling is taking place. The door to the room."

Ronan: "So, if it is a school, for example, and the front door is 125 feet from the room where we have the polling place, then we can solicit inside the building. Is that correct?"

Bowman: "Yes, but only within 25 feet of the front door."

Ronan: "No, no, I understand that. Well, that is a fine piece of legislation."

Bowman: "Not anywhere...not anywhere inside the building."

Ronan: "Well, no, wait a minute. If the room, suppose we're in a school. Suppose we're in the 44th Precinct..."

Bowman: "Yes."

Ronan: "...Of the 33rd Ward, and we're in a school. And we've got a school room which is 125 feet from the front door of the building. Can we solicit inside the building?"

Bowman: "Only, Representative Ronan, only between in the 25 'foot' interval between the outside door and 100 feet from the room. Not anywhere within the building."

Ronan: "No, I understand that."

Bowman: "Okay."

Ronan: "But we can go within the building. Thank you very much."

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That is a fine idea and a good piece of legislation."

Bowman: "Yes."

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

Stearney: "Will the Gentleman yield?"

Speaker Ryan: "He indicates he will."

Stearney: "Did you just say, Mr. Bowman, that an individual could solicit within the school building if he was still 100 feet from the polling booths?"

Bowman: "No, no, I didn't say that, Representative Stearney. I said within 100 feet of the door to the room in which the booths were located. That is a big difference. If you had a gymnasium..."

Stearney: "So, what you're saying is if within the school there is a polling booth, and if you're 100 feet away from the polling booth you could solicit even though you're still inside the building."

Bowman: "No, wait a minute. You're still not getting it. If the door to the room in which the voting is taking place, regardless of where the booths are located in the room, okay, is more than 100 feet from the exterior door, then solicitation could take place inside the exterior door, but under no circumstances closer than 100 feet to the room in which the voting is taking place."

Stearney: "Well, how is this a change from the existing law?"

Bowman: "Actually, Representative Stearney, it doesn't change the existing law at all if people are...honor the circuit court's decision. The circuit court has rendered a decision in this matter, and what we're doing is conforming the statutory language to the decision of the court."

Stearney: "Well, why is this necessary if the circuit court has ruled. Is that only in Cook County?"

Bowman: "Well, it was a Cook County circuit court decision, of

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course, but the...I mean every court has to be someplace, but if it is in the statutory language, then people who want to research the statutes, who want to know, who want to be able to make plans for election day, you'll know where...they usually go to the election law and it ought to be in the code."

Stearney: "Well, Mr. Speaker, just very briefly in addressing myself to this Bill, I would be in opposition to it. It seems that if the circuit court ruling is no clearer than Mr. Bowman's explanation, then no one will know exactly what this Bill does. And for that reason I would say we should vote 'no', because what you're going to have is soliciting right inside the buildings, namely the school buildings. It is hard enough to control what is happening outside a school within 100 feet of it, let alone inside the building. And, Mr. Bowman, perhaps you living in Evanston don't know what is going on in other areas of this state or in the City of Chicago, but I do. I would say we should vote 'no'."

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

Laurino: "Well, Mr. Speaker and Ladies and Gentlemen of the House, a brief explanation so that Mr. Bowman is better understood. The Bill was put in in order to obviate the problems that we have now and not to have any of the arguments that we have between the judges of Napoleon Place, the precinct captains, and the policeman turns out to be thinking that he is in the judicial system trying to separate people from one faction or another. The Bill is there to, as I recall correctly, we had two Bills put in dealing with this subject, and this was the one that more accurately defined the electioneering process for the voting apparatus. And so this...all this does is says that we can electioneer the inside of a building if it is a

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large edifice so that if there is inclement weather, the people that are interested in the election process can do so and not freeze to death or so. Do you recall what the two Bills were, Representative Bowman? What I was saying is that there were two Bills put in, and this one more accurately defines the distance to the voting booth as opposed to the one that was not voted on by the Committee."

Bowman: "That is correct."

Laurino: "I think it should even be clear to Representative Stearney."

Speaker Ryan: "The Gentleman from Will, Representative Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. Would the Gentleman yield for a question?"

Speaker Ryan: "He indicates he will."

Van Duyne: "Woods, on the...on the main part of the Bill you have...it says election day within 100 feet, and then very...the next paragraph on the Amendment in the second line beginning with primary day. Why do you differentiate in the Amendment...in other words, is this correct? Why do you say you can't do it on the primary day, but then by allegation you say they can do it in November? Look at the Amendment in the synopsis."

Bowman: "The point is that the law would apply to either the general election or primary."

Van Duyne: "I would like to have somebody check this out. First of all, the Bill said...if the synopsis is correct, it says it amends the Election Code and prohibits the solicitation of votes on any election day, etcetera. And then the House Amendment #1 says it makes a revision that no person shall do any electioneering or soliciting of votes on the primary day within any polling place etcetera. Now, I take that to mean, if it is correct, that the Amendment preempts the

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Bill and that you can't do it on the primary election, but that you can do it on...in November."

Bowman: "No, Representative Van Dwyne, to the best of my recollection, the synopsis, the original synopsis was in error. That was the intent of the Bill, but the Bill as originally drafted pertained only to the general....amended the Section involving general elections, and the House Amendment was designed to have the Bill do what the synopsis originally did."

Van Dwyne: "Well listen, then maybe I better ask the Clerk. Mr. Speaker, can I address the Clerk? Can I ask the Clerk a question? Tony, would you look at the synopsis and tell us all for the record whether or not the Amendment on House Bill 818, in effect, says that you cannot do it in the primary, but then it does not say that you cannot do it in the election...regular election."

Speaker Ryan: "Well, that...that is out of order, Representative Van Dwyne. Your request is out of order."

Van Dwyne: "Well, okay then, Mr. Speaker, as far as the Bill is concerned, I see no reason in the world why we should go on with the Bill if the synopsis is correct. If the intent of the Bill is that we cannot do it, and I support that, then I think the Bill is in technical error. That if you can't do it in the primary, you also should be prohibited from doing it in the general election, and I see no other way to go but to vote 'no'."

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

Griffin: "...Mr. Speaker. Thank you, Mr. Speaker. Would the Sponsor yield for two questions?"

Speaker Ryan: "He indicates he will."

Griffin: "Representative Bowman, first, this Bill does not affect a polling place like a barber shop, any kind of a store front where the exterior door of the building is the same

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as the exterior door of the room. Is that correct?"

Bowman: "Yes, it will not affect any structure where the door to the polling place and the door to the building, or the store, or whatever, is identical."

Griffin: "The same question I have is this, I have encountered this situation myself, and I would like to know whether your Bill clarifies this. If you have a line of sight or a 'crow's fly' distance versus the distance that a person traverses, is the 100 feet, in fact, the distance that a person traverses or is it the distance line of sight direct. For example, if you have a stairway or you have a circular walkway outside of a building, it makes a difference by what we mean by 100 feet. I wonder if you could clarify that please."

Bowman: "Okay, first of all let me...let me point out that the Bill does not make any change in the present law with respect to that point, and so I am telling you what my understanding is, but my memory may not be correct on this point because it wasn't germane to the Bill, so it didn't occur to me to research that. My recollection is that it means linear feet and straight line distance. So you draw a radius. You put the point...the focus of the circle at the door and then draw a circle with the radius equal to 100 feet, and outside that circle is forbidden, and inside...excuse me, the other way around. Inside the circle is forbidden, outside of the circle is acceptable."

Griffin: "So, in effect, a person may end up having to traverse more than 100 feet to get...or less to get to the polling place."

Bowman: "Well, they might have to actually walk more than 100 feet, but never less because it would never be less than an absolute straight line. The actual distance traversed would never be less than a straight line. So it could be

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yes, you could have to walk more than 100 feet."

Griffin: "Thank you."

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

Bullock: "No, Mr. Speaker, I just wanted to be recognized after the Roll Call for purposes of introduction."

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

Currie: "Thank you, Mr. Speaker, Members of the House. I am concerned, as many of the other Representatives are, about running fair, fraud free elections, and I think there is some misapprehension about House Bill 818. That Bill, the provisions of that Bill actually applied in the primary election last Tuesday in the County of Cook under the circuit court ruling. I don't think that those of you who are waving alarms and red flags about what kinds of things could happen could possibly have been in any of the precincts in the County of Cook on Tuesday, March 16, or you would discover that your fears are absolutely baseless. The principle provision of this Bill retains what was the principle about the freedom of the voter to approach the polling place without harrassment or without some kind of intimidation going on. 100 feet has been the rule. 100 feet is preserved in the provisions of House Bill 818. It merely clarifies where the 100 feet start. I hope people will support this Bill. It is important in terms of the judges' manuals, in terms of everybody's understanding about how elections work, that the statutes are clarified to come into conformance with the circuit court ruling."

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

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, the concept of the Bill is good, and I know that the sincerity of the Sponsor and what he is trying to do, but let's just take one example of the legislative....18th Legislative

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District. Austin High School has four polling places in the high school, four polling places in the high school. Now the building is some 200 feet wide by maybe...300 feet long. And if the people working in the 67th precinct are within that building but they are at least 150, 200 feet away from the polling place, but maybe standing 10 or 15 feet away from Precinct 68, or the same with Precinct 69. I think he ought to take this Bill out and clarify and spell it out. Tell us what he is trying to do. I know what he is trying to do, but the Bill is too vague and is going to leave this thing wide open for all kinds of abuses that you have. In the 18th Legislative District, all the schools are being used for polling places, and if you are in Precinct 67, you're only 10 feet away from Precinct 68, but you're still 200 feet away from the regular polling place. How are you going to clarify that?"

Speaker Ryan: "Representative Bowman."

