

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

25th Legislative Day

April 2, 1981

Speaker Ryan: "The House will be in order, and the Members will be in their seats to be led in prayer today by Pastor Paul Flesner of the grace Lutheran Church in Springfield. Pastor Flesner."

Pastor Flesner: "Let us bow our heads in prayer. Almighty God, Heavenly Father, we give You thanks for the gift of a new day and for the new opportunities that it brings to us for joy, for accomplishment, for work. We pray for Your presence in the midst of our Assembly as we are humbled by the awe and the mystery of Your creation. We know that we need your divine guidance as we approach the tasks which this day brings before us. We give You thanks for the lives of each of the individuals gathered here today as they represent the people of our state. We pray for Your blessing on each of them not only for their efforts on our behalf, but also for their personal lives as well. We ask Your presence with the Governor of our state, with all of our elected and appointed officials, with all people who serve from our nation's capitol to the village halls. May they lead us wisely and in accordance with Your will for Your world. Gracious Heavenly Father, we humbly ask Your forgiveness in those times of our shortcomings and for Your grace that we may go from them. And, O God, we continue to rejoice with each days news of the return to health of our President and those injured with him. Continue Your healing powers in their lives. This and whatever else You see, O Gracious Father, grant us in the name of Jesus Christ. Amen."

Speaker Ryan: "We will be led in the Pledge today by Representative Richmond."

Richmond: "I Pledge Allegiance to the flag of the United States of America and to the Republic for which it stands, one

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nation, under God, indivisible, with liberty and justice for all."

Speaker Ryan: "Roll Call for Attendance. Mr. Collins, for what purpose do you arise?"

Collins: "Mr. Speaker, I was just speaking to our council, Mr. Henry 'Allovary', and he told me that his sister, Ms. Carol 'Brand' is visiting us today, and she is in the gallery, and if it wasn't against the rules, I would introduce her and her hero students from the Hillcrest and Oakcrest High Schools."

Speaker Ryan: "Well, you know that's against the rules, Representative. I would assume that the Democratic caucus is over. The Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Not quite, Mr. Speaker. There are a few people still discussing your fine transportation program, and they would really like to understand how you could move it at Third Reading when a quorum call is questioned. But I am sure that we'll address that very shortly. My purpose of arising now, Mr. Speaker, is to excuse Representative Christensen, John Carey, and Capparelli due to illness."

Speaker Ryan: "Put Carey back. Would you give us the names again please, Representative?"

Lechowicz: "Christensen and Capparelli."

Speaker Ryan: "Christensen and Capparelli?"

Lechowicz: "Correct."

Speaker Ryan: "Representative Telcser, do you have any excused absences?"

Telcser: "No, I don't at the present time, Mr. Speaker."

Speaker Ryan: "The Gentleman from Kankakee, Representative McBroom, for what purpose do you arise?"

McBroom: "Yes, Mr. Speaker, there behind me in the gallery is a group of young people from your district, and

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Representative Christensen's, and mine, from Iroquois County. They are accompanied by Mr. and Mrs. Marvin 'Presee'. I wish they would arise and be acknowledged. Thank you."

Speaker Ryan: "The Gentleman from Cook, Representative DiPrima, at the podium for the purposes of an introduction."

DiPrima: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, we have with us today, we are honored with the presence of some very important Ladies who are affiliated with the National Auxiliary and the State Auxiliary of the Veterans of Foreign Wars. And I want to take the opportunity to introduce them. Over here we have Charolette 'Rainy'. She is the Junior Vice President of the Department Auxiliary. Charolette 'Rainy'. Next we have Doris 'Holmen', Senior Vice President of the State Auxiliary of the Veterans of Foreign Wars right here. And now we have the past President of the Department Auxiliary, Mildred 'Leff', and she is from the district of Pechous, Kociolko, and Topinka. And then we also have Carolyn 'Gorrens'. She is the present Department President of the Auxiliary of the Veterans of Foreign Wars."

'Gorrens': "Thank you very much. I want to take this opportunity to thank you for your past support to veterans' legislation, and as President of the Department of Illinois, I certainly want to ask for your continued support. Thank you very much."

DiPrima: "Now I have the great privilege of introducing Janette 'Franks'. She is the national President of the VFW Auxiliary, and she is from the State of Wisconsin. Mrs. 'Franks'."

'Franks': "Thank you. Thank you, Mr. Representative, and thank you, Mr. Speaker. And I would like to also say on behalf of the Ladies' Auxiliary to the Veterans' of Foreign Wars

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with our Membership being 462,982 Members, that we thank you for your supportive actions that you take for our veterans in your veterans legislative work, and we really do appreciate it as the veterans are very close to our hearts. Thank you very much for having us here today."

DiPrima: "Thank you, Mrs. Frank. We also have with us our past state commander and legislative chairman for the Veterans of Foreign Wars, Frank Rice. Many of you know Frank..veterans' veteran. We also have with us all...a lot of women from the Department Auxiliary up there from the Veterans of Foreign Wars. And Frank wanted me to remind you people, you know, you received a ticket for the VFW dinner which is going to be held on Wednesday, the 29th, and send in your response by the 14th. They give a tremendous dinner, those of you that have attended in the past. Mr. Speaker, thank you ever so much."

Speaker Ryan: "Mr. Clerk, take the roll, will you please? ...Being 169 Members present answering the roll, there is a quorum of the House present. The Gentleman from Cook, Representative Lechowicz, for what purpose do you arise?"

Lechowicz: "Mr. Speaker, I just wanted to report that the illness in Representative Christensen's family...the Gentleman has become well, and Christensen is here."

Speaker Ryan: "Representative Christensen is on the floor, Mr. Clerk. Put him on the roll."

Lechowicz: "Thank you."

Speaker Ryan: "The Gentleman from Lake, Representative Matijevich, for what purpose do you arise?"

Matijevich: "Mr. Speaker, you know when everybody prayed this morning I prayed that we're going to go home today. In fact, I even checked out. I said we have been here 10 days, and out of the ten...out of ten days in a row we worked nine. I wonder if I would respectfully ask the

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chair, is there any possibility we'll go home tonight?"

Speaker Ryan: "That is certainly the intent of the Chair, Representative, but it all depends on how we proceed here today."

Matijevich: "My prayers have been answered. Thank you."

Speaker Ryan: "Mr. Bowman, for what purpose do you seek recognition?"

Bowman: "Well, Mr. Speaker, I just thought that I would remind you again that April 6 is the deadline for introduction of Bills, and you are expediting the work of the House and...at this point, and it appears that maybe we won't be in Session April 6, and so I just wondered if you would schedule a perfunctory Session on the 6th so that Bills could be introduced."

Speaker Ryan: "We may be able to accommodate you, Representative...Representative. We'll know about that a little later in the day, too, and I certainly appreciate the information that you passed on to me."

Bowman: "Thank you."

Speaker Ryan: "The Gentleman from Champaign, Representative Wikoff."

Wikoff: "Thank you, Mr. Speaker. I have posted for next Tuesday which has raised some consternation a Cities and Villages Committee Hearing. This was posted in order to at least have a hearing in case we should be in Session next week, heaven forbid. If we adjourn, this meeting will be cancelled. It was done as a precautionary matter, and I am not expecting anyone to miss election and be here."

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

Telcser: "Well, Mr. Speaker and Members of the House, we had a long hard day yesterday. I know the Members need a little extra time to kind of catch up on yesterday's work to be prepared for today. Therefore, Mr. Speaker, I now move

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that the House stand in recess until 1:30 so that the Members can go for a relaxed luncheon and look over the day's work that is ahead of them."

Speaker Ryan: "The Gentleman's motion is that the House stand in recess until 1:30. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it. The House stands in recess till 1:30 today."

Davis: "Mr. Speaker, I know the House is in recess, but I...and it is against the House rules, but I since we're in recess, I think I can violate them, and I would like to welcome to Springfield in the Speaker's gallery above you the 44 strong Ladies and great Ladies from Crete, Illinois in Will County represented by Representative Leinenweber, Van Dyne, and myself, and I just got a lecture on RTA, and I'm glad they're here today."

Speaker Ryan: "The House will be in order, and the Members will please be in their seats. Committee reports."

Clerk Leone: "Representative Neff, Chairman on the Committee on Transportation to which the following Bills were referred, action taken April 2, 1981 and reported the same back with the following recommendations: 'Do pass as amended' House Bill 325. Representative McBroom, Chairman on the Committee on Financial Institutions, to which the following Bills were referred, action taken April 2, 1981 and reported the same back with the following recommendations: 'Do pass as amended' House Bill 438. Representative Pullen, Chairman on the Committee on Executive, to which the following Bills were referred, action taken April 2, 1981 and reported the same back with the following recommendations: 'do pass' House Bill 625; 'do pass as amended' House Bills 169, 285, and 396; 'do pass Consent Calendar' House Bill 472, 559, 796; 'be adopted as amended' House Resolution 134. Representative Winchester, Chairman

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from the Committee on Elections to which the following Bills were referred, action taken April 1, 1981 and reported the same back with the following recommendations: 'do not pass' House Bill 314; 'do pass as amended' House Bill 43; 'do pass Consent Calendar' House Bill 131. Representative Hudson, Chairman from the Committee on Higher Education, to which the following Bills were referred, action taken April 1, 1981 and reported the same back with the following recommendations: 'do pass as amended Consent Calendar' House Bill 377. Representative Schuneman, Chairman from the Committee on Labor and Commerce, to which the following Bills were referred, action taken April 1, 1981 and reported the same back with the following recommendations: 'do pass' House Bills 210, 228, 672."

Speaker Ryan: "Messages from the Senate."

Clerk Leone: "Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills of the following titles and passage of which I am instructed to ask concurrence of the House of Representatives to wit: Senate Bill 12, 22, 142, and 143 passed the Senate April 1, 1981, Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am instructed to inform the House of Representatives the Senate has passed Bills of the following titles and passage of which I am instructed to ask concurrence of the House of Representatives to wit: Senate Bill 157, 161, 223, and 228 passed the Senate April 1, 1981, Kenneth Wright, Secretary."

Speaker Ryan: "Read the Journal."

Clerk Leone: "House Journal."

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

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Telcser: "Mr. Speaker, I move that we dispense with the reading of the Journal and that Journal #14 of March 18, 1981 be approved as read."

Speaker Ryan: "You've heard the Gentleman's motion. All in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the motion carries. On the Calendar on page three under House Bills Second Reading appears House Bill 57, Representative McAuliffe. Care to call your Bill, Representative McAuliffe? House Bill 57, would you like to call it...on Second Reading? Out of the record. House Bill 101, Representative Abramson. Representative Abramson, you want to hear 101? Out of the record. How about 104, Representative? Representative Abramson."

Abramson: "Mr. Speaker, has Amendment #3 been printed and distributed yet?"

Speaker Ryan: "On House Bill 104?"

Abramson: "Yes."

Speaker Ryan: "Has the...has the Amendment been printed and distributed, Mr. Clerk? #3 has not been printed and distributed."

Abramson: "Take it out of the record."

Speaker Ryan: "Out of the record. 154, out of the record. 274, Representative Huskey, out of the record. For what purpose does the Gentleman from Cook, Representative Conti arise?"

Conti: "Mr. Speaker, I rise in a purpose of violating the rules. Proviso West Future Homemakers of America are up in the audience way in the back represented by John O'Connell, Nelson Zito, Leverenz, Bluthardt, and Boucek. And besides, it is my old alma-mater school. They are in the back of the room here."

Speaker Ryan: "We're glad you went to school, Elmer. House Bill 284, Representative Steele, out of the record. House Bill 342, Representative Balanoff. Is the Lady in the chamber?"

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Out of the record. House Bill 366, Representative Greiman. Is the Gentleman in the chamber? Out of the record. House Bill 385, Representative Schneider. Out of the record. House Bill 496, Representative Schneider, out of the record. House Bill 497, Representative Hoffman. Want your bill called, Representative? Out of the record. House Bill 525, out of the record. On the Calendar on page six under the Order of House Bills Third Reading appears House Bill 737. The Gentleman from Cook, Representative Telcser."

Clerk Leone: "House Bill 737, a Bill for an Act to establish the Illinois Transit Fund, Third Reading of the Bill."

Speaker Ryan: "The Gentleman from Adams, Representative McClain, for what purpose do you arise?"

McClain: "Thank you very much, Mr. Speaker. For a Motion, Mr. Speaker, a motion to return House Bill 737 back from Third Reading to Second Reading."

Speaker Ryan: "You weren't recognized for that purpose, Representative. The Gentleman from Marion, Representative Friedrich, for what purpose do you arise?"

Friedrich: "Mr. Speaker, I would like to ask for a recess for a Republican caucus immediately in room 114."

Speaker Ryan: "How long, Representative?"

Friedrich: "Thirty minutes...an hour."

Speaker Ryan: "One hour, alright. The House will recess for a Republican Conference in room 118...or 114 to return at the hour of ten minutes till three. We'll stand for perfunctory for ten minutes."

Clerk Leone: "Introduction, First Reading of House Bills. House Bill 998, Bartulis-et al, a Bill for an Act to amend Sections of the Environmental Protection Act, First Reading of the Bill. House Bill 999, Cullerton, a Bill for an Act to add Sections to the Criminal Code, First Reading of the

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Bill. House Bill 1000, Hallock-et al, a Bill for an Act to amend Sections of the Election Code, First Reading of the Bill. House Bill 1001, Kosinski-et al, a Bill for an Act in relationship to salaries of bus drivers and train operators employed by public transportation agencies, First Reading of the Bill. House Bill 1002, Ebbesen, a Bill for an Act to amend Sections of the Nursing Home Care Reform Act, First Reading of the Bill. House Bill 1003, Birkinbine-Hallstrom, a Bill for an Act to amend the Workers' Compensation Act, First Reading of the Bill. House Bill 1004, Jim Kelley, a Bill for an Act to amend Sections of the Child Care Act, First Reading of the Bill."

Telcser: "Mr. Speaker and Members of the House, I would like to take a moment to introduce some guests we have today in the Speaker's gallery. The students and teachers from St. Patrick Grade School from Kankakee in the Speaker's gallery."

