

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

92nd Legislative Day

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Speaker Ryan: "The House will come to order, and the Members will please be in their seats. The Chaplain for today is the Reverend Anthony Tzortzis from St. Anthony's Hellenic Orthodox Church in Springfield. Reverend Tzortzis."

Reverend Tzortzis: "Christ has risen from the dead, by death trompling upon death and, to those in the tombs, has given everlasting life. Oh Christ, the true light, which illumines and sanctifies every man who comes into the world. Let the light of the continents be shown upon all our State Representatives and all loyal officers of our government, of our country; that in it we may behold the light inevitable and guide our footsteps, our eyes to the keeping of Thy Commandments through the intercessions of Thy most pure Mother and all the Saints. Amen. Christ has risen, and God bless you."

Speaker Ryan: "Thank you, Father... or Reverend. We'll be led with the Pledge today by Representative Macdonald."

Macdonald et al: "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Speaker Ryan: "Roll Call for Attendance. Take the record, would you, Mr. Clerk? With 165 Members answering the Roll, a quorum of the House is present. Representative Getty, do you have any excused absences today?"

Getty: "None other than Representative Vitek, which I think we've journalized for the week."

Speaker Ryan: "I can't hear you, Representative."

Getty: "None..."

Speaker Ryan: "Could we have a little order in the chamber, please? Mr. Doorman, will you clear these aisles and take the unauthorized people off the floor? We're going to try

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and do some business here today. Proceed, Representative."

Getty: "Mr. Speaker, may the record indicate Representative Yourell, due to death in the family, and, I believe, Representative Vitek was journalized for the whole week."

Speaker Ryan: "Right, yesterday."

Getty: "He's ill. Thank you."

Speaker Ryan: "That's the only two?"

Getty: "That's to my knowledge."

Speaker Ryan: "The record will so indicate. Representative Telcser, do you have any excused absences?"

Telcser: "Mr. Speaker, would the Journal please show that Representative Ewing is absent because of legislative business, Representative Peters is absent due to illness, and Representative Hoffman is absent due to illness in the family?"

Speaker Ryan: "The record will so indicate. Representative Polk, for what purpose do you seek recognition?"

Polk: "Mr. Speaker, today we are fortunate to have, from the...from the 21st District Women's Club, guests; seven from Illiopolis, five from Springfield and one from Rochester. They are ably represented here in the House of Representatives by Irv Smith, and Jo Oblinger and Doug Kane. I wish those representatives from the 21st District Women's Club would stand up so we can recognize them, if they would, please."

Speaker Ryan: "On the Calendar, on page eight, under the Order of Senate Bills, Third Reading appears Senate Bill 59. Is Representative Lechowicz on the floor? Representative, you want...you want to hear your Bill today? Read the Bill, Mr. Clerk. Wait just a minute. Wait just a minute. Representative Lechowicz, did you want to... Turn on Lechowicz."

Lechowicz: "Thank you, Mr. Speaker. I ask leave of the House to

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bring Senate Bill 59 back to Second Reading for the purpose of Amendments. Second Reading, Mr. Speaker."

Speaker Ryan: "The Gentleman asks leave to return Senate Bill 59 to the Order of Second Reading for the purposes of Amendment. Are there any objections? Hearing none, leave is granted. Is the Amendment filed, Representative?"

Lechowicz: "Yes, Sir, it is."

Speaker Ryan: "Do you want it read now?"

Lechowicz: "Yes, Sir."

Speaker Ryan: "Read the Amendment, Mr. Clerk."

Clerk Leone: "Amendment #2, Madigan, amends Senate Bill 59 by deleting the title and inserting in lieu thereof the..."

Lechowicz: "Mr. Speaker, would you withdraw Amendment #2, please?"

Speaker Ryan: "Is that your Amendment?"

Lechowicz: "That's Madigan - Lechowicz, yes."

Speaker Ryan: "Withdraw Amendment #2. Are there further Amendments?"

Clerk Leone: "Amendment #3, Madigan - Lechowicz, amends Senate Bill 59 by deleting the title and inserting in lieu thereof the following."

Speaker Ryan: "Representative Lechowicz on Amendment 3 to Senate Bill 59."

Lechowicz: "Thank you, Mr. Speaker. This Amendment provides that municipalities and other select units of local government, counties, airport authorities and park districts may issue industrial development bonds bearing interest at such a rate or rates without regard to any limitation of any other law. It changes from 9% or 70% of commercial rate in effect at the time. It also provides that bonds, tax anticipation warrants or other evidences of indebtedness issued by public corporations, under the General Interest Rate Law, may bear interest not exceeding the greater of 9%

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or 125% of the state of the rate in a Twenty GO Bond Index of average municipal bond yields, as published in the most recent addition of the Bond Buyer. It's a change from 9% or 70% of prime commercial rate in effect at the time. And it also has that bond issued by forest preserve districts in counties with three million or more population, for purposes of a working cash fund, may bear interest at the rate permitted in the General Interest Rate Law. That's the three items that the Amendment does, and I move for its adoption."

Speaker Ryan: "Is there any discussion? Is there any discussion? The question is, 'Shall Senate Bill 59...' No. 'Shall Amendment #3 to Senate Bill 59 be adopted?'. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. On the Calendar, on page two, under the Order of House Bills, Second Reading appears House Bill 89, Representative Deuster. Want the Bill heard, Representative? Out of the record. House Bill 711, Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 711, a Bill for an Act to amend the Evidence Act. Second Reading of the Bill. Amendments #1 and 2 were adopted pre... 1 and 3 were adopted previously."

Speaker Ryan: "Are there any Motions filed with respect to Amendments 1 or 3?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any further Amendments?"

Clerk Leone: "Amendment #5, Cullerton, amends House Bill 711 as amended."

Speaker Ryan: "The Gentleman from Cook, Representative Cullerton, on Amendment #5."

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Cullerton: "Thank you, Mr...Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, I'd like to withdraw Amendments #5, 6 and 7. I'd like to withdraw Amendments 5, 6 and 7."

Speaker Ryan: "Amendmen...Withdraw Amendment 5. Further Amendments?"

Clerk Leone: "Floor Amendment #6, Cullerton - Getty, amends House Bill 711..."

Speaker Ryan: "Representative Cullerton on Amendment #6."

Cullerton: "Wish to withdraw Amendment #6."

Speaker Ryan: "Withdraw Amendment #6. Further Amendments?"

Clerk Leone: "Amendment #7, Cullerton - Getty, amends House Bill.."

Speaker Ryan: "Representative Cullerton on Amendment #7."

Cullerton: "Wish to withdraw Amendment #7."

Speaker Ryan: "Withdraw Amendment #7. Further Amendments?"

Clerk Leone: "Floor Amendment #8, Cullerton, amends House Bill 711 as amended."

Speaker Ryan: "What's your pleasure on #8, Representative?"

Cullerton: "I'd like to pass this one."

Speaker Ryan: "Like to pass this one."

Cullerton: "Right."

Speaker Ryan: "Proceed to explain Amendment #8."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #8 strikes the Bill, as it was originally filed, and puts in a, in effect, a new Bill. This Bill has to do with polygraph tests, and it would permit the defendant or the State's Attorney to introduce polygraph test results, in a criminal proceeding only, providing that the defendant, his attorney and the State's Attorney agree, through stipulation, to have the results of this test admitted. This Bill comes as a result of a recent Supreme Court case, People versus 'Baines', where

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the Supreme Court overturned a conviction. There was a lie detector test was taken. The defendant flunked it, if you will. The state introduced that into evidence, and the Supreme Court reversed a conviction. It's very important to the administration of justice to dispose of criminal cases, either by the state throwing out the charges, or by the defendant pleading guilty after these tests are taken, and it's only done when both sides agree to taking the test, by stipulation. So that's what the Amendment does. I'd be happy to answer any questions."

Speaker Ryan: "Any discussion? The Gentleman from Cook, Representative Stearney, on Amendment #8."

Stearney: "... Gentleman yield?"

Cullerton: "Yes."

Stearney: "Why are you amending the Code of Civil Procedure when this would have to deal with a criminal procedure problem?"

Cullerton: "I just talked to the Reference Bureau. They indicated that the original Bill amended the Evidence Act. The Evidence Act has been repealed. I asked them to draft this Amendment. Since the Evidence Act went into the Code of Civil Procedures, they thought that this was where it should be amended. It could be in the Code of Criminal Procedures just as well. It's just a matter of choosing which one to put it in."

Stearney: "Let me just ask one other salient question and that is, just in what instances would the state ever agree with the defense, stipulate, so to speak, to have the results of that polygraph admissible? Otherwise, isn't this an exercise of futility, because no one is ever going to stipulate? No one is ever going to agree."

Cullerton: "No. It happens many times where both the state and the defense agree to admit into evidence results of a polygraph test. The... Generally speaking though, it

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doesn't get into a trial, because, if the defendant doesn't pass the test, most of the time he would plead guilty. If the defendant does pass the test, most of the time the state would throw out the case."

Stearney: "Well, I've never heard of the state ever doing that, but you're saying you do know."

Cullerton: "Well, no. It's happened many times prior to indictment. It's in the preliminary stages where someone's under arrest, but there hasn't been an indictment; and it's, generally speaking, a weak state's case. They would enter in this... into the stipulation, because, if they can...if the guy doesn't pass the test, then that's admissible. And that's why the inducement for the state is to, of course, enter into a stipulation because, if the guy doesn't pass the test, it's going to be admissible and help the state's case. If he does pass it..."

Stearney: "Why does the state need that stipulation in order to dismiss a case or S-O-L it? They don't need that."

Cullerton: "They don't need it. No, but this encourages them to do so, if he has passed the test. If you can't use the results, then there is no need to even have the test."

Stearney: "Yes, but the...a polygraph examination is not necessary for the state to dismiss or S-O-L a case."

Cullerton: "That's correct."

Stearney: "They can do it now."

Cullerton: "If they want to."

Stearney: "So, if a defendant...if a defendant took the polygraph today and he passed it, the state could dismiss it tomorrow. That don't need a stipulation."

Cullerton: "That's right."

Stearney: "One other question. What if one of the parties refuses to agree to the admissibility of that polygraph? Is that... Could that, nevertheless, be introduced against

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that party in trial?"

Cullerton: "No."

Stearney: "Where does the Bill provide that?"

Cullerton: "Well, it's..."

Stearney: "That refusal to stipulate shall not be admissible against you during the case...or state's case, in chief, or the defendant's case, in chief."

Cullerton: "I'm not sure if it's covered in the...In this Amendment, but my position is that it's not admissible now. It's not admissible now; and that what we're saying is it's admissible only if stipulated to; and the failure to stipulate is certainly not admissible in evidence."

Stearney: "Well, I would think the...if the Bill doesn't have that, it certainly may prejudice the defendant's or the state's case."

Cullerton: "It wouldn't have any relevancy."

Stearney: "I don't really see the necessity for this. This is a three-page Amendment, Mr. Cullerton, to handle a very simple problem. And I don't think there is the problem, first of all, and then the way you're attacking the problem creates more complications than necessary."

Speaker Ryan: "Any further discussion? Have you concluded your remarks, Representative Stearney? Are you finished? Is there any further discussion? The Gentleman from Macon, Representative Dunn."

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

Speaker Ryan: "Indicates he will."

Dunn: "What is the timing on these proposed stipulations? Are the parties to... I haven't had a chance to read the Amendment. Are the parties to agree ahead of time about whether the results of a lie detector test are admissible, or do they agree after the test has been taken?"

Cullerton: "No, they'd have to agree before the test has been

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taken."

Dunn: "Okay. And, I...if you'd briefly explain the impact of this Amendment again? I was distracted during your earlier explanation."

Cullerton: "The Supreme Court recently overturned a conviction of a defendant in the People versus 'Baines' case. There was a stipulation between the parties that the results of a polygraph test would be admissible. The defendant did not pass that test. The state then introduced it into evidence and obtained a conviction. The Supreme Court reversed the conviction saying that polygraph tests are not admissible, even if they're stipulated to. The purpose of this Bill is to overturn the effects of that Supreme Court decision and to allow the state to introduce evidence of someone not passing a lie detector test into their case, in chief."

Dunn: "Alright. Only in..."

Cullerton: "Gives a statutory base for the admission but only if both sides agree to it. Only if both sides agree to it by stipulation, and the practical effect, in my opinion, of the Bill will be, if the state agrees to a stipulation with the defendant and he passes the test, many times it's when the state has a relatively weak case, and that would be the incentive then for them to dismiss the case. On the other hand, if the defendant doesn't pass the polygraph test, that would be the incentive for the defendant to plead guilty. So, as a result, you're going to... you have an improvement in the administration of justice, because you won't have any unnecessary trials. You'll have either a greater number of guilty pleas or a greater number of dismissals."

Dunn: "And what...what does this do for the general credibility of polygraph tests? Does this elevate them to a position where they will be the focal point in the outcome of a

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large percentage of criminal cases in the future?"

Cullerton: "No, not at all. This Bill specifically provides that the polygraph test results must not be accepted as conclusive by the tryor of fact, but they're considered along with all other evidence. And, practically speaking, this would rarely be introduced into evidence in a trial. It's my position that this will, generally, result either in guilty pleas or in dismissals of cases."

Dunn: "Thank you."

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

Kosinski: "Will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Kosinski: "John, I'm a little confused in terms of this issue. Now, the Supreme Court made a determination that polygraph tests were not admissible evidence. Is that correct? Is that what you said?"

Cullerton: "That's right. The Supreme Court, in *People versus Baine*, said that, even if two people, even if the state and the defendant agreed that they should be admissible, that they could not. And, in that case, they overturned a conviction, the Supreme Court reversed a conviction because a person had not passed the polygraph test. The state introduced that into evidence, and the Supreme Court said they couldn't do that."

Kosinski: "I have difficulty hearing, Mr. Speaker. I wonder if we could have some order in this House."

Speaker Ryan: "The Gentleman has requested some order. Would the Members please be in their seats? Proceed, Representative."

Kosinski: "Thank you, Mr. Speaker. John, now, no matter what we do in terms of this Amendment, there will still be court decisions regarding it, will there not?"

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Cullerton: "No. It's my...The reason why the Supreme Court ruled was because there was no legislation on it. This will specifically authorize, and it's certainly constitutional. It's within our power to do it. This will specifically authorize the state to use the results of a lie detector test in a...in their trial."

Kosinski: "However, that's in terms of the Illinois Supreme Court. Is that right?"

Cullerton: "Well, right. It would be, in effect, it would be overturning, by legislation, the results of the Illinois Supreme Court."

Kosinski: "But, if it's appealed to a higher court, to the Federal Court, there still is a possibility of overturn, isn't there?"

Cullerton: "Well, they'd have to find it unconstitutional. It's my position that it's clearly within our power to regulate the criminal procedure by specifically authorizing evidence to be admissible."

Kosinski: "You see, I have no great faith in polygraphs. That's what makes me concerned. Now, were we to pass this measure, pass this Amendment and pass this Bill, how will that affect criminal justice? Will it protect or deny privileges to the accused?"

Cullerton: "Well, keep in mind, this Bill comes as a result of a Supreme Court decision to reverse a conviction. It's my position that this will result in... It really is more beneficial to the state, because it will result in people taking the lie detector test before the trial starts. If they don't pass the test, there's a tremendous inducement for that defendant to plead guilty, and I think that that's what will happen. Now, if the state has a very strong case, they don't even enter into a stipulation with the defendant that he should take a lie detector test, because

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they don't have to. They've got physical evidence, eyewitnesses and all that. The only time the state would do it is if it's a borderline case where it's not that strong of a case for the state. And then, if the person passes the test, the state will, generally, go ahead and dismiss the case. They can do it anyway, but that would make it easier for the state to do it. However, if the person flunks that lie detector test, then there's a tremendous... it bolsters the state's case and, in most cases, they'll get a guilty plea from the defendant. So, I look upon it as a law and order type of an Amendment."

Kosinski: "Now, we're implying that it is the State of Illinois. Are other states introducing this type of legislation or have they?"

Cullerton: "I don't know about other states, but I would be...I would be surprised if there's any other state that's come up with a decision that says that, even when the people agree between themselves that certain things should be admitted into evidence, that they can't. I think it's really unbelievable that the state...that the Supreme Court would make that ruling. I doubt if other states have that situation."

Kosinski: "You see, my concern is, if it goes through a Federal Court and other states aren't going along this course, there's still the possibility of it being knocked down, isn't there?"

Cullerton: "Well, I don't...I can't tell you what a Federal Court would do with this Bill. I just think it's clearly within our discretion to pass legislation concerning admissibility of evidence in criminal cases. I think we need to do this because, right now, there's no way that the state or the defense are entering into these agreements. And there are convictions out there that, in this case, have been

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overturned or convictions that won't be obtained because of this Supreme Court ruling; and, that's the purpose of the Bill."

Kosinski: "And, of course, in this Bill, it needs the compliance of both parties before a polygraph would be administered and taken into evidence. Is that right?"

Cullerton: "That's right. In poly..."

Kosinski: "But now...now presume I'm the defendant, and I'm quite certain of my lack of guilt. Then I could enter with a polygraph situation, if I believe in polygraphs, with impunity. If I am... if I am concerned about my own guilt, I would not comply. Isn't that correct?"

Cullerton: "Right. Well, see, a defendant now, who might think he might be not guilty, can go ahead and take a test and show that to the state. But, if the state doesn't agree, beforehand, to stipulate in that that should be admissible, then the defendant's passing the test doesn't go before the Judge or the jury; and, it's not admissible. It's only when the state agrees. In other words, it's only...this would only be admissible when the state wants it to be admissible."

Kosinski: "This may be an exercise in futility. I'm going to vote for the Amendment, but I have ... the possibility of achieving anything is very dim, in my mind. Thanks, John."

Speaker Ryan: "Any further discussion? The Gentleman from Lake, Representative Deuster, on Amendment #8."

Deuster: "If the Sponsor would yield for a question, my basic question is this; right now, under Illinois law, are the results of a polygraph test or the results of a so-called lie detector test, are they admissible, are they admitted into evidence? If, under any circumstances, are they?"

Cullerton: "Polygraph tests are not ordinarily admissible into evidence. Under the Supreme Court decision, they're not

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admissible at all. Okay? Because the Supreme Court has said, even if both parties agree, that you cannot admit them into evidence. All we're...all we're trying to do with this Bill is to say that, when the state wants to have the results admitted into evidence, they can."

Deuster: "What I'm concerned about, I think the reason the courts don't allow the admissibility into evidence is they may have some question about the credibility or reliability of the test. For example, the courts don't generally allow hearsay. Suppose we had an Amendment on Second Reading to provide that hearsay evidence or other evidence that the court wouldn't want to admit normally could be admitted? What I'm wondering is, why should we pass a state law requiring evidence to be presented to a jury where the courts don't feel that it's reliable, even if the parties agree? Why...why, simply because a defendant and a prosecuting attorney agree to put something into evidence, should the...should we tell the Judges that they've got to receive it into evidence if there might be some question as to its reliability?"

Cullerton: "Well, the Judges, in this particular criminal case, certainly did admit it into evidence. The Supreme Court reversed a criminal conviction. You have to understand what I'm saying here. This is... They overturned a conviction. This particular individual, in this Supreme Court case, flunked the test. And the state, by stipulation with the defendant beforehand, agreed to introduce that into evidence; and, it was considered by the jury, and they convicted the defendant. The Supreme Court reversed that. They said, even if they agree to the results, that they can't admit them. That, to me, is absurd. I think that, if the two parties agree and the state agrees, that they should be allowed to admit it into

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evidence. I'll say this, that, generally speaking, I don't anticipate that this will result in it being admitted into many trials. It is really designed to weed out the cases before trial, to get the defendants to either plead guilty or the state to dismiss a weak case."