Bowman: "Yes, Mr...Mr. Speaker, I think the Gentleman's fears are unfounded. The point is the law in its present form, and we are not affecting this part of the law, prohibits any electioneering within 100 feet of any polling place. So, for example, right now, suppose this Bill didn't pass, okay? I could not stand in front of a polling place, pass directly in front of a polling place and pass out literature and when challenged by the police officer say, 'Oh, I'm not passing out literature for this poll, I am passing out for the poll down the street, so leave me alone.' They wouldn't buy that, Representative Conti, and this Bill does not make any change in the law in that regard."

Speaker Ryan: "The Gentleman from Winnebago, Representative Kelley."

Kelley: "I move the previous question."

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Speaker Ryan: "The Gentleman has moved the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it. The Gentleman's Motion prevails. Representative Bowman to close."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Conti did point out one very good thing I do hope you keep in mind, that some buildings are quite large and have many polling places. And consequently, you have, at the present time, election day workers all jammed up at one particular point as people trying to get access to the building, and I think Representative Deuster ought to keep that in mind. Because this particular piece of legislation would allow the electioneering to be disbursed, actually, rather than concentrated. That is precisely the kind of problem that we're trying to alleviate with this, and it is probably, I suspect, the kind of problem that brought the...the case before the circuit court. I would like to stress that this particular piece of legislation does nothing more than to codify the circuit court decision rendered in the...Cook County. Moreover, it is...was supported unanimously in the House Elections Committee. And we heard from the Chairman of the House Elections Committee on the floor today in support of it. I would also like to point out that since Representative...Representative Van Dwyne raised his question, we went back, we double checked the Bill and the Amendment. The Amendment actually just makes a technical change to the Bill. The Bill does apply to primary days. It applies to general election days equally and evenhandedly. There is no difference in the legislation between those two dates, and lastly, I would just like to say have sympathy on me because somebody had to have their Bill go first."

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Speaker Ryan: "The question is 'Shall House Bill 818 pass?'. All in favor signify by voting 'aye', all opposed by voting 'no'. Do you want to explain your vote, Representative Yourell? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this issue...on this issue there are 104 'aye'...voting 'aye', 52 voting 'no'. Do you seek recognition, Mr. Yourell?"

Yourell: "Yes, Mr. Speaker."

Speaker Ryan: "For what purpose?"

Yourell: "Parliamentary inquiry. Can the Speaker tell me what the rule is relative to one Member voting another Member's switch?"

Speaker Ryan: "Against the House Rules."

Yourell: "Pardon me?"

Speaker Ryan: "Against the Rules."

Yourell: "Who enforces that Rule?"

Speaker Ryan: "It is on the honor system."

Yourell: "Pardon me?"

Speaker Ryan: "The honor system."

Yourell: "That is the honor system?"

Speaker Ryan: "That is right."

Yourell: "Is that a Rule? Can the Parliamentarian address that?"

Speaker Ryan: "Well, do you have a complaint, Representative?"

Yourell: "No, I just don't...I just don't want to do what I had in mind, and if I can get a clarification from the Chair, then we can dispense with a certain Motion that I have in mind."

Speaker Ryan: "I think I have answered your question."

Yourell: "Well, Mr. Speaker, I was told that the Speaker of the House is obligated and responsible for enforcing the Rule."

Speaker Ryan: "That is right. That is right. The Speaker enforces the Rules."

Yourell: "Whatever Rule that is."

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Speaker Ryan: "That is right."

Yourell: "There really is no Rule. What we're saying is that you're just supposed to vote your own switch. That doesn't seem to me like much of a Rule."

Speaker Ryan: "It is against the Rules for one Member to vote another Member's switch, Representative."

Yourell: "Is it the Chair's intention to enforce that Rule a little more stringently this...remaining of this Session than we have done in the past?"

Speaker Ryan: "Absolutely. I can't tolerate those kinds of things and won't, Representative. Do you have a specific complaint that you would like to register with the Chair?"

Yourell: "No, but I will from time to time on these Third Readings, Mr. Speaker."

Speaker Ryan: "Well, I am certainly glad to hear that, Representative. Record Representative Wolf as 'no' on this issue. Representative Deuster, for what purpose do you seek recognition?"

Deuster: "I am a little concerned about the number of switches that might have been pushed, and just to make sure there aren't any problems, I would receive recognition to ask a verification after this record is taken, Mr. Speaker."

Speaker Ryan: "Record Representative Barr as 'aye'. Representative Collins, do you seek recognition? For what purpose?"

Collins: "Well, briefly explaining my vote, Mr. Speaker, I think this Bill is well intentioned and a move in the right direction. How...it strikes me that in high rise voting it might have some application that letting people enter in the lobby to do some electioneering and such. But it also strikes me that if you were in a school building, and the balloting was taking place in a classroom, and there was a distance of more than 100 feet from the door of that room

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to the exterior of the building, it would allow electioneering within the school. And I don't think that that would be a good idea. As I said, I think the Bill is well intentioned and on the right track, but I...I think it opens up a door which we would, I don't think, want to open it in this type of voting. You might have voting in....in nursing homes where the room would have more than 100 feet to the exterior of the building, and you would have electioneering within the room. I think the Bill, as it is presented to us, is a bad idea. And I would urge a 'no' vote on this...on this Bill."

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

Bluthardt: "Mr. Speaker, Members of the House, I also happen to think that this is a bad direction to go. It seems to me that the precinct workers are going to have to carry a tape measure in their pockets on election day to measure the distance within a building to see that they are at least 100 feet away from the door that contains the polling place. It would seem to be, to me, a lot simpler and much more easy to understand and determine if the law required electioneering to be at least 100 feet away from the entrance to the building which contains the polling place. It would be very much simpler, easy to understand, and eliminate a lot of arguments as to whether you are 90 feet away, or 98 feet away, or 101 feet away in the corridor of some school or gymnasium. I think the Bill is bad. I think it ought to be defeated."

Speaker Ryan: "Representative Terzich."

Terzich: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this has to be a good Bill because of the Majority Spokesman, Representative Phil Collins, in the Elections Committee is also one of the Cosponsors of this Bill."

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Speaker Ryan: "The Lady from Cook, Representative Macdonald, to explain her vote."

Macdonald: "Mr. Speaker, I would like to change my vote from 'yes' to 'no' please."

Speaker Ryan: "Record the Lady...change her vote from 'aye' to 'no'. Representative Kelley."

Kelley: "I would like to change my vote."

Speaker Ryan: "Change Representative Kelley's vote from 'aye' to 'no'. Representative Bullock, for what purpose do you seek recognition?"

Bullock: "Mr. Speaker, I would like to make an announcement. I would like to introduce to the Members of the House a great future Legislator from the southeast side of Chicago. To my right, Sam 'Potovonovich', from the great 10th Ward in Chicago. Going to be a new Member next year."

Speaker Ryan: "Welcome, Sam. Have all voted who wish? We've taken the record. What is the count, Mr. Clerk? On this issue there are 103 voting 'aye',...103 voting 'aye', 55 voting 'no'. And the Gentleman from Lake, Representative Deuster, asks for a verification of the Roll Call. Ask him. Representative Katz wants to be verified, Representative Deuster. Is that alright with you? Poll of the Absentees, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Abramson, Alstat, Bell, Catania, Ralph Dunn,..."

Speaker Ryan: "Record Dunn as 'aye'. Ralph Dunn."

Clerk Leone: "Epton, Garnisa, Huff, Karpiel, Keane, Klemm, Kucharski, Lechowicz, O'Connell, Olson, Schneider, Topinka, Tuerk, Vinson, no further."

Speaker Ryan: "That concludes the Poll of the Absentees. Poll the Affirmative Roll Call, Mr. Clerk."

Clerk Leone: "Poll of the Affirmative. Alexander, Balanoff, Barkhausen, Barr, Beatty, Bianco, Bowman, Bradley, Braun,

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Breslin, Brummer, Bullock, Capparelli, Carey, Chapman, Christensen, Cullerton, Curry, Daniels, Darrow, Deuchler, DiPrima, Domico, Donovan, Doyle, Ralph Dunn, Ewell, Farley, Fawell, Findley, Flinn, Getty, Giglio, Giorgi, Greiman, Hallstrom, Hanahan, Hannig, Henry, Hoffman, Hoxsey, Jackson, Jaffe, Johnson, Jones, Kane, Katz, Dick Kelly, Kociolko, Koehler, Kornowicz, Kosinski, Krska, Kulas, Kustra, Laurino, Leon, Leverenz, Levin, Loftus, Madigan, Margalus, Martire, Matijevich, Mautino, McBroom, McClain, McCormick, McGrew, McPike, Murphy, O'Brien, Ozella, Pechous, Piel, Pierce, Pouncey, Preston, Pullen, Rea, Reilly, Rhem, Richmond, Ronan, Saltsman, Sandquist, Schraeder, Slape, Margaret Smith, Steczo, Stewart, C.M. Stiehl, Telcser, Terzich, Turner, Van Duynes, Vitek, White, Winchester, Sam Wolf, Younge, Zito, Zwick, and Mr. Speaker."

Speaker Ryan: "Are there any questions? Representative Deuster."

Deuster: "Mr. Speaker, the call went a little fast, so I apologize if I put some names down here and they are really here. I will try to go fast. Mr. Bianco."

Speaker Ryan: "Mr. Bianco on the floor? In his chair."

Deuster: "Brummer."

Speaker Ryan: "Representative Brummer. Representative Brummer on the floor? Representative Brummer. How is the Gentleman recorded?"

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

Speaker Ryan: "Remove him from the Roll Call."

Deuster: "Capparelli."

Speaker Ryan: "Representative Capparelli."

Deuster: "Okay. Carey."

Speaker Ryan: "Who?"

Deuster: "Carey."

Speaker Ryan: "Representative Carey. On the floor."

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Deuster: "Christensen."

Speaker Ryan: "Representative Christ...in his chair."

Deuster: "Cullerton."

Speaker Ryan: "Representative Cullerton on the floor?
Representative Cullerton. How is the Gentleman recorded?"

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

Speaker Ryan: "Remove him from the Roll Call."