Clerk Leone: "Introduction and First Reading of Bills. House Bill 1005, Barkhausen-et al, a Bill for an Act to amend Sections of the Probate Act, First Reading of the Bill. House Bill 1006, Barkhausen, a Bill for an Act to regulate the duty which an occupier of premises owes to the visitors in respect to danger due to the state of premises or to things done or admitted to done on them, First Reading of the Bill. House Bill 1007, Hallstrom-Currie, a Bill for an Act to amend Sections of the Illinois Human Rights Act, First Reading of the Bill. House Bill 1008, McPike, a Bill for an Act to create a small business division of the Department of Commerce and Community Affairs, First Reading of the Bill. House Bill 1009, McPike, a Bill for an Act relating to local Economic Development Commissions, First Reading of the Bill. House Bill 1010, McPike, a Bill for an Act creating the Illinois Product Development

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Corporation and define its powers and duties, First Reading of the Bill. House Bill 1011, McPike, a Bill for an Act relating to the establishment of small business assistant centers, First Reading of the Bill. House Bill 1012, Daniels, a Bill for an Act to amend Sections of the Regulatory Agency Sunset Act, First Reading of the Bill. House Bill 1013, Saltsman, a Bill for an Act to amend Sections of the Illinois Pension Code, First Reading of the Bill. House Bill 1014, Saltsman, a Bill for an Act to add Sections to the Illinois Pension Code, First Reading of the Bill. House Bill 1015, Daniels, a Bill for an Act in relationship to monitoring conversations and certain kidknapping and drug offense cases, First Reading of the Bill. House Bill 1016, Daniels, a Bill for an Act to amend Sections of the Illinois Controlled Substance Act, First Reading of the Bill. House Bill 1017, Daniels, a Bill for an Act to amend Sections of the Illinois Controlled Substance Act, First Reading of the Bill. House Bill 1018, Ewing, a Bill for an Act to amend Sections of the Revenue Act, First Reading of the Bill. House Bill 1019, Birkinbine, a Bill for an Act to add Sections to an Act relating to certain investments of public funds by public agencies, First Reading of the Bill. House Bill 1020, McPike, a Bill for an Act to amend an Act to provide for the manner of levying or imposing for the provisions of special services, First Reading of the Bill. House Bill 1021, Levin-Bowman, a Bill for an Act to amend Sections of the Election Code, First Reading of the Bill. House Bill 1022, Bullock-et al, a Bill for an Act to amend Sections of the Illinois Banking Act, First Reading of the Bill. House Bill 1023, Tuerk-et al, a Bill for an Act to amend the Unemployment Insurance Act, First Reading of the Bill. House Bill 1024, Kornowicz, a Bill for an Act to amend

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Sections of the Illinois Vehicle Code, First Reading of the Bill. House Bill 1025, Topinka-et al, a Bill for an Act to amend the Workers' Compensation Act, First Reading of the Bill. House Bill 1026, Hoffman, a Bill for an Act making an appropriation to the School Code. First Reading of the Bill. House Bill 1027, Kornowicz-Schneider-et al, a Bill for an Act to provide for the safety of amusement rides and to provide for their licensing, First Reading of the Bill. House Bill 1028, Kornowicz-Schneider-et al, a Bill for an Act to provide for the inspection, licensing, and regulation of carnival and amusement rides, First Reading of the Bill. House Bill 1029, Daniels, a Bill for an Act to add Sections to the Civil Practice Act, First Reading of the Bill. House Bill 1030, Donovan-et al, a Bill for an Act in relationship to the Medical Practice Examining Committee, First Reading of the Bill. House Bill 1031, Topinka, a Bill for an Act to add Sections to the Illinois Optometric Practice Act, First Reading of the Bill. House Bill 1032, Kornowicz-et al, a Bill for an Act to add Sections to an Act relating to issuance of the use of credit cards, First Reading of the Bill. House Bill 1033, Catania, a Bill for an Act to amend Sections of the Illinois Public Aid Code, First Reading of the Bill. House Bill 1034, Balanoff, a Bill for an Act to amend the Unemployment Insurance Act, First Reading of the Bill. House Bill 1035, Kociolko-et al, a Bill for an Act to amend the Workers' Compensation Act, First Reading of the Bill. House Bill 1036, Wikoff, a Bill for an Act to amend Sections of the Park District Code, First Reading of the Bill. House Bill 1037, Younge-McCormick, a Bill for an Act to amend Sections of the Illinois Housing Development Act, First Reading of the Bill. House Bill...1038, Younge-McCormick, a Bill for an Act to amend Sections of

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the Illinois Housing Development Act, First Reading of the Bill. House Bill 1039, McClain, a Bill for an Act to amend Sections of the Illinois Banking Act, First Reading of the Bill. House Bill 1040, Pullen, a Bill for an Act to amend Sections of an Act in relationship to state revenue sharing with local governmental entities, First Reading of the Bill. House Bill 1041, Conti-et al, a Bill for an Act concerning unemployment...a Bill for an Act concerning employment inquiries made by units of local government and school districts, First Reading of the Bill. House Bill 1042, Reilly, a Bill for an Act in relationship to succession of office of Governor, First Reading of the Bill. House Bill 1043, Getty, a Bill for an Act to amend Sections of an Act to revise the law in relationship to clerks of the court, First Reading of the Bill. House Bill 1044, McMaster, a Bill for an Act to amend Sections of an Act in relationship to composition and election of county boards, First Reading of the Bill. House Bill 1045, McMaster, a Bill for an Act to add Sections of an Act to revise the law in relationship to sheriffs, First Reading of the Bill. House Bill 1046, McMaster, a Bill for an Act to amend Sections of the Illinois Highway Code, First Reading of the Bill. House Bill 1047, Keane, a Bill for an Act to amend Sections of the Revenue Act, First Reading of the Bill. House Bill 1048, Ewing-Hudson, a Bill for an Act to authorize local property taxes and to impose certain levy and expenditure restrictions on local governments, First Reading of the Bill. House Bill 1049, Ewing-et al, a Bill for an Act to require public disclosure of any information, ruling, opinion, or letter issued to the Department of Revenue, First Reading of the Bill. House Bill 1050, Ewing-Klemm, a Bill for an Act in relationship to creation of special districts, First Reading of the

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Bill. House Bill 1051, Kulas-et al, a Bill for an Act to add Sections to the School Code, First Reading of the Bill. House Bill 1052, Ewing-Pierce-Kociolko, a Bill for an Act to amend the Message Tax Act, First Reading of the Bill. House Bill 1053, Terzich-et al, a Bill for an Act in relationship to the revision of obsolete statutory references, First Reading of the Bill. House Bill 1054, Terzich-et al, a Bill for an Act to amend various Acts to revise terminology relating to judicial proceedings, First Reading of the Bill. House Bill 1055, Terzich-et al, a Bill for an Act to amend various Acts to conform statutory references to the Civil Code of Procedures, First Reading of the Bill. House Bill 1056, Greiman, a Bill for an Act to amend Sections of an Act relationship...relating to mortgages of real property, or to mortgages of personal property of public utilities, First Reading of the Bill. House Bill 1057, Greiman, a Bill for an Act to add Sections to the Illinois Pension Code, First Reading of the Bill. House Bill 1058, Abramson-Farley-et al, a Bill for an Act to amend Sections of the Revenue Act, First Reading of the Bill. House Bill 1059, Schuneman-et al, a Bill for an Act to amend Sections of the Illinois Administrative Procedures Act, First Reading of the Bill. House Bill 1060, Levin-Birkinbine-Henry-et al, a Bill for an Act to add Sections to the Illinois Housing Development Act, First Reading of the Bill. House Bill 1061, Levin, a Bill for an Act relating to the surveillance of firearms and ammunition importers, manufacturers, and dealers, First Reading of the Bill. House Bill 1062, Levin-Bowman, a Bill for an Act to amend Sections of the Illinois Municipal Code, First Reading of the Bill. House Bill 1063, Levin-Turner-Bowman, a Bill for an Act to amend Sections of the Criminal Code, First Reading of the Bill. House Bill 1064, Levin, a Bill

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for an Act to amend Sections of an Act in relationship to the rate of interest and other charges in connection with the sale of credit and the lending of money, First Reading of the Bill. House Bill 1065, Yourell, a Bill for an Act to amend Sections of an Act to revise the law in relationship to counties, First Reading of the Bill. House Bill 1066, Yourell, a Bill for an Act to amend the Election Code, First Reading of the Bill. House Bill 1067, Yourell, a Bill for an Act to amend an Act in relationship to the composition and election of county boards, First Reading of the Bill. Messages from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, the adoption of which I am instructed to ask concurrence of the House to wit: Senate Joint Resolution #33 adopted by the Senate April 2, 1981, Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in the adoption of the Joint...following Joint Resolution: House Joint Resolution #17 concurred in by the Senate April 2, 1981, Kenneth Wright, Secretary. Could I have your attention? Are there any new Members or Members that have served in previous General Assemblies that still would like their pictures taken for the display out in the hall? They are still taking photographs out in the east hallway here. Thank you. Introduction and First Reading. House Bill 1026, Hoffman, a Bill for an Act making an appropriation to the School Problems Commission, First Reading of the Bill."

Speaker Ryan: "The House will come to order. The Members will be in their seats. Clear the aisles, will you, Mr. Doorkeeper? All unauthorized people, remove them from the

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floor. On page six on the Calendar under House Bills Third Reading appears House Bill 737. Representative Telcser."

Telcser: "Would the Clerk read the Bill a third time, Mr. Speaker?"

Speaker Ryan: "Read the Bill a third time."

Clerk Leone: "House Bill 737, a Bill for an Act to establish the Illinois Transit Fund, Third Reading of the Bill."

Speaker Ryan: "The Gentleman from Cook, Representative Madigan, for what purpose do you arise?"

Madigan: "To call your attention to a motion that has been filed with the Clerk under the sponsorship of Mr. McClain. Would the Clerk read the motion?"

Speaker Ryan: "Mr. Clerk, do you have the motion that Representative Madigan mentioned?"

Clerk Leone: "I move that House Bill 737 be returned to the Order of...Third Reading to the Order of Second Reading for the purpose of an Amendment. McClain."

Speaker Ryan: "You have heard...Representative McClain, did you want to address this issue?"

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, we have a Motion to return House Bill 737 back from the Order of Third Reading to Second Reading. We have filed an Amendment which would provide a non-diversionary state construction account so that no longer would those new dollars from the road fund be diverted. We include in that structure...in that form of the Amendment more money for local government..."

Speaker Ryan: "Just...Just a moment, Representative McClain. For what purpose does the Gentleman from Champaign, Representative Johnson, arise?"

Johnson: "Well, I would make the point of order that the Gentleman is out of order. He is speaking to the substance of an Amendment that is not even before us. We're on Third

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Reading, and I'd appreciate it, and I think the others would if he would restrict himself to the motion itself. I think he is clearly out of order."

Speaker Ryan: "Your point is well taken, Representative Johnson. Representative McClain, would you confine your remarks to the Motion please?"

McClain: "Yes, thank you, Mr. Speaker. Ladies and Gentlemen of the House, our motion would provide for us to set up some sort of formula for the disbursement of monies from the Illinois Transit Fund. Instead of a battle of appropriation processes every year, this would protect downstate in particular and the Chicago area for getting their just due monies..."

Speaker Ryan: "Just a minute, Representative McClain. Just a minute. For what purpose does the Gentleman from Cook, Representative Collins arise?"

Collins: "Mr. Speaker, on a point of order. The Gentleman has filed a motion. He should speak to that motion and the reasons for it, not the merits of the Bill that he wishes to amend."

Speaker Ryan: "Your point is absolutely correct. Representative McClain, will you confine your remarks to the motion?"

McClain: "Yes, thank you very much, Mr. Speaker, I will. Ladies and Gentlemen of the House, the motion would provide for all of the State of Illinois to be protected and how the disbursements from the Transit Fund would be allowed. So there will not be a battle between...throughout the entire State of Illinois so that it behooves all of us..."

Speaker Ryan: "Just a minute, Representative McClain. For what purpose does the Gentleman from Will, Representative Davis, arise?"

Davis: "Well, the same point of order, Mr. Speaker. And while addressing the motion maybe the Representative from Adams

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should tell us why he wasn't in the chamber last night when the rest of us were so he could have had his Amendment before we adjourned at 2:30 this morning. Speak to the motion, Mr. Representative."

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

Telcser: "Well, Mr. Speaker and Members of the House, before everybody gets all excited and a little too frisky about the issue, I suggest that pursuant to Rule 35B the Gentleman's motion is out of order, and what he should be properly doing is moving to suspend the provisions of Rule 35B which would require, I believe, 89 votes. He was not granted leave."

Speaker Ryan: "Your point is absolutely correct, Representative Telcser, and the Gentleman's motion is out of order. Your...your motion is out of order, Representative McClain. For what purpose do you arise, Representative McClain?"

McClain: "Thank you very much, Mr. Speaker. I appreciate Mr. Telcser's view. I so move to suspend 35B."

Speaker Ryan: "The Gentleman has moved to suspend Rule 35B. All in favor will signify by saying...or voting 'aye', all opposed by voting 'no'. The Gentleman from Adams, Representative McClain."

McClain: "Thank you very much, Mr. Speaker. I just want to address the motion. The red votes out there, if you are from any part of the State of Illinois, what you're doing is you're providing principles to make arrangements for you the latter part of any legislative Session. If you're interested at all in protecting your area from having diversions from the Road Fund, what this motion would do is provide you to have a non-diversionary highway construction account - more money for local governments. So it is very important for you to you to vote 'yes' and not 'no'."

Speaker Ryan: "Just a minute, Representative. The Gentleman from

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DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, he continues to speak to the merits of the issue, not even to his motion to suspend the rules, and I would suggest if he does not confirm himself to the rulings of the chair that you turn his microphone off."

Speaker Ryan: "Your point is well taken. The Gentleman from Cook, Representative Madigan. Representative Madigan, for what purpose do you arise?"

Madigan: "To explain my vote."

Speaker Ryan: "Proceed."

Madigan: "I rise to explain my 'aye' vote, Mr. Speaker and Members of the House, because I feel that the Gentleman should be given an opportunity to offer his Amendment to this Bill. This is a very complicated and an extensive Amendment. It took several days to assemble, several days to draft. The Amendment was properly filed last night, and unfortunately continuing on with the reign of terror in this House and the reign of anarchy, an oral motion was adopted without debate, without a record roll call tabling this Amendment...and without a quorum. I was present in the chamber. I was seeking recognition from the Speaker. As has become the custom in this House I was not recognized for any purpose. I was denied what right was given to the current Speaker when he was the Minority Leader. On any occasion, when I sat in the chair, when this side of the aisle was in the Majority, and I can state without equivocation that whenever I saw a recognition light of Mr. Ryan or Mr. Telcser lit, those Gentleman were recognized immediately without hesitation. And I say to you that that custom, that practice has been abandoned under the mangagement of the current Majority Party. It is not fair. It is leading us toward a state of anarchy, and I suggest to all of you this does not bode well for any of us. Every

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Member of this House should be given an opportunity to offer Amendments to Bills. This Bill is no exception. The Gentleman should be given his opportunity to offer a well thought out, well intentioned Amendment, and for that reason I support his motion."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 82 voting 'aye', 87 voting 'no', and none voting 'present', and the Gentleman's motion fails. Representative Telcser on House Bill 737."