Deuster: "Well, Representative Cullerton, did the Court, in its decision, say why it was not allowing the results of a polygraph test? Did they comment on the fact that the reliability of the test is not known? There must be some reason for their decision. You were just telling us the results of the decision. I think the Members of the House ought to know why the Court made that decision. I don't happen to have read it. I'm sure 95% of the Members sitting here listening to this discussion haven't read the decision. So, before we pass a law to overturn a decision, shouldn't we know what is the reason for that decision, and I would ask you, did the Court give some reasons?"

Cullerton: "The decision was based upon the Supreme Courts assumption that polygraph tests are unreliable, but the reliability of the polygraph test was not at issue. That wasn't at issue. They both agreed by stipulation that it should be admitted. And we're not changing the law. Polygraph tests are not going to be made admissible... Well, if you want to listen to your staff answer it, I... you can do it that way, too."

Deuster: "No, I'm trying to listen to... There's a lot of noise here. I'm sorry."

Cullerton: "The... I'm not changing... We're not changing the general law. Polygraph tests are not going to be generally admissible in cases. We're not...the issue is not the reliability of those tests. What we're saying is, when both sides agree, only in those cases, when both sides agree, would it be admissible."

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Deuster: "Thank you."

Speaker Ryan: "Is there any further discussion? Representative Hanahan on Amendment #8."

Hanahan: "Amendment #8? Mr. Speaker, Members of the House, not too often do I join with my colleague from Lake in opposing an Amendment that gives me a lot of fears. But anytime I hear on this floor of the House that somehow a polygraph test should be admitted into any kind of evidence or should be used, sends chills up and down my spine. It isn't too many years till 1984, and I think, when Orwell said that big brother is watching you; it gives me a lot of fear, when I stop and think, that somehow some machine or somehow some truth serum is going to judge the truthfulness of somebody's statement. Ladies and Gentlemen, it doesn't take very much intelligence to realize that there are people in this country and this world who have devised many methods of beating a lie detector; that they have devised many ways of fooling the lie detector examiner. It's quite evident, in the past, that when the U. S. Government itself has refused the usage of lie detectors in its examinations, even in the FBI and even in the CIA, that it doesn't take much intelligence that we should not allow in Illinois the usage of a lie detector to ever be used as some form of evidence. Too often people are refused employment because of a refusal of a lie detector; and somehow, we have given some sanctity to the use of a lie detector that somehow this machine and its examiner is going to be able to tell the validity and the truthfulness of the person being questioned. As for me, I've read enough over the years and have seen enough misuse. I've seen enough people who are in error using the license that we give them to examine people with a lie detector to ruin lives and to ruin families, because, somehow, the general

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public think there's some truth in a misnamed machine called a lie detector. There is no way that this machine has ever, ever been held valid in a court of law, as far as being able to tell the truth or not or even to tell whether or not the person who is being questioned has told the truth or not. Any of you who have been examined by a lie detector should realize that all you have to do is take a little valium. All you have to do is take a couple other pills that are on the market, and you'll screw it up so badly the examiner won't know what he's doing with the test. Now, for it to be sanctified by this Amendment to House Bill 711, would be a travesty on all we call sacred, as far as juror prudence in this state. And I ask for a 'no' vote."

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

Jaffe: "Yes, Mr. Speaker and Members of the House, I rise in opposition to this Amendment. It seems to me quite clear that lie detectors have always been undependable. I think everybody acknowledges the fact that they're not dependable and they're not reliable. And in order to read a lie detector test, you really have to go to a subjective interpretation. What the Supreme Court has taken judicial notice of is the fact that lie detectors are not dependable and they are not reliable, and they have said that repeatedly. Now I think it would be a grave error for us, at this point, to take an unreliable mechanism such as a lie detector test and give it legislative credence. I think that would be a grave error on our part, and I would urge defeat of this particular Amendment."

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

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

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House, I, too, rise in opposition to this Amendment because what it's going to do, if the jury realizes that the defendant does not want to agree to it, and he may not want to agree to it because of the unreliability of lie detector tests; that's going to put a wrong impression in the minds of the jury. And we should not allow this to happen and, therefore, I urge a strong 'no' vote to this Amendment."

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

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Unfortunately, the people who have spoken in opposition to the Bill are mistaken about some of the things that it does. To answer Representative Sandquist, the refusal to stipulate to a lie detector test beforehand is certainly not admissible in a criminal trial. So, there's no way that the jury would ever even be allowed to ponder upon the fact that someone failed to take the test beforehand. With respect to Representative Hanahan, this has nothing to do with people taking tests for... lie detector tests for employment. It only applies in criminal cases, and I suggest to him that, in many cases, what this will do is to avoid someone incurring the legal expenses of having to go through the anguish of defending themselves on a criminal case of something they didn't do, because they would have passed the test early on in the proceedings, and the case would have been dismissed. That's what the purpose of the Amendment is. It's to facilitate the administration of justice. It's to aid the state in a case where someone has taken the test and not passed it. In most cases, it will result in that defendant pleading guilty. It's to aid the defendant in cases where the state has a weak case. They show the state, by passing the test, that they have nothing to do with the crime, and then the

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case is dismissed. That's what the purpose of the Amendment is. I might point out this is Second Reading, and I'm merely trying to get my Bill in the shape that I want it to be discussed and debated on Third Reading. For that reason, I would ask for you to simply vote 'aye' for this Amendment, and I'll be happy to answer anyone's questions between now and the time that it's called on Third Reading to dispel some of the inaccuracies that people have in their minds about the Bill right now. So, I'd ask for an affirmative vote on my Amendment. Thank you."

Speaker Ryan: "The question is, 'Shall Amendment #8 to House Bill 711 be adopted?'. All in favor will signify by saying 'aye', all opposed by saying 'no'. And the 'nos' have it, and the Amendment fails. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 869, Representative Reilly. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 869, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any Motions filed with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Further Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Ryan: "Third Reading. House Bill 891, Representative Reilly. Want the Bill heard, Representative? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 891, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any Motions filed with respect to

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Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there further Amendments?"

Clerk Leone: "No Floor Amendments."

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

Conti: "Mr. Speaker, for a purpose of an introduction. We are honored today to have the St. Charles High School honor class, Economics and Government class. There are 26 people up here on my right from the ... hard Betty 'Shields' teacher introduced them today, please, for Betty Hoxsey, Representative Ewing and Representative Breslin. They're up here on my right. Let's welcome them."

Speaker Ryan: "House Bill 921, Representative Miller. Want the Bill heard, Representative? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 921, a Bill for an Act to amend the Inheritance and Transfer Tax Law. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Representative Miller on... Are there any Motions filed with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2, Miller, amends House Bill 921 as amended."

Speaker Ryan: "Representative Miller on Amendment #2."

Miller: "Than you, Mr. Speaker, I would like to withdraw Amendment #2."

Speaker Ryan: "Withdraw Amendment #2. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Miller, amends House Bill 921 as amended."

Speaker Ryan: "Well, Representative, I understand you just filed that Amendment. It has not been printed and distributed. You're going to have to wait until that's prepared. Take

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the Bill out of the record, Mr. Clerk. House Bill 957, Representative Daniels. Representative Daniels on the floor? Out of the record. House Bill 1004, Representative Kelly. Out of the record. House Bill 1108, Representative Schneider. 1108, Representative. Do you want the Bill... TOR? Take it out of the record. You like that. Out of the record. House Bill 1215, Representative Levin. Out of the record. Is that right, Representative? House Bill 1271, Representative Hoffman. Out of the record. House Bill 1317, Representative Daniels. Out of the record. House Bill 1346, Representative McClain. Read the Bill? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1346, a Bill for an Act to amend the Use Tax Act. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, McClain, amends House Bill 1346 by deleting the title and inserting in lieu thereof the following."

Speaker Ryan: "The Gentleman from Adams, Representative McClain, on Amendment #1."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #1 to House Bill 1346 is directed towards the bankrupt Road Fund in the State of Illinois. There are two parts to this Amendment. The first part of the Amendment would increase the motor vehicle registration fees to a flat 44 dollars per current fee. So, instead of a 35 horsepower vehicle having a current fee of 18 dollars, the proposed fee would be 44 dollars; likewise for all other motor vehicles. Now, the interesting part about this piece of legislation or this Amendment is all the revenue generated from the motor vehicle registration fee shall go into a non-diversionary state construction account where it

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shall be used for highway construction. The second part of this Amendment increases motor fuel taxes from the current 7 1/2 cents to 11 cents. That's a 3 1/2 cent increase, and, in the following year, there would be an additional one penny increase. Those monies would be distributed to the Motor Fuel Tax Fund where, as you know, 60% of the funds go to local governments and 40% into the Road Fund. What this piece of legislation or this Amendment would do is provide for total revenue of dollars. In Fiscal '83, 261 million. Into the new state construction account it's 183 of that 261, and the increase to local governments is 78 million. I have a schedule on how that increases throughout the year until Fiscal 1987. Ladies and Gentlemen of the House, a lot of people will claim that this may be poor timing, but the Road Fund is nearly bankrupt. And what we're faced with is, if we don't do something by Fiscal Year '86, the amount of money that we get in the Road Fund shall be equal to the amount of money we spend out for salaries, and there will be no maintenance and no construction. There's a crisis in the Road Fund. This Amendment was put together by the Transportation Improvement Council sponsored by myself and Clarence Neff, Representative Neff with House Bill 2002 and then this Amendment is Amendment #1. And in the Senate, it's represented by Senator Max Coffey and fellow Democrats. So, it's a bipartisan effort to cure the problems of the Road Fund and create a non-diversionary state construction account, and either myself or Representative Neff would be glad to answer any questions."

Speaker Ryan: "Is there any discussion? Representative Lechowicz."

Lechowicz: "Would the Sponsor yield to a question?"

Speaker Ryan: "Indicates he will."

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Lechowicz: "What is the fiscal impact of Amendment #1?"

McClain: "The first year, Mr. Lechowicz, the revenues generated would be 261 million new revenues. Of that, 183 would go into a new state construction account, and 78 million would go to local governments."

Lechowicz: "And this revenue, how is it derived?"

McClain: "It's twofold. The first part would be an increase in motor vehicle registration fees to a flat fee of 44 dollars per vehicle, instead of the current graduated motor vehicle registration fee that we have presently; and the second part of the funding package is a 3 1/2 cent gasoline tax for the first year and the second year would be an additional penny for a total of 4 1/2 cents."

Lechowicz: "In this Amendment, you're providing an increase on license plates from 18 dollars to 44 dollars, from 30 dollars to 44 dollars. Is that correct?"

McClain: "That's correct."

Lechowicz: "And what about pick-up trucks. Does that go from 30 to 44 dollars as well?"

McClain: "That's right. Every...every vehicle would go to 44 dollars except for recreation vehicles, 8000 pounds and greater. They would go from 40 dollars to 50 dollars, and 10,000 pounds and over would go from 50 dollars to 60 dollars."

Lechowicz: "Is there any increases as far as on the large trucks within the state?"

McClain: "No, Sir."

Lechowicz: "I just want everybody to be aware of what they're voting on. Thank you."

Speaker Ryan: "Any further discussion? Representative Ropp."

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

Speaker Ryan: "Indicates he will."

Ropp: "Yeah, Representative, are you aware that I have heard that

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there's been some consideration about changing, just flip-flopping the formula of the 40 - 60% of the current Road Fund? Is that being taken into consideration with this Amendment or not?"

McClain: "No, Mr. Ropp. Last year we had a piece of legislation that increased the money from 60 - 40 to 70 - 30, but this Amendment adopts the same formula that we have presently, which is 60 - 40."

Ropp: "Can you mention, relative to what Representative Lechowicz said about not including any increase license fees for large trucks, why that isn't included in this?"

McClain: "This piece of legislation was put together by the Transportation Improvement Council, which is a bipartisan Council of labor unions, contractors and business groups, and Mr. Neff and I, as being Cosponsor of the piece of legislation, all we are doing is mirroring that Council's consensus. So, we saw fit, as the Council did, not to include that in this Amendment."

Ropp: "Well, it's been brought to my attention, under a recent article in the news media that one large truck will tear up as much highway as some 3500 automobiles, and it seems to me that, if we're increasing the tax on automobiles, that we might give some increase or some consideration on increasing the culprit that really causes a major portion of the highway damage in Illinois."

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

Huff: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Ryan: "He indicates he will."

Huff: "Representative McClain, on your breakdown of distribution of these taxes, you have 16%, almost 17% going to counties over one million. Is that what Chicago would get? The

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reason I'm asking you this is because I feel that Chicago alone... the portion of the contribution will be about 55% of this 100% total collection. Why are we getting such a small return on such an outlay? Afterall, the...northeastern Illinois, where the great City of Chicago resides, carries 85% of the traffic over our highways, which would indicate that the repairs and the capital improvements would be needed more there than any other county I can think of. Why aren't we getting a larger share of the distribution?"

McClain: "Mr. Huff, what you're quoting is not percentages. You're quoting millions of dollars, and that distribution reflects that, of the local revenues to counties, Cook County will receive 13 million in 19...Fiscal Year '83. The other 101 counties would get 14. Municipalities get 39, and township and road districts get 12, and that follows the same formula that we have been following for years."

Huff: "Yes, I know. That's what's wrong with the formula. It doesn't work. I'd like to see Chicago get more money, since we're going to be the biggest contributors to this fund. Do you deny that? Let's have a little equity. Let's be fair."

McClain: "Well, I doubt if a few million people give a majority of the funds to 11 million, but..."

Huff: "Thank you."

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

Winchester: "Thank you, Mr. Speaker. I may have to ask a question... or ask the Sponsor. Would the Sponsor yield for a question?"

Speaker Ryan: "He indicates he will."

Winchester: "It's kind of difficult to hear some of his responses because he's mumbling, and because there's a lot of people

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in the aisles, and there's a lot of noise in the House. But could he please tell me if there's any formula in his proposal here for what portion of this money collected would be allocated for downstate roads?"

McClain: "Thank you. Mr. Winchester, the issue is that we set up a non-diversionary state construction account so that the revenues generated from these taxes shall not go for consultant fees, patronage jobs and for normal operations of the Illinois Department of Transportation. The districts throughout the State of Illinois will go through the usual appropriation process, as we have been going for years. If you would like to have a formula other than the current formulas that give so much to the northeastern part of the state and so much for the downstate, I'd be glad to discuss it with you, but all this...The only new issue in this Amendment is we set up a non-diversionary state construction account so that monies cannot be diverted to other departments or to normal operations of the Illinois Department of Transportation. And the crisis, of course, is, if we don't do something in the next couple of years, we'll just be taking enough revenue in to pay for operations of the Illinois Department of Transportation."

Winchester: "Well, Representative McClain, there's several good points in your Amendment. One good point is is that the money going to be collected is going to be spent for roads only. I've always been a strong advocate of the money that we collect from the 7 1/2 cent per gallon gas tax be allocated just for road use and not, and not used to pay other agencies such as law enforcement, and the Secretary of State and so forth. But I am concerned also about the license plate fee increase. I think other Legislators are too, and I know this Bill, I suppose, has been sitting around on Second Reading, and the Amendment's been around,

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probably, on our desks for some time. But I'm concerned that we're doing this by an Amendment without it having the opportunity to go to the Transportation Committee, or Revenue Committee or whatever for more in depth hearing. But, can you tell me, is this going... with the license plate fee increases for trucks, is this going...is there also a provision in here that raises the truck weights from 73,280 pounds to 80,000 pounds?"

McClain: "No, it doesn't, Mr. Winchester. This Amendment is a consensus of the Transportation Improvement Council, and that's what it reflects. It does not have a weight distance tax or a heavy truck user fee in this Amendment."

Winchester: "How much money, Mike, all total will this generate for the Road Fund and for the Motor Fuel...Motor Fuel Tax Distribution Fund?"

McClain: "It...The first year, Fiscal Year '83, the total revenue is 261 million. In the non-diversionary state construction account, it would receive 183 of the 261 million; and the rest of 78 million will go to local governments."

Winchester: "Is this the only proposal, to your knowledge, that's going to be introduced this Session to address the needs for additional funds for repair and maintenance of our highways?"

McClain: "Mr. Neff and I have a Bill right now that is logjammed in Rules - House Bill 2002. Hopefully, that will get out of Rules. We hear rumors that the Governor intends to have a heavy truck user fee piece of legislation that would generate only 50 million dollars. But, other than that, this is a consensus of the Transportation Improvement Council, which is a bipartisan Council; and, I know of no other piece..."

Winchester: "Can you tell me, Representative McClain, if the Department of Transportation supports this proposal?"

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McClain: "I understand they're neutral, but I would think that they would be for any increase in revenue for highway construction and local government."

Winchester: "You have not discussed this issue at all with the Governor's Office to see if they support this concept?"

McClain: "All negotiations between the Governor's Office and the Illinois Department of Transportation has been done by the Transportation Improvement Council."

Winchester: "Is there any particular reason why you feel that you have to go with this Amendment today, or do you feel that maybe if you took it out of the record and just held it for a few days, and a few other people looked at it and maybe offered some other ideas that might gather some other support of Members that may have some reservations about supporting it right now?"

McClain: "I guess my preference is to put the Amendment on now. I'll agree to bring it back to Second Reading tomorrow, but I'd like to have a Roll Call and move the Bill along, if I can. Next week's our last week."

Winchester: "Thank you."

Speaker Ryan: "Is there any further discussion?"

McClain: "Twenty to a hundred."

Speaker Ryan: "Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Brummer: "Representative McClain, I'm looking on page ten of the Bill that indicates that 68% of the money received, under this Act, shall be deposited in the Motor Fuel Tax Fund. And then, later, in Section B on page 14, it says the remaining 31.82% shall be deposited as follows, and then there is a different division of percentages; 44% in the special fund known as the State Construction Account and 55% in the Motor Fuel Tax Fund. And, then you get down to

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C and it says the remaining 37.5%... I can't... I cannot follow the percentages of the distribution of the funds that are going to be generated by this Amendment. Could you review those, please?"

McClain: "Mr. Brunner, that language, say not the percentages, is identical to the same kind of formula we have now. The only thing we've done by adding that language is the money is generated from the gasoline tax and the motor fuel registration fee hike shall be distributed to a non-diversionary state construction account. So, the reason why it's new language like that, underlined like that, is to insure that it goes into a state construction account, which is non-diversionary."

Brunner: "Under Section 8 you have Paragraph A, which refers to 61...68.18%. Then you have Paragraph B, which says the remaining 31.82%. Then you have Paragraph C which says the remaining 37.5%. If my arithmetic is correct, that's substantially more than 100%, and you have...refer twice to the remaining percentages, but the remaining percentages are different."

McClain: "All we did with that language is, with the existing formula and existing revenues shall be distributed according to the existing formula. In other words, so much percentage to local governments, so much to the Road Fund. This new language, all this does is provide for all new revenues shall be distributed as the old formula except, instead of going to the Road Fund, it goes into a non-diversionary state construction account."

Brunner: "Thank you."

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

Wolf, J.J.: "Would the Sponsor yield for a question or two?"

Speaker Ryan: "He indicates he will."

Wolf: "Yes, I'm sorry to have to raise these questions, but I

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don't seem to have a copy of the Amendment on my desk. Two questions. Number one, I heard you say it's 44 dollars. Is that a flat fee for Class A vehicles?"

McClain: "That's correct."

Wolf: "So, those who are paying 30 dollars now would pay 44, and those paying 18 dollars would also pay 44, which is almost a 300% increase?"

McClain: "Those paying 18 dollars now would go to 44. Those vehicles over..."

Wolf: "Okay. Secondly, is there any provision in this Amendment to do anything about the 10 or 12 thousand charitable vehicle plates we have out on the street right now?"

McClain: "No, but Mr. Van Dwyne just asked me about that, and I said that I would be glad to bring the Bill back to Second Reading for that Amendment."