Deuster: "Donovan."

Speaker Ryan: "Representative Donovan. Donovan on the floor? In
his chair."

Deuster: "Doyle."

Speaker Ryan: "Representative Doyle. In his chair."

Deuster: "Ewell."

Speaker Ryan: "Representative Ewell on the floor? How is the
Gentleman recorded?"

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

Speaker Ryan: "Remove him from the Roll Call."

Deuster: "Farley."

Speaker Ryan: "Representative Farley is at his desk."

Deuster: "Giglio."

Speaker Ryan: "Representative Giglio. In his chair."

Deuster: "Giorgi."

Speaker Ryan: "Representative Giorgi is in the aisle."

Deuster: "Henry."

Speaker Ryan: "Representative Henry. Representative Henry on the
floor? Henry is in his seat. Return Representative
Brummer. He's back."

Deuster: "Jackson."

Speaker Ryan: "Representative Jackson. Representative Jackson.
In his seat."

Deuster: "Jones."

Speaker Ryan: "Representative Jones. In the back. Return
Cullerton to the Roll Call. He's in the center aisle."

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Deuster: "Krska."

Speaker Ryan: "Krska. In his seat."

Deuster: "Leverenz."

Speaker Ryan: "In his seat."

Deuster: "I see him. Levin...Levin."

Speaker Ryan: "Representative Levin. Behind you."

Deuster: "Alright, Margalus."

Speaker Ryan: "Cutting a deal with Telcser. Representative
Margalus. In his chair."

Deuster: "Mautino."

Speaker Ryan: "Representative Mautino. In the back on the
Republican side."

Deuster: "Okay, McClain."

Speaker Ryan: "Representative McClain. Representative McClain on
the floor? How is the Gentleman recorded?"

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

Speaker Ryan: "Remove him from the Roll Call."

Deuster: "O'Brien."

Speaker Ryan: "Representative O'Brien on the floor? Remove him
from the Roll Call."

Deuster: "Pechous."

Speaker Ryan: "Representative Pechous. Representative Pechous.
In the chamber. Representative McClain is back in the
chamber. Return him to the Roll Call."

Deuster: "Reilly."

Speaker Ryan: "Representative Reilly is standing right next to
you."

Deuster: "Rhem."

Speaker Ryan: "Representative Rhem is in his chair."

Deuster: "Okay. Ronan."

Speaker Ryan: "Representative Ronan. In his seat as always.
Who?"

Deuster: "What did you say about Ronan?"

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Speaker Ryan: "I said he's in his seat as always."

Deuster: "Schraeder."

Speaker Ryan: "Representative Schraeder. He is by his chair."

Deuster: "There he is. I see him. Slape."

Speaker Ryan: "Representative Slape. At his desk."

Deuster: "Okay, Steczko."

Speaker Ryan: "Representative Steczko. In his chair."

Deuster: "White."

Speaker Ryan: "Representative White. In his chair."

Deuster: "And Zito."

Speaker Ryan: "Representative Zito is at his desk."

Deuster: "No further questions."

Speaker Ryan: "What is the count, Mr. Clerk? On this question there are 102 voting 'aye', 55 voting 'no'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 834, Representative Kelly. You want your Bill read? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill..."

Speaker Ryan: "Before you do that, Mr. Clerk, Representative Kulas, I would like for you to know that it is the intention of the Chair to depart the chamber somewhere around four p.m. Does that meet with your approval? Proceed on House Bill 834, Mr. Clerk."

Clerk Leone: "House Bill 834, a Bill for an Act to add Sections to the Illinois Administrative Procedure Act, Third Reading of the Bill."

Speaker Ryan: "Representative Kelly on House Bill 834."

Kelly: "Thank you, Mr. Speaker and Members of the House. House Bill 834 is a Committee Bill, the Joint Committee on Administrative Rules. This particular Bill would require state agencies to formulate their rules in plain and clear language, English. It places some, what I consider, very clear requirements upon the agencies of state government in

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that under Amendment 1 it says, 'A rule is formulated in plain and clear language and that it is written in simple words used in their commonly understood senses and convey meanings clearly and directly.' Under item two it says that it is to be written in the present tense using positive statements wherever possible. Under item three it is said that it is to be written in primarily simple rather than compound or complex sentences that are short...that are as short as possible. And the fourth and fifth item are just about as clear. Item four says that it does not include unnecessary definitions and that five, the agencies' language in their rules has to be...it is to be organized in a clear and coherent manner. This is certainly something that is long coming and will give each and every one of us not only in the General Assembly, but in the public and those that deal with the rules and regulations of agencies a better and a clearer understanding of what rules these agencies. We have had examples where the rules and regulations have not been clear, and they have caused a great deal of inconvenience and in many cases are not understandable. And that is what...all the Bill does, Mr. Speaker."

Speaker Ryan: "Is there any discussion? The Gentleman from Will, Representative Leinenweber."

Leinenweber: "I...I have... will the Gentleman yield for a question?"

Speaker Ryan: "He indicates he will."

Leinenweber: "What happens if the Joint...or the particular bureau that promulgates a rule doesn't do so in plain and clear English? What happens to the rule?"

Kelly: "Well, the Bill says that there shall be a simple and clear language. If they aren't, then they are in violation of the state statutes, and they...I am sure....I am sure

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that the Joint Committee on Administrative Rules who meets with these agencies on a regular basis would make sure that that agency would ...would clear up any...any question marks which might occur on one of their interpretations."

Leinenweber: "Would that render the particular rule invalid?"

Kelly: "It would...first of all, if the rule is not clear and concise, I think that in itself would render itself not valid. ..."

Leinenweber: "There is nothing...there is nothing in the particular Act though, is there, that would make a rule that violated the provisions of House Bill 834 invalid, is there?"

Kelly: "No, I don't see where...we did have...the Joint Committee on Administrative Rules initially looked at several options, and the other options, I might add, were much more stringent than this one. This is an open door arrangement. It does...it begins the process of requesting and requiring clear and plain language, but it does not...it is not going to invalidate a rule of a Department, but it will make a demand upon these agencies to provide clear and concise language."

Leinenweber: "The Bill, as originally introduced, violated the requirements of the Bill, didn't it?"

Kelly: "We adopted Amendment #1 and Amendment #2 which...Amendment #1 totally deleted everything after the enacting clause..."

Leinenweber: "It brought the Bill into compliance with the requirements of the Bill."

Kelly: "I would say that that is pretty close. Yes."

Leinenweber: "Alright."

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

Meyer: "Question of the Sponsor, Mr. Speaker."

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

Meyer: "Mr. Kelly, wouldn't this prohibit the...let's say the Secretary of State from promulgating his Rules of the Road in Spanish?"

Kelly: "This says that they shall be in clear and plain English, and Rules of the Road are not...that is not a what you would call a rule, but it is a document that is dispensed by the Department, and I don't see where this would be in any violation."

Meyer: "Well, then what about some of the....what about some of the rules and regulations of the Department of Labor that we've already mandated must be printed in Spanish?"

Kelly: "Well, I'm sure that we can, when we get into the Senate if we run into a problem where we have to add other than English so that it is clear, we could make an adjustment. If there is a rule or regulation which is in Spanish or whatever other language that it might be, that adjustment could be made very easily, Ted."

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

Friedrich: "Would the Sponsor yield for a question?"

Speaker Ryan: "He indicates he will."

Friedrich: "Representative Kelly, I've never had the privilege of going to Spain, but I have often wondered if Spain has this in their law that they have all these things written in English so that if I go over there that I'll have the same treatment."

Kelly: "Well, I haven't had the privilege of being in Spain myself, but I would say this, that whether you're in Spain, or in Ireland, or the United States of America, I think that the agencies representing the state or the Federal Government could do a much better job of letting the public

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know, letting us Legislators know just what their meanings are. I think we have...if anybody has been a leader against a lot of this bureaucracy and trying to clear things up, I certainly think you've been a leader in that area, and I just think it would make it a lot easier and a lot more understandable for all of us, especially those of us that are not of the legal profession."

Friedrich: "Well, I was just told that English was the language of this land, and I wondered if it had been changed."

Speaker Ryan: "Is there any other discussion? Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Ryan: "He indicates he will."

Brummer: "Representative Kelly, I think this is an admirable idea. I am...have the Bill in front of me, and the problem is I can't understand the Bill. I don't know if it is written in plain and simple English. Maybe it is. The...it refers to clear English that a rule is formulated in plain and clear English if it substantially complies with the following. And then it refers to written in primarily simple rather than compound or complex sentences that are as short as possible. I wonder if what primarily simple means as opposed to simple sentences. I mean, can you have some of them simple and some of them complex and some of them compound, or more than half of them or less than half of them?"

Speaker Ryan: "Mr. Kelly."

Kelly: "Yes, Representative Brummer. Just before you arrive at these various five items it says if it substantially complies with all of the following."

Brummer: "Yeah, what is the standard of substantial compliance?"

Kelly: "In other words, the standards of compliance..."

Brummer: "No, substantial compliance. How do you define, you

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know?"

Kelly: "Substantial compliance?"

Brummer: "Yeah, does that mean most of it complies?"

Kelly: "Yes, it would be most of it complies."

Brummer: "50%, or 60% or 90?"

Kelly: "It could even be one percent, and it would be...it would be better than what it is right now."

Brummer: "Oh, I agree it would be better. I am just concerned about regulations being promulgated."

Kelly: "Well, you know as well as I that substantially means impressionably or at least, you know, it can't be just a small amount. It has to make an earnest effort to write something in simple language. And you know that in many cases various rules and regulations cannot always be written in just totally common, simple language, especially when you have a number of legal people reviewing it. And this says it substantially complies. That is clear to me. And, you know, if you want me to say that it's...that, you know, it is not distinct in defining what substantially is. To me, if you look at your definition, substantial means that it is...an earnest effort is made to comply. That is all we're looking for is an earnest effort being made by the Department. We want them to know that we want to have a fair, very good commitment made to try to comply with a simple language being used when these rules and regulations are developed."