Telcser: "Mr. Speaker and Members of the House, House Bill 737 creates the Illinois Transit Fund Act which is the fund from which money raised for the purposes of mass transportation either through a motor fuel tax, or an oil tax, or a gross receipts tax is deposited. Money is then appropriated by the Legislature from that fund to the various agencies who will handle mass transportation or road or highway construction. That is the general purpose of House Bill 737. It is really quite self-explanatory. I would be delighted to answer questions, and I would appreciate a favorable roll call."

Speaker Ryan: "The Gentleman from Adams, Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I stand in opposition to House Bill 737. I...suprise...I do so for some specific reasons. One of the worst things that could happen to this legislative process is for this sum of money to annually be lumped in for the appropriation process without some sort of formula on how the money is to be disbursed. For those of you that are outside of the six county area, what that means is that every year you're going to have consistent battles on how much money will go for roads, how much money will go for locals, and how much will go for mass transit. For the six

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county area you have the same battle, and it will go until the end of June 29, June 30. It will be a complete mess. You cannot really go back to your communities and tell them what indeed you're going to offer them in terms of new revenues for local governments, highway construction, or your mass transit districts. I suggest to you that without a formula that 737 embattles us every year significantly between upstate-downstate, between counties, townships, local governments, and for road construction. I strongly ask you to not vote for this Bill. For those of you that might be inclined for some sort of formula so that you'd know where the disbursements go so that mass transit can plan, so highway construction can plan, and so locals can plan, I strongly advise you to vote 'present'."

Speaker Ryan: "The Gentleman from Champaign, Representative Johnson. The Gentleman from DeKalb, Representative Ebbesen."

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

Speaker Ryan: "The Gentleman from DeKalb has moved the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The...the 'ayes' have it, and the previous prevails. The question is 'Shall House Bill 737 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. The Gentleman from Cook, Representative Cullerton, to explain his vote."

Cullerton: "Mr. Speaker, perhaps in the explanation of vote the Sponsor, Representative Telcser, could simply indicate which Amendments have been adopted. I know for example that Amendment #4 was adopted that basically said that this fund, the monies that go into this fund should be first transferred to the Department of Transportation which changed his Bill and in effect changed his explanation of the Bill when he just explained it on Third Reading. I...I

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think that perhaps some Members are...would just like to be...their memories would like to refreshed with respect to which Amendments have been passed. The Calendar indicates #1, 4, 8, and 9 if he could just briefly review what those Amendments do, I think it would certainly be fair so the Members would know what they're voting on."

Speaker Ryan: "Have all voted who wish? The Gentleman from Cook, Representative Madigan, to explain his vote?"

Madigan: "Mr. Speaker, I rise to explain my 'present' vote. I have indicated as of yesterday that I and 43 other Democrats are prepared to vote for the tax increase that will be necessary to finance this program, but I say to you, Mr. Speaker, and I say to the Governor, we will not vote for the tax increase so long as the reign of anarchy continues in this House, so long as elected Members of this House are not allowed to offer their Amendments to Bills and to be given their rights as duly elected Members of this House. This particular Bill provides for a mechanism to disperse the money taken from the gross receipts tax. There is no formula in the Bill. There is no assurance either to mass transit, to highway construction that any certain amount on money will be made available in any year. On every year there will be an annual budget debate in this chamber as to how much will go to mass transit, how much will go to roads. In addition, another plan has been offered. It would have been offered as an Amendment to this Bill. It would create a highway construction fund so that the money which is properly apportioned to highway construction can only be used for that purpose and not for the administrative expenses of the Illinois Department of Transportation. There is a better plan. The plan should have been offered as an Amendment, and for those reasons I will withhold my support from this Bill."

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

Telcser: "Well, Mr. Speaker and Members of the House, I am terribly disappointed to hear what the Minority Leader has to say. There is no question but that the complexity of this issue has caused a great deal of consternation among Members of the House. But I want the Members to know that in the first instance I respect the difficulty which Speaker Ryan has dealing with this question, and I likewise respect the difficulty which the Minority Leader has in dealing with this extremely complicated controversial issue. Speaker Ryan has offered over and over again to the Minority Leader the opportunity to sit down and discuss with him the possibility of ultimately reconciling differences regarding this legislation. I think that just about every day or every other day Speaker Ryan called upon the Minority Leader in his office to sit down and try to work out some consensus on this legislative matter. It wasn't until the closing moments last night when an Amendment was finally offered. An Amendment to which the Minority Leader alludes. Mr. Speaker and Members of the House, I think it is clear that we now have on these Bills which now appear on Third Reading, whatever consensus we are able to achieve in the House today on this matter. I think it would be more prudent for the Minority Leader to suggest that his Members vote for these Bills, send them over to the Senate, and let us see what the Senate consensus is because everyone knows we will ultimately be discussing and debating these Bills again. Mr. Speaker and Members of the House, I also find it disappointing that the Minority Leader says he will only allow 44 votes to appear on the Board. I can't believe he has seduced to such an extent the Democratic Members of this chamber so that he has control over who votes 'yes' and who votes 'no'. If

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the Minority Leader can deliver a specific number of votes and no more or no less, that implicitly says that the Minority Leader has always had in his pocket the Democratic Members of this chamber, and he has refused to let them come to the bargaining table because of whatever his reasons are. Mr. Speaker and Members of the House, I make a sincere appeal to the Minority Leader to instruct his Members because he has said that he has that power, to instruct and control the votes on the Democratic side of the aisle. I think it is incumbent upon him to instruct his Members to vote for these series of Bills so that the legislative process can continue. The Minority Leader is bringing to a halt...he is bringing to a halt the legislative process which all Illinois citizens look to to resolve this critical pressing problem. If these Bills fail, and we do not ultimately find the solution to this dilemma, that responsibility will fall upon the Minority Leader because he has taken it upon himself that responsibility. He admits and he says he controls the Democratic votes in this chamber, and he is denying any Democrats from voting for this Bill. Who knows how many Democrats in their hearts want to vote for these Bills. They want to be released, but the Minority Leader, using political raw power that the machine uses in Chicago has now seduced the independent liberal Democrats who have had a history of independence, and they sit there and they take orders. They fought to get here and now they've been pre-empted by the organization. And you downstate Democrats, you know what the Minority Leader's agenda always is. It will be the same this Session. It will be Chicago interests, and you're going to wind up on the short end of the stick in the end. You're foolish to abdicate your responsibility and your votes to the Minority Leader.

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You'll be sorry by the time June 30 rolls around. Don't let yourself be controlled by the Minority Leader. And as long as you give up your votes to him, then he must take the responsibility of scuttling any hope of solving mass transportation. Mr. Speaker, I would like to see some free-thinking Democrats vote 'yes'."

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

Madigan: "Mr. Majority Leader, I would simply like the opportunity to update you on modern day politics, Mr. Majority Leader. I control no one. I am a captive of the group."

Speaker Ryan: "Alright, the House will come to order. Proceed, Representative Madigan."

Madigan: "I don't need as much time as the Majority Leader...I don't need as much time as the Majority Leader."

Speaker Ryan: "Have all voted who wish? The Gentleman from Madison, Mr. McPike, to explain his vote."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It is not simply House Bill 737 we're voting on, but an entire package of Bills that has been put forth by the Governor of this state and by the Speaker of the House that are supposed to solve the mass transit problems in the...in the northeast section of the state at the same time provide monies for roads downstate. House Bill 737 establishes by Amendment #4 that was adopted, appropriates monies to the Illinois Transit Fund. The...House Bill 743 which was amended by Leadership on the Republican side of the aisle guts the package that was put in by Governor Thompson and eliminates the Illinois Transit Fund. Now, I don't possibly see how the Governor or the Speaker of the House can...or any Member of that side of the aisle can try to pretend that this Bill or this package of Bills in any way, shape, or form seriously addresses the problems that

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we're facing today. We are creating a transit fund in this Bill that is going to have monies with nothing to do those monies. 743 is simply the RTA in its present existence, in its present structure with one or two Members changed either from Chicago....subtracted from Chicago and added from the suburbs. This package no longer fits together. It is the answer to nothing. The Democratic Amendments that we should be discussing right now are serious proposals that could satisfy the problems of mass transit and at the same time answer some of the problems that we as downstaters have with our road system. This package that we now have does nothing, and I don't see how you can pretend that this package of Bills solves anything. It is a mish-mash of nothing, and it shouldn't been...it should have been considered on April 1 because it really is now just an April fool's present."

Speaker Ryan: "The Gentleman from Marion, Representative Friedrich, to explain his vote."

Friedrich: "Mr. Speaker and Members of the House, from where I live we probably could be real parochial and could care less what happens to the CTA or RTA either one. I was impressed by the statement that was made earlier with the problems of the CTA, and I've read with a great deal of interest the report of the Ewing Committee which worked very hard, and that indication is that unless something is done, the CTA is going to shut down. I am voting 'aye'. Now, I can't understand for the life of me that those who live in the CTA area don't seem to be interested in doing anything about this. I am not impressed with the fact that they didn't get time to introduce their Amendments because House Bill 737 was introduced 10 days ago. And now, a lot of other people had opportunities to introduce Amendments. I'd think that certainly the Leadership on the other side

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had opportunities. So when the screaming comes, and the thing falls, the blood will be on the hands of those in the CTA area who chose not to vote today."

Speaker Ryan: "The Gentleman from Macon, Representative Dunn."

Dunn Jack: "Thank you, Mr. Speaker. I just wanted to observe it.

I think it is awfully nice that we've been here six days, and we've pumped this Bill up to the place where it got 43 votes, and I am proud of this chamber and everything we've done in the last week."

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

Darrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, in explaining my vote I would merely like to say that there is a number of us from downstate who have been opposed to this legislation, who have sat here listening to the political bickering. I just want it clearly understood that the vote has nothing to do with the politics of the situation, but merely a vote on the merits of these Bills. For downstate, I feel that they will be very detrimental, and therefore will be voting 'no' on the package. Thank you."

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

Deuster: "Mr. Speaker, and Ladies and Gentlemen of the House, the stable funding of public transportation in Illinois should not be a partisan issue, and I really don't think it is. If anything, it is a geographic issue. I think all of us who are just plain rank and file Members on both sides of this distinguished chamber ought to be trying to represent the people who sent us here. I am explaining my 'no' vote for two reasons. One, I think it is poor policy to intentionally create a Transit Authority that is going to require us to come down here and fight year after year

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after year in cutting up the pie. If any of us enjoy this, and I don't think we do, we ought to vote 'no' against sitting up such an institutional framework for constant annual controversy. The second reason, I have heard various Members suggest that we should vote for these Bills, send them to the Senate, and see what they do. If I am running for re-election, or any of you are, or you are going to a public meeting and somebody says, 'Mr. Representative, why did you vote for 737?', I'll say to them I wanted to send it to the Senate and see what they did. I don't think anybody is going to accept that answer. I think they want us to examine the merits, and if we think they are good Bills, vote for them. If we think they are bad Bills, vote 'no'. I think this one is poor public policy, and I hope that I accurately represent the thinking of the people of the 32nd District who are in this region affected by this serious subject, and I vote 'no'."

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

Stewart: "Thank you, Mr. Speaker. The Minority Leader in his ranting and raving successfully insulted the integrity of many of those of us on the Democratic side of the aisle. The Majority Leader...successfully insulted many of us. He suggested that perhaps we don't think for ourselves, that we in fact sold out, and I would argue that that is simply not the case. If he wanted to strengthen his case, he should have...she should have appealed more to the Members of his side of the aisle, I think, who are correct in their assessment of this situation. It doesn't adequately address the problems in Cook County. And as long as we have problems, I don't think we commit ourselves on this particular vote. I resent the fact that he has painted all of us as being servient and stupid, and I would think that

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the question here is where are the independents on the other side of the aisle. Thank you."

Speaker Ryan: "Have all voted who wish? The Gentleman from Effingham, Representative Brummer, to explain his vote."

Brunner: "Thank you, Mr. Speaker. In explaining my 'no' vote, I simply do not think that some of my fellow downstate Legislators have looked at this Bill or the entire package very closely or otherwise they are abandoning the interests of their constituents. I have heard campaign rhetoric during the last campaign and the campaign before concerning getting the State of Illinois out of the business of subsidizing the RTA. I would point out to them that 737, the Bill before us right now, specifically provides for the transfer on a permanent basis of a portion of the revenue from the state sales tax to that mass transit system. This is in direct opposition to the wills and wishes of the people in Southern Illinois, and I think should not be passed. In addition, I think it is important to look at this as part of an entire package. The entire package creates a totally unfair, unscrupulous, disproportionate burden of the tax load on the agricultural community. That issue has not been addressed. It is part of the package. We must address that before anyone from downstate with any interest of downstate, particularly those individuals who represent agricultural areas can vote for this Bill. I would suggest that everyone be recorded 'no'."

Speaker Ryan: "Have all voted who wish? The Gentleman from Cook, Representative Ewell, to explain his vote. The Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Thank you, Mr. Speaker and Members of the House. Somebody one time said the proof of the pudding is in the tasting. Obviously the tasting of this particular Bill is absolutely horrible. Hudder, we have 91 Republicans over

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there. We only get 42 votes. The Republicans can't even support their own Governor on his Bill. So notwithstanding all of the political poppycock we heard a few minutes ago, Mulcahey is voting 'no' simply because this is a bad Bill."

Speaker Ryan: "The Gentleman from Cook, Representative Henry, to explain his vote."

Henry: "Thank you, Mr. Speaker. I rise to explain my 'present' vote. I also rise to remind everybody that is in the chamber today including the gallery visitors that the Board is proving that this package is dead unless the Democrats follow the Leadership, allow a Minority Leader, Mike Madigan,...this package is totally dead, and it should be dead, Mr. Speaker, because this side of the aisle has been treated unfair from the start of this Session. The Majority Leader has just attached the integrity of every Member of this side of the aisle. I would suggest to you, Mr. Speaker, and the Majority Leader, and the other spear carriers of the 82nd General Assembly on the Republican side that you set down and you beg peace with our Leader, Mike Madigan, and you set down and you try to work out some type of a plan so we can all go home early and pass these Bills because it is proven that we are sticking with our Leader, and he is a doggone good Leader, and he has not disrespected anybody in this House, and that is the reason I am sticking with Mike Madigan."