Wolf: "Mr. Speaker, may I address myself to the Amendment, please? Ladies and Gentlemen of the House, I don't think there's probably much question that the Road Fund has been depleted over the last few years. More fuel efficient cars are down-sized and people, like myself, who had formally paid 30 dollars for a plate now pay 18. And each time that occurs, of course, the state is losing 12 dollars. But I think that 44 dollars may be an arbitrary figure. I think the...it has to address itself to heavy trucks and, certainly, there is this thing of charitable vehicles. In case some of the Members of this House aren't familiar, all you have to do is start a phony church in a storefront and you get your license plate, two-year plates, for eight dollars. And I'm not prepared to increase the license plates of some of our constituents by nearly 300% while we've got 10 or 12 thousand of these people driving around paying four dollars a year to drive a 16,000 dollar car. And, until something like that is addressed and we have a

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chance to look at this, I think we ought to take a very hard look at what you're asking your constituents to pay.

And I, personally, am going to vote 'no' on the Amendment."

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

Van Duynes: "Thank you, Mr. Speaker. In reference to Representative Wolf's comments, Mike McClain has been very gracious to assure me that he would bring this Bill back from Third Reading to accept an Amendment that would do exactly what Jake wants it to do, and I pose this for everybody's perusal that I'm having an Amendment drafted right now that would require anyone requesting a charitable vehicles license plate in the State of Illinois to have to show their federal exemption given to them by the IRS of the United States. So, it would make them come up with an honest to goodness showing that they are an honest to goodness charitable organization. So, I would hope that you would all support that."

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

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

Speaker Ryan: "Indicates he will."

Kustra: "Representative McClain, how is diesel fuel taxed, under your proposal? The same... Is there a differential or is it the same rate?"

McClain: "No, Sir. They're taxed identically."

Kustra: "I'm sorry, I didn't hear your answer."

McClain: "They're taxed identically."

Kustra: "Identically?"

McClain: "Yes. From 7 1/2 cents to 11 cents the first year and then an additional penny the second year."

Kustra: "You know, in an attempt to get at the problem of the effects of trucks on highways, a number of states have

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initiated a differential, a higher gasoline tax for diesel fuel than gasoline on the theory, I suppose, that the trucks would be the heavy users of diesel fuel and maybe a few luxury cars. It seems to be a good idea. It's not provided for in your Bill. Of course, that's one of the difficulties of dealing with a major proposal like this on Second Reading. I think it's more appropriate that those kinds of questions be dealt with in Committee. Do you have any reaction to a differential? Would you support a differential?"

McClain: "Mr. Kustra, I really do not have a solid view on that. My purpose is that I know enough about road construction and road funding due to the Transportation Study Commission that something's got to be done. Now, the problem with most of us right now is we all have a different view of what is the best interest of the Road Fund, and all I'm stating to the Membership is the Road Fund is nearly bankrupt. The Chicago Tribune did a series of articles talking about how bad it is. We all know, when we come to Springfield, we go around our districts how bad it is. The City of Springfield instituted their own penny motor fuel tax. I'm offering a program that I think will take care of the Road Fund initially. It's sponsored by the Transportation Improvement Council, which is bipartisan. If you have an idea on a differential, I'll be glad to take it to the Council along with Mr. Neff, and if they concur, it's okay with me. This package has been put together very cautiously by a bipartisan group, and it's been posed before the Membership because the Road Fund and local governments are nearly bankrupt repairing and maintaining their roads."

Kustra: "Thank you."

Speaker Ryan: "Representative Neff."

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Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Could I have a question to the Sponsor please?"

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

Neff: "Mike, we have that Bill which is the same as this Amendment, and we had a hearing in Rules yesterday, and I don't think we should mess this Bill...a Bill that we have, which is a very important Bill that you brought out here, as an Amendment on a car leasing Bill. I would like to have you hold this up and...until we get a hearing on our Bill. After it gets out of Rules, I'm hoping it will get out of Rules, and see how we come along there and keep our Bill clean. Therefore, I would rather not have you try to put this Amendment on. I hadn't been talked to... You hadn't talked to me on the Amendment, but I think we should hold up on it until after we see what we do on the Bill that we had heard in Rules Committee yesterday."

McClain: "Mr. Speaker, let's take the Bill out of the record for a moment."

Speaker Ryan: "Out of the record. House Bill 1351, Representative Winchester. Want the Bill heard, Representative?"

Winchester: "Yeah."

Speaker Ryan: "Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1351, a Bill for an Act to amend the Election Code. Second Reading of the Bill. Amendment #1 and 2 were adopted previously."

Speaker Ryan: "Are there any Motions filed with respect to Amendment #2?"

Clerk Leone: "Motion: 'I move to table Amendment #2 to House Bill 1351', Representative Winchester."

Speaker Ryan: "Gentleman from Hardin, Representative Winchester."

Winchester: "Thank you, Mr. Speaker. I would move to table Amendment #2. I have Amendment #3 that I'd like to offer

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instead."

Speaker Ryan: "The Gentleman has moved to table Amendment #2 to House Bill 1351. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and Amendment #2 is tabled. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Ewing - Schuneman - McMaster - et al, amends House Bill 1351 on page one, line five and so forth."

Speaker Ryan: "Who's going to handle the Amendment, Representative Winchester?"

Winchester: "Well, Mr. Speaker, I did not know that Amendment #3 had been offered. Apparently, my Amendment is Amendment #4. And since Amendment #3 is Representative Ewing's, and I don't see him on the floor; then I would ask that the Bill be taken out of the record until I've had a chance to discuss it with him."

Speaker Ryan: "Out of the record. House Bill 1502, Representative Abramson. Out of the record. House Bill 1543, Representative Levin. Out of the record. For what purpose do you seek recognition, Representative Jones?"

Jones: "Thank you, Mr...thank you, Mr. Speaker. For just for an announcement. I'd like to introduce two new Members who will be joining us next Session, if the will of the voters prevail in November. If they speak as well as they spoke last month, these two individuals will be with us. That is Nelson Rice who will be coming in from the 33rd Legislative District, and William 'Bill' Shaw who will be with us from the 34th Legislative District. They are seated right here, and I wish you would welcome these two individuals."

Speaker Ryan: "Welcome, Gentlemen. House Bill 1600. Run the Bill for Representative Keane."

Clerk Leone: "House Bill 1600, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. No Committee

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Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Ryan: "Third Reading. House Bill 1733, Representative Hallock. Out of the record. On page eight, under Senate Bills, Third Reading appears Senate Bill 59. Representative Lechowicz, do you want to go with this Bill now? Representative Lechowicz, did you want to go with Senate Bill 59 at this time? Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker. Could we use the Attendance Roll Call to have Senate Bill 59 heard at this time?"

Speaker Ryan: "Gentleman asks leave to use the Attendance Roll Call to have Senate Bill 59 heard immediately. Are there any objections? Hearing none, leave is granted."

Lechowicz: "And the Attendance Roll Call will be used. Senate Bill 59, Mr. Speaker, Ladies and Gentlemen of the House, as amended with House Amendment #3, pertains to interest rates on municipal bonds, tax anticipation warrants and similar instruments issued by non-home rule local governments throughout Illinois. As amended, Senate Bill 59..."

Speaker Ryan: "Representative Lechowicz, could you wait just a minute? The Clerk's got to read the Bill."

Lechowicz: "I thought he did. I'm sorry."

Speaker Ryan: "I did too, but he evidently hasn't. We got to let him do it."

Clerk Leone: "Senate Bill 59, a Bill for an Act to make certain revisions in the law relating to certain ... Third Reading of the Bill."

Speaker Ryan: "Representative Lechowicz on Senate Bill 59."

Lechowicz: "Thank you. As amended, Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 59 no longer relates to tax levies. The original purpose of the Bill validating the forest preserve levy has been eliminated by the

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Amendment. As the Bill is before you, Senate Bill 59 would raise or eliminate the restrictive interest rate ceilings which have been preventing non-home rule units of local government from issuing bonds in the current market conditions. Because a statutory interest ceiling has been preventing local bond issues from being sold, numerous public works projects have been stymied, and many of our local governments have not been able to operate industrial revenue bond financing to attract industry and to assist existing Illinois businesses to expand. Senate Bill 59 will cure these problems and allow local bond financing to proceed under current market conditions, within reasonable limits. The most... For most types of local government bonds and warrants, Senate Bill 59 changes the interest rate limit from a maximum of a 9% or a 70% of prime to 125% of the Twenty GO Bond Index, as published in the Bond Buyer. This will provide an appropriate ceiling for long-term municipal bonds, which reflects the actual long-term market. By this change, will we correct our prior mistake of tying long-term government bonds to a short-term commercial prime rate. This legislation also removes, entirely, the interest limits for non-home rule unit municipalities and certain other local industrial revenue bonds. I want to emphasize that this type of bond is not an obligation of the local taxpayer, and it is not paid off from tax revenues. Industrial revenue bonds are supported by the revenues from the industries whose plants and equipment are financed by these bonds. By removing the interest ceiling on this particular type of municipal bond, we will allow all areas of the state to fully compete for new and expanding industries to help improve the Illinois business climate. This is an important and urgent Bill, and I request your favorable support."

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Speaker Ryan: "Is there any discussion? The question is, 'Shall...'. Representative Fawell, do you seek recognition?"

Fawell: "Thank you, Mr. Speaker. I just rise in support of this Bill. I know in our county we have had this problem on several occasions. Our one town, Lombard, had to end up paying another town, Elmhurst, 150,000 dollars because Elmhurst could float those bonds, under their home rule power, and Lombard couldn't. I think this is an excellent Bill, and I certainly hope that people on both sides of the aisle will vote 'yes'."

Speaker Ryan: "Further questions? Further discussion? Representative Lechowicz to close."

Lechowicz: "Well, Mr. Speaker, Ladies and Gentlemen, I believe that the Bill has been explained. Also, that the cities and villages throughout this state are vitally interested in having Senate Bill 59, as amended, passed. I strongly encourage an 'aye' vote."

Speaker Ryan: "The question is, 'Shall Senate Bill 59 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 161 voting 'aye', 2 voting 'no', 2 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Calendar, on page three, under the Order of House Bills, Third Reading appears House Bill 79, Representative Catania. Out of the record. House Bill 139, Representative Wikoff. Out of the record. 156, Representative Stearney. Representative Stearney, do you want House Bill 156 called, Third Reading? Out of the record. House Bill 210, Representative Tuerk. Out of the record. House Bill 211, Representative Vinson. Out of the record. House Bill 281, Representative Deuster. Out of

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the record. House Bill 429, Representative Pechous. Turn him on. Representative Pechous, do you want this Bill heard?"

Pechous: "Mr. Speaker, I would request leave of the House to return House Bill 429 to Second Reading for purposes of Amendments to follow."

Speaker Ryan: "The Gentleman has asked for leave to return House Bill 429 to the Order of Second Reading. Are there any objections? Hearing none, leave is granted. House Bill 429 is returned to the Order of Second Reading. House Bill 519, Representative Hoxsey. Out of the record. House Bill 554, Representative Daniels. Out of the record. House Bill 555, Representative Tuerk. Out of the record. House Bill 556, Tuerk. Out of the record. House Bill 615, Swanstrom. Out of the record. House Bill 618, Representative Topinka. Out of the record. House Bill 658, Representative Collins. Out of the record. House Bill 665, Representative Catania. Out of the record. House Bill 703, Representative Watson. Out of the record. House Bill 710, Representative Kleen. Out of the record. House Bill 712, Representative Terzich. House Bill 712, Representative. Do you want to go with it? Read the Bill."

Clerk Leone: "House Bill 712, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Ryan: "Representative Terzich on House Bill 712."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, this is a minor Bill that amends the Pension Code to permit sheriffs with service credit as a state policeman, under the State Employees Retirement System, to transfer that credit to the Illinois Municipal Retirement Fund. It also provides that the monies transferred to an amount equal to an employees contribution plus interest are also being

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transferred. What it simply does is that the ... a person who has employment in a police organization, such as the State Police, can transfer it over into another municipal fund under a reciprocal arrangement. There's no cost to this other than the transfers, and I would appreciate your support."

Speaker Ryan: "Any discussion on House Bill 712? The question is, 'Shall House Bill 712 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 94 voting 'aye', 44 voting 'no', 11 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 714, Representative Klemm. Out of the record. House Bill 730, Representative Pierce. Out of the record. House Bill 731, Representative Robbins. You want to run with this one? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 731, a Bill for an Act to amend the Unemployment Insurance Act. Third Reading of the Bill."

Speaker Ryan: "Representative Robbins on House Bill 731."

Robbins: "All this Bill does is make it to where, if you have a contract, as several hourly employees do that work for the school system, that they cannot draw unemployment insurance between Christmas and New Year's while they're on vacation."

Speaker Ryan: "Is there any discussion? Representative Matijevich, do you seek recognition?"

Matijevich: "Yes, will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Matijevich: "Representative Robbins, I thought we cleared that all up with legislation a few years ago when that became a problem. Are you sure we need this Bill? I could have

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sworn that we corrected that."

Robbins: "On a monthly basis, it has been cleared up. On an hourly basis, it has not."

Matijevich: "Oh, I see. I wasn't aware that it was a problem at all."

Robbins: "Yes."

Speaker Ryan: "Any further discussion? The Gentleman from Madison, Representative McPike."

McPike: "Would the Sponsor yield?"

Speaker Ryan: "Indicates he will."

McPike: "This Bill, as it came out of Committee, was changed, and I believe the current shape of the Bill is House Amendment #3. Is that correct?"

Robbins: "The House Amendment #3 does clarify the periods, yes. So, it shows there your non-working periods; Christmas and Easter."

McPike: "Well, is it ... House Amendment #1, is that the Bill, or is it House Amendment #3? What is the Bill?"

Robbins: "Number three."

McPike: "Amendment #3, my indica... I don't have Amendment #3 in front of me is why I'm asking this question. According to the analysis, it says it changes the title of the paragraph to non-working vacation or holiday periods specified in a contract. That is all Amendment #3 does?"

Robbins: "Yes."

McPike: "And that's it?"

Robbins: "That's it."

McPike: "You got the Amendment? Well, then would you explain what Amendment #1 does?"

Robbins: "Amendment #3 just simply clarifies Amendment #1."

McPike: "Yes, I understand that. Would you explain Amendment #1?"

Robbins: "It is just a ...specifies the non-working periods."

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McPike: "Tom, do you have a 1, Amendment #1? Does the Department of Labor have a position on this Bill?"

Robbins: "I'm sorry. I didn't ask the Department of Labor. I just introduced a Bill to try to save the taxpayers from being scalped twice."

McPike: "Well, I finally have Amendment #1 here, and all Amendment #1 does is changes the word 'non-working' to the word 'vacation or holiday'. So, Amendment #1 changed one word, and Amendment #3 changed the title of the Bill. Is that it? So, actually we're talking about the Bill, as introduced, with the exception of changing one word and the title. Is that correct?"

Robbins: "To make it to where it is very specific as to what it does."

McPike: "Yeah. Well, to the Bill then, Mr. Speaker. This Bill... This Bill was so confusing in Committee that the Department of Labor really didn't know how to testify on the Bill, because they said they couldn't understand it, and the AFL - CIO said the same thing. They said that the Bill was absolutely senseless. And we suggested that the Bill simply be kept in Committee until we could discover what the Sponsor was actually trying to do; and, for some reason, they passed the Bill out on the floor. The Bill does absolutely nothing. There's no reason for the Bill. The Bill makes no sense. It doesn't change present law. It doesn't add anything or subtract anything from present law. It is simply a Bill put in by a Sponsor for some odd reason that I can't understand, and, seemingly, no one that's familiar with labor law can understand. I see no reason to clutter up the books by making these absurd changes. So, I would recommend a 'no' vote."

Speaker Ryan: "Now, is there any further discussion? Representative Tuerk."

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Tuerk: "Well, Mr. Speaker, Members of the House, there are some technical questions in this Bill. It's a complicated area. We did, as it was suggested a few moments ago, take care of one of the problems a couple of years ago. I would suggest to the Sponsor that he take this Bill out of the record and see if the staffs couldn't work out the problems that seem to be apparent, and then go with it at a later date. That would be my suggestion, but I'm going to support the Bill, but I'm doubtful whether or not these technical aspects are clear in everybody's mind at the moment."

Speaker Ryan: "The Gentleman from McHenry, Representative Hanahan."

Hanahan: "Yes, I join in Representative Tuerk's analysis of trying to figure out exactly what you're trying to do, Representative, because what you're doing is adding language. It's going to cost the taxpayers three or four thousand dollars to pass this Bill. I doubt if you could show me three thousand dollars of saving in the Unemployment Trust Fund in the passage of this Bill. I cannot envision three thousand dollars worth of benefits being derived by unemployed workers in this state by changing this law. We have already done what Representative Tuerk said and corrected an error in the original intent of the law. By adding this language, it's going to clutter it up for interpretation which is meaningless in the long run. If you would withdraw the Bill, I'll try and work with you, if you could show me a particular problem we could solve in the Unemployment Trust Fund, as far as it costing that Trust Fund money. I will join with you on trying to solve any problem. But, to pass a Bill that, in its simple explanation, does nothing, is not going to solve the problem why you introduced this Bill; and, I'll join Representative Tuerk in trying to help

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you work out this issue on a Second Amendment on a Second Amendment Reading on this Bill again."

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

Huff: "Thank you, Mr. Speaker. I'd like to stand in support in what Representative Robbins is doing. I understand perfectly what he's doing, Mr. Speaker. He's simply trying to close a loophole in this Section of non-working. Under Section 4.1, it does not define it. So, he's trying to give definition to what non-working really is. The view of unemployment security, as you know, is about a billion dollars over-subscribed, because they give out more money than they collect. Teachers and business people - their contracts - can very easily, because of this non-specification of non-working, can be on vacation and collect unemployment compensation. What Representative Robbins is trying to do is to close this loophole."

Speaker Ryan: "Is any further... Any further discussion? The Gentleman from Edgar, Representative ... Representative Robbins, to close. The Gentleman from Wayne."

Robbins: "Thank ... Thank you, very much. I introduced this Bill a little over a year ago. I introduced it at the suggestion of the Department of the Unemployment Insurance group stating that, if ... the problem that we have with some schools in the area that the cooks and the teachers were qualifying themselves for unemployment insurance over Thanksgiving weekend... over the Thanksgiving vacation because they was out a week. Then they drew unemployment insurance from the Trust Fund on the two weeks through Christmas and New Year's; and then they drew unemployment insurance again through Easter, when they had a valid contract for so many hours, for so many days. And I consider this a rip off of the taxpayers. I asked for suggestions on Amendments and what have you before the

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Committee. I allowed the Amendments to be adopted to the Bill that I thought straightened the Bill out for the Committee, and I just can't see a person entering a contract knowing that they're going to file for this. So, I feel like and ask for your support of a Bill to close this tax loophole and, an unemployment insurance loophole. Look at the Trust Fund and the state that we are in, and whenever...for every dollar of this that goes on now, it's going to cost you 10% interest after the first of July for each one. So, it's time that you started to think about closing this loophole now. If the Bill is... really needs a lot of work and you want to try to set it down, set it up in the Senate Committee, make the proper Amendments so that it is closed; and I'll be glad to support them on the House floor."

Speaker Ryan: "The question is, 'Shall House Bill 731 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 64 voting 'aye', 89 voting 'no' and 5 voting 'present'; and this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 745, Stearney. Representative Stearney, on House Bill 745. Out of the record. House Bill 798, Representative Hannig. Out of the record. House Bill 804, Macdonald. Want the Bill heard, Representative? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 804, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Ryan: "The Lady from Cook, Representative Macdonald, on House Bill 804."

Macdonald: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill that we brought up at one other Session, I think Session before this, which would provide

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that a child, a disabled fireman's child would not have their benefits stopped at the age of 18. It is said to be... the cost of this would be about 30,000 dollars in annual costs. There was some question. That's why I've been holding the Bill, as to whether or not this would impair, under welfare, if the child would have to later go onto welfare, if this pension would affect that in any way. Now, I have had a letter from the State of Illinois Department of Public Aid saying that there would be no significant impact to that child or that person after the age of 18. This is not an unprecedented Bill. The Chicago Firemen's Pension has this Bill, and also the Public Employees Pension has this Bill also. So, I feel that it is a needed Bill because of the economy and the fact that widows are on a fixed income, at this time, and it often impacts them severely; and, I believe that this is a very necessary Bill at this time. So, I would ask for your approval."