Brummer: "Okay, well, I think it is an admirable goal. I just hope we don't generate a bunch of litigations about whether the regulations that are promulgated are in substantial compliance with the requirement of being primarily simple."

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

Kelly: "Yes, Mr. Speaker, I would ask for the support of the

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House for House Bill 834. This is, as I indicated is a Committee Bill of the Joint Committee on Administrative Rules. It would make our job much easier and also for the public that review rules and regulations, and I ask for your favorable support."

Speaker Ryan: "The question is 'Shall House Bill 834 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 129 voting 'aye', 14 voting 'no', and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 839, out of the record. House Bill 842, Rigney. Out of the record. House Bill 845, Grossi. Out of the record. House Bill 855, out of the record. House Bill 859, out of the record. House Bill 866, Representative Fawell. Representative Fawell, you care to have House Bill 866 heard? Out of the record. House Bill 877, Representative McPike. Is the Gentleman on the floor? Out of the record. 898, Representative Piel. Out of the record. House Bill 907, Representative Bowman. Representative Bowman, do you want to hear House Bill 907? Out of the record?"

Bowman: "Yes, I don't want to push my luck today. Take this one out of the record."

Speaker Ryan: "It is 150 feet. Okay. House Bill 918, Repre...Representative DiPrima. Is the Gentleman on the floor? Out of the record. House Bill 921, Representative Miller. Representative Miller on the floor? Out of the record. House Bill 929, Representative Terzich. Want the Bill heard, Representative? Read the Bill."

Clerk Leone: "House Bill 929, a Bill for an Act to set forth certain rights which are to be granted to firemen, Third Reading of the Bill."

Speaker Ryan: "Representative Terzich on the Bill."

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Terzich: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 929 creates the Firemen's Bill of Rights. And what it does is set forth the right for firemen with regard to investigations which could lead to demotions or termination of employment. Throughout the fire department there are investigations, and what this simply does, it simply gives the firefighter the certain constitutional rights that are given to all individuals. It sets forth what the Code of Conduct will be in these investigations, and also provides for the firefighter the right to legal counsel. The Bill came out of the Committee without a dissenting vote 10 to nothing, and I would appreciate your support on House Bill 929."

Speaker Ryan: "Is there any discussion? The question is 'Shall House Bill 929 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 127 voting 'aye', 17 voting 'no', 5 voting 'present', and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 931, Representative Terzich. Out of the record. House Bill 943, out of the record. 944, out of the record. 957, Representative Daniels. Out of the record. 964, Representative Hoffman. Representative Hoffman, do you want to have House Bill 964 heard? It amends the Counties Act. Out of the record. House Bill 970, Representative Nelson. Out of the record. House Bill 971, Stuffle. Representative Stuffle on the floor? Out of the record. House Bill 1003, Representative Birkinbine. Out of the record. House Bill 1004, Representative Kelley. You want your Bill read? Out of the record. House Bill 1023, out of the record. House Bill 1025, out of the record. House Bill 1035, Representative Kociolko. Out of

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the record. House Bill 1046, Representative McMaster. Out of the record. House Bill 1060, Representative Levin. Out of the record. House Bill 1067, Representative Yourell. The Gentleman on the floor? Representative Yourell. Out of the record. House Bill 1078, Representative Bower. Out of the record. House Bill 1093, Representative Braun. Out of the record. House Bill 1067, Representative. House Bill 1102, Representative Jaffe. Want your Bill heard, Aaron? Representative Jaffe."

Jaffe: "Yeah, Mr. Speaker, I would like leave to send that Bill, House Bill 1102 back to the appropriate Committee for further study."

Speaker Ryan: "The Gentleman requests that House Bill 1102 be sent back to the appropriate Committee for further study. Is leave granted? Are there any objections? Hearing none, leave is granted, and House Bill 1102 is returned to the appropriate Committee. Do you know which Committee that came out of?"

Jaffe: "I believe it is Registration..."

Speaker Ryan: "You really don't know."

Jaffe: "I believe it was Registration, Mr. Speaker."

Speaker Ryan: "What?"

Jaffe: "It was Registration, Mr. Speaker."

Speaker Ryan: "Okay. Representative...or House Bill 1108, out of the record. House Bill 1122, Representative McCormick. Representative McCormick in the chamber? Out of the record. House Bill 1129, Representative Stiehl, Celeste Stiehl. Out of the record. On the Calendar on page 15 under the Order of Concurrence appears House Bill 252, Representative Yourell. Read the Bill, Mr. Clerk. You want to take that one out of the record? Out of the record. House Bill 561, Representative Yourell. Read that one."

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Clerk Leone: "House Bill 561, a Bill for an Act to amend the Revenue Act together with Senate Amendment #1."

Speaker Ryan: "Representative Yourell on House Bill 561."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The digest does not reflect the provisions of House Bill 561. That Bill deals with a different subject matter. Senate Amendment #1 to House Bill 561 corrected an inadvertent error that was placed in another Bill relative to the interest charged on delinquent taxes in both installments. In the Bill, original Bill, we did have the correct percentage of penalty for the first installment, and when the Bill was enrolled and engrossed, they left out the same percentage that would be due in owing for the second installment of real estate taxes not paid. This merely is a corrective Amendment from the Senate on House Bill 561, and I would ask for a favorable Roll Call. All of the county treasurers in the State of Illinois, incidently, have written to all the Members that I know of and have indicated a desire to have this Bill passed."

Speaker Ryan: "Is there any discussion? Any discussion? The question is 'Shall the House concur in Senate Amendment #1 to House Bill 561?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Representative Flinn, for what purpose do you seek recognition?"

Flinn: "Well, Mr. Speaker, I wonder if I would be out of order to ask for a verified Roll Call like..."

Speaker Ryan: "Yes, you would be out of order. Take the record, Mr. Clerk. On this question there are 143 voting 'aye', one voting 'no', and three voting 'present', and this Bill having received a Constitutional Majority is hereby declared passed. Representative Hoxsey, for what purpose do you seek recognition?"

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Hoxsey: "For the purposes of an announcement, Mr. Speaker. The Public Safety and Regulatory Committee of the...Subcommittee of the Appropriations Committee will be cancelled for today and reposted for next week."

Speaker Ryan: "Representative Stuffle, for what purpose do you seek recognition?"

Stuffle: "Yes, Mr. Speaker, I would ask leave to table House Bill 971 which appears on page five of the Calendar. It duplicates a Bill that has already been passed onto law."

Speaker Ryan: "The Gentleman asks leave to table House Bill 971. Are there any objections? Hearing none, leave is granted, and House Bill 971 is tabled. Representative Terzich, for what purpose do you seek recognition?"

Terzich: "Mr. Speaker, I would like leave to table Senate Bill 356."

Speaker Ryan: "Senate Bill 356?"

Terzich: "Right, it is on Third Reading, page ten."

Speaker Ryan: "The Gentleman asks leave to table Senate Bill 356 on page ten of the Calendar. Are there any objections? Hearing none, leave is granted. Senate Bill 356 is tabled. On page six of the Calendar under the Order of House Bills Third Reading appears House Bill 1154, Representative Stanley. The Gentleman in the chamber? Out of the record. 1158, McPike. Representative McPike on the floor? Out of the record. House Bill 1162, Representative Pullen. Out of the record. House Bill 1177, Representative Hoffman. Representative Hoffman. Out of the record. 1178, out of the record. Representative Ropp on 1180. Out of the record. Representative Robbins on 1182. Out of the record. Representative Stanley on 1190. Out of the record. Representative Hallstrom on House Bill 1191. Out of the record? Out of the record. House Bill 1206, Representative Brummer. Out of the record. House Bill

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1208, out of the record, Representative Macdonald. House Bill 1215, Representative Levin. Representative Levin on the floor? Out of the record. House Bill 1219, Representative Stearney. House Bill 1221, Representative Terzich. Out of the record. House Bill 1222, Representative Bowman. Out of the record. House Bill 1229, Representative Stewart. Out of the record. House Bill 1241, Representative McClain. Out of the record. House Bill 1244, Representative Currie. Out of the record. House Bill 1254, out of the record. House Bill 1260, Representative Wikoff. Out of the record. House Bill 1261, Representative Wikoff. Out of the record. House Bill 1264, Braun. 1264, out of the record. 1268, Representative McAuliffe. House Bill 1268, out of the record. House Bill 1296, Ewing. Representative Ewing, you want House Bill 1296 heard? Out of the record. Representative Daniels, would you come to the podium please? House Bill 1298, Representative Terzich. Representative Terzich. Representative Terzich. Out of the record. House Bill 1299, Representative Terzich. Out of the record. House Bill 1302, Bowman. Representative Bowman. Representative Bowman. House Bill 1317, Daniels. Out of the record. In the Chair, Representative Daniels."

Speaker Daniels: "House Bill 1319, Representative McMaster. Out of the record. 1338, Representative O'Brien. Out of the record. 1345, Representative McPike. The Gentleman on the floor? Out of the record. 1346, Representative McClain. Out of the record. 1350, Representative Robbins. Out of the record. 1351, Representative Winchester. Representative Winchester on the floor? Out of the record. 1384, Representative Terzich. Out of the record. 1393, Representative Brummer. Out of the record. 1395, Representative Sam Wolf. Out of the record. 1423,

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Representative Henry. Out of the record. 1442,
Representative Telcser. Out of the record. 1469, J. J.
Wolf. Out of the record. 1492, Representative Rea. Out
of the record. 1502, Representative Abramson.
Representative Abramson, 14...1502. Out of the record.
1520, Representative Rea. Out of the record. 1524,
Representative Vinson. Out of the record. 1525, out of
the record. 1527, Representative Miller. Out of the
record. 1533, Representative Hoxsey. Out of the record.
1534, Representative Watson. Out of the record. 1543,
Representative Levin. The Gentleman on the floor? Out of
the record. 1551, Representative Stearney. Out of the
record. 1580, Representative Jaffe. Out of the record.
1586, Representative Braun. Out of the record. 1586 and
1590, Representative Donovan. Out of the record. 1605,
Representative Keane. Out of the record. 1607, out of the
record. 1621, Representative Stanley. Out of the record.
1623, out of the record. 1624, Representative Pierce. Out
of the record. 1681, Representative Ropp. Out of the
record. 1690, Terzich. Out of the record. 1708,
Cullerton. Well, welcome. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1708, a Bill for an Act to amend the
Juvenile Court Act, Third Reading of the Bill."