Speaker Ryan: "The Gentleman from Cook, Representative Bowman, to explain his vote."

Bowman: "Thank you, Mr. Speaker..."

Speaker Ryan: "Just a minute, Representative Bowman. For what purpose does the Lady from Champaign, Representative Satterthwaite, arise?"

Satterthwaite: "A point of information, Mr. Speaker. Are we not operating under rules that state that no filming shall be

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done during explanation of votes?"

Speaker Ryan: "You're absolutely right, Representative. Turn the cameras off, Representative. Representative Bowman, proceed."

Bowman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I would very much like to vote for House Bill 737, but there is one additional problem that has not been addressed, and that is the security for the interim financing that...after an Amendment which I offered last night was rejected the mood of the House seemed to be that interim financing would be expected to be developed solely by private resources. Well, that is all very well and good, but there needs to be some security and without a formula written into the legislation which will guarantee that there will be revenues available to pay off the notes, I believe that the entire project is jeopardized from the very beginning, and for that reason I am withholding my support from this Bill at this time and voting 'present'."

Speaker Ryan: "Have all voted who wish? The Gentleman from Cook, Representative Collins."

Collins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. First of all, Mr. Speaker, I would like to compliment you and the Governor of this state for recognizing your responsibilities and your duty to the people of the State of Illinois in your attempt to try and salvage something out of the transportation mess in northern Illinois and at the same time to provide good roads for the rest of the State of Illinois. And if this wasn't such a tragic thing it would be amusing when you look at that Board who is voting 'no', and who is voting 'present'. Chicago Democrats who get the most benefit from these packages...suburban Democrats and collar county Democrats. The ones who will get the most benefit from

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these packages are voting 'no' because they don't want to open up their books and because they don't want to show responsibility, because they don't want to show accountability. And I say to you Chicago, and you suburban, and you collar county Democrats, you're phonies. You're the phoniest of the phony. You have played games with this package. You've played games. You would not come to the table and negotiate and last night at the last hour you came up with the phoniest of phony packages and said, 'Now, accept our conditions, and we'll solve our own problem.' There is people up there who are trying to solve you problem. I wouldn't blame any one of them if they all turned around and voted 'no' now. You don't have the guts to try and solve your own problems, and again I say it makes me sick to realize what phonies you are."

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

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think we all know we look quite ridiculous to the public in even going forward with this abomination of a...that calls itself a piece of legislation. And, Representative...and to the Representatives who are exclaiming that it is the Democrats fault I would point out that this is a Republican controlled Legislature. You have the Majority. It is your Governor's package, and if you want it, you vote for it. I don't see but some 20 odd Republican votes up there, and I would suggest to you, Sir, that before Democratic Members who have proposed a rational solution to this transportation problem, before Democrats have to go along the primrose road with this abomination of a Bill that you've put forward that first the Republican Members of this House ought to discharge their responsibilities under the law and vote this Governor's

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package up."

Speaker Ryan: "The Representative from Cook,...the Gentleman from Cook, Representative Kelly."

Kelly: "Yes, Mr. Speaker and Members of the House, I just briefly want to say that both the Governor's so called package and the Democratic package leaves one such as myself in complete limbo, and I am very difficultly pressed to try to support either one of these packages. On one hand, the Governor wants to come in with the highest tax increase that has come down the pikes since the state income tax, and the Democratic Party has come in with a proposal to create a more giant bureaucratic maze, and I am not going to support their proposition any faster than I am going to support yours, Mr. Speaker."

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

Peters: "Mr. Speaker, Ladies and Gentlemen of the House, we are at a time where some force must give someplace to give some indication to someone, somewhere, somehow if this is going to end up being solved. The result, I fear, of a bad showing so to speak on this Bill is that there will be no alternative but to remain here tomorrow, probably Saturday, and certainly next week so that the participants if in fact there is that sincerity, can end up working out this problem. Part of what we are trying to do is not take the glory for the passage of this package nor the damnation for the passage of this package, but in fact to attempt to split that responsibility between the House and the Senate. Now, if that is not possible and the Members on both sides of the aisle here wish to stay in continuous around the clock Sessions to reach some kind of concensus, that is the only alternative that is left open. There is press pressure. There is public pressure. There is banker pressure. There is oil company pressure. There is

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pressure from farmers. There is pressure from everybody to end up doing something on this. And that pressure continues to stay here, and as long as it continues to stay here and is focused here there is an absolute inability for the people who have got to get together and work these things out to end up working them out. And the only alternative then is for us to give the phony appearance to the public which we are going to be forced to do to stay here in an attempt to make some kind of movement to look like we're trying to solve this kind of problems while the pressures from the same kind of groups continue to end up building here. I am not enamored with all of this package. In fact, I am not sure at the final basis even coming from the City of Chicago that I am going to end up supporting this because I'm not sure of the sincerity of everybody that is involved here. But that gets to be another question for later on down the line. And coming from where I am coming from I probably could vote for it or not vote for it, but that is not the question. I don't think that we are at this point. Something has got to give. The pressure has got to be taken off of the House. We're here till 1:30 one night. We're going to be back here again tonight. We're going to be here again tomorrow. We're not doing anything. Pressures are building. Tempers are getting short. It is not the kind of atmosphere that we can end up working in. This is an attempt to release some of that pressure with a half-way kind of measure. If the Members of the House don't agree with that, that is entirely their judgment and their will. I am just suggesting that you be apprised of what the alternatives are."

Speaker Ryan: "The Gentleman from Coles, Representative Stuffle, to explain his vote."

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Stuffle: "Yes, Mr. Speaker, I find great irony in the remarks of the Majority Leader who would lead us to believe that downstate Democrats are somehow controlled by the Majority Leader. I look back to the crosstown expressway fiasco, where Democrat after Democrat stood up here to fight not only Democrats from Chicago but the Republican Leadership, and the Republican Leadership again today is trying to ram this down our throats and they can't get the job done. They talk about negotiation and bargaining. It's interesting they want to do it here but they don't want to do it in the RTA region. They don't want to give that sort of aspect to people who work there, they don't want to give us a fair program. If we put these programs out of here in these Bills, it's like running an empty train to the Senate. If you can vote for this then you ought to be able to vote for unicameral legislature and do away with the House because we haven't done a damn thing down here in a week. If we put this in the Senate the way it is, we're fools. We look like fools now, and we're going to look like bigger ones if it goes over there."

Speaker Ryan: "Have all voted who wish? The Gentleman from DuPage, Representative Daniels to explain his vote."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, like all the rest of you, I'm tired, we've been here a long time and the seven years that I've served in the Illinois General Assembly, this is the first time that I've experienced a Session like this in the month of March and April. Like you, I'm concerned over the people of the State of Illinois, and in this case particularly Northeastern Illinois. Like each and everyone of you, I'm concerned about the 800 thousand to one million people that may suffer because of a breakdown in mass transportation. Like you, and I know each and everyone of you in your

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heart, I'm concerned about our own individual constituency and how they may react to a transportation package that this House passes. I've had my questions in the last week and a half, two weeks. I've had several meetings as you have, met in the Speaker's Office, talked to the Governor, listened to the hours and hours of testimony on this House floor, and right now I still have some questions. I'm concerned about this individual piece of legislation and I'm concerned about the package, and like each and everyone of you, I wonder about the final piece of legislation that we will be presented to vote on, but I look at the overall framework and I think in those terms, it's a good framework. I look at the problems that the CTA and RTA face and I look at the collar county district that I come from and I say, can we afford under any circumstances to bring the CTA or the RTA to a halt, and the answer that I come with is, no. Well, what do we do at that point? Do I stand on this House floor and I do I say to you in the city of Chicago, that I don't care about your districts, I don't care about the people in your town, no I don't say that. Do I say to my collar county areas or suburban Cook County area, that I don't care about your districts? No, we don't say that. So, what am I going to do? And what am saying to you on the other side of the aisle? Join me, come and join me, join the people on this side of the aisle to support legislation to put legislation over in the Senate so that we can act upon that and we can continue the dialogue, but what do you do right now? What does your Minority Leader do? He says, I'm going to withhold my gang of 44, I'm going to withhold the votes that if you put them up right this minute, you'd pass this legislation. Mr. Minority Leader, where's your responsibility? Why do you have turn to the Republicans, who have now placed most of

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the votes on the green to pass and bail out your city, Mr. Minority Leader? Your system. Why don't you join us, Sir, why don't you come with the collar county people and the suburban Cook County people and the Republican Party in trying to meet the responsibility that we were sent to Springfield to perform? Mr. Minority Leader, you withhold your votes and it's your crisis, Sir, and it's your problem, and the shutdown in the system is on your shoulders. I only hope that when you bring it to a halt that you'll be satisfied with all the distress that you've brought on the millions of people in Northeastern Illinois."

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

Balanoff: "I'd like to thank the previous speaker for inviting Members on this side of the aisle to join the Republican Leadership. I'd like to suggest that he first invite Members of his own Party to join the Republican Leadership."

Speaker Ryan: "The Gentleman from Will, Representative Davis to explain his vote."

Davis: "Well, thank you, Mr. Speaker. After following the Representative from Elmhurst, it's very difficult to articulate a position politically or responsibly any better than he has. Irresponsibility of the entire package of Bills still rest with the Chicago Democratic machine and the Chicago Transit Authority. I simply would say to you, I've listened to the pleas of Leadership on our side. I respect and admire and trust the Speakers in Leadership on our side and I enunciate our Speaker, Representative Peters, Representative Daniels and others who have spoken for it. I intend certainly, to pick and choose amongst these Bills. I'm unalterably opposed to the five percent

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gross receipts tax. I'm opposed at this point to any bonding mechanism that is not tied to direct user fees for roads and I'm opposed to subsidy for transit even though I live in the collar county area, in the Northeast six counties, unless certain prerequisites for operating deficit decreases are mandated upon the operating agencies in that six county area but all that notwithstanding, I'm...repeat to you again, my Republican colleagues on this side, let the irresponsibility continue to be on the Chicago Democrats and I intend now to switch my vote from 'no' to 'yes' on 737 and ask that my Republican colleagues vote with me."

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson to explain his vote."

Vinson: "Thank you, Mr. Speaker and Members of the House. I've watched this issue like all of you develop over the course of recent months. I've seen the Minority Leader attack the Speaker, attack the Governor, attack everybody on this side of the aisle for not wanting to solve the problem. Well, the votes are up there from this side of the aisle to solve the problem, if he'll put his votes up there, and I say to the downstate Democrats, we're looking at this package and to downstate Republicans who are looking at this package, not one cent of this money that's collected downstate is it the Governor's intention to send to Chicago. It's his intention to use that money to build roads in downstate Illinois. We can complete 51, we can complete Chicago to Kansas City, we can complete the Central Illinois Expressway with this package, and anybody that lays off of it downstate that cares about roads, that cares about farm to market roads, that cares about the development of the central Illinois economy, is making a bad mistake. We could put the votes up there today to solve the

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transportation problems in Illinois. We can send this package across to the Senate and we can improve transportation and the economy of this State, and when the Minority Leader, when he issues the order to put the votes up there as he will probably late in this Roll Call because he can't take the heat for stopping this, the people who are on the program are the people who are going to get the benefits. So, I urge everybody to vote 'yes'."

Speaker Ryan: "The Gentleman from Wayne, Representative Robbins."

Robbins: "Mr. Speaker, and Ladies and Gentlemen of the House, I received a copy of a news release put out by Mike Madigan. It listed the 44 Democrats from Cook County that would put their votes on for the package. I think the thing should have been considered as a package...as a whole. It would have saved a lot of time, a lot of worry and a lot of voting and they way we could have voted the whole thing up or down in one package and then there would be no problem at all. What they are trying to make sure is that what we send to Chicago, they get to keep and keep control of. The unions have said that they would not make any concessions. The...Mr. Hill stated that he wouldn't raise...that he wouldn't raise fares unless he had to. He has also stated that they only owe about 90 million dollars at the most, and I don't see that they have shown the urgency and if this is really a Chicago issue, all they have to do is take these 44 votes and put them on. Now, if this is not a Chicago issue and if you don't care about whether your RTA runs or not, why should I vote for it? Can you give me one reason, Mr. Madigan, one reason why I should vote for this Bill when you have these people here that you say you can put on the Roll Call? I want a reason so I can tell the people in Wayne County why I'm voting for the RTA when you won't."

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Speaker Ryan: "Representative Kornowicz, did you wish to explain your vote? Representative Kornowicz, did you wish to explain your vote? The Gentleman from Morgan, Representative Reilly to explain his vote."

Reilly: "Yeah, thank you, Mr. Speaker. Is it too late to have a question with the Sponsor of the Bill? Well, alright, I came in a little late and I've been doing some other things but I'm kind of confused by all the rhetoric and the loud noise. I have in front of me an analysis of House Bill 737 and you know, occasionally the Republican staff goofs, but usually not. My analysis says this is a Bill that creates the Illinois Transit Fund. Nowhere in my analysis does it talk about taxes or the structure of the RTA or giving anything to anybody, it's a very technical Bill that creates a fund. We have thousands of funds in the Comptrollers 'cutis' system. My point is that we're so worked up after working on this project for about ten days that a lot of just utter nonsense is being said here. This is not a vote on the tax. This is not a vote on giving anything to anybody. This is not a vote on the structure of the RTA. It's a very technical thing. It's a very technical part of this whole package. You can vote for this and vote against the tax. For that matter, you can vote against this and for the tax if there's anybody who wishes to do that. But I simply don't understand unless it's so that the stories get written tomorrow in a nonsensical way that suggests that a vote for this is somehow a vote for the tax, otherwise; I don't understand what all the sound and thunder and fury is about. But I do know that it's not about House Bill 737 or any of the reasons to vote for or against it."

Speaker Ryan: "The Gentleman from Livingston, Representative Ewing, to explain his vote."

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Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I think it should be made clear as far as my green vote up there that this is a vote to reform the RTA, to bring some accountability into the CTA. This is not a vote for the 5% gross receipts tax. That will come later. This is a vote to help straighten out the situation. Now, whether we decide to fund it with the gross receipts tax we'll dig that up later with a later Bill. I think it is imperative that many of us up there who are voting green are not in favor of the gross receipts tax. This is part of the reform package. All of us have called for reform. This is part of it and I think we owe it a green vote. We'll take care of funding it at a later date."