Speaker Ryan: "Is there any discussion? The Lady from Marshall, Representative Koehler."

Koehler: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Ryan: "Indicates she will."

Koehler: "Representative Macdonald, I wanted to ask you. I think the Bill has laudible intentions, but I was wondering; does the Social Security System not already cover this particular child?"

Macdonald: "Not... No, not, as I understand it, no."

Koehler: "Even though the child would be disabled and the parents are disabled, the Social Security System would not cover it?"

Macdonald: "They're...well, they would... they pay into a pension fund and my understanding is that, after 18, that Social

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Security benefit stops."

Koehler: "Well now, does your Bill apply only to a disabled child or does it apply to any child of a disabled fireman?"

Macdonald: "This is mentally...mentally or physically disabled child of a fireman, after his death."

Koehler: "Well, then.. Well, it is my understanding, if the child is disabled, that the Social Security System would take care of it."

Macdonald: "No, that's not my understanding."

Koehler: "Oh. Thank you."

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

Macdonald: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I merely say that I think that this veteran pension... or firemen pension Bill is very, very important; particularly, with the economy and the unknown ability of what Social Security is going to do, even for those children under 18. And I think it's very necessary for us to help those widows and those families of firemen. This would probably, at one point, we researched and it would only have affected six firemen families in the State of Illinois in the Downstate Firemen's Pension Fund. And the amount is not great. 30,000 dollars is not a great amount of money, and I would ask for your approval of this Bill."

Speaker Ryan: "The question is, 'Shall House Bill 804 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 139 voting 'aye', 14 voting 'no' and 2 voting 'present'; and this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 807, Representative Tuerk. Out of the record. House Bill 839, Representative Karpziel. Representative Karpziel in the chamber? Out of the record."

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House Bill 842, Representative Rigney. 842, Representative. Out of the record. House Bill 845, Representative Grossi. Representative Grossi, House Bill 845. Out of the record. House Bill 859, Representative Karpiel. Do you want the Bill heard, Representative?"

Karpiel: "I'd like to have leave of the House to table 859, please."

Speaker Ryan: "The Lady has asked leave of the House to table House Bill 859. Are there... No?"

Karpiel: "Just out of the record. I thought you were calling 839. I'm sorry."

Speaker Ryan: "Well, did you want to table 839, Representative?"

Karpiel: "Yes, Sir."

Speaker Ryan: "The Lady asks leave to table House Bill 839. Are there any objections? Hearing none, leave is granted. House Bill 839 is tabled. Now, Representative, you want House Bill 859 taken out of the record. Is that correct? Out of the record. House Bill 877, Representative McPike. Do you want the Bill heard? Representative McPike. Turn him on."

McPike: "Yes, Mr. Speaker, I'd like leave of the House to table House Bill 877."

Speaker Ryan: "The Gentleman asks leave of the House to table House Bill 877. Are there any objections? Hearing none, leave is granted. House Bill 877 is tabled. House Bill 918, Representative DiPrima. Out of the record. House Bill 943, Tuerk. Out of the record. 944, Tuerk. Out of the record. 964, Hoffman. Out of the record. 970, Nelson. Want the Bill heard, Representative? Turn her on."

Nelson: "Mr. Speaker, may I have leave of the House to table House Bill 970, please?"

Speaker Ryan: "I hope so. The House asks... The Lady asks for

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leave to table House Bill 970. Are there any objections? Hearing none, leave is granted. House Bill 970 is tabled. House Bill 1003, Representative Birkinbine. Out of the record. House Bill 1023, Representative Tuerk. Out of the record. Is that right? Right. Out of the record. 1025, Representative Topinka. Turn her on."

Topinka: "Yes, Mr. Speaker, may I have leave, at this time, to table this Bill?"

Speaker Ryan: "The Lady asks leave to table House Bill 1025. Are there any objections? Hearing none, leave is granted. House Bill 1025 is tabled. House Bill 1035, Representative Kociolko. Out of the record. House Bill 1060, Representative Levin. Want this Bill called, Representative? Representative Levin, do you want your Bill called?"

Levin: "Yes."

Speaker Ryan: "Read the Bill."

Clerk Leone: "House Bill 1060, a Bill for an Act to amend the Illinois Housing Development Act. Third Reading of the Bill."

Speaker Ryan: "The Gentleman from Cook, Representative Levin, on House Bill 1060."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill deals with the Illinois Housing Development Authority, and what it basically does is to move up, in their process of consideration, when they have to notify Legislators in the districts that are affected by the housing projects. In the six-county area around Chicago, currently, the Northeast Illinois Plan Commission is the A-95 agency, and IDHA will notify NIPC which, in turn, notifies the area Legislators in a monthly publication that there are projects that IDHA has that are in their districts. Unfortunately, the time when the

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Legislators get the notice is rather late in the process. It is after IDHA has already made a preliminary determination on a project and has conducted a market study and credit analysis and has, in fact, put in an application for a set aside on Section 8 funding, if that's appropriate. What this Bill does is to mandate that Legislators be notified a little bit earlier in the process, if an IDHA project is going to be proposed for their district. It requires that to be done when...right after there is a preliminary determination that is made about a project and before the market study and credit analysis is done. Currently, there is no procedure for IDHA to notify Legislators outside of the six-county area, that I'm aware of, when an IDHA project is coming into their district. This legislation provides that, outside of the six-county area, there should be direct notification, by IDHA, of the affected Legislators that a project is proposed for their district. I think this Bill is a fair Bill to really everybody that has any concern about IDHA. I have in my district some community groups that don't want any subsidized housing, and they're interested in knowing about projects. I have other groups in my district that are concerned about the displacement of low-income people, and they want to know early in the process when they can have meaningful input about a project that is proposed. We've had experiences where IDHA has not been terribly receptive or communicative with community groups. And we have a third type of community group in my district that simply would like to know what is happening in their area and would like to have some input. And, in terms of all three types of community organizations, providing a Legislator with information a little bit earlier in the process about a proposed project so that we can tell our

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constituents, our community groups. I think it's something that all three different types of community organizations would like to see, at least in my district; and, I commend this legislation to you for your support."

Speaker Ryan: "Is there any discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm not certain, as amended, what my position is on this Bill. I'd like to quarry the Sponsor. Would the Sponsor yield for questions?"

Speaker Ryan: "Indicates he will."

Vinson: "Representative Levin, as I read the Amendment to the Bill, the agency would have to notify those Legislators from districts which are affected by the proposed project. Is that correct, Sir? Could we turn Representative Levin's microphone on? Is that correct, Sir?"

Levin: "That's correct."

Vinson: "Okay. There is no definition, as I understand it, for a legislative district of an area to be affected. Is that correct?"

Levin: "That is correct."

Vinson: "Then would I be safe in assuming that the notification would only have to go to Legislators where representing the district within which the project would be constructed?"

Levin: "That is the.. That is, in fact, the current practice, yes."

Vinson: "I beg your pardon, Sir?"

Levin: "That is, in fact, the current practice in the six-county area, yes."

Vinson: "That's the current practice?"

Levin: "Yes."

Vinson: "Well, then what does the Bill accomplish?"

Levin: "What the Bill does is it moves up the time table when the

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Legislator is to be notified. At the present time, the notification does not take place until after IDHA conducts its market and credit analysis, which is pretty late in the process. What this does is it moves up the time table and requires the notification to take place immediately after the preliminary determination is made, which is before the market study and credit analysis is done. In other words, a project will come in, and there will be a preliminary screening; and I think it's appropriate that IDHA have the opportunity to do those preliminary screenings to go through projects which they consider having absolutely no merit. Once they've completed that, this legislation would require notification, at that point, of the affected Legislators. Right now, in the six-county area, there is notification, but it is substantially later in the process."

Vinson: "Representative, what I am initially concerned about is Amendment #1, line 7 through 11. Would you explain what the function of that language is?"

Levin: "Currently, there is no notification... notification of Legislators outside of the six-county area of IDHA projects. In the six-county area, IDHA gives notification to NIPC, which is the A-95 agency, and they give the notification to the affected Legislators. The A-95 area... The A-95 agencies, outside of the six-county area, do not perform this function. So, what this Amendment #1 does is it states that outside of the six-county area IDHA should directly notify the affected Legislators, since there is no A-95 agency that is able to perform that function."

Vinson: "This Amendment, then would have the effect of saying that, in downstate Illinois, in DeWitt County for instance, there would have to be notification of Legislators?"

Levin: "Yes. Yes."

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Vinson: "Okay. Now, can you explain to me what the language, and I quote, 'of the areas to be affected', close quote, what that language, how that language would define the Legislators to be notified?"

Levin: "I'm sorry. I didn't hear the last part of your question, Representative."

Vinson: "What I'm concerned with is what Legislators have to be notified, and I don't understand what the impact of the language you're using is on defining what Legislators have to be notified."

Levin: "I think the Legislators that are affected are the Legislators in whose district the proposed project would exist."

Vinson: "What about the Legislators who represent an adjoining district, which might have an impact, either from the construction labor being drawn from their district or from population being displaced?"

Levin: "As currently drafted, I do not believe that this would cover that situation."

Vinson: "Would you be agreeable to taking the Bill back to Second Reading for purposes of an Amendment to deal with that problem?"

Levin: "I would have no problem with that."

Speaker Ryan: "Representative Levin asks leave to take House Bill 1060 back to the Order of Second Reading. Is that correct, Representative? Are there any objections? Hearing none, House Bill 1060 is returned to the Order of Second Reading. House Bill 1078, Bower. Representative Bower, House Bill 1078. Out of the record. House Bill 1093, Representative Braun. Do you want the Bill heard, Representative? Read the Bill."

Clerk Leone: "House Bill 1093, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

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Speaker Ryan: "The Lady from Cook, Representative Braun, on House Bill 1093."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill will correct an inequity in the Public Aid Code to the benefit, I believe, of the children of the State of Illinois. Right now, and I want you to hear this carefully because it's kind of a strange, bizarre situation. Right now, a person who is working and who... but who is poor enough to qualify for medical assistance, that person's child may not be eligible for the same medical benefits as someone who is on public aid but who is not working. Now, it seemed to me that it did not make sense to penalize the work...the children of the working poor and to deny them medical benefits, when those benefits would be available to anyone else who is on...who received medical assistance from the Department. As I understand it, the Bill will only affect about 30,000 children in the state. I am told, in terms of the cost of the state, we, frankly, don't really have a cost estimate that makes any sense. The Department, originally, had complained that it was going to cost a lot of money. Then they came back and said it wasn't going to cost a lot of money. Then they came back and said it wasn't going to cost any money at all, at the present time, but it might possibly cost something in the future. I believe, Mr. Speaker, Ladies and Gentlemen of the House, that it makes sense for us, as Legislators, to respond to the needs of the people of the state, particularly those people who are not able to do for their own children, in terms of medical benefits; people who are working, people who are trying to make do on limited resources who are eligible for medical assistance already, but who may not, because of the peculiarities of this status, be able to provide medical assistance to their

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children, in these particular categories. And I would encourage an 'aye' vote on this House Bill 1093."

Speaker Ryan: "Is there any discussion? Representative Conti on House Bill 1093."

Conti: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I got up to oppose this Bill last week. I do want to apologize to the Sponsor. I did say that in Fiscal Year '82 that it would be a loss of approximately three million dollars. But after talking to the Department of Public Welfare, it will not be a cost...or a loss of three million dollars for '82, but it will only be a cost of a million dollars. But in FY '83, they estimate the loss will be four million dollars. In any event, I feel that the General Assembly should oppose anything that reduces the flexibility to tailor the medical program coverage to meet the economic realities. Therefore, I urge everybody to vote against this Bill."

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

Braun: "Thank you, Mr. Speaker. It seems to me kind of a pat response to say we want to preserve the Department's ability to be flexible. Right now, what the Department is doing is denying the children of janitors, and people who sweep the streets and people who work in low-paying jobs, denying their children benefits that is presently being given to people who don't work at all, under whatever circumstances. And that, frankly, just does not make a whole lot of sense. It may be that the Department wants to preserve the ability to discriminate against the children of the working poor. But, if that's the case, then I would think that that's a flexibility the Department should not have, Ladies and Gentleman, Mr. Speaker. It seems to me that, if we are going to do something for those ... with

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regard to those children of people who work, the working poor, under the medical assistance program, that those children ought to be entitled to a fair shake, to a fair share and, certainly, to medical benefits within the limited category of this Bill. And I would encourage an 'aye' vote for House Bill 1093 on that ground."

Speaker Ryan: "The question is, 'Shall House Bill 1093 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. The Gentleman from Effingham, Representative Brummer, one minute to explain his vote."

Brummer: "Yes, thank you, Mr. Speaker. We repeatedly hear a lot of rhetoric here in the chamber about encouraging people to work and get off public aid. This is an opportunity to do so. It will encourage people to go to work without discriminating against those... their children with regard to the eligibility for medical assistance. I would urge all of those who like to encourage people to get off public aid and go to work to vote 'aye' for this Bill, because it will encourage that very result."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Braun."

Braun: "Poll the absentees."

Speaker Ryan: "Pardon?"

Braun: "I'd like a Poll of the Absentees."

Speaker Ryan: "On this question there are 87 voting 'aye', 72 voting 'no' and none voting 'present'. The Lady has asked... has requested a poll of the absentees. Will you poll the absentees, Mr. Clerk?"

Clerk Leone: "Poll of the Absentees. Bradley, Capparelli, Epton, Ewing, Garmisa, Hastert, Hoffman, Kane, Kosinski, Kucharski, Leinenweber, Leverenz, Oblinger, Peters, Telcser, Vitek, Winchester and Yourell."

Speaker Ryan: "Representative Krska, for what purpose do you seek

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recognition? Pardon? Change Krska from 'no' to 'aye'.
Representative Leverenz."

Leverenz: "Record me 'aye' please."

Speaker Ryan: "Record Representative Leverenz as...as voting
'aye'. Representative Hastert, 'no'. Representative
Winchester, 'no'. Representative Griffin from 'no' to
'aye'?"

Griffin: "Change my vote to 'aye' please. Yes, Sir."

Speaker Ryan: "Change his vote from 'no' to 'aye'.
Representative Kucharski, 'aye'. Are there any other
changes? What is the count, Mr. Clerk? On this question
there are 91 'aye', 72 'no', and none voting 'present'.
The Gentleman from Cook, Representative Conti. Record
Representative Garmisa as voting 'aye'. Now that means,
Representative Conti, do you seek recognition?"

Conti: "Yes, if this receives the 89 votes...constitutional
votes, I..."

Speaker Ryan: "Well, it has received 92, Representative."

Conti: "92. Well, I want to verify the Affirmative Roll Call."

Speaker Ryan: "The Gentleman has requested a verification of the
Affirmative Roll Call. Read the Roll, Mr. Clerk.
Representative Kane record as 'aye'. Are there any other
changes, additions, deletions, corrections? I would like
to just stop the proceedings here for a minute, if I may,
and introduce a group of young folks that have been
standing in the back for some time, Representative Conti,
if you would allow me to do that. Bring them in.
Representative Vinson on the floor? Representative Vinson
for a special introduction."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. We are pleased to have with us today the senior
governmental relations class from Athens High School, just
north of Springfield, in the 44th District. Also

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represented by Representative Ropp, Representative Gerry Bradley, Senator Maitland, in the Senate. They are working very hard in governmental relations, and their teacher, Mrs. Hurie, is here with us. Mrs. Hurie."

Speaker Ryan: "Ladies and Gentlemen of the House, this group is very active in a group of organizations throughout the state called Operation Snowball. These young people are to be commended for their efforts in controlling drug abuse all over the State of Illinois. This just happens to be a group from the Bloomington - Normal area. There are chapters all over Illinois called Operation Snowball, and the way it works is that these young people in high school put the peer pressure on their colleagues in class to stay away from alcohol and drugs. It is not a big bureaucratically structured organization. It doesn't cost a lot of money, and it is probably one of the most effective groups that we have had in the control of drug and alcohol in the area of abuse. And so I personally wanted these folks to be seen here today, and to commend them for their efforts, and to thank them personally for what they have done and to encourage them to continue to do what they have been doing. And that is really what this is all about. Thanks for being here today. Proceed with a Poll of the Affirmative Roll Call, Mr. Clerk."

Clerk Leone: "Abramson, Alexander, Balanoff, Beatty, Bowman, Braun, Breslin, Brummer, Bullock, Carey, Catania, Chapman, Christensen, Cullerton, Currie, Darrow, Deuchler, DiPrima, Domico, Donovan, Doyle, John Dunn, Ewell, Farley, Virginia Frederick, Garmisa, Getty, Giglio, Giorgi, Greiman, Griffin, Hallstrom, Hanahan, Henry, Huff, Jackson, Jaffe, Jones, Kane, Katz, Keane, Dick Kelly, Koehler, Kornowicz, Kucharski, Kulas, Kustra, Laurino, Lechowicz, Leon, Leverenz, Levin, Macdonald, Madigan, Margalus, Martire,

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Matijevich, Mautino, McClain, McGrew, McPike, Mulcahey, Murphy, O'Brien, O'Connell, Ozella, Pechous, Pierce, Pouncey, Preston, Pullen, Rea, Reed, Rhem, Richmond, Ronan, Saltsman, Sandquist, Satterthwaite, Schneider, Slape, Margaret Smith, Steczko, Stewart, Stuffle, Terzich, Turner, Van Dyne, White, Sam Wolf, Younge, Zito and Zwick."

Speaker Ryan: "Completes the Poll of the Affirmative. Do you have any questions? Give me a count, Mr. Clerk, before we start here. Representative Conti, you're starting with 93 voting 'aye' and 72 voting 'no'. Do you have any questions?"

Conti: "Yes, Representative Bowman."

Speaker Ryan: "Just a minute. Would the Members please be in their seats? We have a verification here. Doorkeeper, would you clear the aisles of several of those people in the back that may not have floor passes? Proceed, Representative Conti."

Conti: "Representative Bowman."

Speaker Ryan: "Right here in front."

Conti: "Representative Brummer."

Speaker Ryan: "Representative Brummer in the chamber? He's at his desk."

Conti: "Representative Bullock?"

Speaker Ryan: "Representative Bullock in the chamber? Representative Bullock. How is the Gentleman recorded?"

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

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

Conti: "Representative Darrow."

Speaker Ryan: "Representative Darrow is in his desk."

Conti: "Representative Capparelli."

Speaker Ryan: "Representative Capparelli. Representative Capparelli. How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is not recorded as voting."

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Speaker Ryan: "The Gentleman is not recorded as voting. Leave him that way."

Conti: "His name was read. I hope it is not included. He read his name rather."

Speaker Ryan: "Who?"

Conti: "The Clerk, so I hope it is not included."

Speaker Ryan: "How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is not recorded as voting."

Conti: "Domico."

Speaker Ryan: "Representative Domico is in the Democrat side. He's on the floor."

Conti: "Representative Farley."

Speaker Ryan: "Representative Farley. He's in his...he's at his desk."

Conti: "I understand Hanahan is not feeling well. I take..."

Speaker Ryan: "That is what I understand, Representative."

Conti: "Alright, fine. Leave him on."

Speaker Ryan: "Alright."

Conti: "Huff."

Speaker Ryan: "Representative Huff. He's right there in the center."

Conti: "Representative...he's back. Koehler."

Speaker Ryan: "At her desk."

Conti: "Representative Kulas."

Speaker Ryan: "He's always at his desk."

Conti: "Representative Kustra."

Speaker Ryan: "Representative Kustra. He's at his desk."

Conti: "Representative Margalus."

Speaker Ryan: "Representative Margalus. Representative Margalus in the chamber? How is the Gentleman recorded?"

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

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

Conti: "Representative Slape."

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Speaker Ryan: "Representative Slape. The Gentleman in the chamber?"

Conti: "Representative Giglio."

Speaker Ryan: "Wait just a minute. Is Representative Slape in the chamber? How is the Gentleman recorded?"