Speaker Daniels: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of
the House. This Bill amends the Juvenile Court Act
providing that minors age 15 and 16 may not be tried in
juvenile court for the offenses of murder, rape, or
aggravated arson. Right now the age of adulthood in
Illinois is 17. If the state wishes to try a juvenile for
these offenses, he has to appear before a judge in what is
called a seven - ten hearing and applies to the judge to
have the minor treated as an adult. And what this Bill

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will do is to make that an automatic thing. If someone is charged with murder, rape, or aggravated arson, they are 15 or 16 years old, instead of being treated as a juvenile, they would automatically be treated as an adult. I would be happy to answer any questions if there are any."

Speaker Daniels: "Any discussion? The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I would like to commend Representative Cullerton for bringing this measure before the General Assembly. You know, a 15 or 16 year old can kill you just as quick as a 30 or 40 year old. 15 or 16 year old people commit a lot of crimes in Chicago, and they commit a lot of crimes of violence, and many times they go to juvenile court, and they get recommended to go to the custody of the State Department of Corrections, and they get turned loose when they are 18 years old. If a guy 13, or 14 or 15 years old shoots you, you are just as dead as if you were shot by an adult. And they ought to be served notice if they are going to act like animals, that is the way they are going to be treated."

Speaker Daniels: "On the question the Gentleman from Cook, Representative Greiman."

Greiman: "The...would the Gentleman yield for a couple of questions?"

Speaker Daniels: "He indicates he will."

Greiman: "Is there any mechanics in this Bill to return it where the...there is a rather immature defendant to return it to the juvenile court. In other words, could you petition...if it were an aggravated or whatever the prescribed crimes are, could a defendant petition to be return...tried in the juvenile court?"

Cullerton: "The prescribed crimes are murder, rape and aggravated

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arson. And the Bill does not contemplate them being tried under any circumstances as an adult. It would be automatic as...I'm sorry, as a juvenile. It would be automatically tried as an adult."

Greiman: "So that a 13 year old who committed those no matter..."

Cullerton: "No, 15 or 16."

Greiman: "Pardon."

Cullerton: "It only applies to minors 15 or 16. It doesn't apply..."

Greiman: "So that a 15 year old who was charged with one of those crimes, no matter what his age...mature...level of maturity would be, would have to be tried as an adult. Is that right?"

Cullerton: "That is correct."

Greiman: "Okay, also, how about the situation where the state doesn't have enough evidence really to go the whole boat for their big one, so they get them in the adult system, and they then say, 'Well, we're going to have a lesser charge.' And so now he is copping out in the adult section...in the adult branch, but he's in fact being tried as an adult for a lesser crime than that cause he's copping out. Is there a transfer provision back?"

Cullerton: "That is an excellent question. There wouldn't be a transfer provision, but they could not be convicted as an adult for a lesser included offense of murder, rape or aggravated arson, because then they would have to be considered under our law as a juvenile. So there would be no provisions for a cop out. If there had to be a cop out for something less than murder, rape or aggravated arson, they would have to be sent back to juvenile."

Greiman: "Well, but does your Bill provide for that...for a transfer?"

Cullerton: "It doesn't have to, because that is what the law is

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right now, and the Bill provides for an exception for if these three offenses are charged, they would go to adult court. But if they are not charged, then they would automatically be in juvenile court."

Greiman: "Well, but we're leaving that to interpretation, in a sense. On the Bill. I have some question as to whether that...whether Representative Cullerton is correct. I think, you know, he may be, but it seems to me before we pass this Bill, we should know that if there is a charge against the kid, and it is...the state can't prove its case, and at that point there is a reduced charge, then clearly something in this Bill should provide that it is transferred back to the juv...to juvenile rather than just perhaps allow the adult court to make the determination. I think, also, I agree with Representative McAuliffe that we have concern for children who are killing, and murdering, and raping, and pillaging and doing all kinds of other crimes. On the other hand, 15 years old may still be very immature at times. So there should be a method, a device, for us to petition the court to return it to juvenile. Right now, he is tried as a juvenile unless they can petition and make him tried as an adult. I would agree with Culler...the Cullerton Bill's concept that we try the kid as an adult unless he can petition and show grounds to try him as a juvenile. I think the court should be clothed with that kind of discretion, only reverse it. So I am going to withhold my affirmative vote on this Bill for that reason."

Speaker Daniels: "The Gentleman from Champaign, Representative Johnson."

Johnson: "Like Representative McAuliffe, I want to join in commending Representative Cullerton and urging a 'yes' vote on this Bill. This is a...one of a number of Bills

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touching on the subject of juvenile crime. Recent studies have shown that over 50% of all the violent crime committed in the United States is committed by people who are quote, unquote, juveniles. And for us to ignore that and to continue to treat juveniles as juveniles when what they are is murderers, and rapists, and armed robbers is putting our head in the sand and doing more to add to the crime problem than we do to subtract from it. So I think it is an excellent idea, and I urge a 'yes' vote."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Ronan."

Ronan: "Thank you, Mr. Speaker. I, too, rise in support of this fine piece of legislation. My only concern and regret is that it really doesn't go far enough. This Bill is a compromise. We worked very hard in the Judiciary Committee on this fine piece of legislation. People should not kid themselves. We've got young people living up in the Chicago area and in other major metropolitan areas in the state and the country who are being used, who perform serious heinous crimes, who prey on senior citizens, who prey on young kids. It is a serious situation. After our extensive hearings with the special House Committee, Gang Crime Committee, we...we determined that this was a very moderate way to address a serious problem affecting inner city neighborhoods and all the people in the state. So I urge every Member of the General Assembly to cast an 'aye' vote on this very moderate issue to hopefully let the young people of this state know that if they are going to perform these kinds of serious heinous crimes, they are going to be dealt with as an adult, and hopefully this will steer our...our other young people in the right direction. So I urge everyone to cast an 'aye' vote on this fine piece of legislation."

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Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Griffin."

Griffin: "...Sponsor yield for a question?"

Speaker Daniels: "Indicates he will. Representative Cullerton."

Griffin: "Thank you, yes, Representative Cullerton, you've highlighted a very serious problem in the...over here, John. You've highlighted a very serious problem in our metropolitan area. I think all of us, though, are also, on the Judiciary II Committee particularly, always ask if the judges are going to be enforcing these penalties as well they ought to? What about the problems of prison space? And also, what about the possibilities for rehabilitation of the kids that get into the system and end up, in some ways, turning out worse after they've been in prison for a while even when they were when they went in? Have you given consideration of that, and do you think that this Bill, if passed, can actually help solve the problem without putting a further pressure on the courts and on the...on our correction system? Thank you."

Cullerton: "Well, first of all, we're talking about the most serious of crimes, murder, rape and aggravated arson. We're not telling the court, the adult court, that they have to put them in jail. That is the decision that the court makes. But what we're saying is that there are some judges who are keeping people who are charged with murder, and with rape and with aggravated arson from being tried as adults when they, in fact, should be. With respect to rehabilitation, the theory of rehabilitation applies to adults as well. Whether it works or not is another question. But, of course, if they are incarcerated for these serious offenses, the argument that they should be rehabilitated through the courts...through the prison system is still there. And that is still a possibility."

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Griffin: "Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Macon, Representative John Dunn."

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

Speaker Daniels: "He indicates he will."

Dunn: "What is the current procedure within the current law, the Juvenile Act, in regard to the treatment to someone who is alleged to have committed one of the crimes that you have described in your Bill?"

Cullerton: "The current law is this, the State's Attorney must petition the court to have the juvenile be treated as an adult. In many cases, the judges grant the state the petition, and they are sent to the adult court. In many cases, however, the petition is denied. And those...in this respect, the law would be changed. There would be no hearing. They would automatically be treated by the state as an adult and tried in the adult court."

Dunn: "Are there statistics available about the number of times that a petition is filed, and the petition is granted to treat the defendant as an adult and the number of times a petition is denied and the defendant is treated as a juvenile respondent?"

Cullerton: "I can only speak for Cook County. I believe that about 50 times a year the judges would deny the state's petition to treat a minor as an adult for the purposes of an offense of murder, rape or aggravated arson."

Dunn: "With...without your legislation, it is, however, possible today to treat someone 15 or 16 years of age as an adult for the crime of murder, rape or aggravated arson. Is that correct?"

Cullerton: "It is possible, but there are times when they are not treated as adults, they are treated as juveniles even though they have been charged with such a serious offense."

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Dunn: "Can you explain to me what the rationale would be within the prosecutorial arm of the prosecutor's office in the juvenile area when a youngster is brought in? Will they be threatened with the possibility of facing a murder, aggravated arson or...or rape charge in every case that has any element of that?"

Cullerton: "Well, I can't say..."

Dunn: "In order...in order to cave in on some other...on some other charge within the juvenile court. In other words, will a youngster be told that, 'Right here and now son, or girl, you better take this...this lesser juvenile rap right now or we're going to charge you with murder?'"

Cullerton: "Well, to a certain extent, they can always have a 702 hearing. They can always threaten them, theoretically, with the possibility of being treated as an adult. I can't answer for what the state's attorneys would do throughout the state. Obviously if they are charged with an offense that has the elements of murder, rape or aggravated arson, they are treated as an adult. If they, as Representative Greiman raised a good question before, if they cannot prove those offenses, they will be treated as a juvenile."