Speaker Ryan: "The Lady from DuPage, Representative Fawell."

Fawell: "Mr. Speaker and Ladies and Gentlemen of the chamber, this has been a very long week. I came down here to try and solve a problem. I thought that people on the other side of the aisle were going to try and do the same thing. This is a bad package as far as I am concerned, but I am willing to put my green light up there and it's going to stay up there until five minutes to four and if there aren't other green lights up there by that time, I would suggest that everybody on this side of the aisle hit that red button and we'll all go home."

Speaker Ryan: "The Gentleman from McLean, Representative Bradley, to explain his vote."

Bradley: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, just to explain my vote very briefly. There's been some mention that this does not deal with any funds or any money. Right on the face of the Bill, 737, it provides for a transfer of one-thirty-seconds of the revenues from the state sales tax that would be diverted to the local public transportation. We are talking about dollars and we're

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talking about a lot of dollars being diverted from the general revenue fund to local public transportation. Another thing that bothers me a little bit is I see so many green lights up on the board that... from people who come from districts where they have a sizable constituency of farmers and the Illinois Agricultural Association is certainly opposed to this legislation and the farmers that I talked to in my district are opposed to this legislation and they should be opposed to it. It's a bad piece of legislation for downstate Illinois. As it presently stands, there is nothing that we can gain that I see out of House Bill 737 and there is certainly a whole lot to lose. Thank you."

Speaker Ryan: "The Gentleman from McLean, Representative Ropp."

Ropp: "Mr. Speaker and Members of the House, I have great respect for the Republican Leadership as well as the Democratic Leadership and this particular Bill as has already stated, will help downstate roads. That's the same kind of language we heard 18 months ago with a super accelerated road program and here we are again ready for another super accelerated road program. I can assure you that we will pass this legislation or something like it and in 18 months from this day, again we'll be asking for more money for another accelerated road repair program. What I am going to do is, though, in the sense and the good spirit of compromise knowing that the transportation program in Chicago needs some assistance, as for me though, if they would just go out of business my people would probably be much happier. But in the spirit of cooperation in getting this program to move, I'm going to switch and vote green so that both parties can sit around the table after it goes to the Senate and we can once resolve a more equitable program."

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Speaker Ryan: "Have all voted who wish? The Gentleman from Champaign, Representative Johnson."

Johnson: "Did somebody raise a point of order? Okay. One of the problems that's shown through the last two weeks and prior to that in the hearings of the Ewing Committee is that the transit system in the Chicago area is not only not well managed but a good part of the reason for their financial difficulties is the structure of that system. By this Bill, we're making an effort to try to structure that system so that it can operate more efficiently if indeed the sources of revenue of whatever source, whether they be local or statewide, be plugged into that system so that it can work. Like most downstaters, I'm concerned about not only the inefficiency of the system, but also about downstate money going to Chicago. That Bill doesn't do this. What this Bill does is makes a responsible, reasonable attempt to give the people in that area an opportunity to solve their own problems, and if they're not willing to look at this effort and this structural change in that like, then they really don't want to solve the problems. They just want to come and rant and rave about problems that don't have to exist and could be eliminated at least in part by a reasonable approach. This is a reasonable approach and I urge not only downstate Legislators but Legislators all over the state to look at the problem and see this is one element of a key solution to a very difficult problem. I urge a yes vote."

Speaker Ryan: "The Gentleman from Cook, Representative Emil Jones, to explain his vote."

Jones: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise to explain my present vote. As the Majority Leader pointed out, several individuals on this side of the aisle indicated that they would be willing to vote for the

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package providing they had an opportunity to have some input. As I look at the board and I see 66 green lights, I know that if we decide to vote, it's going to be a stampede on the other side of the aisle to get off. You do not respect your own leadership. Give us a certified list of at least a majority of the Members on your side of the aisle that's going to vote for this bad legislation and then we'll sit down and talk. So who's kidding who? I don't want to hurt my friends on the other side of the aisle getting their arms broke trying to get off that green light to a red. They know it isn't any good. You know it isn't any good. If they were smart and honest, they would be on present like I am."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 67 voting aye, 61 voting... Representative Lechowicz, did you seek recognition?"

Lechowicz: "No, Mr. Speaker, I just wanted to explain my vote and I believe it's untimely now. I think the vote is recorded, but very briefly. A fellow once told me, 'Never buy a pig in a poke', and that's exactly what this Bill does both for mass transit in the City of Chicago and downstate Illinois without a distribution formula in revenue and also in distribution I believe that that was what one of our Amendments was addressing itself to last night. And for that reason, I want to be recorded as no."

Speaker Ryan: "Record the Gentleman as no. The Gentleman from Cook, Representative Grossi, do you seek recognition?"

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

Speaker Ryan: "Record the Gentleman as aye. Have all voted who wish? They have. On this issue... Mr. Clerk, what's the count now?"

Clerk Leone: "68 ayes, 61 no."

Speaker Ryan: "On this issue... Representative Telcser, do you

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seek recognition?"

Telcser: "Would you poll the absentees, please Mr. Speaker?"

Speaker Ryan: "Certainly. Poll the absentees."

Clerk Leone: "Poll of the absentees. Capparelli. DiPrima.
Ewell. Giorgi. Huskey. Martire. And Stearney."

Speaker Ryan: "Now the count. On this issue there are 68 voting
aye, 61 voting, and 41 voting present. And this Bill
having failed to receive a Constitutional Majority is
hereby declared lost. House Bill 738, Representative
Telcser. Excuse me. Just a minute, Representative.
Representative Breslin, do you seek recognition?"

Breslin: "Yes, Mr. Speaker. I would like to object to anyone
changing their vote on this Roll Call and on any other Roll
Call taken today."

Speaker Ryan: "If that... When that procedure comes up,
Representative, you'll certainly have the..."

Breslin: "No, I want to make the objection right now. I've seen
you do that..."

Speaker Ryan: "It's not timely right now. I don't think
anybody's asked to change their vote. When it comes up,
we'll certainly give you the opportunity to do that."

Breslin: "Mr. Speaker, I've heard you make the same request on
the record..."

Speaker Ryan: "When somebody makes the motion or requests to have
a change in vote, you'll be the first I'll recognize so you
can object, Representative."

Breslin: "Thank you."

Speaker Ryan: "The Gentleman from St. Claire, Representative
Flinn."

Flinn: "Mr. Speaker, I'd like to change my vote from no to
present."

Speaker Ryan; "The Lady from LaSalle, Representative Breslin."

Breslin: "I object, Mr. Speaker."

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Speaker Ryan: "There are objections, Representative Flinn. Gentleman from Cook, Representative Ewell."

Ewell: "Mr. Speaker, did you record me? I asked to be recorded as present when you polled the absentees?"

Speaker Ryan: "Yes, you're recorded as present. Representative Kelly."

Kelly: "Yes, Mr. Speaker, I suppose this is a point of personal privilege, but I did find a copy or receive a copy of House Bill 831 which is the right to work Bill and I see my name listed as one of the Cosponsors and I... I... for those of you who have been around for awhile know I have been a strong supporter of the labor movement and I talked to Representative Hudson who's the Sponsor of the legislation and there was a error made. Jim Kelley, my counter part on the other side of the aisle is to be the Cosponsor and I don't know what procedure we have to go through but I want to get my name off this as soon as possible."

Speaker Ryan: "Representative Kelly, the Clerk tells me it's a clerical error. If you will step to the well and fill out a form we'll be glad to remove your name. The Gentleman from McLean, Representative Bradley. Representative Bradley, do you seek recognition? Representative Kelly."

Kelly: "Yes, Mr. Speaker. I don't want to sign any withdrawal form that I want to come off as a Cosponsor. I just want my name taken off. It should never have gone on..."

Speaker Ryan; "Take the Gentleman's name off, Mr. Clerk. House Bill 738, Representative Telcser. Read the Bill."

Clerk Leone: "House Bill 738, a Bill for an Act in relationship to establish a Collar Counties Transit Assistance Act. Third Reading of the Bill."

Speaker Ryan: "Representative Cullerton, do you seek recognition? Representative Peters in the Chair."

Speaker Peters: "Representative Telcser, on House Bill 738."

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Telcser: "Mr. Speaker, I'm waiting for some more information on 738. Could you go to another order of business for a moment then come back to this?"

Speaker Peters: "Take it out of the record, Mr. Clerk. Page four, House Bills, Third Reading. House Bill 28, Representative Cullerton Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 28..."

Speaker Peters: "Out of the record. House Bill 83, Representative Flinn. Read the Bill."

Clerk Leone: "House Bill 83, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Peters: "Representative Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, House Bill 83 only does one thing. It legalizes the possession of aerosol tear gas projections containing non-lethal toxic liquid for people to use for their own protection. I was amazed to find out that the present law, present statutes makes it unlawful to carry these sort of things and there are many, many and women that carry them in their purses today for their protection. And I have a lot of support on both sides of the aisle and unless there's some questions, I would ask for a favorable vote."

Speaker Peters: "Any questions? Representative Johnson."

Johnson: "No, I just want to move the previous question to get this thing moving."

Speaker Peters: "The previous question has been moved. All those in favor will signify by voting 'aye', those opposed will vote 'no'. Mr. Clerk. This is on the Bill, Representative Schneider. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 155 voting aye, 1 voting no and none voting present. House Bill 83 has received the

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Constitutional Majority and is hereby declared passed. House Bill 89, Representative Deuster. Out of the record. Represen... House Bill 103, Representative Abramson. Out of the record. House Bill 109, Representative Bonan. Out of the record. House Bill 115, Representative Wikoff. Out of the record. House Bill 116, Representative Vinson. Out of the record. House Bill 123, Representative Jaffe. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 123, a Bill for an Act in relationship to contracts to dance studio services and physical fitness services. Third Reading of the Bill."

Speaker Peters: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker, House Bill 123 is to reform dance Bill...studio..Bill. This Bill was introduced last Session in the General Assembly. It passed through the House and passed, I think unanimously. Went over to the Senate and got caught in the crunch and was not declared an emergency, and therefore; it died in the Senate at that time. This Bill was introduced in response to the Chicago Sun Times series about dance studio abuses and after a hearing of further investigation by a special Judiciary I subcommittee of the 81st General Assembly we passed this Bill. Basically what it does is it divides the dance studio Bill from the health studio Bill. They were together in previous law. We would now divide them and then it provides for new elements with regard to the contracts so that the contracts must be in writing, contracts must disclose the customers total payment obligation. It clarifies cancellation rights with regard to both dance studios and physical fitness centers. It has contract limitations and it also gives prohibited provisions and Acts. I might say that we worked with the Attorney General's Office in preparing this Bill and I know of no

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opposition to it, and I would urge an aye vote on it."

Speaker Peters: "Is there any discussion? Representative McGrew.

Representative McGrew, do you seek recognition on this Bill? Will somebody turn his light off, please. Representative Darrow."

Darrow: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Jaffe: "Sure."

Speaker Peters: "He indicates he will."

Darrow: "Representative Jaffe, under our sunset provisions there's some discussion and some question whether legislation such as this should be covered by the sunset provision in that it pertains to regulation of a business. Have you looked into that problem?"

Jaffe: "The sunset pro... The sunset Committee has looked into it. They have a subcommittee that looked into it and they decided that this Bill would not come under it because it does not regulate the business. All it does is provide for contract enforcements."

Darrow: "Thank you."

Speaker Peters: "Are there any other questions? If not,... Representative Sandquist."

Sandquist: "Yes, Mr. Speaker. As a Member of that subcommittee, I concur in what Representative Jaffe said that sunset does not apply to this Bill."

Speaker Peters: "Is there any other discussion? If not, Representative Jaffe, to close."

Jaffe: "Mr. Speaker, I would merely urge an aye vote. I think everyone understands the Bill."

Speaker Peters: "The question is, 'Shall House Bill 123 pass?'. All those in favor will signify by voting 'aye', all those opposed by voting 'no'. Mr. Clerk. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 136

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voting aye, 11 voting no, 5 voting present. House Bill 123 is declared passed. Add Representative Cullerton aye. Yes. Mr. Stewart. Representative Stewart."

Stewart: "I'd like to be recorded as aye."

Speaker Peters: "Record Representative Stewart as voting aye. Representative Oblinger as aye. Representative Johnson, for what purpose?"

Johnson: "If we've got rules, we've got rules and my understanding if somebody wants to change their vote they fill out a slip. So I object to both of those."

Speaker Peters: "There have been objections raised, Mr. Clerk to Representative Stewart, Representative Oblinger being added to the Roll Call. If they come up and fill out a Roll Call or a slip we'll do it again, I suppose. House Bill 132, Representative Getty. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 132, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

Speaker Peters: "Representative Getty."

Getty: "Mr. Speaker, Members of the House, House Bill 132 is an Act to provide for a uniform post-conviction procedures Act. This is an Act which has been adopted by the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association and meets the standards of the National District Attorney's Association. More specifically, when we translate it into Illinois application it makes just good common sense. It will provide a simplified, unified, and streamlined procedure for post-conviction hearings. The purpose is to provide a system that will not have multiplicity of a tax on convictions that will provide a system where everyone will know exactly what the status of the case is, what his relative position is and will provide a means of disposing effeciently with post-conviction matters. I would welcome

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any questions that you would have relative to this matter."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "Will the Sponsor yield to some questions?"

Getty: "Certainly."

Leinenweber: "Representative Getty..."

Speaker Peters: "He indicates he will."

Leinenweber: "There currently is a confusion of a multiplicity of post-conviction remedies. Does this Bill and will it end that confusion?"

Getty: "Yes, indeed. It will provide a single comprehensive post-conviction remedy."

Leinenweber: "Will habeas corpus be included in this proceeding?"

Getty: "Yes, to the extent that we properly can do so considering the Illinois Constitution. This will provide the proceedings under which habeas corpus will be brought."

Leinenweber: "Is it your intent to provide any new or additional substantive rights under this Act?"

Getty: "No. This is a procedural Act only."

Leinenweber: "Will this Act require the appointment of council?"

Getty: "Well, only in cases where council would otherwise be appointed. This would not provide for any new additional appointment of council, nor would it delete any rights for appointment of council."

Leinenweber: "Does this Bill provide for the dismissal of frivolous petitions?"