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

Speaker Ryan: "Remove him from the Roll Call. Proceed, Representative."

Conti: "Representative Greiman."

Speaker Ryan: "Representative Greiman. Representative Greiman. He's back getting some advise from one of the Republican Members."

Conti: "Representative Martire."

Speaker Ryan: "Representative Martire. Representative Martire in the chamber? How is the Gentleman recorded?"

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

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

Conti: "Mr. Speaker, I'm sorry. Did you take Slape off?"

Speaker Ryan: "I did."

Conti: "Representative Griffin."

Speaker Ryan: "Representative Griffin. Representative Griffin. How is the Gentleman recorded?"

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

Speaker Ryan: "Remove him."

Conti: "Representative Sandquist."

Speaker Ryan: "Representative Sandquist in the chamber? Representative Sandquist. How is the Gentleman recorded?"

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

Speaker Ryan: "Remove him."

Conti: "Representative Mulcahey."

Speaker Ryan: "Representative Mulcahey is at...he's in the back of the chamber."

Conti: "Representative O'Brien."

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Speaker Ryan: "Representative O'Brien. Representative O'Brien. How is...is the Gentleman in the chamber? How is he recorded?"

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

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

Conti: "Representative Pullen."

Speaker Ryan: "Representative Pullen. Is Representative Pullen in the chamber? How is the Lady recorded?"

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

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

Conti: "Representative Ozella."

Speaker Ryan: "Representative Ozella. In his ch...he's at his desk."

Conti: "Representative Rhem is always at his desk, but I don't see him here."

Speaker Ryan: "I didn't hear you, Representative."

Conti: "Representative Rhem...Rhem."

Speaker Ryan: "Right, yeah, he's there."

Conti: "Representative Terzich."

Speaker Ryan: "Representative Terzich in the chamber? Representative Terzich. How is the Gentleman recorded?"

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

Speaker Ryan: "Remove him."

Conti: "Representative Sand...Representative Satterthwaite."

Speaker Ryan: "Representative Satterthwaite in the chamber? How is the Lady recorded?"

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

Speaker Ryan: "Remove her."

Conti: "I'm not sure whether to ask for Representative Zwick or not."

Speaker Ryan: "Representative Zwick. Representative Zwick in the chamber? How is she recorded?"

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

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Speaker Ryan: "Remove her from the Roll Call. Return Representative Satterthwaite. She has returned to the chamber. Representative Kustra, do you seek recognition?"

Kustra: "Yes, Mr. Speaker, I would like to change my vote from 'no' to 'aye'."

Speaker Ryan: "Record Representative... Representative, Representative Kustra. Representative Kustra, you've already done that once. Now, do you want us to... Okay, well it doesn't matter. We're only going to count you once."

Conti: "Representative Leon."

Speaker Ryan: "Representative Leon. The Gentleman in the chamber? How is he recorded?"

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

Speaker Ryan: "Remove him from the Roll Call. Representative Bradley, do you seek recognition?"

Bradley: "Yes, Mr. Speaker. I would like to be recorded as voting 'aye'."

Speaker Ryan: "Record the Gentleman as 'aye'."

Conti: "Rep... Representative..."

Speaker Ryan: "That was Bradley. Record Representative Bradley as 'aye'. Representative Leverenz."

Leverenz: "Record me 'aye' please."

Speaker Ryan: "Record Representative Leverenz as 'aye'. Representative Bullock is back. Return him to the Roll Call."

Conti: "I never questioned Leverenz."

Speaker Ryan: "Any further questions, Representative?"

Conti: "What is the count?"

Speaker Ryan: "Read the count, Mr. Clerk. Representative Deuster, for what purpose do you seek recognition?"

Deuster: "Mr. Speaker, I would appreciate my vote being changed from 'no' to 'aye' on this. Thank you."

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Speaker Ryan: "Change the Gentleman from 'no' to 'aye'.
Representative Kelly."

Kelly: "Yes, Mr. Speaker, I stepped out for a moment, and I would
like to find out if I am still recorded 'yes'. Dick
Kelly."

Speaker Ryan: "You have not been removed from the Roll Call."

Kelly: "Thank you."

Speaker Ryan: "There is 86 'aye', 70 'no'. On this question
there are 86 voting 'aye', 70 voting...71 voting 'no', and
none voting 'present'. Representative Braun."

Braun: "...Thank you, Mr. Speaker. I would like this Bill to put
on Postponed Consideration."

Speaker Ryan: "Postponed Consideration. House Bill 1120,
Representative Preston. Out of the record. House Bill
1154, Representative Stanley. Out of the record. House
Bill 1158, Representative McPike. Out of the record.
House Bill 1162, Representative Pullen. Out of the record.
House Bill 1178, Representative Hoffman. Out of the
record. House Bill 1180, Representative Ropp.
Representative Ropp, House Bill 1180. Out of the record.
House Bill 1208, Representative Macdonald. Out of the
record. House Bill 1219, Representative Stearney. Out of
the record. House Bill 1222, Representative Bowman. Out
of the record. House Bill 1244, Representative Currie.
Out of the record. House Bill 1254, Representative Keane.
Out of the record. House Bill 1260, Wikoff. Out of the
record. 1261, Wikoff. Out of the record. 1268,
McAuliffe. Out of the record. 1296, Ewing. Out of the
record. 1338, O'Brien. Out of the record. 1345, McPike.
Out of the record. 1423, Henry. Want the Bill heard,
Representative? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1423, a Bill for an Act to amend the
Illinois Pension Code, Third Reading of the Bill."

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Speaker Ryan: "The Gentleman from Cook, Representative Henry, on House Bill 1423."

Henry: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1423 is a teachers' Bill, and it allows a spouse to remarry without loss of pension after age 55. It also provides a means for Chicago teachers who are between 55 and 60 to retire without a permanent reduction of a pension. And to take advantage of this pension program, they would have to make a lump sum payment, into the plan, of 7% prior to last year's salary for which they would have a less than...when they are less than 60 years old. The...all other teachers' retirement systems throughout the State of Illinois now have that program, except Chicago, and I ask for a favorable vote for the teachers of the State of Illinois and especially the ones in Chicago."

Speaker Ryan: "Is there any discussion? The question is, 'Shall House Bill 1423 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 142 voting 'aye', 12 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. 1442, Representative Telcser. Out of the record. Is that right, Representative? 1469, J.J. Wolf. Want the Bill read, Representative? Read the Bill."

Clerk Leone: "House Bill 1469, a Bill for an Act to exempt public employees' pension changes from the requirements of the State Mandates Act, Third Reading of the Bill."

Speaker Ryan: "Representative Wolf on House Bill 1469."

Wolf: "Thank you, Mr. Speaker and Members of the House. This Bill would, in fact, remove the public employee pension from the reimbursement of the provisions of the State

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Mandates Act. As you know, we passed the State Mandates Act a few years ago, which is probably overall very good. We have a particular problem in the area of pensions. As you know, there are probably some several hundred separate police, and firemen and city employee pension systems throughout the State of Illinois, and in its wisdom, the Legislature has enacted a Pension Code which would serve to give uniform benefits to all these systems. What is happening under the State's Mandates Act is that if the General Assembly would provide any change or increase in benefits and did not provide the funds, it would be up to the individual municipalities to decide whether or not they wanted to implement this on their own. And what would, in effect, happen with that is we would have a patchwork of different pension benefits across the state, which would be a far cry from the uniform benefits which are now paid under the Illinois Pension Code. I would be happy to answer any questions."

Speaker Ryan: "Is there any discussion? The question is, 'Shall House Bill 1469 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Birkinbine to explain his vote. One minute."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose this Bill. One of the few good things that we have done in the three or four years that I have been down here in Springfield is the State's Mandates Act. One of the most expensive things that we can do down here in Springfield is affect public pension funds. Now, to put the two together to say that you're not...you're going to exclude pension funds from the State's Mandates Act, is absolutely insane, because it virtually guts the intent of the Mandates Act. I would hope that we would not undo one of the very few good Bills that we have passed in

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recent years by adopting this Bill. Thank you."

Speaker Ryan: "The Gentleman from Peoria, Representative Schraeder. One minute to explain his vote."

Schraeder: "Thank you, Mr. Speaker. It is quite obvious that we shouldn't pass this piece of legislation. The municipalities, and home rule units and non-home rule units throughout the whole state cannot afford that we pass additional benefits under the pension programs unless the state is willing to fund them. It's obvious that this piece of legislation is at ill timed, if at best, and I would suggest that it be delayed in terminal time longer, six, eight years; then think about it."

Speaker Ryan: "The Gentleman from Cook, Representative Terzich, one minute to explain your vote."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I am in favor of this Bill because of the fact that there are over 400 systems throughout the state, and we do have to have uniformity. There is no way that we can determine the cost. We will never have any uniformity, and if we do not adopt this Bill, then you might as well just take the whole pension code for the police, and the fire and the Illinois Municipal Retirement Fund and just eliminate it, because we should not have it in the General Assembly. We should, then, leave it up to the local units of government. There is no way that we can enact any legislation for pension benefits and have any uniformity throughout the state if we do not adopt this Bill. And I would urge your support."

Speaker Ryan: "The Gentleman from Cook, Representative Lechowicz, one minute to explain your vote."

Lechowicz: "I just want to make sure this bad Bill is defeated, because if there is any one way of public employees' pension going...skyrocketing, is to approve a Bill like this. There are 60 Bills that did not pass this General

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Assembly last year because of the State Mandates Act. It is probably the best thing we have done in government for a long time. This Bill should be resoundly defeated."

Speaker Ryan: "Representative Wolf, one minute."

Wolf: "Yes, Mr. Speaker, I just want to point out to the Members of this General Assembly that with regard to that is really ludicrous anyway, because anytime you want to pass a Bill, you just put...preempt it, and put a disclaimer on and say it is not the intent of the General Assembly that the state picks up the tab on this. This is exactly what has been happening during the last Session. We passed a number of Bills by merely amending it, to that effect, which renders this particular Mandates Act useless in that particular area. When they say it was intended, I happen to have the transcript when the Act was passed, and there was virtually no discussion on it at all. As a matter of fact, I think Mr. Leinenweber, the Gentleman from Will, got up to speak on it, the only one, and at that time there was an announcement made that there was a plane crash at O'Hara Field, and that shut off the debate and the Bill was passed. So, I don't think it was adequately discussed. But, seeing what the vote is on the Board, I guess I will just stop right here."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 53 voting 'aye', 94 voting 'no', 9 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Representative Friedrich, do you seek recognition?"

Friedrich: "Yes, Mr. Speaker. I would like to ask for a 30 minute recess for a Republican Conference in room 114 immediately. We will return here in 30 minutes, and I hope the Members will be prompt, and we'll get out of there."

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Speaker Ryan: "Republican Conference in 114 immediately. The House will reconvene at 1:30. It now stands adjourned...recessed until 1:30."

Speaker Daniels: "The House will be at ease until 2:05."

Speaker Ryan: "The House will be in order, and the Members will be in their seats. All unauthorized people are to be removed from the floor, Mr. Doorman, all unauthorized people. On page seven under the Order of House Bills Third Reading appears House Bill 1492, Representative Rea. ...The Bill, Representative? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1492, a Bill for an Act creating the State Purchased Human Services Review Board, Third Reading of the Bill."

Speaker Ryan: "The Gentleman from Franklin, Representative Rea, on House Bill 1492."

Rea: "Thank you, Mr. Speaker, Members of the House. House Bill 1492 creates the Purchase Human Services Review Board, and this Bill is sponsored by myself, Representatives Vinson and Chapman. It passed out of the House once before with 121 'aye' votes and 2 'negative', and this Bill, this time, got caught up in the Calendar deadlines and is the reason that it is on the Spring Calendar. This Bill reorganizes and consolidates the functions of two existing Boards that review and approve rates for the purchase of care and issue grants for human services in Illinois, such as day care, foster care, homemaker services, nursing home rates, physician reimbursement, residential care for mentally disabled and so on. And one of these would...is an ad hoc Committee and the other one is the 395 Board. These two Boards, only one of which is statutory, are compatible in function and also in terms of membership. House Bill 1492 coin...codifies and provides sunshine over the function of the ad hoc Purchase Care Review Board, now operating as the

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defacto rate setting authority over all state - human services. House Bill 1492 expands the membership. It includes public members as well as agency directors. This Bill acknowledges the system of rate regulation and control of the purchase of care and grants in aid systems to correct problems, which the Governor noted in his press release, creating the Purchase Care Review Board. The current system is fragmented. It is haphazard and is costly. The existing ad hoc Purchase Care Review Board is responsible for review and approval for more than \$3,000,000,000 of the state budget, more than 30% of the total. This Bill will bring about an integrated, coordinated approach, and I ask for a favorable vote, as you gave the Bill once before and sending it out 121 to two."

Speaker Ryan: "Is there any discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Rea has worked long and hard on this Bill. What it does is to consolidate those agencies that have responsibility for awarding and for regulating the costs of contracts in the purchase care social services field. I believe it creates an efficient, effective mechanism. I believe that it...the consolidation will prove to save money, and I would urge Members to vote in favor of the Bill."

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

Rea: "Mr. Speaker, Members of the House, I would only ask for a favorable Roll Call at this point in time."

Speaker Ryan: "The question is, 'Shall House Bill 1492 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? The Gentleman from

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Lake, Representative Deuster, to explain his vote. One minute."

Deuster: "Mr. Speaker, I rise in opposition to this legislation. Of all times in our economic and state budgetary history, this is no time to shuffle a lot of boards around at a cost between one and two million dollars and create what many observers feel would create a chaotic and unworkable system. I think people should look at the dollar amount, if nothing else, and then read your analysis. And if you think all of this bureaucratic, all of these changes and establishing criteria standards and procedures for boards make some sense and is something the people back home want that will cost one or two million dollars, why vote for it, but otherwise, don't. The people want us to economize. They don't want all this red tape, and bureaucracy and confusion. Please vote 'no'. Thank you."

Speaker Ryan: "Is there any further discussion? The Gentleman from DuPage, Representative Daniels, one minute to explain your vote."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, the previous speaker hit it right on the head. What we're doing with this Bill is passing a Bill that was passed in the 81st General Assembly that the Governor vetoed. Part of his veto and objections were that it would duplicate the functions of various departments. What this Bill does is to create an unworkable system, one that cannot function properly, and one that will be unable to meet the true goals that this Bill, in itself, would like to attain. Our Purchase Care Review Board, Health Finance Authority and Purchase Care Review Board under the Governor presently functions and functions well. Now, we do not, in this time when we are searching hard for state expenditures, create a new board that is in an unworkable system. I suggest very,

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very strongly that this is not the time for this legislation. It has been previously vetoed, and once again, would not be workable."

Speaker Ryan: "The Gentleman from Cook, Representative Conti, one minute to explain your vote."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, I am sorry that we have one minute to explain our votes just coming back from a caucus, but this is exactly what the nation is faced with today in the Federal Government, the county government, and state government, and all the way down to the local government. As soon as you have a problem, you create a board. When you create a board, there is an estimate in what the board is going to cost you. It is another bureaucracy that is going to be set up, and the approximate figure is \$1,000,000, immediately \$1,000,000. I would venture to say by the time we get through with the first year's study on this, we will be up to five or six million dollars again. And we're trying to stop this in the Federal Government. We're trying to stop it in the state, and each and every day I hear people on the floor of this House...on the Sunset Bill that do away with these various departments, these various codes, these various new bureaucracies that we're setting up, and that is exactly what we're doing here with House Bill 1492. It sounds good. It looks good, but how much is it really going to cost us by the time we get through with it?"

Speaker Ryan: "Is there any further discussion? The Gentleman from DuPage, Representative Schneider, one minute to explain your vote."

Schneider: "Well, thank you, Mr. Speaker, Members of the House. It's certainly passing strains to hear the Republicans on this issue, because the Governor, using a press conference approach rather than a legislative approach, formulated the

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Purchase Care Review Board for education. That didn't seem to bother you. Not only did you give up a prerogative as a Legislative Body, but you also allow him to make decisions in secret, exposed by the newspaper, finally, trying to force him to surface on issues related to education and services. Now why in the world you want to give up an opportunity to create a board by the Legislator...Legislature, responsible to the public for services that are appropriate for the need of the child in the school case or the patient in a health care facility, is beyond me. So what you're addressing, in my own view of this issue, is a way to allow the Governor to submerge the services of the state through a phony Board called the Purchase Care Review Board in education and not really address the issue. There are thousands of kids, maybe to be fair I should say hundreds of kids, being underserved by the State of Illinois because the Purchase Care Review Board of the Gov...formed by the Governor is not meeting those needs. I think that is a disgrace in Illinois. I think it is only a few million bucks that can go to the kids, not to be shoved aside as some kind of an underassessment of the state revenues by the Governor of the State of Illinois. Speak to the issue. Don't address it as a bureaucratic trap. It is not that. It is an issue that tries to address needs. I think you ought to support it."

Speaker Ryan: "Let's see. Representative Bowman, one minute to explain his vote."

Bowman: "Well, I find the arguments from the other side of the aisle rather remarkable. After all, yesterday, the same people were supporting Representative Vinson in his bid to create yet another Commission. And not only that, Representative Vinson's Bill provided for vastly greater

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expenditures for nursing home reimbursements. So I think some of those speakers were talking out both sides of their mouths, and I voted 'no' on that one because it was an expensive one...proposal. This, I think, is a very modest, reasonable proposal. I am voting 'yes' on this one."

Speaker Ryan: "Representative Levin, you get one minute to explain your vote."

Levin: "Thank you, thank you, Mr. Speaker. Another aspect of this Bill, which I think it important, is it consolidates the existing statutory Governor's Purchase Care Review Board with the one that...one that is currently not in the statute. And I think we need to reform the one that deals with education as well, and I think this is the first step in doing that. The Governor's Purchase Care Review Board that deals with special education is not responsive. It acts very arbitrarily, and I think that we badly need this legislation to begin to reform that process as well."

Speaker Ryan: "Alright, Representative Rea, you get one minute to close...or to explain your vote."

Rea: "In explaining my vote..."

Speaker Ryan: "Wait..."

Rea: "I would just like to say that one of the values of this Bill is that actually it will be saving monies. It will be consolidating two existing boards and monies that are already appropriated in these various agencies that's carrying on a fragmented function at the present time. So, actually, you will be saving monies, because you can cut those monies out of those various agencies. This...I am surprised that people have said that it would cost more monies. It will actually be a savings, and I would ask that the Members on the other side of the aisle join in with us in being responsible and also being accountable to the taxpayers of the State of Illinois."

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Speaker Ryan: "Representative Satterthwaite, one minute to explain your vote."

Satterthwaite: "Mr. Speaker and Members of the House, in this season when the general public is asking that we let in more sunshine to the processes of government, to reject a Bill of this sort really goes counter to what our constituents are telling us they want us to do. And then we look on in amazement when someone comes through with a cutback Amendment and slaps our hands when we don't give the public what they want to have. As we go about our business of putting in more and more open meetings laws for local government, we also are careful to exempt ourselves, and in this case, exempt the Governor's system for determining how local reimbursement shall come back to our communities for services provided there. We need to have the sunshine. I urge you to support this Bill."

Speaker Ryan: "Representative Hallstrom, one minute to explain your vote."

Hallstrom: "Thank you, Mr. Chairman and Ladies and Gentlemen of the House. If I honestly believed that what this legislation proports to do would do it, you know I know I would vote for it, because I am certainly one on this side of the aisle that everyone knows that certainly is going to vote for children, for people who have all kinds of problems. But I want to tell you, over the...over 25 years that I have been in this state as a volunteer and now almost four years as a Legislator, I have never found creating a board helps anybody. I am so concerned about the people out there who really need the help. And when you just create one more board, that does not mean that the people down there are going to get the services that they need. Thank you."

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

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minute."