Dunn: "But isn't the thrust of your legislation to shift the responsibility for making the decision about whether a youngster should be tried as a juvenile or as an adult away from the courts and into the hands of the prosecutor?"

Cullerton: "Absolutely correct."

Dunn: "And you think that is better than...on a statewide basis, having the courts make that determination in a sensitive area where youngsters are making the transition from childhood to adulthood."

Cullerton: "For these ages, 15 and 16, and for these offenses, murder, rape and aggravated arson, yes. I think that it should be an automatic decision that they be tried as an

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adult."

Dunn: "Well, Mr. Speaker and Ladies and Gentlemen of the House, the whole thrust of the Juvenile Court Act is to provide for...another chance to provide for another look, to provide for some sensitivity in this area where we're dealing with juveniles. And to make this move would be a dramatic shift in responsibility from the responsibility now placed directly upon the courts to make determinations in the areas which we are discussing and shift that responsibility to the prosecutors, and the prosecutors do a good job. But they are prosecutors. They are aggressors. They're job is to obtain the most serious conviction that they can, and it is very difficult to conceive how a prosecutor could resist the urge to avoid the possibility of pushing for the more serious charge when that is available to the prosecutor automatically instead of requiring the prosecutor to go through the petition. And if the facts are there, there is really no reason why a petition can't be granted. Under the present law, if the facts are not there, then there is no need for a youngster to be facing a very serious criminal charge on an automatic basis. And I think the concept of this Bill is laudable because we do have a problem with the leniency of treatment of juveniles, but this is not the answer. We need to come up with a better solution, and I would urge a 'present' or a 'no' vote on this piece of legislation."

Speaker Daniels: "Further discussion? The Gentleman from Tazewell, Representative Ackerman."

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

Speaker Daniels: "You heard the Gentleman's Motion. The question is 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it."

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The main question is put. Representative Cullerton to close."

Cullerton: "Thank you, Mr. Speaker. Just so the record is clear with respect to legislative intent, if a juvenile is charged with murder, rape or aggravated arson, they shall be treated as an adult. If for any reason the state cannot prove those offenses but can prove something less than those, they would automatically be treated as a juvenile. I think we have to realize that the theory of the juvenile court is a good one, but in the cases of 15 and 16 year olds, for these particular serious offenses, the theory of juvenile court hasn't been working. And it is time to make this change so that they be treated as adults and tried in the adult court. I would appreciate an affirmative vote."

Speaker Daniels: "The question is 'Shall this Bill pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Bower. Have all voted who wish? Representative Kelly, you haven't voted. For what purpose do you rise, Sir?"

Kelly: "Excuse me. Thank you, Mr. Speaker."

Speaker Daniels: "What purpose do you rise, Sir?"

Kelly: "I would like to speak to the question, Sir."

Speaker Daniels: "Like to explain your vote, Sir?"

Kelly: "Yes."

Speaker Daniels: "Proceed."

Kelly: "Yes, Mr. Speaker, Members of the House. I intend to vote for this Bill, but it seems to me that the language should say explicitly that...that the minor is going to be tried in adult court. All...it seems to me that it is deleting a provision or adding a provision that said they shall not be tried in a minor court. I just hope we're not getting ourselves in another posture like we did on the machine gun

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Bill, and I am very concerned when the Judiciary II Committee approves a Bill by a 10 to nothing vote. So I'll vote for this Bill."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this Bill there are 131 'aye', 17 'nay', 6 voting 'present'. House Bill 1708 having received the Constitutional Majority is hereby declared passed. Representative DiPrima, for what purpose do you rise, Sir?"

DiPrima: "Yes, yes, Mr. Speaker. I wanted to have my House Joint Resolution Constitutional Amendment #25 brought up for consideration."

Speaker Daniels: "We're on the Calendar, the Order of Third Reading page nine, Mr. DiPrima."

DiPrima: "I'll wait till later on. Okay."

Speaker Daniels: "Thank you, Sir. House Bill 1713, Representative Pechous. Representative Pechous, the Gentleman on the floor? Out of the record. 1715, Representative Tuerk. Out of the record. 1746, Representative Jaffe. Out of the record. 1754, Representative Deuchler. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1754, a Bill for an Act to amend Sections of the Civil Administrative Code, Third Reading of the Bill."

Speaker Daniels: "The Lady from Kane, Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, the concept that this Bill addresses is that many of us have empty school buildings, empty civic centers, and other buildings constructed by public funds in our communities. The idea was to have the Department of Administrative Service give preference or consideration in leasing office and storage space for state agencies to these empty school buildings. And I solicit your support for this Bill."

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Speaker Daniels: "Any discussion? Being none, the question is 'Shall House Bill 1754 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Henry. Have all voted who wish? Representative McCormick, do you seek recognition, Sir? Have all voted who wish? Have all voted who wish? The Clerk will take the record. Excuse me. Nobody's light is on. Representative Getty, I'm sorry, Sir."

Getty: "Apparently I pressed the wrong one. I'm sorry I just....I'm sorry, I was away from my desk when this was considered, but I think in voting for this we ought to be aware of the fact that there are no zoning regulations. This would provide, for example, that a prison could be very easily put in a vacant school building in our district, and I don't know that any of us would really be very happy with that. I think that this has a good thought behind it, but I think the drafting left something to be desired. And I really don't think an 'aye' vote is a good vote if you're concerned about zoning, if you're concerned about appropriate location of buildings. And I think some of us may have made a mistake in voting for that."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 129 'aye', 9 voting 'nay', 16 voting 'present'. House Bill 1754 having received the Constitutional Majority is hereby declared passed. 1767, Representative Frederick. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1767, a Bill for an Act to amend Sections of the Illinois Public Aid Code, Third Reading of the Bill."

Speaker Daniels: "Representative Frederick."

Frederick: "Mr. Speaker, I would like leave of the House to table 1767."

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Speaker Daniels: "The Lady asks leave to table 1767. Any objections? No objections. House Bill 1767 is tabled. House Bill 1768, Representative Satterthwaite. Out of the record. 1785, Representative Davis. Out of the record. 1811, Representative Irv Smith. Out of the record. 1820, Representative Barkhausen. Out of the record. 1821, Senator Barkhausen. Out of the record. 1870, Representative Doyle. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1870, a Bill for an Act to amend the Illinois Pension Code, Third Reading of the Bill."

Speaker Daniels: "Representative Doyle."

Doyle: "Thank you, Mr. Speaker. This Bill grants the employees of the Chicago Park District or anyone that enters the service of the Park District at the age of 60 or over, it gives them the option of Membership in the Pension Fund as to what...they don't have that privilege at this time, and the option of contributing for all services rendered prior to ending the fund if they have any time. It also provides for refunds to the present Members of the fund who entered at the age over 60 and will not be able to earn a minimum four year service required for a pension because of the compulsory retirement at 70. This is a...and I just ask you for an 'aye' vote."

Speaker Daniels: "Any discussion? The Gentleman from Cook, Representative J.J. Wolf."

Wolf: "Does the Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Wolf: "I was just noticing in the analysis that there is, of course, an increase in some cost, but there is a property tax increase to pay for it. But the question I was asking is under the State's Mandates Act, the state would normally be liable to pick up the cost of any increase to the municipality. Is there an Amendment on this that would

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exempt...an exemption on this?"

Doyle: "I didn't hear the question, Jake. Would you..."

Wolf: "I am just looking at the analysis here. It says that there is an increase in property tax to pay for the increase in cost, but under the State's Mandates Act, the state is liable to pay for any increased cost to the municipality unless there was an exemption amended to the Bill. And I am just wondering, was there such an exemption in the Bill? It is a little confusing to me. Is it going to be financed through an increase in tax or is the state going to pay the tax under the State's Mandates Act?"

Doyle: "Well, to my understanding there is no exemption in the Bill."

Wolf: "There is no what?"

Doyle: "No exemption."

Wolf: "No exemption."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Doyle, to close."

Doyle: "I am just asking for an 'aye' vote."

Speaker Daniels: "The question is 'Shall House Bill 1870 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. Take the record, Mr. Clerk. This Bill there are 53 'aye', 88 'no', and 12 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1873, Representative Breslin. Out of the record. The Gentleman from Madison, Representative Sam Wolf."

Wolf: "Thank you, Mr. Speaker. I request leave of the House to table House Bill 1395 shown on page 7. The subject matter of this Bill was already amended into another Bill and has been signed by the Governor."

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Speaker Daniels: "Gentleman have leave? Hearing no objections, House Bill 1395, is that correct, Sir? Representative Wolf, 1395? House Bill 1395 is hereby declared tabled. Representative Flinn, the Gentleman from St. Clair."

Flinn: "Mr. Speaker, I'd like to have leave of the House to table House Bill 1436."

Speaker Daniels: "Any objections? Hearing no objections, House Bill 1436 is tabled. Who else wants to table their Bills? Where is 1436 right now, Representative Flinn? We...It's not on the Calendar."

Flinn: "Well, it's in Committee, and an identical Bill was signed by the Governor. There is no point in hearing it in Committee, and I can't table it in Committee."

Speaker Daniels: "Gotcha. You're okay. Representative Yourell, do you want to table your Bill, Sir? 'Senator' Fawell."

Fawell: "Thank you, Sir. I would request that the House Bill 866 be tabled. It duplicates a Bill that has already passed both the House and the Senate and is signed into law."

Speaker Daniels: "Where is that Bill right now, 'Senator'?"

Fawell: "It's on...Third Reading."

Speaker Daniels: "All right. The Lady asked request to table House Bill 866. Any objections? Hearing none, House Bill 866 is tabled. Okay, we're going to go through the Calendar again, starting on page 2, House Bills Third Reading. All Members please be advised that we're going to go through it once again. I strongly suggest you consider calling your Bill now on Third Reading. There is a serious question as to whether or not it will be called again. We're going to start again, page 2, House Bills Third Reading. House Bill 79, Representative Catania. Out of the country. House Bill 89, Representative Deuster. Out of the record. 115, Wikoff. Out of the record. 139, Wikoff. 140, out of the record. 156, Stearney. Out of

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the record. 179, Wikoff. Out of the record. 210, Schuneman. Out of the record. 211, Vinson. Out of the record. 281, Deuster. Representative Terzich."