Getty: "Yes, indeed. A motion to dismiss is provided. The simple standard for consideration is that the applicant is not entitled to post-conviction release... relief and no purpose would be further served by entertaining it."

Leinenweber: "Does the Bill provide for any rules of evidence?"

Getty: "No. The normal evidentiary rules of relevance, admissibility, heresy, privilege and the like apply."

Leinenweber: "Representative Getty, you and I are commissioners

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to the National Commission. As I understand it, when these Bills are promulgated, there are commentaries that belong with the Bill, is that correct?"

Getty: "That's correct, sir."

Leinenweber: "Now, I have... in these commentaries are intended to interpret the intention of the drafters of legislation. Is that correct?"

Getty: "That's correct and I'd like the record to reflect that I have filed with the Clerk of the Illinois House a copy of that commentary and it will remain a permanent record."

Speaker Peters: "Representative Hoffman."

Hoffman: "I would like to ask a question of the Sponsor or his surrogate over here."

Speaker Peters: "They indicate they'll respond."

Hoffman: "Where was the conference held where you got these rules?"

Getty: "The conferences are held annually in conjunction with the meeting of the American Bar Association. The National Conference of Commissioners follows that meeting. Now the first meeting where this was considered was in New York. The second meeting was in San Diego. The third meeting was in 'Kuawii'."

Hoffman: "Where will you be amending these rules at your next meeting?"

Getty: "This is the finished Act. There will be no further consideration at least in the near future."

Hoffman: "What is the next program that this group of august commissioners are planning considering?"

Getty: "Well, there's ongoing consideration of many different things."

Hoffman: "And where is your meeting this coming year, Sir?"

Getty: "It's in New Orleans, in the last week in July."

Hoffman: "Thank you, very much. It's been a very enlightening

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exchange."

Speaker Peters: "Is there any further discussion? If not, Representative Getty, to close."

Getty: "Mr. Speaker, I think that the questions and answers have thoroughly shown that this is a very comprehensive Act. It is one intended to make a substantial improvement, a much needed improvement in our system of criminal justice especially in the area of post-conviction. Presently, because of the multiplicity of actions that are brought, there is quite a bit of confusion. This will go along way to resolve it. As I said before, this has been approved by the American Bar Association, the National District Attorney's Association. It has said that it meets their standards. This is an Act for which I think there has been a great need for a long time. I know of no opposition to this and I would ask for your support."

Speaker Peters: "There being no other questions, the question is 'Shall House Bill 132 pass?'. All those in favor will signify by voting 'aye', all those opposed by voting 'no'. Mr. Clerk, open the record. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. House Bill 132 having received the Constitutional Majority is hereby declared passed. The vote is 147 voting aye, 9 voting no, 1 voting present. House Bill 138, Representative Wikoff. Out of the record. 139, 140. House Bill 159, Representative Ronan. Out of the record. House Bill 174, Representative Pierce. Out of the record. House Bill 179, Representative Wikoff. Out of the record. 189, Representative Collins. Out of the record. 195, Representative Darrow. Out of the record. 203, Representative Hallock. Out of the record. 209, Representative Giglio. Representative Giglio. Mr. Clerk, read the Bill."

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Clerk Leone: "House Bill 209, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Peters: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a relatively simple Bill. I consider it a most important Bill because I think it's the last hurdle that would allow anybody to vote if they're incapacitated after the five day closing date preceding an election. Now, if you understand the Election law now that if your hospitalized five days before the election right now you or I or any of your constituents won't be able to vote. What this Bill does it allows a relative or a person from the precinct that the person that's hospitalized go to the County Clerk, get the incapacitated ballot, go back to the hospital have the attending physician sign it, have the date and the hospital, the name and address on the application, bring it back to the County Clerk. The County Clerk will in turn then look up the record and see whether or not that person has voted or not and whether that person is eligible. It... And the signature is the person that is applying for the ballot. That person then will bring the ballot back to the hospital, have the person vote, sign it, seal it, bring it back to the County Clerk and then the County Clerk will have to submit it to the precinct where that person is registered prior to 7:00 that evening. So in case that person would happen to have gone to the hospital say at ten or eleven o'clock and maybe they voted before, they can't vote twice. We've worked with the State Board of Election. They helped draft it. We heard it in Committee. It got a very good hearing and I would ask for your favorable support and if there's any questions, I'd be most happy to answer."

Speaker Peters: "Representative Bullock."

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Bullock: "Thank you, Mr. Speaker. Will the Sponsor yield to a question?"

Speaker Peters: "He indicates he will."

Bullock: "Representative Giglio, why did you restrict this Bill to merely persons in hospitals? What about nursing homes and what about a person in his own home?"

Giglio: "Well, it's my understanding, Representative, that the nurse... people in the nursing homes have a special provision to vote."

Bullock: "What if someone goes into a nursing home the Thursday before the election? Would they still have that special permission?"

Giglio: "No, not with this Bill. This Bill is..."

Bullock: "I mean under existing law. I know it's not with this Bill, that's why I'm asking the question."

Giglio: "No."

Bullock: "That's my point. I was wondering why..."

Giglio: "If they... In my estimation, if they were capable of being able to go to the nursing home that particular day, they could have gone over to vote."

Bullock: "That's an assumption and that's not going to be in the legislation, Representative. We're talking about your Bill. Secondly, and I have a vested interest in this. I have a lot of nursing homes in my district and I think they vote for me. Secondly, I'm wondering what would happen, Representative, in Chicago when we are in a position of trying to discourage hospitalization if we find an onslaught on Thursdays before the election that we have large numbers of people being certified, being hospitalized and in fact we have incidents of vote fraud. How does this Bill address that?"

Giglio: "Well, that's why we kept it strictly for those that are entering the hospital five days after. We tried to

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eliminate every possible attempt of fraud and that's why this Bill just pertains to being hospitalized. If you, you know, the only thing I can say to that, if you care to come in with something for nursing homes..."

Bullock: "Could I get an Amendment over in the Senate, if I help you get this out?"

Giglio: "Well, hopefully not on my Bill, because I made a commitment in the Election Committee that I would not have this Bill used as a vehicle or anything else and I would like to have it is."

Bullock: "Even if it means technically clarifying?"

Giglio: "Well, if you're talking about broadening the Bill, no. Clarification if there's some clarification, then the Senate could look at it and I guess would have to go over to Conference Committee later."

Bullock: "I don't serve on the Election Committee and I regret that some of the Members on that Committee did not take a better look at this Bill. I think it opens up some possible avenues to abuse. I certainly think the Sponsor is making a good faith effort here to encourage the franchise and to increase voter participation in our state, but I think that those of you who vote on this Bill should look at it very carefully and I submit to you that the Bill is, in fact, deficient in its present form."

Speaker Peters: "Representative Robbins."

Robbins: "Mr. Speaker and Ladies and Gentlemen of the House, most nursing homes have the provision for people within the nursing home whereby two election judges will show up from that precinct and conduct an election within the nursing home either on the day or it is usually the day before the election is held. So that would take care of anyone that is not incapacitated."

Speaker Peters: "Representative Satterthwaite."

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

Speaker Peters: "He indicates he will."

Satterthwaite: "Representative Giglio, do I understand that whoever is taking the ballot to the person who's incapacitated is not someone from the Clerk's Office? Is this to be a private individual?"

Giglio: "No..Yes. The reason for the relative or someone from the precinct that knows an individual that maybe does not have a relative, the reason for that is to take the burden off the County Clerks where they wouldn't have to hire additional people and thereby putting a burden on their budget."

Satterthwaite: "But when this is returned to the County Clerk's Office then, no one in the County Clerk's Office would be able to tell before the polls closed whether or not there was a ballot enclosed in that envelope."

Giglio: "No, it would be ... It would wind up just like being any other absentee ballot and then they would go back to the precinct and then the judges that, you know, run the election machinery, if that person happened to vote came in and voted, they would have the card because they're marked when you come in and vote."

Satterthwaite: "That's not what concerns me. What concerns me is that it does seem to be, in fact, that it has the potential for starting chain balloting. I don't know that it would work very well in an area where you vote on a voting machine, but in our downstate counties where we vote on a computer card in fact one ballot not being returned in that envelope could be used then to start chain balloting."

Giglio: "Well, the only thing I can respond to that, Representative, is I don't believe there's going to be that many people that are going to be hospitalized, you know, within the five day period."

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Satterthwaite: "But if that ballot were delivered to someone in a hospital early the morning of election day and were not returned, then, in fact, that could be the first ballot in the chain so that anyone walking into the poll that day could have a marked ballot on their person exchange that marked ballot for an unmarked one, come out with the unmarked ballot and go in with it marked for the next voter."

Giglio: "Well, it's my understanding that any person that transports a ballot under this Bill has to be recorded and there name is there and they have to sign the form so they would know who transported a particular ballot from whom."

Satterthwaite: "But that would only occur after the fact, so to speak so that you would not be able to follow up on that unless there is a way of making sure that the actual ballot is returned, and you're election would have already been completed by the time you would be aware that there was no ballot in the empty envelope."

Giglio: "Well, I don't... The only thing I could respond to that, the ballot, you have the same provisions we have where I come from and that once that card is punched and it's signed and sealed, then the judges are the only ones that could open that."

Satterthwaite: "I guess I would feel more confident if there were some way that a ballot of that sort were returned with a window in the envelope showing that the ballot was there and had been initialed by the appropriate election official or something of that sort. Just so that when it's returned there's proof that the ballot is actually present."

Giglio: "I think what you're referring to, Representative, that's already in the law. If you would... which pertains to all absentees ballots."

Speaker Peters: "Representative Satterthwaite, would you bring

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your remarks to a close, please?"

Satterthwaite: "Thank you, Mr. Speaker. I just have some concerns. I hope that if the Bill is going to be amended in the Senate that it would be addressed in such a way as to guarantee that an envelope being returned actually contained a ballot so that it would not have the problem of starting a chain voting situation."

Speaker Peter: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. I rise in support of this Bill of my good friend from Chicago. In the last election of the Rockford area of a town of about 150,000 people we had close to 60 people who entered the hospital within five days of the election, therefore; were unable to vote. Because of that fact, many of the hospital auxiliaries in our community asked us to sponsor a Bill like this to try to solve that problem. I believe this Bill does that and I rise in support and urge a yes vote."

Speaker Peters: "Representative Miller."

Miller: "I, too, rise in support of this. I think this is excellent legislation, Mr. Speaker and compliment the Sponsor for forwarding this. I believe there are a great number of people in the State of Illinois who, through no fault of their own, are being disenfranchised and I think this is excellent legislation."

Speaker Peters: "Representative Tuerk."

Tuerk: "I move the previous question."

Speaker Peters: "Previous question has been moved. All those in favor will signify by saying 'aye', oppose 'no'. The ayes have it. Representative Giglio, to close."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I only hope that everybody realizes what this Bill does and I would only say in promise to the Committee that I didn't want to change. If there's some way or some doubt

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that it could make it less fraudulent or some doubt and they want to do it in the Senate to straighten it where it would get everybody's support, I would be most happy to support. Other than that, I would appreciate an aye vote."

Speaker Peters: "The question is 'Shall House Bill 209 pass?'. All those in favor will signify by voting 'aye', those opposed by voting 'no'. Mr. Clerk, open the board. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question the vote is 145 voting aye, 12 voting no, 5 voting present. House Bill 209 having received the Constitutional Majority is hereby declared passed. Representative Braun, if you want to get on you'll have to fill out a slip. We've had objections. House Bill 223, Representative Pullen. Out of the record. House Bill 229, Representative Huskey. Out of the record. House Bill 237, Representative Ebbesen. Representative Ebbesen. House Bill 237, out of the record. House Bill 238, Representative Beatty. Out of the record. House Bill 256, Representative Wolf. Mr. Clerk, call the record... Call the Bill."

Clerk Leone: "House Bill 256, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Peters: "Representative Wolf. J.J. Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. Currently, as most of you will remember, the Illinois Commercial Relocation of Trespassing Vehicles Law was passed in the 80th General Assembly. This is a Bill recommended by the Commerce Commission. They feel that the experience since that enactment indicates that they need to amend certain provisions for proper administration of the tow truck law. The House Bill 256 as amended provides for the change in the fee licensing and enforcement provisions applicable to commercial vehicle locaters. That is, towing

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truck companies that tow cars from lots. It requires that dispatchers be licensed in the same manner that the operators are licensed. It requires that the companies maintain a uniform system of accounts and records, allows for the commission to revoke or suspend the license of any regulated tow truck company that refuses to pay the taxes, fees, or penalties. Requires that relocaters licenses to be issued every two years rather than every one year as it is currently. Makes violation of the chapter a Class C misdemeanor and gives the Commerce Commission the authority to impose civil penalty for any violation of the chapter rule or regulation apt to notice and opportunity for hearing. This applies only to Cook County and those areas that by referendum, with to opt in. I would ask your favorable support."

Speaker Peters: "Is there any discussion? Representative Getty."

Getty: "Will the Gentleman yield?"

Speaker Peters: "He indicates he will."

Getty: "Representative, I've reviewed this and I know your intent is very good. I support the concept, there's just one thing I'd like to call to your attention. The penalty provision calls for a Class C misdemeanor. I would suggest to you that it's highly unlikely that a court would actually ever sentence anybody to jail under this and the penalty is so small if it were a fine only as to, I think, not be a deterrent if a fine were imposed in a criminal prosecution as opposed to your civil part. I'm not disagreeing with the civil part. But a Class C just doesn't seem to be appropriate. What I would suggest to you for purposes of possible consideration as an Amendment in the Senate would be that you have this amended to provide for a business offense where a fine of up to five or ten thousand dollars could be imposed for example for a

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serious repeat offender of this sort of violation. I think that would be the type of teeth that could really be used to some success."

Wolf: "Thank you, Mr. Getty. I will certainly speak to the Commerce Commission about that. The Class C misdemeanor, or course, does provide for up to 500 dollars a day and it could be that for each day the violation exists, but I will certainly... I have no problem with that and if the commission so deems, I'll be happy to have that Amendment taken up in the Senate. The unfortunate thing now, of course, if the only thing they can do now is for continued violations is to suspend or revoke the license. So they're looking for something in between that would help give them some teeth."

Getty: "I understand that. I'm just saying that I don't think a Class C is a sufficient deterrent and I think if it were to be a prosecution that a very substantial penalty such as five or ten thousand dollars would be far more of a deterrent."

Speaker Peters: "Representative Brummer."

Brummer: "Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Brummer: "Did you indicate that this applies only to Cook County?"