Chapman: "Mr...Mr. Speaker and Members of the House, this Bill does not create a new board. It simply puts in to the statutes a board that has existed now for a number of years, that willy-nilly sometimes decides to meet publicly and other times meet privately. This is not a Bill that just Democrats should be for or only Republicans should be for, because when a Governor decides that this Committee is going to meet privately, both Democratic and Republican Legislators get kicked out of the meeting. This is the board that kicked out the Legislators from the Third Representative District not too many months ago when our constituents asked us to go to the meeting to find out how the rates for day care were set and to plead for some equity in setting rates for day care. We found that not only were the Legislators not permitted, but that the public that was involved in the services that were being provided were given no notion of whether there was equity involved, no explanation of how the rates were set. In no way does this create the expenditure of new funds, because this already exists. All it does is putting into the statutes a board that is meeting..."

Speaker Ryan: "Representative Dunn, one minute to explain your vote. Jack Dunn."

Dunn: "Mr. Speaker, Ladies and Gentlemen of the House, I think this is a time to set priorities, and there's...the Federal Government is setting priorities, and I think we're going to have to do the same thing on the state and on a local level. We've all been getting letters from the Illinois Visually Handicapped Institute who will be out of business at the end of this month if sufficient dollars are not granted, I think about \$1,300,000, for the Illinois Visually Handicapped Institute. I think that is far more

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important than creating another board and adding to the bureaucracy. I would urge a...urge a 'no' vote."

Speaker Ryan: "Take the record, Mr. Clerk. On this question there are 84 voting 'aye', 82 voting 'no', one voting 'present'. Representative Rea, for what purpose do you seek recognition?"

Rea: "I would like to ask for a Poll of the Absentees."

Speaker Ryan: "The Gentleman requests a Poll of the Absentees. Poll the absentees, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Abramson, Bluthardt, Epton, Ewing, Hoffman, Leinenweber, Peters, Vitek, J.J. Wolf and Yourell."

Speaker Ryan: "On this question there are 84 voting 'yes', 82 voting 'no', one voting 'present'. Representative Rea."

Rea: "I would like to place this on Postponed Consideration."

Speaker Ryan: "Postponed Consideration, House Bill 1492. It is the intention of the Chair to proceed through the Order of House Bills Third Reading till we come to the end and then move to Senate Bills Third Reading. And for those of you that are interested, in the gallery and on the floor, Senate Bill 160 will be called when we get to it. There will be no demonstrations from the gallery. Order, order in the chamber. Absolutely no demonstrations in the gallery please. House Bill 1520, Representative Rea. Do you want to call that one? Out of the record. House Bill 1527, Representative Miller. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1527, a Bill for an Act relating to the ad valorem property taxes. Third Reading of the Bill."

Speaker Ryan: "Representative Miller on 1527."

Miller: "Thank you, Mr. Speaker. I would like leave to return this Bill to the Order of Second Reading."

Speaker Ryan: "The Gentleman asks leave to return House Bill 1527 to the Order of Second Reading. Are there any objections?"

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Hearing none, leave is granted, and the Bill is returned to the Order of Second Reading. House Bill 1534, Representative Watson. Turn on Representative Watson."

Watson: "Thank you, Mr. Speaker. I would like to table House Bill 1534."

Speaker Ryan: "The Gentleman asks leave to table House Bill 1534. Are there any objections? Hearing none, House Bill 1534 is tabled. House Bill 1551, Representative Stearney. Out of the record. House Bill 1586, Representative Braun. Want the Bill heard, Representative? Turn her on."

Braun: "Thank you, Mr. Speaker. I would like permission to have this...to table this Bill."

Speaker Ryan: "The Lady asks leave to have House Bill 1586 tabled. Are there any objections? Hearing none, leave is granted. House Bill 1586 is tabled. House Bill 1590, Representative Donovan. Out of the record. House Bill 1605, Representative Keane. Is the Gentleman...out of the record. House Bill 1607, Representative Keane. Out of the record. House Bill 1621, Representative Stanley. Representative Stanley in the chamber? Out of the record. House Bill 1624, Representative Pierce. Out of the record. House Bill 1655, Yourell. Out of the record. 1715, Representative Tuerk. Do you want to hear that one? Read the Bill."

Clerk Leone: "House Bill 1715, a Bill for an...Act to amend an Act relating to the composition election of county boards in certain counties, Third Reading of the Bill."

Speaker Ryan: "The Gentleman from Peoria, Representative Tuerk, on House Bill 1715."

Tuerk: "Mr. Speaker and Members of the House, House Bill 1715 was introduced a year ago hoping that it would pass before the counties reapportioned themselves. What this Bill does is, it is permissive, merely permissive in nature. County

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boards would have to pass a Resolution relative to this. Frankly, it wouldn't be effective for another ten years now, unfortunately, but the fact remains, it gives the county another option that it can apportion single member districts outside of city limits and multi-member districts within the city limits of a city over 75,000. I would affect Peoria, Rockford, Springfield, what other cities I am not all that sure, but it is a permissive Bill. It is not mandatory whatsoever. I would ask for your favorable vote."

Speaker Ryan: "Is there any discussion? The Gentleman from Lake, Representative Matijevich, on House Bill 1715."

Matijevich: "Mr. Speaker, Members of the House, this surely is one of those emergency Bills that this type of Session ought to be considering. Something that is not going to be at all effective for ten years is a real emergency."

Speaker Ryan: "Is there any further discussion? Representative Tuerk to close."

Tuerk: "Well, Mr. Speaker, Members of the House, the man who just spoke just apparently wasn't listening again, because I said it was introduced a year ago hoping that it would get passed in time, but unfortunately, it was held up. It is on the Calendar. It is on Third Reading. We could move it off, pass the Bill, get it signed into law, and there it would be. It would be effective later on. I would ask for your support."

Speaker Ryan: "The question is, 'Shall House Bill 1715 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 117 voting 'aye', 11 voting 'no', and 19 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. I have been...brought

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to my attention by the Doorkeeper that we have found a purse that belongs to Maria Beda, R-e-d-a. It can be picked up in the Speaker's office on the third floor, right over here. If anybody knows Maria, we have her purse. House Bill 1768, Representative Satterthwaite. Out of the record. House Bill 1785, Representative Davis. Out of the record. House Bill 1811, Representative Smith. You want the Bill heard? Turn him on."

Smith: "I ask leave to table 1811."

Speaker Ryan: "The Gentleman asks leave to table House Bill 1811. Are there any objections? Hearing none, leave is granted. House Bill 1811 is tabled. House Bill 1873, Representative Breslin. Out of the record. Representative Friedrich, do you seek recognition?"

Friedrich: "Yes, Mr. Speaker, I would like to get something into the record here. We had some 250 Bills in Rules yesterday, and some of them were last minute deals, and I failed to get these onto the list that I handed to the Clerk. And I would like the record to show that they were properly posted, and they were heard this morning, and I would like to give those to the Clerk and read them in the record. Or, I will now: 1948 - Madigan, 2120 - Kosinski, 2404 and 2405 - Zito, 2482 - Kustra, and 2417 - Yourell. And I would like for unanimous consent for that to be in the record."

Speaker Ryan: "You heard...the Gentleman asks unanimous consent to enter those Bills in the record for the proper posting. Are there objections? Hearing none, leave is granted. The Gentleman from Cook, Representative DiPrima, for what purpose do you seek recognition?"

DiPrima: "Yes, Sir, Mr. Speaker, I'd like to move that the appropriate rules be suspended so that House Bill 1363, which appears on page 11 of the Calendar, be considered at

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this time. It's under Consideration Postponed."

Speaker Ryan: "The Gentleman has asked leave to heard House Bill 1363, under the Order of Consideration Postponed, to suspend the appropriate rules so it can be heard immediately. Are there any objections? Who objects? Hearing none, leave is granted. Read the Bill, Mr. Clerk. Who objects? Read it."

Clerk Leone: "House Bill...1363, a Bill for an Act to amend the Illinois Vehicle Code, Third Reading of the Bill."

Speaker Ryan: "The Gentleman from Cook, Representative DiPrima, on House Bill 1363."

DiPrima: "Yes, Sir, Mr. Speaker, Ladies and Gentlemen of the House, now, House Bill 1363 amends the Vehicle Code, and it prohibits motor vehicle dealers from operating businesses on Sundays, other than for selling petroleum products, conducting repair shops, applying certain services, or participating in vehicle shows or displays. Well, as you know, with the economy as it is, a lot of these dealers, they remain open because there is no law to tell them you can shut down. And they all want to shut down. So, I think this Bill is long overdue with the present economic situation, and let them people be able to go home and eat with their families on Sundays rather than sitting around on the automobile...parlors trying to sell cars to nobody."

Speaker Ryan: "Is there any discussion? The Gentleman from Bureau, Representative Mautino."

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

DiPrima: "No...yeah."

Speaker Ryan: "He indicates he will."

Mautino: "Larry, are there any businesses in the State of Illinois that we set the hours for in state statute?"

DiPrima: "Elmwood Park does."

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Mautino: "I said the State of Illinois statute. Are there any businesses that we set the hours in?"

DiPrima: "Well, I have no idea. I don't know."

Mautino: "Well, the answer is no. I think the private enterprise system itself...Mr. Speaker, may I address the Bill?"

Speaker Ryan: "Absolutely. Proceed, Representative."

Mautino: "In all...in all deference to my colleague and aisle seatmate here, this legislation appeared before us. It appeared in our Committee, and it appeared on the House floor during the last Session. I wonder what the General Assembly, or how they would react if, in fact, they did set the days and hours that independent business people can set and do business in the State of Illinois. It seems to me that this is no area...this is no area for the General Assembly to be in. This is the free enterprise system. Those people who are in the car business have the keys to their own establishments. They can open that place and close it at their own discretion. I know that there are very few people on this House floor that would allow the State of Illinois to set the hours in which those businesses that they are in would operate under. In the free enterprise system in the State of Illinois, there is no reason, there is no emergency to put in the statute that an independent private business has to close on any given day of the year. I respectfully request a 'no' vote on the infringement in the private enterprise system. Larry, of all the good Bills you have had in the past, I can't understand how you would carry such a terrible Bill like this."

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

McAuliffe: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I have to rise to the defense of the distinguished

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Representative DiPrima. The previous speaker asked, 'Are there any businesses we regulate the hours?'. Well, I can think of one offhand as the liquor establishments. They set the closing hours. But...I want to help Representative DiPrima with this Bill for another reason. We all know that this is hard times for automobile dealers. In my district in Irving Park, you know, on Cicero Avenue, there is...seems like every two weeks there is a new car dealer, took over for somebody else who went out of business or went bankrupt. Service Chevrolet, 'Seltzer' Pontiac, 'Whodack' Chevrolet...or 'Whodack' Oldsmobile. These are all companies who were in business in my district for 30, and 40 and 50 years, and who in the last year went bankrupt. By closing the car dealers on Sunday, we would help them cut their overhead, cut their cost, and possible prevent another 15 or 20% of them going bankrupt this year. They have enough competition with foreign cars. This would give them a chance to operate on a more cost efficient basis, and hopefully would prevent a lot more car dealers from going under. And I would rise, very definitely, in support of this Bill."

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

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

DiPrima: "Yes."

Van Duyne: "Thank you, Larry. Does this include holidays too, like Fourth of July and so on?"

DiPrima: "Oh, by all means. I imagine it does, I don't know."

Van Duyne: "Do you really know that or are you just being flippant again?"

DiPrima: "No, it don't."

Van Duyne: "No, it doesn't."

DiPrima: "No."

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Van Dwyne: "Well then, how can we regulate hours if we...if we leave holidays out?"

DiPrima: "Well, it is just for Sunday closing. That is all it's for, you know."

Van Dwyne: "Does it include Veterans' Day?"

DiPrima: "No, Memorial Day, my Memorial Day, May the 30th, you know."

Van Dwyne: "But, Larry, isn't it a fact, though, that these are the very people who have been telling that are government is getting too big, and for us to get government off of their back and please quit being too restrictive, etcetera?"

DiPrima: "Well, the only reason I put the Bill in is because of the tremendous requests by the various automobile dealers throughout my area which is statewide actually, because they all feel the same way about it. Let's get on with the Roll Call. I know we've got the votes."

Speaker Ryan: "The Lady from Lake, Representative Frederick."

Frederick: "Mr. Speaker, Ladies and Gentlemen of the House, I rise to support this Bill. I called every single car dealer in my district and had a return from every one but one. They were unanimous in their opinion that they wanted to close on Sundays. I ask for a 'yes' vote on this Bill."

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

Farley: "Will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Farley: "Representative DiPrima, does this cover used car agencies or used car dealerships?"

DiPrima: "Yes, Sir."

Farley: "Alright, well, if I might address the Bill, Mr. Speaker."

Speaker Ryan: "Proceed."

Farley: "As Representative Mautino explained, we did hear this

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Bill in Committee, and at that time, the used car dealers were in opposition. And I am sure that they are still in opposition. So, for the enlightenment of the Members, the Used Car Association is opposed to this Bill, and the new car associations are for this Bill. But I would oppose the Bill because, as Representative Mautino pointed out, we shouldn't be legislating for...against free enterprise."

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

Piel: "Move the previous question, Mr. Speaker."

Speaker Ryan: "The Gentleman moves the previous question. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Motion prevails. Representative DiPrima to close on House Bill 1363."

DiPrima: "Well, I don't think there is too much to add to what's...what's already been said, and as I said that the automobile dealers would like to be closed on Sunday. They want to go to church, or picnics, and what have you, like the rest of us, especially during this time of the...when the country is in a severe depression. I would appreciate an affirmative vote."

Speaker Ryan: "The question is, 'Shall House Bill 1363 pass?'. All in favor will signify by voting 'aye', all opposed by 'no'. Representative Preston, one minute to explain your vote."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this bad Bill. What this Bill does is not only tell people that they cannot participate in the free enterprise system, what right do we have to tell a new car dealer and or a used car dealer that, 'You can't work when you want to work?' At the same time, people who may want to go shopping for a new or used car are told that, 'You may have to just take time off from your other scheduled activities'. You work during the

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week. Maybe you can't make it on Saturday to do shop, maybe for religious reasons, or employment reasons, or for other reasons where you have that one day of the week to do your household chores, you can't go look at a new car or a used car, or shop for a new car or a used car, and the Legislature is here interfering with the normal free enterprise system for no reason whatsoever. There is no good reason on earth to pass this bad Bill."

Speaker Ryan: "Thanks. The question is,...Have all voted who wish? Representative Huff, one minute to explain your vote."

Huff: "Thank you, Mr. Speaker. This request of the automobile dealers wanting to close on Sundays reminds me of another profession that don't like to work on Sundays. But I don't think...I am going to vote for this Bill, but I don't think allowing the dealers to close on Sundays is going to save the auto industry. What is wrong with the auto industry is the lack of quality products and no guarantee on warranties and the rip off of car deal...automobile owners when they come to the dealerships for service. I am going to vote for the Bill, but I don't think this is what is going to save the auto industry. Good productivity and quality products will turn the trick."

Speaker Ryan: "Have all voted who wish? Representative Johnson, one minute to explain your vote."

Johnson: "I...I hope that no Bill came up before one later so that I could save my venom, but it is just absolutely amazing to me to see people on the Board who, in the Legislature and in their campaigns in their district, may take great pride in being apostles of free enterprise, and believe in the competitive system, and believe in government non-interference with business, and yet, they turn around because there are six votes in their districts

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and people who have contributed to their campaign, are going to vote to do the most totalitarian, anti-free enterprise, stupid concept that I have seen come up around here in a long time. I can't imagine people who really believe in the system that they supposedly support, could vote for this Bill."

Speaker Ryan: "Representative Kelly, one minute to explain your vote."

Kelly: "Yes, Mr. Speaker, I tried to just ask a question earlier, and I just wanted to point out, this is the same Bill that we debated last spring. It failed. It was placed on Postponed Consideration. Representative Huskey, you're the Sponsor of this Bill. And I know that Representative DiPrima pointed out he introduced this Bill. As I recall, you're the party that introduced the Bill, and it is the same Bill, as it was pointed out, that is being opposed by the used car dealers, and I think Representative Mautino spoke very well that we don't need a law like this."

Speaker Ryan: "Representative Matijevich, one minute to explain your vote."

Matijevich: "I only want to explain my vote, because I think Representative Johnson did a disservice to anybody on that Roll Call. I have been in the Legislature 16 years, and I don't know of one car dealer, new or used, that ever contributed a penny to my campaign. And I am supporting that Bill. In fact, they've got so little business in Lake County, they could keep them open one day, probably Sunday, until those interest rates come down and do something for us poor people."

Speaker Ryan: "Representative Bowman, one minute to explain your vote."

Bowman: "Thank you, Mr. Speaker. I wanted to ask a question, but if this Bill was like the one that we defeated last year,

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it has a criminal penalty in it, which means that anyone who decides that they do want to stay open and sell automobiles on Sunday would be subject to criminal prosecution. They could go to jail for that. And I think that is absolutely nonsensical. Why...why should we subject businessmen, who might want to stay open on Sunday, to a possible criminal prosecution for selling their wares? It is absurd."

Speaker Ryan: "Representative Giorgi, one minute to explain your vote."

Giorgi: "Mr. Speaker, I also resent Representative Johnson's remarks, and I wonder if he'd put in the record that he refuses to be counsel to any car dealer that wants to close down on Sunday, if he wants to put that in the record."

Speaker Ryan: "Take the record, Mr. Clerk. On this question there are 86 voting 'aye', 68 voting 'no', and 10 voting 'present'. Representative DiPrima."

DiPrima: "Poll the absentees."

Speaker Ryan: "Poll the absentees, Mr. Clerk. Representative Johnson, for what purpose do you seek recognition?"

Johnson: "Just in the event this Bill would get 89, I want to verify it."

Speaker Ryan: "Poll the absentees, Mr. Clerk."

Clerk Leone: "Alstat, Epton, Ewing, Hallstrom, Hoffman, Leinenweber, Leverenz, O'Brien, Peters, Schraeder, Vitek, Younge, and Yourell."

Speaker Ryan: "Questions? The count remains the same, Representative, 86 voting 'yes', 68 voting 'no', 10 voting 'present'. What is your pleasure?"

DiPrima: "Yes, Mr. Speaker, I would like to put it on Postponed Consideration."

Speaker Ryan: "Representative Schraeder, do you seek recognition? Representative Leverenz, do you seek recognition?"

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Leverenz: "Record me 'aye'."

Speaker Ryan: "Record the Gentleman as 'aye'. Are there any other changes? Give me the count, Mr. Clerk. Representative, the count on this issue...or on this question there are 86 voting 'aye', 68 voting 'no', 10 voting 'present'. And this Bill, having...Representative DiPrima..."

DiPrima: "Yes, Sir, Mr. Speaker, I would like to have this Bill postponed."

Speaker Ryan: "Well, you can't do that, Representative. You took it off of Postponed to have it heard. On this question there are 86 voting 'aye', 68 voting 'no', and 10 voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. On page 13 under the Order of Concurrence appears House Bill 252, Representative Yourell. Out of the record. House Bill 427, Representative Donovan and Ropp. Representative Ropp on House Bill 427, concurrence."

Ropp: "Thank you, Mr. Speaker and Members of the House. House Bill 427 has a Senate Amendment which changes everything after the enacting clause. It is an appropriations Bill. There the particular individual that is the assistant to the regional superintendent who is going to retire in June, and it so happens now that we had taken care of that in the previous appropriation. Now, he is going to retire one month earlier, and it will require the state's portion of a \$423.55 to permit him to retire one month earlier, and I urge...I move to accept the Amendment that was placed on in the Senate."

Speaker Ryan: "Is there any discussion? The question is, 'Shall the House concur in Senate Amendment #2 to House Bill 427?'. This is final action. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted

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who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 147 voting 'aye', 6 voting 'no', and 9 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Calendar on page eight under the Order of Senate Bills Third Reading appears Senate Bill 60, Representative Krska. Want to hear the Bill, Representative?"

Krska: "Bring it back to Second for an Amendment."