Terzich: "Mr. Speaker, I wish you would expound a little bit about that remark about this may be the last time you'll have an opportunity. Now I have a number of Bills on there that I'm not necessarily prepared to call on this day. And for your statement to say that this may be the last opportunity the first day we're back in Session, I think is a little unreasonable."

Speaker Daniels: "That's right. We're a hard working Session. We have 300 Bills plus in Rules Committee, and we can't guarantee anything. Call your Bills if you're ready to pass them. 281, Representative Deuster. Out of the record. 369, Robbins. Out of the record. 429, Pechous. Out of the record. 519, 'Senator' Hoxsey. Out of the record. 554, out of the record. 555, out of the record. 556, out of the record. 584, Stuffie. Out of the record. 609, Kelley, Jim Kelley. Out of the record. 615, out of the record. 618, Representative Topinka. Out of the record. 625, Huff. Out of the record. 658, Collins. Representative Collins. Out of the record. 665, Catania. Out of the record. 672, out of the record. 675, out of the record. 680, Representative Braun. Representative Braun. Yoo-hoo. Out of the record. 703, Watson. Out of the record. 710, Klemm. Out of the record. 711, Cullerton. The Gentleman on the floor? Out of the record. 712, Terzich. Out of the record? Out of the record. 714, Klemm. Out of the record. 730, Pierce. Out of the record. 731, Robbins. Out of the record. 745, Stearney. Out of the record. 779, Stuffie. Out of the record. 798, Hannig. ...Gentleman on the floor? Out of the record. 804, Macdonald. Representative Macdonald, 'Senator'. Out

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of the record. 807, Schuneman. Out of the record. 839, Karpziel. Out of the record. 842, Rigney. Out of the record. 845, Grossi. Out of the record. 855, Tuerk. Out of the record. 859, Karpziel. Out of the record. 866, 'Senator' Fawell. Tabled. 877, McPike. Out of the record. 898, Piel. Out of the record. 907, Bowman. Out of the record. 918, DiPrima. Out of the record. 921, Miller. Out of the record. 931, Terzich. Out of the record. 943, Tuerk. Out of the record. 944, out of the record. 957, out of the record. 964, Hoffman. Representative Hoffman. Out of the record. 970, Representative Nelson. Out of the record. Representative Hoffman, Senator Phillips is looking for you. He's right over there. 1003, Birkinbine. Out of the record. 1004, Kelley. Out of the record. 1023, Tuerk. Out of the record. 1025, Topinka. Out of the record. 1035, Kociolko. Out of the record. 1046, McMaster. Out of the record. 1060, Levin. Does that mean kill the Bill, or... Out of the record. 1067, Yourell. Out of the record. 1078, Bower. Does that mean run the Bill? Out of the record. 1093, Braun. Representative Braun. Representative Loftus, will you hit Representative Braun and ask her if she wants this Bill heard? She's right behind you. Braun. Out of the record. 1108, Representative Schneider. Out of the record. 1122, McCormick. Out of the record. 1129, Stiehl. C. M. Stiehl. Out of the record. 1154, Stanley. Out of the record. 1158, McPike. Out of the record. 1162, Representative Pullen. Out of the record. 1177, Representative Hoffman. Representative Hoffman. If you wouldn't sponsor so many Bills, we wouldn't bother you. 1177, Out of the record. 1178, out of the record. 1180, Representative Ropp. Out of the record. 1182,

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Representative Robbins. Out of the record. 1190, Stanley. Out of the record. 1191, Representative Hallstrom. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill..."

Speaker Daniels: "Hold it. Hold it. For what purpose do you rise, Representative Hallstrom?"

Hallstrom: "Yes, thank you, Mr. Speaker. I rise, please, to ask that the Bill be tabled. This Bill has been passed, signed into law. It was an Amendment on a Senate Bill."

Speaker Daniels: "The Lady asks that House Bill 1191 be tabled. Hearing ob...hearing no objections, leave is granted, and House Bill 1191 is tabled. House Bill 1206, Brummer. Out of the record. 1208, 'Senator' Macdonald. Out of the record. 1215, Representative Levin. Out of the record. 1219, Stearney. Out of the record. 1221, Terzich. Out of the record. 1222, Bowman. Out of the record. 1229, Stewart. Out of the record. 1241, McClain. Out of the rec... Do you want to proceed, Sir? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill..."

Speaker Daniels: "1241."

Clerk Leone: "...1241, a Bill for an Act to amend the Unified Code of Corrections, Third Reading of the Bill."

Speaker Daniels: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, Mr. Speaker, there is an Amendment on House Bill 1241 that now is law, so I would have to move it back to Second and remove that Amendment. Can you hear me?"

Speaker Daniels: "Would you re..."

McClain: "Do you want me to say it again?"

Speaker Daniels: "Yeah."

McClain: "Amendment #2, which is on House Bill 1241, is now law. I snuck it onto a Conference Committee Report so I have to

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take that Amendment off. So we want to move it back to Second and move to table Amendment #2."

Speaker Daniels: "The Gentleman asks leave to take House Bill 1241 back to Second Reading. Are there any objections? Hearing none, House Bill 1241, Second Reading. Now what do you desire to do, Sir?"

McClain: "I would move to table Amendment #2 to House Bill 1241. That Amendment now is law. The Governor signed it into law in September of 1981, so I would move to table that Amendment."

Speaker Daniels: "The Gentleman moves to table Amendment #2 to House Bill 1241. All those in favor, signify by saying 'aye', opposed 'no'. The 'ayes' have it, and Amendment #2 to House Bill 1241 is tabled."

McClain: "Mr. Speaker, if you'd just move it back to Third Reading and then we'll handle it another day."

Speaker Daniels: "Are there any further Amendments, Mr. Clerk?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. 1244, Representative Currie. Out of the record. 1254, Representative Keane. Out of the record. 1260, Representative Wikoff. Out of the record. 1261, Representative Wikoff. Out of the record. 1264, Representative Braun. Out of the record. 1268, Representative McAuliffe. Out of the record. 1296, Representative Ewing. Out of the record. 1298, Representative Terzich. Out of the record. 1299, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1299, a Bill for an Act to amend the Illinois Pension Code, Third Reading of the Bill."

Speaker Daniels: "We...before we proceed with that Bill, we have the Minority Leader of the Senate in our presence, County Chairman of DuPage County, Senator James Pate Phillip. Senator Phillip. Obviously none of you are statewide

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Republican candidates. Representative Terzich."

Terzich: "Mr. Speaker, I would like leave to place this Bill on Second Reading for the purpose of an Amendment. Return it to Second Reading."

Speaker Daniels: "The Gentleman asks leave to return House Bill 1299 to Second Reading. Does he have leave? Any objections? Representative Ebbesen, do you object, Sir? Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I'd like to know who this unidentified House Member is down here."

Speaker Daniels: "We've already introduced him. Gentlemen, Representative Terzich moves that House Bill 1299 be returned to Second Reading. There having been objections, the Gentleman, Representative Terzich, makes a Motion which requires 89 votes to return House Bill 1299 to Second Reading. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. The Motion is to return House Bill 1299 back to Second Reading for purposes of an Amendment. Representative Ebbesen has registered his objection to that Motion."

Terzich: "Mr. Speaker, all I want to do is just return it and leave it on Second Reading. That's all."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 101 'ayes', 16 'nos', 1 voting 'present'. The Gentleman's Motion prevails, and House Bill 1299 is returned to the Order of Second Reading where the Sponsor wishes it to remain. 1302, Representative Bowman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1302, a Bill for an Act in relationship to reports required to be submitted to the General Assembly, Third Reading of the Bill."

Speaker Daniels: "Representative Bowman."

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Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Bill is for all of us. It is for the Members of the General Assembly. No, you may have...of all the problems that I hear people talk about, I hear people gripe a lot about the amount of paper that we get distributed to us. Do you realize that there are over a hundred different reporting requirements in the statutes that require various departments and agencies to report to the General Assembly. And what they do is to, of course, send us all everything that they produce. What this particular legislation requires is that, unless otherwise specified by the law, the reporting requirement can be discharged by the agency by submitting reports to the Leadership of both chambers and to the State Library. Now, the State Library, once a month, will send you a list of all the new reports. And anything you want you just check off and send back to the State Library, and they will get it for you. If you don't want it, you won't get it. So, this...this little Bill, if you vote for it, will cut down on the amount of paper coming into your offices, hopefully will cut down on the amount of waste paper as well. It's a government efficiency legislation, and I ask for your support."

Speaker Daniels: "Any discussion? Hearing none, the question is, 'Shall House Bill 1302 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 135 'ayes', 8 voting 'no', 2 voting 'present'. House Bill 1302 having received a Constitutional Majority is hereby declared passed. Speaker Ryan in the Chair."

Speaker Ryan: "Page 7, House Bills Third Reading appears House Bill 1317, Representative Daniels."

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Daniels: "I wish to return this Bill to the Order of Second Reading."

Speaker Ryan: "The Gentleman asks leave to return House Bill 1317 to the Order of Second Reading. Are there any objections? Hearing none, leave is granted. Mr. Clerk, return the Bill to the Order of Second Reading."

Daniels: "I would like it just to remain there, if we can go on to the next Bill."

Speaker Ryan: "All right. Do you want it to remain in Second Reading? House Bill 1319, Representative McMasters. Out of the record. House Bill 1338, O'Brien. Out of the record. House Bill 1345, Representative McPike. Out of the record. There he is in the center aisle. 1346, Representative McClain, do you want your Bill heard? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1346, a Bill for an Act to amend the Use Tax Act, Third Reading of the Bill."