Wolf: "Yes, or those counties by referendum that ... I'm trying to think of the exact Section here. Yes, Section 18A of the Vehicle Code applies only to Cook County and the counties or municipalities which adopt the provisions of that Section by ordinance."

Brummer: "Thank you."

Speaker Peters: "Representative Jack Dunn."

Dunn: "Mr. Speaker, I have a question of the Sponsor."

Speaker Peters: "He indicates he'll respond."

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Dunn: "In the event of a municipality, how do we handle that. We've got two or three tow truck companies in the municipality at this time. Can we continue to license them. Are they required to buy a local vehicle sticker? What about our business license is what I'm saying."

Wolf: "It doesn't affect anything of that nature. That will continue as the law is today. They are required... this is namely, of course, that, you know, some of the towing truck companies, I don't want to mention names, but there have been a couple in Chicago especially that have not been the most savory type of operations towing peoples cars away. We did pass some legislation as I mentioned before. Mr. O'Brien and I were Sponsors of some legislation last year to make proper posting of the signs and things so that the motorists would be aware if they pulled in that there cars were going to be towed away and so forth. So that this does not effect that particular provision. They are licensed by the state now under the... The dispatchers are not. The companies and the operators are licensed by the state now. The dispatchers, the one that sends them out on the job is not and that's what this affects."

Dunn: "But we would still have local control, is that what you're saying? Thank you."

Speaker Peters: "Any further discussion? Representative Levin."

Levin: "Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Levin: "This is an Amendment to the Bill that we passed four years ago initially setting up the scheme of regulation for Lincoln Towing, Pioneer, and outfits like that."

Wolf: "Yes."

Levin: "And there is no, in that current law, there is no... there are no criminal penalties?"

Wolf: "...for the dispatcher."

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Levin: "There are for the others but not for the dispatchers. So this is just adding penalties for the dispatcher?"

Wolf: "Yes. Yes. The answer is yes, Representative Levin."

Levin: "Have there been any instances over the last four years where it would have been helpful to be able to have criminal penalties in terms of a dispatcher? In other words, what is occasioning this particular Amendment? You know, I support it, I think it's a good idea, but, you know, to just be curious."

Wolf: "I gave you an erroneous answer, Representative. As I mentioned before, I think I misunderstand you. As I mentioned before, the only thing you can do now is for continuous violations revoke or suspend the license. So this does add the Class C misdemeanor. I gave you a bad answer before, I'm sorry."

Levin: "So it applies across the board? Not just dispatchers."

Wolf: "It makes any violation of the chapter or rule or regulation issued by the Commerce Commission for which no other criminal penalty is provided, a Class C misdemeanor."

Levin: "Okay. And have there.... Representative, have there been instances..."

Speaker Peters: "Representative Levin, would you bring your questioning to a close please?"

Levin: "I'm just trying to get an answer. Have there been instances where over the last four years where a relocater towing service has been so uncooperative that it would have been helpful to be able to go in and criminally prosecute?"

Wolf: "I can't answer that question, honestly. I would assume that that is the case or the Commerce Commission would not have requested this additional legislation to enforce the law."

Levin: "Thank you."

Speaker Peters: "Representative Cullerton. Is there any further

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discussion? Representative Friedrich, Dwight."

Friedrich: "Would the Sponsor yield?"

Speaker Peters: "He indicates he will."

Friedrich: "For us country boys, would you tell us what a locator is? We know what tow trucks are, but I'm not sure we know what a relocater is."

Speaker Peters: "Representative Wolf."

Wolf: "Yes. It is a towing company. That's a commercial relocater."

Friedrich: "... Cook County only?"

Wolf: "Yes."

Friedrich: "Thank you."

Speaker Peters: "Is there any further discussion? If not, the question is, 'Shall House Bill 256 pass?'. All those in favor will signify by voting 'aye', all those opposed by voting 'no'. Mr. Clerk. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question the vote... I'm sorry, Representative. On this question the vote is 145 voting aye, 2 voting nay, 3 voting present. And House Bill 256 having received the Constitutional Majority is hereby declared passed. Representative Cullerton."

Cullerton: "Mr. Speaker..."

Speaker Peters: "For what purpose do you rise?"

Cullerton: "I have a question of the Chair. On House Bills, Third Reading, House Bill 28 I have a Bill... I'm a Sponsor of a Bill that is on Third Reading. Representative Stearney who's the Chairman of the Committee that that went to and Representative Kosinski have asked to file Amendments to that Bill. They have asked me to bring the Bill back to Second Reading. I am more than willing to do that so that we can consider those Amendments. Is it the.... If you could ask the Clerk whether or not those

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Amendments have been distributed."

Speaker Peters: "It is not the intention of the Chair to go back to House Bill 28 for the purposes of a motion."

Cullerton: "I understand that. I just want to know if when we do go back to it, are the Amendments being distributed for...that are filed for Bills that are on Third Reading?"

Speaker Peters: "Representative Cullerton, I think we could probably settle this expeditiously if you came up to the well and asked the Clerk that question."

Cullerton: "No, I want to get this on the record. I think it's important because I also have filed, myself, an Amendment to another Bill that's on Third Reading and I'm told that the Clerk's Office is not printing and not distributing those Amendments. Now, it's impossible for Sponsors who have Bills on Third Reading who are willing to bring those Bills back to Second Reading to consider those Amendments if the Clerk's Office is not going to print and distribute those Bills... those Amendments."

Speaker Peters: "Representative Cullerton, I think your entire line of inquiry is premature. We're not on the point of bringing Bills back to Second Reading, and I will make inquiries of the Clerk to find out."

Cullerton: "It is not premature if we don't have enough time to distribute those Amendments."

Speaker Peters: "Representative, we will make every effort to do what we have to do to run the House expeditiously and with your cooperation we're going to end up doing that. House Bill 265, Representative Ropp. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 265, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Peters: "Representative Ropp."

Ropp: "Mr. Speaker and Members of the House, House Bill 265 is a

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permissive piece of legislation that was brought about as a result of traveling throughout this country of ours and going into other state borders. You see very attractive welcome signs, welcome facilities urging visitors and tourists to come in and take part of their gracious country either through historic sites or visiting businesses or whatever those particular states might have. When we return, come into the State of Illinois occasionally we'll find a sign that may say 'Welcome to Illinois'. What this particular Bill does is by permission give the Department of Transportation the authority to lease these rest facilities on state highways to local people or to people throughout the State of Illinois with the sole purpose to set up promotion activities for tourism and the like. In order to encourage someone to take over that responsibility, it was also included that possibly snack shops, knick knock facilities could be sold so that money could be generated to pay for whoever is taking care of the rest stop. I've been more than distressed when you see signs throughout the State of Illinois that says 'Rest stop ahead' and you drive another mile or two and it says 'No facilities'. Or the entrance and the exit will be piled high with dirt or the only thing that is in those area is a small shrub which wouldn't cover very many or very much of anyone. I hope that this legislation is passed so that we can continue to promote the State of Illinois through advancing tourism at a greater pace than we are now currently doing. I welcome any questions you may have."

Speaker Peters: "Is there any questions? Representative Bower."

Bower: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I have nothing but the greatest respect for the Gentleman from McLean, however; I have to rise to oppose this

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legislation. Throughout our state there have been thousands of small businessmen who have invested millions of dollars in restaurants and camping facilities, filling stations and other establishments that serve the traveling public. By this legislation, Representative Ropp would seek to allow a limited few to have special privileges and special areas along our interstate highway system. I think it is very ill-conceived legislation. It will stifle private development and I would urge everyone to vote no."

Speaker Peters: "Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House. I have other concerns about the Bill. There are many times I travel these highways from coast to coast and I welcome signs where I know I can get something to eat. The only concern I have, Representative Ropp, is how are federal funds going to feel towards any of these interstate highways where there are federal grants for maintenance where it's federally prohibited to have any commercial... any commercial snack shops or restaurants advertised on their federal highways where federal grants are provided for the state? Are they going to foreclose us on any federal grants?"

Ropp: "To answer that question, is this only applies to state highways. As I understand, that is a concern federal wise. I had hoped that under current new federal administration there maybe some relaxing of the federal regulations which would provide for Illinois citizens to more greatly utilize these rest areas and might I say to the previous speaker that this is permissive legislation and if anything it would provide and perpetuate the free enterprise system that we so proudly cherish here in the United States."

Speaker Peters: "Representative Conti, are you through? Representative Lechowicz."

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Lechowicz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Very briefly, I stand in opposition to this Bill. I have to agree with my colleague from the other side of the aisle when he decided it would be questionable as to whether the state should be placed in the role of acting as a landlord. What has traditionally been provided in the private sector. I believe Representative Bowers is right on point on this Bill. I believe that private businessmen throughout this state have invested their money for providing the service to the people of Illinois. Now we have a very innocuous Bill being considered by us taking that power away from them. And not only is it bad in that area, but it provides that the respective business person has to reside within the county that the facility is located in. Without competitive bidding, every assurance that we've provided for in the past is being taken away in House Bill 265 and it should be defeated."

Speaker Peters: "Representative Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 265, I just want to make a remark that I am in support of this legislation. First, I want to say that Representative Ropp was very cooperative. This Bill came in on Transportation Committee. He put the Amendments on it that was asked for to try to please everybody that had some concern on it, the different departments. And I want to say this, we have many of these rest areas that have been built the last few years that the state just can't afford to take care of and they're not taken care of. You see them getting in a run down condition. I think this will help us to get these in better shape and many of these rest stops could be utilized as for rest and so forth. I think the state would get in some income and I think it would be a definitely a benefit to the travelers."

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Therefore, I would recommend that we all vote yes on House Bill 265."

Speaker Peters: "The Chair recognizes Representative Wolf. J.J. Wolf."

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

Speaker Peters: "He indicates he will."

Wolf: "Mr. Ropp, do I understand the Digest correctly that the persons leasing this out is limited to only residents of the county in which that facility...?"

Ropp: "No, sir, Representative Wolf. That is Amendment 2 that has been taken out and it is open to any resident in the State of Illinois."

Wolf: "Thank you."

Speaker Peters: "Representative... The Gentleman from Bureau, Representative Mautino."

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

Speaker Peters: "He indicates he will."

Mautino: "Gordon, I have one concern on your legislation. Number one, most of the rest areas in central Illinois do not have utilities to maintain private enterprise. In other words, there is no sewage system there. They use irrigated lagoons or septic tanks. Who would be responsible as the landlord? Would the state be responsible for setting the utilities for those facilities on our property? "

Ropp: "I think initially the state would be responsible for getting the facility in order and then the operation and the maintenance and the care of it thereafter would be in whatever lease arrangement would be established between the Department of Transportation and whoever would get that particular lease for that spot."

Mautino: "If I may use an example. I have two rest areas on a state route between the cities of, for example, Princeton

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and Geneseo. There's no cities around this particular spot. How would they get utilities out to them for servicing the general public? They have electricity there now, but what do they do for the needed water supply and the additional sanitary sewer system?"

Ropp: "Well, I suppose you would have to dig a well to provide the water and you would have to provide a septic tank for the sewage. In that particular case, since it would be so far away from a city or a town this would be unnatural to set up some kind of a system... facility like that because it would not provide any competition to what some have feared local businesses. Many..."

Mautino: "What do you think the cost of running a system out into the middle of nowhere in many cases would be?"

Ropp: "Well, I live on a farm and I don't have a system running out from anywhere. We just dig a well, we have water. We provide a septic tank and we take care of the sewage."

Mautino: "But the Department of Public Health when you cater to the public has different rules and regulations than you do on your rural estate. You must have ample sewerage to handle, for example, a hundred to two hundred people if you have a seating capacity of hundred to two hundred. You must also have ample water pressure for the systems as well. Do you have any idea what the cost would be on any of those rest stop areas that are now being serviced by public or private facilities?"

Ropp: "No, I have no idea how much cost. I don't see that it would be expanded if this Bill is approved. There certainly wouldn't be any increase in cost. In fact, as I've seen some rest stops where supposedly have been operated by the State of Illinois and all it was was a sizable hole with some chemical in there to get rid of the fumes and the whatever goes on in there."

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Mautino: "And you want to allow that throughout the State of Illinois where rest areas are?"

Ropp: "No, I want to improve that situation and make it more attractive encouraging business to come into Illinois and to utilize the facilities that we have and if anything the state might even generate a little income from these particular operations."

Mautino: "And probably a lot of expense, wouldn't you agree?"

Ropp: "No more expense than we now incur."

Mautino: "Thank you."

Speaker Peters: "Representative Kelley. I'm sorry, Representative Kelley I didn't hear you."

Kelley: "Mr. Speaker, I'd like to move the previous question."

Speaker Peters: "The previous question having been moved. All those in favor will signify by saying 'aye', those opposed 'no'. The ayes have it. Representative Ropp, to close."

Ropp: "Mr. Speaker and Members of the House, the intent of this Bill is a permissive piece of legislation which hopefully would encourage a free enterprise system which would expand the tourism concept of the State of Illinois encouraging people to come in and enjoy the good things that we have to offer throughout our great state. I urge a favorable Roll Call."

Speaker Peters: "Any further discussion? If not, the question is, 'Shall House Bill 265 pass?'. All those in favor will signify by voting 'aye', all those opposed by voting 'no'. Mr. Clerk, open the record. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Everett Steele."

Steele: "Thank you, Mr. Speaker. In explaining my yes vote, I'd just like to point out that this Bill is permissive. It does not require. It merely gives the option to the state to make these rest stops more serviceable to the people and

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I think that anything that offers or holds out the opportunity of greater service to the people is a good Bill. A good Bill for the people. Again, I say it's permissive. It does not mandate. It merely gives the additional option which I think would result in greater service to the people and I think it's a good yes vote."

Speaker Peters: "Representative Friedrich, to explain your vote."

Friedrich: "Mr. Speaker and Members of the House, I'm voting aye on this Bill. I think most of you know that Illinois rest stops do not compare favorably with other states. I think we've done a very poor job. I think this might be a way to get a few more good rest stops without any increased cost to the State of Illinois. I don't see any reason why anyone would not want to vote for it."

Speaker Peters: "Representative Bower."

Bower: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. To explain my vote, I merely want to point out that due to the state of our economy, people are driving less and less. I come from a district that is blessed with interstate highways. Filling stations and restaurants are closing with regularity. Many of them are barely making it. If you give an unfair advantage to certain other enterprises to operate out of our rest areas, I think that we're going to see more who have already ventured their own capital and made expensive investments are going to be going out of business. I urge you to vote no."