Speaker Ryan: "You want to return the Bill to the Order of Second Reading? The Gentleman asks leave to return Senate Bill 60 to the Order of Second Reading for purposes the of an Amendment. Are there any objections? Hearing none, leave is granted. Senate Bill 60 has been returned to the Order of Second Reading. House (sic - Senate) Bill 88, Representative Getty. Senate Bill 88. I'm sorry, Representative, Senate Bill 88 on page eight. Out of the record? Out of the record. House (sic - Senate) Bill 89, Representative Zito. Senate Bill 89, Representative Zito. Who do you...Kornowicz, Representative Kornowicz, you want this out of the record? Out of the record. And here we are. Senate Bill 160. Representative Hastert. You want the Bill called, Representative? Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 160, a Bill for an Act in relationship to protests against zoning Amendments, Third Reading of the Bill."

Speaker Ryan: "The Gentleman from Cook, Representative Getty, for what purpose do you seek recognition?"

Getty: "Mr. Speaker, I rise for a point of parliamentary inquiry."

Speaker Ryan: "Proceed."

Getty: "I question the number of votes that will be required in

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order to pass Senate Bill 160 as amended. I would refer the Speaker, respectfully, to the Constitution, Section 6-G of Article VII which provides that a three-fifths Majority is required where either the power to tax or any other function or power of a home rule unit not exercised or performed by the state. I would further refer the Speaker, respectively...respectfully, that the General Assembly, under Section 6-H, may provide specifically by law for exclusive exercise of any state power or function by a home rule unit, other than a taxing power, where the state is exercising that function. I think that it is important in the decisive language of these words distinguishes whether or not the state is exercising a function. The Sponsors of this legislation have attempted, through Amendment #5, to refer to Subsections H and I. In doing so, they do not alter the basic nature of this Bill. What is indeed important is that this is a preemption, and in adopting a preemption of this nature, the explicit denial and divestment of the right by a home rule unit to act, is exactly what the Constitutional Convention referred to when Delegate 'Wenam' stated, 'The compromise, as has been pointed to several times today, was that in area...in an area of explicit denial and in the area of limitation of the taxing power, the extraordinary Majority would be required. It is necessary to note, since we will get to it in a moment anyway, that in connection with Section 6-H, the effort here, and a very deliberate effort, Mr. Speaker, is to seek to insure that there will be constructive action taken so that in the event the state decides to enter a field, action is to occur. There will not be the void of action which might otherwise occur in a case of simple denial. I suggest to you, Mr. Speaker, that the subsequent words of Chairman 'Parkhurst' in saying that the type of

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Bill, the no-no Bill, is just exactly the type that we would require a three-fifths Majority. And he says, 'We decided', and I quote, 'to make it tougher for the Legislature to deny the exercise of a power of a home rule unit than to exercise that power itself. We want to make it difficult for the Legislature to pass a series of no-no Bills telling city councils and county boards what they can't do. For the no-nos, we have a required a three-fifths Majority vote in each House'. I suggest to you, Mr. Speaker, that this Bill is exactly what the framers of the Constitution were talking about when they said, 'We will require a three-fifths Majority vote'. This is exactly that sort of thing, and I would respectfully urge that the Chair rule that, indeed, this Bill would require a three-fifths Majority."

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

Conti: "Well, Mr...Ladies...Ladies...Mr. Speaker and Ladies and Gentlemen of the House, those of you who know me know I've never walked away from a controversial issue yet on this floor. Last week I placed a painful vote for the Amendment of this Bill, hoping I would make a bad Bill worse. That vote last week, like the vote today, does not reflect my feelings of the merits of this Bill. The United States Constitution and the Illinois Constitution is a sacred document to me. Any erosion of its Constitution is a terrible injustice to our system of government. I am against the banning of guns. To register them and to title them, yes. I've got a gun control Bill in my...in my municipality which I have been mayor for the last 32 years, but I feel very strongly about the preemption of home rule. In the passage of this Bill, it is chipping away at the Bill of Rights, the Second Article of the United States Constitution. So, Ladies and Gentlemen, we are not voting

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on the intent of this Bill, the intent that these authors of this Bill is trying to put across today. When we were elected to take office, we took an oath to uphold the United States Constitution and the Illinois Constitution. So when we go back home, how are we going to explain our votes? Did we vote for a gun control Bill, or did we fail to uphold the Constitution or the oath of office that we took when we were sworn in? Unless this has a three-fifths vote Majority, I don't know how I am going to be able to explain my vote back home."

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The constitutional issue here is significant and substantial. I believe, if Members will look at Sections G...Subsections G, H, and I and L, for that matter, of Section 6 of the home rule Article of the Constitution, that they will discover that it is a difficult subject to deal with. It is not easy. The question that is placed before you, Mr. Speaker, by Mr. Getty's question, is whether the...this Bill can be adopted by this House by a three-fifths vote or by a simple Majority. I would suggest that you look at Subsection H, which suggests certain limited areas whereby a simple Majority vote, this House can preempt local government. Those areas only exist where the state is performing a function. Now, if the state is, itself, performing the function and explicitly says that it wants to exclusively exercise that function, Section H clearly says, in unambiguous language, that 89 votes are all that are required. That issue has been litigated. It has been litigated several times before the Illinois Supreme Court, subsequent to the Constitution of 1970 where we derived this language. I think if you will take a look at the decision rendered by the United States...or by the

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Illinois Supreme Court in United Private Detective Associate versus that the City of Chicago, precisely the same issue was placed before the Court. There the Court looked at the documents underlying the Constitutional Convention. It explained the difference between a simple denial to a home rule unit of government and a denial where the state also was performing in the area. Now, what had happened in that case, Mr. Speaker, was that the City of Chicago had attempted to regulate more comprehensively, the occupation of being a private detective than the state did in our licensing laws. And then, the State Legislature, this Assembly, came in and said that its regulation would be the only regulation in the field - specifically said that in the statute as we do in this statute. Now, what happened when the Supreme Court went through that, they agreed that the state was doing some regulation, but that Chicago's ordinance would do much more regulation. Chicago said that, therefore, it required a three-fifths vote. The Supreme Court held directly to the opposite that it only required a vote of 89. The language, as a matter of fact, Mr. Speaker, at page 458 in The Reporter, is very clear. We cannot accept the defendant's contention that the exclusivity in favor of the state regulation, affected by Public Aid 70...Public Act 78 - 1232, is limited by the extent of the regulation then in effect under the Private Detective Act. There is nothing to suggest any limited exclusivity such as the defendants, that is the City of Chicago, argue for. There is no indication that to be exclusive, state's regulation must be impossibly exhaustive or complete. Now, what we are dealing with in this Bill, Mr. Speaker, is that we would state, under the provisions of Amendment #5, that the state's regulation of gun owners, gun use and gun possession is exclusive in that field and

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that we wish to preempt local government in the same way that we preempted local government from regulating private detectives further when we stated that that was the exclusive regulation of private detectives. There is no serious argument in this field. Now, Mr. Getty is a competent counsel, and he makes a persuasive argument, if you accept the theory...if you accepted other language in the Constitution. But the language in the Constitution is explicit in Subsection H, and the Supreme Court has held directly on the subject, and I would urge you to yield a...to come forward with a ruling that would simply require 89 votes. Thank you."

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

Currie: "Thank you, Mr. Speaker and Members of the House. I think Representative Vinson is a little confused about what concurrent function, concurrent exercise of a particular jurisdiction might be. The case he refers to is one in which the state had a licensing statute. The question was whether a different kind of licensing statute, in that same general area, was appropriate at a local government level. That is not the situation with Senate Bill 160. There are local municipalities in the State of Illinois which now have...many of which have long had licensure, or registration, or other kinds of requirements of their own having to do with the area of firearm ownership. There is nothing in state law that has anything to do with licensure or with registration of firearms. There is basically a firearm owners' identification system, but there is no reason to think that that Bill or that that law is the...is exercising power in the same area in which local governments now and long have been exercising their own home rule powers to affect other areas involving fire...firearm ownership. I would point, too, to Section

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M...I'm sorry, Subsection M of Section 6, 'Powers and functions of home rule units shall be construed liberally'. I would think it wouldn't even take a very liberal construction to say that in this area, where the state basically does nothing having to do with licensure, and registration, and regulation; it would be absolutely inappropriate for this Body to deny those home rule units of government the authority and the power the people therein possess by less than a three-fifths vote."

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

Robbins: "Mr. Speaker and Ladies and Gentlemen of the House, I think we should consider and ask the Speaker to ask for the extra Majority. We definitely need a Bill that we're not going to have...cost the state a lot of money in fighting it. We need to pass this Bill. We need the 107 votes so that we can show the people that we are interested in their right to own guns, to have the right to defend themselves and their family. And we have a duty, as Legislators, to pass a Bill that will cost the people the least amount of money to administer, as well. So, Mr. Speaker, I urge you, if for no other reason, to pass...to rule in favor of 107 vote passage, because the gun owners are conservative, hard-working people, and they believe in their right to own guns; but, they also believe that they...or the state's money should be saved. So thank you very much."

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

Greiman: "Thank you, Mr. Speaker. Very briefly, I was fascinated by the legal arguments of Representatives Getty and Representative Vinson. Representative Getty, I think, properly alluded to the fact that in the City - Detectives case, the state was precisely exercising its power. In this case, contrary to what Representative Vinson had suggested, the state is not exercising a power. The state

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is, instead, prohibiting a home rule unit from exercising its powers. And those...that is a very different exercise of power, and under Subsection H, must be viewed differently. Representative Vinson had skillfully turned the argument around, but is not within, I think, sound constitutional grounds, and I would earnestly hope that the Speaker rules that this will take 107 votes."

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

Johnson: "Everybody assumes one thing or the other, but I think the safest thing to do when you really don't know, is to look at the Constitution and the provisions that we're concerned with, and specifically in Article VII, Section 6, Subsections G and H. And in there there are two...there are two...the combination of those two areas...prescribed two areas where a three-fifths vote is required. One is where the denial or limitation of the power to tax is exercised. Amendment #5 eliminated that. And the other is in areas where the state is not exercising or performing in that particular field. The state clearly is exercising or performing in the field of regulation or governing the relationship between a citizen and a firearm. We have the Firearm Owners' Identification Act. We have gun registration. We have various other Acts in the Criminal Code that clearly touch in that area. I find it interesting that Representative Getty, who was the Sponsor of the preemption Bill with respect to condominiums, argued very forcefully, and I think correctly, in that case that the state was in the field - just as it is in the field here under Subsections G and H - and led, then, to the requirement of a certain...of a certain Majority to pass that Bill. And now he turns the argument around. It is clear the state is in the field. It is exercising or

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performing. We're not limiting the power to tax, and any other interpretation than the...other than that it takes 89 votes to pass this Bill, is absolutely blatantly wrong under Section 6, Subsections G and H of Article VII of the Illinois Constitution of 1970."

Speaker Ryan: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Mr. Speaker, Members of the House, I can't complete with the learned lawyers, but I did spend nine months doing nothing but listening to the debates at the Constitutional Convention. Number one, I am for 160 as it is written, but I also believe that this is a preemption Bill. I was not for home rule in the first place, because I said it would create a bunch of fiefdoms, which I think it is about to do, but I do think that the people that adopted this Constitution, which it says it takes three-fifths vote to preempt home rule. I think that is where we are right now."

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

Vinson: "Mr. Speaker, Representative Greiman took my name in debate, and for personal privilege, I would like to rise and make the appropriate response."

Speaker Ryan: "Proceed."

Vinson: "What the...what I said in regards to United Private Detective Association, which upheld an ordinance passed by 89 votes, was that the City of Chicago sought to do certain things that the state was not doing. The state was in the general field; in that case private detective regulation, in this case the regulation of the relationship of an individual to a gun. When the City of Chicago sought to do those specific things that the state did not do, the state was able to preempt them with a vote of 89, determined by

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the Illinois Supreme Court. Justice Ward, as a matter of fact, wrote the opinion simply because of the clear language in the Constitution."

Speaker Ryan: "The Gentleman from Coles, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, I'm not a lawyer either, but I did teach constitutional law. And it seems to me that Representative Vinson and Representative Johnson have hit the nail on the head. We've been through this before. The situation is exactly parallel to the one that Representative Vinson alluded to where the ruling was, the vote required was 89 votes, a Constitutional Majority, not three-fifths. Now, both sides are resting on arguments, with regard to how many votes it takes, that are predicated on hope; hope on one side that it will take 89 votes, because there is the belief, the known belief, on this floor and in the gallery that this Bill does not have 107 votes. We know that. Pro and con know that here. But that is not the point. The point is that the Constitution appears to be clear. The Chair has ruled in the past on the parallel situation that the thing is clearly known to take only 89 votes. To rule other than 89 votes today will not only fly in the face of the Constitution and the facts, it will fly in the face of the will of the majority of this Body. The decision on this ruling ought not to rest on hope. It ought to rest on the Constitution, and it clearly says 89 votes."

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

Getty: "Mr. Speaker, I rise on a point of personal privilege."

Speaker Ryan: "Proceed."

Getty: "I would note that my name was used in debate..."

Speaker Ryan: "Proceed, Representative."

Getty: "...By the Gentleman, I think, three ago. At that time,

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he made reference to the condominium Bill which was a preemption, and I think, in fairness, I would point out that that is a perfect example of the distinction between that situation and this. In the condominium situation, the state in does...does indeed have a comprehensive Illinois Condominium Act on the books. That is the state's law regarding that. It is a comprehensive Act. It addresses itself to the regulation of condominiums. Therefore, since the state does cover that field, it requires only 89. That is exactly what the framers of the Constitution said. If the state fills the area, then the state only requires 89 votes, a simply majority. In this instance, we don't. We do not comprehensively regulate handguns. In fact, that is exactly what the people who proposed this legislation are trying to avoid having done. They don't want regulations. This is a pure no-no. That is why it requires three-fifths. It is a different situation."

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

Wolf: "Thank you, Mr. Speaker and Members of the House. I know there are different opinions on what type of a vote that this will take. I intend to support the Bill, as I did the Amendment on Second Reading. However, I think that it does, in fact, preempt home rule, and I would like to point out that when the Constitution of 1970 was adopted, I had campaigned against the adoption of that, partly on the home rule provisions. And at that time, I was quoted in the press as saying that I think the people of Illinois will live to regret the day that they passed the home rule provision. But notwithstanding, that is what we have today in our Constitution. We have a home rule which was adopted by the majority of the people at the polls on a public referendum. And based on that, Mr. Speaker, I'd think that the Constitution, in my mind at least, is clear; that it

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does preempt home rule and should take 107 votes. I do intend to support the Bill. I will vote for it, but I think that you have no course but to rule that it is a preemption of home rule and requires a three-fifths majority vote."

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

Griffin: "Mr. Speaker and Ladies and Gentlemen of the House, I believe the reason we're all here today is because one community in Illinois that had home rule powers voted without consulting their...members of their own community. I think that was a travesty. I think that was a lack of democracy in spirit, as well as in form, and I would hate to see that practice continued in this Body. Two wrongs don't make a right. I think we ought to set the standard in this Body of upholding the principle of following procedures in the Democratic form, as well as spirit, and make it clear that communities elsewhere in Illinois ought to do the same thing. So I would uphold the...that the principle of 107 votes is one that we ought to regard with a great deal of concern and care, and I hope that our model here will...the message will carry out through the rest of this state. Thank you."

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

Mulcahey: "Well, Mr. Speaker and Members of the House, I think this is an act of futility here right now. Everybody has got their mind made up as to how they are going to vote. You know what decision you're going to make, and I would suggest that we just get on with it."

Speaker Ryan: "Is there any further discussion? I would like to say that both the Parliamentarian and myself have spent a good deal of time in the examination of this effort to come up with what we think is a proper ruling. And having

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examined the provisions of the Constitution, specifically Section 6-G, H and I of Article VII, the case law of the Illinois courts, the proceedings of the Constitutional Convention regarding home rule, and past rulings of this House; I feel the following: that this Bill is an explicit denial of the power to regulate by local units of government, that it does not establish an active regulatory scheme to be implemented by the state. It is not exclusive in its scope in that this Bill, by its own language, allows the concurrent exercise of some jurisdiction by units of local government impacting firearm storage and control. Therefore, it is the opinion of the Parliamentarian and the ruling of the Chair that Senate Bill 160 will require 107 votes as a limitation on home rule power as articulated in Section 6-G of Article VII of the Illinois Constitution. The Gentleman from Kendall, Representative Hastert, on Senate Bill 160."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 160, as originally conceived, was somewhat different than we perceive it today. Senate Bill 160, as originally perceived, passed by the Senate, brought over here and presented to the Counties and Township Committee in this House, dealt with protests of Amendments of the municipal and county zoning ordinances. This Bill and the content of this Bill has been altered a great deal. Today we face and contemplate here something much beyond the original perception of this Bill. I might add, if this Bill was left in its original form, we probably wouldn't have needed 107 votes, but that is not the situation today. I think all that I can speak for is the original content of the Bill. It was legislation that was passed for a particular problem, a problem of my constituency. The Bill is somewhat altered, and I must yield to those people who

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amended this Bill to make it was it is today."

Speaker Ryan: "The Gentleman from Cook, Representative Jaffe, on Senate Bill 160."

Jaffe: "Yes, Mr. Speaker and Members of the House. I represent Morton Grove, and I rise...I rise in opposition to this terrible, terrible Bill. Let me first tell you that this Bill is not a pro-gun Bill. It is not an anti-gun Bill. But read the legislation. It is really a local control issue. It always amazes me that all of those conservatives who cry bitterly, you know, about local control are always the first ones to move to destroy local control when the local municipalities do something that doesn't agree with them. And the Sponsors would lead you to believe that there are really only two areas in this entire state, you know, that have gun ordinances. Well, let me tell you that there are actually 169 ordinances in this state that deal with gun control. And, let me tell you that most of those ordinances deal with children and the sale of firearms to minors. And let us go through a couple. I mean, let's go through Decatur, because we've heard from Decatur a great deal lately; and what does Decatur say? It says in its ordinances, 41-1, 'No person, firm or corporation shall sell, give, loan, hire, barter, furnish or offer for sale, or give, loan, hire, or barter or furnish firearms to any minor under the 16...under 16 years of age within the city without the written consent of the party or without the parent or legal guardian'. I would suggest to the Gentlemen who represent Decatur, if there are any in this particular Body, that they go home tonight, if they vote for this Bill, and they tell their people that they voted to outlaw the sale of guns to 16 year-olds and under 16 year-olds without the written consent of their parent or legal guardian. You know, why are we really having this

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Bill here today? You know, we're having this Bill here really because of hysteria from one group, and that really is the National Rifle Association. And why is the National Rifle Association, you know, so afraid at this particular time? After all, Morton Grove is sort of a sleepy, little town north of Chicago with only 25,000 people, and most of the people in this chamber will never visit Morton Grove. As a matter of fact, I would venture to say that some of you couldn't find Morton Grove with a bloodhound. But, so why are you so afraid? You're afraid, and the National Rifle Association is afraid because the truth of the matter is that they have convinced the American people that something is the law that hasn't been the law since the Civil War. Now, if you'll read the Morton Grove decision or any other decisions, you'll find out that the things that will be espoused on the other side just aren't so, and the Supreme Court has repeatedly said, since the 1860's, that that isn't the case. So why is the NRA so afraid now? Well, they're afraid because they know they haven't won a case on this in over 100 years, and they know that they're not going to win any more cases on this because the...because the law is strictly against them. In addition to that, they know that for the first time, on a local level, public opinion is mounting against them, and more, and more, and more local municipalities are looking at this issue and they're saying, 'We want gun control, and we want gun control in our villages, and we want it in the state'. I would venture to say, and I would challenge the Gentleman who put forward this Bill, that if we had a referendum in this state, gun control laws would win overwhelmingly. They know it. The NRA knows it, and they're terribly afraid of it. Let me go to the Bill, if I may. This Bill is really a horrendous Bill. Not only

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does it knock out all existing municipal and county ordinances for rules affecting firearms or firearm ammunition, what it goes on to say is it says that if you have a police officer, and please read the Bill; and, if you have a police officer who attempts to enforce any firearms or firearm ammunition ordinance, you know, they shall be liable for civil damages. So if we go back to the city of Decatur, if you see some poor policeman wanting to make an arrest of someone selling a firearm to a twelve year-old, that policeman now will be guilty of civil charges and can be sued civilly in a court. It is really a crazy Bill, and it really is a bad concept. The...the Sponsors of this Bill know it's a bad concept. The NRA is hysterical, and I don't think that this Body should be moved by...into hysteria to adopt such a horrendous Bill. It's a bad concept. It's a pro-crime Bill, probably the worst pro-crime Bill we'll have in this General Assembly. It should be defeated, and I urge a 'no' vote."