Speaker Ryan: "Representative McClain on House Bill 1346."

McClain: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I would like leave to replace House Bill 1346 to the Order of Second Reading. I'm preparing an Amendment that is necessary."

Speaker Ryan: "The Gentleman asks leave to return House Bill 1346 to the Order of Second Reading. Are there any objections? Hearing none, leave is granted. House Bill 1346 is returned to the Order of Second Reading."

McClain: "Thank you."

Speaker Ryan: "House Bill 1350, Representative Robbins. Out of the record. House Bill 1351, Representative Winchester. Do you want to Bill read, Representative Winchester?"

Winchester: "I want to take it back to...back to Second."

Speaker Ryan: "The Gentlemen asks leave to return House Bill 1351 to the Order of Second Reading. Are there any objections?"

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Hearing none, House Bill 1351 is returned to the Order of Second Reading. House Bill 1384, Representative Terzich. Out of the record. House Bill 1393, Representative Brummer. Representative Brummer, do you want your Bill heard? Oh, I see him, okay. House Bill 1395, Representative Wolf, Sam Wolf. ...Been tabled. House Bill 1423, Representative Henry. Representative Henry? Out of the record. House Bill 1442, Representative Telcser. House Bill 1469, Representative Wolf, J. J. Out of the record. House Bill 1492, Representative Rea. Out of the record. House Bill 1502, Representative Abramson. Out of the record. 1520, Representative Rea. Out of the record. House Bill 1524, Representative Vinson. Out of the record. 1525, Vinson. Out of the record. House Bill 1527, Miller. Out of the record. We've got to hit on one here in a minute. Representative Hoxsey on 1533. Out of the record. Representative Watson on 1534. House Bill 1543, Representative Levin. Representative Levin, out of the record. 1551, Representative Stearney. Out of the record. 1580, Representative Jaffe. Out of the record. Representative Braun on 1586. Out of the record. Representative Donovan on 1590. Out of the record. Representative Kane, out of the record. 1607, out of the record. 1621, Stanley. Out of the record. 1623, Vinson. Out of the record. House Bill 1624, Representative Pierce. Representative Pierce? No. House Bill 1681, Representative Ropp. Out. 1690, Representative Terzich. Do you want the Bill called? Call the Bill... read the Bill Mr. Clerk."

Clerk Leone: "House Bill 1690, a Bill for an Act to amend the Illinois Pension Code, Third Reading of the Bill."

Speaker Ryan: "The Gentleman from Cook, Representative Terzich, on House Bill 1690."

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

House Bill 1690 amends the Chicago Firemen's Pension Code. It provides for a post-retirement benefit increase for retirees starting at age 60 from one and a half to three percent. This benefit, by the way, is presently in all pension systems throughout the state except the Chicago Firemen and Chicago Police Department. The Bill also provides for an increase in the contribution to pay for this benefit of an additional one-eighth percent. And it also was amended to increase only on the ad hoc basis, where it only applies to firefighters who were born prior to 1929. This was in the recommendation of the Pension Laws Commission, and it also has the State Disclaimer Act relieving the state of any liability under the State Mandate Program. And I would like to mention again that they are the only system that does not have this benefit. They pay one of the highest rates in the State of Illinois. Their pension system presently is funded at approximately 50 percent. It is properly funded. It has been approved by the Pension Laws Commission, and I would urge your support."

Speaker Ryan: "The Gentlemen...is there any discussion? The Gentleman from Cook, Representative Getty."

Getty: "Will the Gentleman yield?"

Speaker Ryan: "Indicates he will."

Getty: "I believe I heard you say, Representative Terzich, that there is no impact on the state. Is that correct?"

Terzich: "That is correct."

Getty: "What is the impact on the City?"

Terzich: "On the City, that the Bill provides for an adjustment in the multiplier as well as an increase in the contribution by the employee of one-eighth. It provides that the multi...multiplier be adjusted by 2.23 to 2.27 for

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1982, and 2.31 for 1983 and 2.36 for 1984."

Getty: "All right. So that, it would have... I had a note here that it was about 3.1 million. Are you saying that it wouldn't cost the City 3.1 million?"

Terzich: "No, it will not. That subsequently...the Bill was adjusted. This only applies to a limited number of firemen that only those who were born prior to 1929. It does not apply to everybody. This was only on an ad hoc basis, which substantially reduced the cost by approximately 80 percent."

Getty: "So that the net amount in the current fiscal year for the City would be how much?"

Terzich: "It would be approximately 25 percent of the estimated cost. That's what?"

Getty: "That's \$600,000."

Terzich: "That's correct."

Getty: "And what would be the impact in the next year, in your estimation?"

Terzich: "There wouldn't be any additional increase, because I said that this only applies to a limited number of people, only those born prior to 1929."

Getty: "So, it's a one-time cost?"

Terzich: "That...well, that's correct. It will not increase. It will decrease, because no one will be added to it. Anyone born after 1929 will not be included under the post-retirement benefit."

Getty: "Thank you."

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

Telcser: "Will the Gentleman yield, Mr. Speaker?"

Speaker Ryan: "He indicates he will."

Telcser: "Representative, I know that the question was asked previously, but I'd like to clarify it. Are you saying that pursuant to the State Mandates Act, this Bill would

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still not cost the State General Revenue Fund any money?"

Terzich: "The Bill was amended...the Amendment #2 complies with the provisions of the State Mandate Act, which requires that the basis for relieving the state of reimbursement liability be explicitly stated in the Bill. And also, the Bill does provide for an increase in the multiplier which provides for the funding, and therefore, there would be no...no cost."

Telcser: "Thank you."

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

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, I keep seeing the City of Chicago and then in another paragraph it says that the state. This Bill does not require reimbursement to local governments. Now does this mean counties over 500,000 population are involved in this or just the City of Chicago, Bob?"

Terzich: "Only applies to the Chicago Firemen's Article of the Pension Code. Only the Chicago Firefighters' Pension System."

Conti: "What's that provision in there? Doesn't that require reimbursement to local governments? Why have you got that in there?"

Terzich: "I don't know what you're expressing, Representative Conti. There aren't any...no local governments other than the City of Chicago, and it provides the multiplier, and it also has the State Disclaimer Act under the State Mandate Program, as requested by the administration."

Conti: "The Bill does not say anything about the populations of counties over 500,000, does it?"

Terzich: "Not to my knowledge."

Conti: "That's very important."

Terzich: "Well, the only important... It only applies to the

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Chicago Firefighters' Pension Article, Representative Conti. It does not apply to downstate firemen or downstate policemen. It just simply applies to the Chicago Firemen."

Speaker Ryan: "Any further discussion? Representative Terzich to close."

Terzich: "Well, again, Mr. Speaker, Ladies and Gentlemen of the House. The Bill was presented to the Pension Laws Commission. It's only on an ad hoc basis. Only those employees who are born before 1929... It's just a limited group. All of the other pension systems in the state presently have a far superior post-retirement benefit. It's a small token, they...also, it does provide for an increase in contributions by the firefighters as well, and I would appreciate your support."

Speaker Ryan: "The question is, 'Shall House Bill 1690 pass?'. All in favor shall signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 93 voting 'aye', 47 voting 'no', 6 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Page nine of the Calendar in the Order of House Bills Third Reading appears House Bill 1713, Representative Pechous. Out of the record. 715, out of the record. 746, Representative Jaffe. Out of the record. 17...1754, Representative Deuchler. Oh, she passed that? That's tabled? House Bill 1768, Representative Satterthwaite. Out of the record. House Bill 1785, Davis. Out of the record. 1811, Representative Smith. Out of the record. House Bill 1820, Barkhausen. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1820, a Bill for an Act to amend the general Not-for-Profit Corporation Act, Third Reading of

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the Bill."

Speaker Ryan: "Representative Barkhausen on House Bill 1820."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1820 is, as the Clerk stated, an Amendment to the Illinois Not-for-Profit Corporation Act. This is an attempt to facilitate and expand the use of ride-sharing as a transportation mode in the state by making ride-sharing and ride-sharing arrangements an expressed purpose for which a not-for-profit corporation may be formed in Illinois. Right now apparently there is some...there has been some questions raised as to whether a not-for-profit corporation can be put together for this purpose. And business that have wanted to combine resources to promote and form ride-sharing arrangements have been having to say that the purpose that they're forming these corporations for is for economic development or some such reason, rather than for the specific purpose of ride-sharing. It is, I think, a non-controversial Bill. It has no known opponent and is supported by the Department of Energy and Natural Resources, and I would ask for your support."

Speaker Ryan: "Is there any discussion? The question is, 'Shall House Bill 1820 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 143 voting 'aye', 2 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1821, Representative Barkhausen. Representative Barkhausen, do you want to do 1821?"

Barkhausen: "I'd like to table that Bill, Mr. Speaker."

Speaker Ryan: "The Gentleman asks leave to table House Bill 1821. Are there any objections? Hearing none, House Bill 1821 is tabled. House Bill 1873, Representative Breslin.

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Representative Breslin on the floor? Out of the record.
Messages from the Senate."

Clerk Leone: "A message from the Senate by Mr. Wright, Secretary.
Mr. Speaker, I am directed to inform the House of
Representatives the Senate has passed a Bill of the
following title, the passage of which I am
asked....instructed to ask concurrence of the House of
Representatives to wit: Senate Bill 734, passed the Senate
March 24, 1982. Kenneth Wright, Secretary."

Speaker Ryan: "Representative Conti on the floor? Representative
Telcser."

Telcser: "Mr. Speaker, I now move the House stand adjourned until
9:00 a.m. tomorrow morning."

Speaker Ryan: "The Gentleman moves that the House stand adjourned
until 9:00 a.m. tomorrow morning. All in favor signify by
saying 'aye', all opposed, 'no'. The 'ayes' have it, and
the House now stands adjourned until 9:00 a.m. tomorrow
morning."

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15:13

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