Speaker Peters: "Representative Pullen, to explain her vote."

Pullen: "I wanted to point out that the Gentleman had already spoken in debate, but now I will explain my vote. We have hurt the small businesses in the towns along the freeways certainly very much by creating limited access freeways instead of roads that people can get to little towns by. And also my eliminating billboards so that all you know is

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there's gas, food, lodging at that exit rather than what's really there. But this will allow free enterprise to have an opportunity to put facilities by the highways where people can use them. The Gentleman from Centralia was not even strong enough in describing how abominable the rest area situation is in Illinois and I think it's a joke for the Illinois Department of Transportation to even call these areas, rest areas. It's nothing but a pull off. There is no facility at all at most of them, and I think that motorists need to be served. We have designed out highways in such a way that people cannot get at business enterprises. This would allow business enterprises the opportunity to operate along our highways and I urge you to vote yes on this Bill."

Speaker Peters: "On this question the vote is 75 voting aye, 8... 79 voting no... Representative Ropp."

Ropp: "I'd just like to place it on Postponed Consideration."

Speaker Peters: "Postponed Consideration. House Bill 276, Representative Kelley. Out of the record. House Bill 286, Representative Lechowicz. Mr. Clerk, call the Bill."

Clerk Leone: "House Bill 286, a Bill for an Act to amend the Criminal Code, Third Reading of the Bill."

Speaker Peters: "Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 286 creates a new Section of the Criminal Code entitled, 'Reporting Child Pornography' which places a burden a film processor who knowingly receives or handles what appears to be child pornography to deliver the pornographic material to the States Attorney. If the States Attorney determines that the material is child pornography and that it should be prosecuted he may return... he may retain that material. If he determines that it is not pornography, he is required to return the

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material to the processor for processing and delivery. Any film processor who complies with the statute will be immune from civil liability. Failure to comply with the statute is a petty offense or a 500 dollar maximum fine. The Bill defines film processor as anyone who develops film, makes prints from negatives, or works in a laboratory where film is delivered in exchange for consideration. It includes anyone who handles film from the time it leaves the customers hands until the time it is returned to the customer. This is a good Bill which gives local authority as a method to track down what appears to be child pornography and to prosecute pornographers who before the material is distributed to the public. The Bill received a thorough hearing in Judiciary II Committee and was reported with a 14 to nothing vote and I strongly recommend the passage of 286."

Speaker Peters: "Is there any discussion? Representative John Dunn, the Gentleman from Macon."

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

Speaker Peters: "He indicates he will."

Dunn: "Obviously, I understand the thrust of your legislation and am completely in support of it in concept. Where is child pornography defined in such fashion that this statute could withstand a constitutional challenge if it becomes law?"

Lechowicz: "I think it's in Section 3820. It's Criminal Code 3812-61."

Dunn: "And does that definition also include a definition of what might appear to be child pornography?"

Lechowicz: "Yes, it does. That addresses itself in 287. The next Bill."

Dunn: "Alright, thank you."

Speaker Peters: "Representative Jaffe."

Jaffe: "Yes, would the Gentleman yield."

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Speaker Peters: "He indicates he will."

Jaffe: "Teddy, I think that you... the Bill has a good thrust. I think that thing that bothers me is the fact that you're saying that the guy who's the film processor all of a sudden becomes the censor. He all of a sudden has to look over the pictures that are given to him and he's really the one that makes the decision as to whether or not he thinks that's pornography or not pornography. Isn't that the case under your Bill?"

Lechowicz: "Absolutely incorrect. Actually if you... if the gentleman believes they may be pornographic in nature, he submits it to the States Attorney and the States Attorney makes the final determination whether it's pornographic or not."

Jaffe: "Well, but what really happens then, is if he doesn't believe it to be so and it in fact is, then you're making him liable under the law. Are you not? Then he's guilty of a petty offense."

Lechowicz: "If it is... I don't believe... If it's pornographic and he does not turn it over to the States Attorney, yes he is liable."

Jaffe: "If I may..."

Speaker Peters: "Representative Jaffe, excuse me. Excuse me, Representative. Ladies and Gentlemen, this is an important piece of legislation I am sure for all of you. If you'd give the Gentleman your kind attention, please. And if we could hopefully move the conference in the rear down a couple of steps. Thank you. Representative Jaffe."

Jaffe: "The problem that I have with the Bill quite truthfully is that I do believe that it makes the film processor all of a sudden the censor. What he now has to do is he has to look at every picture that comes before him and if indeed he then has to make a decision as to whether or not he

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believes that it is or is not pornographic. Then he gives it over to the States Attorney and then the States Attorney makes his decision. I really feel that, you know, I commend Representative Lechowicz for moving on this problem and I think that moving on this problem is a necessity. However, I think we're doing it in the wrong way in this particular Bill because I just think we're making a film processor a censor and we really shouldn't do that, and for that reason, I think I'm going to be against the Bill."

Speaker Peters: "Representative Greiman."

Greiman: "Yes, thank you, Mr. Speaker. I think I share some of the concerns of the last speaker. We are essentially turning over the judgement as to what is a contemporary standard for morality as to whether it appeals to 'pre-interest', as to whether the whole notion of censorship we're turning over to a guy who processes film who may have no sense at all of what is or is not contemporary standard. It's one thing for us to say, well the duly elected States Attorney can convene a Grand Jury or a police officer who represents society to some degree can make that judgement, but to advocate society's standards of artistic performance to a film processor and make him the party is... makes no sense. Now, if he is a chain in the link of child pornography, then.. and he doesn't do it, then he should be guilty of a lot more than a petty offense. If, on the other hand, so that... which is all this imposes. So it seems to me what this does is to not go against people who are a chain in the link against child pornography and nonetheless impose a dangerous censorship, an advocacy of our societal responsibilities to a particular industry. It is... for that reason, I think unwise to pass and I shall vote no."

Speaker Peters: "Representative Kelly, Dick Kelly."

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Kelly: "Yes, Mr. Speaker and Members of the House. I suppose I take a contrary view to the last two statements that were made. I think that we should when we can... We're talking about child pornography. If we have to, you might say, be a little more aggressive in this area than I say that this should be done. And Representative Lechowicz, you have a good proposition and I am going to support you on it."

Speaker Peters: "The rules specifically provide that lobbyists are not entitled to the chamber. Without specifying any name, the Gentleman who is a lobbyist will please leave the chamber. Thank you. Representative Getty."

Getty: "Mr. Speaker, Members of the House, I rise to support House Bill 286 and I'd like to clear up what I think were a couple of misinformation that were given relative to this. First of all, it doesn't require that the film processor becomes a censor. What it says very simply is that if he knowingly receives or handles material which is a violation at which appears to be a violation of the child pornography Section, if he knows it, then he's to turn it over to the States Attorney. Now what sound minded person wouldn't agree that this is a solid concept? If he knows that it's child pornography, if he believes that it's a violation of that law, he is given the right to turn it over to the States Attorney so that it could be properly prosecuted. That's all it says. It doesn't set up any censorship. This is no more censorship than it would be censorship to say if you see an armed robbery being committed that you wouldn't report it. That if you saw a burglary in progress you wouldn't report it. We'd all do that. This says if you see child pornography report it to the States Attorney. This ought to be resoundingly supported."

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

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Johnson: "I move the previous question."

Speaker Peters: "The previous question has been moved. All those in favor signify by saying 'aye', those opposed. The question before us is, 'Shall House Bill 286 pass?'. Representative Lechowicz, to close."

Lechowicz: "Very briefly, Mr. Speaker, House Bill 286 again creates a new Section in the Criminal Code entitled 'Reporting Child Pornography which places a burden upon the film processor who knowingly, knowingly receives or handles what appears to be child pornography to deliver that pornographic material to the States Attorney. This Bill was a recommendation of the Illinois Investigating Commission. We have support by the Chicago Police Department, the Sheriff's Association from the State of Illinois, the Cook County Sheriff, every Law Enforcement Agency came in and testified in behalf of this Bill. I strongly recommend an aye vote."

Speaker Peters: "The questions is, 'Shall House Bill 286 pass?'. All those in favor will signify by voting 'aye', all those opposed by voting 'no'. Mr. Clerk, open the record. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question the vote is 141 voting aye, 14 voting nay, 7 voting present. House Bill 286 having received the Constitutional Majority is hereby declared passed. House Bill 287, Representative Lechowicz."

Clerk Leone: "House Bill 287, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Peters: "Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 287 is also a recommendation of the Illinois Investigating Commission. This would have sexual abuse of children itself as a heinous crime, but systematic

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sexual exploitation of children for commercial purposes and for the satisfaction of a sick audience even more seriously harmed are helpless youth and offends a decent society. House Bill 287..closes an unpardonable loop hole in the child pornogrphay section of the Criminal Code by defining sexual conduct to include the exhibition of the genitals of pubic area of any person regardless of age rather than only the exhibition of post-pubital genitals or pubic areas. This change was recommended by the Legislative Investigating Commission in their report on child sexual exploitation in order to conform the Illinois Criminal Code with the federal child pornography statutes. For this reason, I'm recommending your support for House Bill 287."

Speaker Peters: "Is there any discussion? Is there any discussion? If not, the question is 'Shall House Bill 287 pass?'. All those in favor will signify by voting 'aye', those opposed by voting 'no'. Mr. Clerk, open the record. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, the vote is 165 voting aye, none voting no, none voting present. House Bill 287 having received the Constitutional Majority is hereby declared passed. House Bill 289, Representative Stuffle. Out of the record. House Bill 295, Representative Stuffle. Out of the record. House Bill 307, Representative Bianco."

Clerk Leone: "House Bill 307, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Peters: "Rep... The Gentleman from Cook, Representative Bianco."

Bianco: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 307 would reduce the current license plate fees for the ex-POW designated license plate by one-half. Last year, we enacted legislation which provided

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for the ex-POW license plate. At that time, the original Bill allowed for these plates to be issued to ex-POW's free of charge. However, that portion was deleted from the final measure. Now, in the aftermath of the hostage crisis which caused a deeper awareness of the plight of those who have given the ultimate for our country, the half price license plate would certainly be a small way of saying 'Thank you' to those brave Americans who have suffered so much for our country. On behalf of the Illinois Ex-Prisoners' of War, I ask for your support and a favorable Roll Call on this Bill."

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

Wolf, J.J.: "Thank you, Mr. Speaker, Members of the House. I rise in support of this legislation. I think it's an excellent Bill to provide. There's a very small number of these people. We have had as many of, as you probably know, on the books for many years a fee of eight dollars for two years for so-called charitable and religious organizations which I believe has been highly abused. I will have some legislation to deal with that later to charge the same fee. I think it's a good Bill and deserves the support of every Member of the House."

Speaker Peters: "The Gentleman from Cook, Representative DiPrima."

DiPrima: "Yes, Sir, Mr. Speaker, Ladies and Gentlemen of the House. After the way they glorified the hostages over there in Iran, which was alright but I think it was overdone a little bit, I think this is one way of repaying our boys that really were in the thick of things and really suffered as prisoners of war, and I highly recommend the passage of this legislation."

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Speaker Peters: "Is there any further discussion? If not, the question is, 'Shall House Bill 307 pass?'. All those in favor will signify by voting 'aye', all those opposed by voting 'no'. Mr. Clerk, open the record. Have all voted who wish? Have all voted who wished? Have all voted who wished? On this question the vote is 155 voting aye, 4 voting no, 7 voting present. House Bill 307, having received the Constitutional Majority is hereby declared passed. Be at ease for one minute. Representative Telcser in the Chair."

Speaker Telcser: "The Gentleman from Kankakee, Speaker Ryan."

Speaker Ryan: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. After several days of long, hard deliberation on the proposed transportation package that's been sent to us, after hearings by the special Select Committee headed by Representative Ewing, after two days of sincere hearings in the Committee of the Whole, and attempts for the last two or three days to amend this Bill and put it into the proper shape I don't see a whole lot of reason to continue here anymore tonight. When these Bills were introduced, when I introduced these Bills, I wrote a letter to the Minority Leader and asked him to Cosponsor these Bills with me to help me shape them into some kind of a package that we could pass that would solve the problem for the people of the State of Illinois. Representative Madigan declined my invitation to Cosponsor the Bills and on several occasions told me that it was too early to sit down to negotiate any kind of a package that we might be able to pass. I think he's demonstrated his unwillingness to provide the necessary votes to pass any kind of a package here despite his press releases. On House Bill 738 I believe there were 68 Republican votes and not one Democrat vote. I think the record will show that, Mr. Speaker, and

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with that in mind, I don't see anymore reason to stay here while the Democrats call for caucuses and refuse to come back to the floor, when they refuse to put votes on Bills that affect City of Chicago and the Mayor of the City of Chicago, after the Governor and myself have acted in good faith along with the Members of the Republican Party in the Illinois House, spent our time away from home, away from our families on the weekend. I think now, Mr. Speaker, it's time to go home and I would move to table House Bills 738, 739, 740, 741, 742, and 743."

Speaker Telcser: "You've all heard the motion. All in favor signify by saying 'aye', opposed 'no'. The Bills are tabled. Mr. Speaker. The Gentleman from Kankakee, Speaker Ryan."

Speaker Ryan: "Mr. Speaker, I would like to, at this time, again extend an invitation to the Minority Leader to sit down with me to help draft some Bills that we can pass. We're going to go home now until the 21st or the 22nd of April. When the Minority Leader gets his signal from City Hall or whatever he gets it from and he's ready to bring his, only his 44 votes to pass the Bill to solve the transportation problem in the State of Illinois, I'll be glad to sit with him tonight, the next two weeks with my leadership and his leadership to put a package together that we can pass out of this House to solve the pending crisis. And I extend that invitation to the Minority Leader now and I'll be home for two weeks, Representative Madigan, and be glad to give you all of my phone numbers. I'll be glad to meet with you and your leadership at any time and we will be available to come back into this Session, into this House. I've discussed this with the Governor and he is prepared to call us back in when he decides that your side of the aisle, you and the Mayor and the Democrats are serious about solving

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the transportation problem for the State of Illinois. I now move that the House stand adjourned."

Speaker Telcser: "Gentleman has moved that the House stand adjourned until April 21st. All in favor signify by saying 'aye', opposed 'no'. The House stands adjourned. Representative Wolf, for an announcement."

Wolf, J.J.: "Yes, would the Members of the Appropriation Committee please be advised the House Appropriation Committee will meet in Room 118 in fifteen minutes. I'd like to see the Republican Members in my office first."