Speaker Ryan: "There will be absolutely no demonstrations from the gallery, or we'll clear it. Representative Johnson."

Johnson: "I think it is always...always, not only good strategy, but fair, when you're considering a Bill like this or maybe any other Bill, to look to see what some of the opponents of the legislation, the critics of our concept, the supporters of gun control, have to say. And there's a couple of kind of interesting inconsistencies, a kind of...that appear and that occur to me, in listening to Representative Jaffe, who, by the way for all his protestations about home rule and so forth, is an absolute supporter of gun control, and who has introduced legislation time after time in this General Assembly to divest citizens of their right to bear arms. So, in all honesty, Representative Jaffe should be judged in the

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context of his legislative record. But it's interesting to see the editorial criticism, the criticism from some of the individuals in the...in the news media, at least in the editorial columns, what they have to say. It would be interesting to know what they would have to say if we were talking about the First Amendment and the right to free speech, the right to free press. It would be interesting to know what they had to say about the right to assembly under the First Amendment, the right against self-incrimination under the Sixth Amendment, the right...the right to counsel under the Sixth Amendment, the right against unreasonable search and seizure under the Fourth Amendment, the due process and equal protection clause of the Fourteenth Amendment. Those same people have been the absolute most avid supporters of those particular provisions of the Illinois and the United States Constitutions; but, somehow, the Second Amendment is less deserving of protection. They don't think that the right to bear arms is a fundamental liberty. Well, I submit to you, Ladies and Gentlemen, that the right to bear arms has an equal standing with those other provisions of the Constitution that our forebearers fought for and that were in guaranteed over 200 years ago; that the Second Amendment, and the Fourteenth Amendment, and the relevant provisions of the Illinois Constitution do have some viability. And it's interesting to know what they would have to say about home rule, that some of the same people now who want to uphold the home rule -- and I'll use his name in debate -- Representative Sandquist stood here two weeks ago and talked about home rule, and he's the same individual who wanted to preempt home rule, when we were talking about zoning for group homes. The others in their own areas, it's just a question of whose ox is being gored.

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I submit to you that it's not much sense to have one rape law, one theft law, and one armed robbery law in Rantoul and to have a different law in Paxton; to have one law and felony theft making certain acts a felony in Morton Grove and something else completely different in Arlington Heights. There are certain areas that ought to be of state-wide regulation, and this is certainly one of them. To have a crazy quilt of regulations that make somebody a criminal by going two feet across city lines doesn't make any sense. And I would submit to you, Ladies and Gentlemen, that there is another extreme that you haven't considered yet. When some villages and cities in Illinois begin to enact laws like Kennesaw, Georgia and Ely, Minnesota, to require citizens to bear arms, then I think some of these same shrill critics are going to have an opposite opinion, with respect to the question of home rule. Everybody knows that there are a variety of reasons to possess firearms. Some of them are criminal, and those ought to be punished with the full weight of the law, but we also have legitimate sportsmen. We have individuals who want to possess firearms for defense purposes. Statistics have shown that a firearm in a home is 600 times likelier to be used for self-defense than it is for any criminal activity, because the practical effect is to deny law-abiding citizens fundamental liberties and to allow the criminal element, who are certainly going to totally disregard minor gun control Bills, to keep their guns while law-abiding citizens turn their in...turn theirs in. It's been said time and again, to the place of almost triteness, that the only real, effective form of gun control is tougher, mandatory penalties for criminals who use firearms in the commission of a crime. We're talking about fundamental liberties, Mr. Speaker and Members of the

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House, and regardless of what your predisposition on this issue is, you ought to be aware that we're talking about fundamental liberties. And I know what I'm going to say now is going to draw some...snickers from our...our modified country club left, but it's not a very far step from this to what the Nazis did in World War II when they overtook Europe. One of the first things they did was to divest citizens of their right to bear arms. And in Iron Curtain countries and countries where there is no individual liberty, no freedom, those are areas where people don't have a right to bear arms, where the government is the absolute repository of power, the absolute repository of police powers and has the ability to stamp out the individual citizen, his or her family, their right to self-protection, and their individual liberties. You can picture the spectre as well as I can. Police officers of these various municipalities around the State of Illinois rounding up the guns, rounding up the guns from citizens who, a month before, were legal and now are criminals, and putting individuals in jail for doing something that their neighbors two blocks away or across the street have a legitimate right to do. I don't want to belabor this issue, as other individuals have said. I suppose everybody has pretty much made up their mind, but the question is one of fundamental liberty. The question is one of constitutional rights; and, if you believe that our Constitution, the American Constitution, what we fought for for over 200 years, has some viability, then I suggest to you that a 'yes' vote on Senate Bill 160 is a proper vote, and I urge you to support Representatives Tate, Stuffle, Vinson, myself and Representative Hastert in passing this very good Bill."

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

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Stewart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. While I hesitate to associate myself with the country club left, I do stand in opposition to this piece of legislation. I'd like to reiterate on some of the points that Representative Jaffe made. Certainly, yes, Representative Johnson, it doesn't make sense to have a crazy...quilt of...of laws where the citizens have felt that some kind of restriction on handguns is necessary; however, the use of local ordinan...ordinances does provide a mechanism for local people to...to make known their feeling about the unwarranted presence and unrestricted use of handguns in this country. I think that, until the day we can have a federal law restricting the use and manufacture of handguns, the sole...the one thing we do have left is the...the use of local ordinances by local people to express their opinions on this matter. I think that the only responsible vote on this issue is a 'no' vote, and I urge the same. Thank you."

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

Tate: "Mr...Mr. Speaker, Ladies and Gentlemen of the House, the arguments have been pretty well made, but the Representative from Skokie had referred to several of the hundreds of...local ordinances presently on the book; the present ordinance referring to...in the City of Decatur. I would ask the Gentleman from Skokie to refer...refer to the Illinois Revised Statutes, Chapter 38, which is the denial of application, or revocation, or seizure of cards. In Chapter 38, Section B, a person who, under 21 years of age, who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a firearm owners' identification card.

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Basically, what the statute says presently on the book, which this Bill in no way affects any of those local ordinances the Gentleman referred to; what we're basically talking about here are the Morton Groves, the East St. Louis, the Chicago ordinances that have recently been passed. That's the issue. The issue is gun control; It's not home rule. Many of the speakers in opposition to this Bill are the same speakers that, when it was the realtors last year and it was the state-wide Condominium Act, they had voted for it; When it was one of the other Representatives from Chicago's Bill, which preempted home rule for local zoning ordinances, they voted for. Three years ago, when it was the state-wide drinking age on the basis of passing a piece of legislation because of uniformative... (sic) uniformity, because they didn't want Champaign having a 21 year old drinking age, and Urbana having a 19, and Rockford 23 and Chicago 25, etcetera, etcetera, etcetera; they passed a law that preempted local...preempted home rule. The issue here is gun control, and we've already made our case. I encourage all of you to give this consideration and a 'yes' vote. Thank you."

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

Currie: "Thank you, Mr. Speaker and Members of the House. Some of the previous discussions suggest that what we're voting on today when we vote on Senate Bill 160 is, in fact, the Second Amendment to the United States Constitution. I think that's a nonsensical point. I'm sure everybody on this House floor supports the United States Constitution, all of its provisions. We took oaths of offices, when we first took this office, saying that, in fact, we did so. But there's nothing in Senate Bill 160 that in any way interferes with an appropriate and proper expression of

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anything in either the Federal or the Illinois Constitution. If Representatives who think that's the issue feel that any kind of registration, or regulation, or requirement having to do with gun control automatically is offensive to an Amendment of the Federal Constitution, then their Bill today shouldn't be Senate Bill 160 at all; It should be measures to repeal state laws presently on the books that have something to do with the right to bear arms. The notion that what we're about here is violating an Amendment to the Federal Constitution, that local communities in the state have already done so, is absolute nonsense. One hundred and sixty-one local communities, not only Chicago and Morton Grove, have passed measures having to do with gun control. Those measures are not in violation of the Federal Constitution nor in violation of the Illinois Constitution. I think we should support the right of our local people, at the local level, to deal with local problems, constitutionally, and as they see fit to deal with those problems. I think that the suggestion that what we're about today is the Second Amendment to the Federal Constitution only confuses the issue. What we're about is a simple, puny Bill that says to our people back home, 'You can't solve your problems, and we aren't going to solve them for you'. The only proper vote on Senate Bill 160 is 'no'."

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

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm proud of the name Winchester, not only because it's my name, but because it's the name of one of the finest firearms manufactured in the world. Thank you. I...I have to say, in all modesty, that I honestly and truly believe that it was God who created the West, but it

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was a Winchester who civilized it. I'm here wearing two hats today; one hat as a Representative of the 59th Legislative District, where nine out of every ten individuals are in support of House or Senate Bill 160, where nine out of ten individuals are violently opposed, strongly opposed to any type of firearm control in this state. And the other hat I wear, and I wear it proudly, and that's a hat that I received from the National Rifle Association which I am a member of; and, we are proud, strong and united. And I think the key word, Mr. Speaker, is united, because what happens here today, win or lose; we're going to get stronger, and we're going to fight any efforts to put any more controls on guns in the State of Illinois. And I would urge everyone to vote 'yes' on Senate Bill 160."

Speaker Ryan: "The Gentleman from Cook, the Minority Leader of the Illinois House, the Honorable Michael Madigan."

Madigan: "Thank you, Mr. Speaker. I rise in opposition to the passage of Senate Bill 160. Mr. Tate, in his remarks, has clearly delineated the issue presented to the Assembly by this Bill. Mr. Tate stated that the issue is gun control, and it's gun control as demonstrated by recent ordinances adopted in the City of Chicago, the Village of Morton Grove and the City of East St. Louis. I hasten to point out to the Assembly that this Bill and the ordinances that it seeks to prohibit only deal with the question of handguns. There is no effort to deal with the question of any other firearm such as a long gun used by hunters and sportsmen all over our country. So that, just given that distinction, just given the fact that there is no treatment by those local ordinances of handguns repudiates an earlier argument on this Bill which said that we are attempting to deny basic rights given to Americans by the Constitution.

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If you accept the argument that the United States Constitution guarantees the right of an individual to bear arms, then I say to you that the Chicago ordinance, the Morton Grove ordinance, the East St. Louis ordinance do not attempt to infringe upon anyone's right to own a long gun and to use that gun for hunting purposes and for other recreational purposes. What these local ordinances attempt to do is to treat a problem which is terribly prevalent within those localities. Throughout the United States, fifty percent of all murders are committed by handguns, and you can presume that the vast majority of those murders occur in the urban areas of our country, such as Chicago and East St. Louis. Proponents of Senate Bill 160 will argue that the United States Constitution provides that everyone should have a right to bear arms and that no governmental agency, whether it be federal, state or local has the right, in any way, to regulate the ownership and the control of those guns. I re...I refute that argument. I do not accept that. I realize that the framers of the United States Constitution were concerned that the then citizens of America be guaranteed the right, under the Constitution, to bear arms in defense of a national government, such as those people had experience in Europe in any effort to repress the then citizens of America. I suggest and I submit to you that conditions in America have changed greatly since the time when our basic Constitution was written and adopted. America, in those days, was a frontier society. There were no established police departments. There was no organized militia. When the framers of the Constitution talked about a militia, they talked about a quickly organized association of individuals in a community, brought together because of the urgency of a particular situation. They were not talking about an

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on-going, established police department. Today, we have police departments. We have state police agencies. We have national agencies; and, in our urban areas, we have mayhem committed day after day by people using handguns against our fellow citizens. And to those who say, 'Oh, if we pass this Bill, the criminals will not turn in their guns'. Maybe that is true, but should that stand as an excuse as to why we should not take action, as local officials, to put laws on the books that will prohibit that kind of conduct and to encourage law enforcement agencies in our country to enforce those laws so that at least our efforts are directed toward the prevention of murder and mayhem? I think we're under a duty and an obligation to respond to problems of our society. The use of handguns in the urban areas of America, and in Chicago, and in East St. Louis is a serious problem. The duly constituted governments, through their city councils in those municipalities, have adopted ordinances which are designed to work against that problem. The Federal District Court in Chicago, in December of last year in a well fought-out decision, clearly stated that there is no United States Constitution nor Illinois Constitution prohibition or inhibition against those local ordinances. That Court clearly said that, under the United States Constitution and the State Constitution, those ordinances are valid. So today, the question presented to us very clearly, as stated by Mr. Tate, is whether a local unit of government, which has a problem that does not exist in Decatur, and it does not exist in Lincoln, and it does not exist in Champaign; whether those units of local government should have the ability, through their duly elected officials, to adopt local laws which attempt to treat those problems. My position is that units of government such as Chicago, East

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St. Louis and any other local unit of government, which feels that there is a serious problem with handguns, should be permitted to move in its legislative body, to solve that problem; and, that this Body, the Illinois General Assembly, should not intrude upon their authority and their ability to work to solve their own problems."

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

Kociolko: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Last week there was an item in the Chicago Tribune. It dealt with a government agency boasting of the fact that it had collected over 700 illegally owned firearms and that, in so doing, it had protected the security of the state. The government agency that was referred to in that article was not the Village of Morton Grove, or the City of East St. Louis, or even the great City of Chicago. It was the martial law government of General 'Jaraselski' in the City of Warsaw in Communist Poland. Now, I do not suggest for a second that the reason that American citizens need to own firearms in 1982 is to repel a foreign invader. But I do suggest that a nation in which there is the widespread ownership of firearms among the population is more secure in its liberties than in a nation where the state can ban that right. The private ownership of firearms is a fundamentally American right. It is part of our Constitution. But more than that, it's part of our history and of our heritage. American citizens have the right to own firearms whether it be as hunters, as collectors, as sportsmen or for the purposes of their own self protection. Now, the Gentleman who preceded me in speaking has conceded, I believe, that these local ordinances may not, in fact, cause criminals to turn in their firearms, but at least it gives the city governments the right to do something. Well, that is simply not good enough. They

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may, indeed, be doing something that will win them the plaudits of the editorialists and the opinion makers, but I don't believe that that is sufficient reason to override the Constitution of the United States and the rights of American citizens. And for that reason, I believe that this Bill, which restores the Constitutional right of citizens to own firearms, should be enacted. Thank you."

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

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The right to own firearms or handguns is one issue, but Senate Bill 160 presents yet a broader issue than that alone. The Bill itself says that local units of government, municipalities and counties, can pass no laws and no ordinances that restrict or in any way prohibit or license the sale or possession of handguns. 'In any way' is an important word, and the word 'restriction' is an important word as used in Senate Bill 160. Under the provisions of this Bill, if this Bill were to become law, any local government could no longer prohibit, with use of their zoning laws, where a store selling handguns could or could not be located. A municipality could not have its fire prevention ordinances apply to any store that sells handguns. Indeed, wherever there was a pistol range in the City of Chicago, or the City of Decatur, that city could not in any way restrict that rifle range. They couldn't say...or that handgun range. They could not say that it could not be located in a residential area, because that would have to be by an ordinance, and this Bill 160 says they can pass no such ordinance. They could not say, if there was a pistol range, how thick the walls of that pistol range had to be, because that would be a restrictive ordinance. They could not say that a store or a pistol range in a given municipality or a county had to have a

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fire exit, because that would be a restriction, and Senate Bill 160 says they cannot pass any law or any ordinance which in any way restricts them. So, there may be a store set up next door to you, not one that sells Maytag washers, because that's applicable under the zoning laws, but a store next door to where you live can go into business selling handguns. In the basement of that store next door to where you live, can go into the business of operating a pistol range. There can be no restriction by that municipality on those areas. For those reasons, whether or not you are for handgun control, if you are against handgun control, it makes no difference. You can have 100 guns at home; keep them, cherish them, collect them, but Senate Bill 160, nonetheless, is a very bad Bill. It is a terrible Bill for the reasons that it allows not even reasonable regulation; it allows and permits no local regulation. That means whenever you want to have some fire regulation concerning handgun stores, you want to have building code regulations, where do you have to go? That Decatur, or that Lincolnwood, or that Chicago, or any other town or village in Illinois has to come to us, the General Assembly, so that we can pass your fire prevention ordinances, your zoning ordinances, and your building ordinances. That's crazy. Senate Bill 160 is a bad Bill. It's a terrible Bill, and I ask you, even if you're absolutely against any form of handgun control, to vote against this Bill."

Speaker Ryan: "The Gentleman from Cook, Representative Grossi. Turn him off. The Gentleman from Coles, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker, Members of the House. I rise only because there's a principle to this Bill as a Sponsor of the First Amendment to it. I believe that the Bill is

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crucial to the rights of people. Admittedly, there's two sides to the issue; and, admittedly, both sides believe in their cause. Representative Madigan argued well for one side, but I think that side is based more upon the hope and the belief that somehow gun control can work, when in reality it hasn't where it's been tried. The contrary position rests upon the firm and real belief, not hysteria, that the Second Amendment to the Constitution of the United States and Section 22 of Article I of the State Constitution clearly give the right of citizens to keep and bear arms and believe that that provision needs no embellishment. I share that latter opinion. I support the Bill. The Second Amendment was not born of hysteria, it was born of the American Revolution. So was the Bill of Rights. Representative Johnson suggested well here a crucial point. Some seem to be saying we ought to forget the Second Amendment. It's outlived its days. It no longer pertains. That idea could be extended to suggest we don't need the Fourteenth Amendment, or the Ninth, or the Tenth, or whatever. They're part of the Constitution; they remain there. They're inalienable rights in my opinion, in the opinion of many others. What we need, what has worked in other places is stiff, mandatory sentences for committing crimes with weapons, not a gun control law in the state or local ordinances. I'm going to keep this short, because many people have already stated the points. Simply in my opinion, we shouldn't be here today. We shouldn't have to be here to reinforce a constitutional right. We shouldn't have to put a law in to cover that constitutional right. We don't have to come here to pass a law that says the Fourteenth Amendment should stay on the books, or any of those other Amendments. We shouldn't have to be here to reiterate what's been on the books in the

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Constitution for 200 years. We shouldn't have to put up with hearing honest, law-abiding citizens, who really believe in the Constitution, being called hysterics or gun nuts. I think people who believe in the Constitution believe in this Bill. They believe in their rights. They're not the worst of citizens. They're the best of citizens, and this Bill ought to pass for the...only one reason. It's in the Constitution, and that ought not be taken away from the people."

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The conflicting interpretations to the Constitution, State and Federal, have been interesting to note. I personally do not believe that with either the initial intent of the Constitutional drafters in the...at the federal level or with the...the train of judicial interpretations which have interpreted the Second Amendment, that there is much protection left in the Federal Constitution for the right to bear arms. I certainly do not believe that the Illinois Constitution, which authorizes the infringement of the right to bear arms with any proper police power exercise, grants any special protection for the right to bear arms. I think, more important than that though, is whether we ought to look at the question of the protection of the right to bear arms from a constitutional perspective or from a historical perspective. Do we derive our rights totally and alone from constitutional grants of those rights, or do we derive our rights historically, first from the rights that Englishmen had, and now from the rights that Americans have always enjoyed? The reason I am concerned about Morton Grove, the reason I'm concerned about the City of Chicago ordinance, the reason I'm concerned about the East St.

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Louis ordinance, is because they infringe rights that, traditionally, American citizens have been able to enjoy. Now, some people would suggest to you, in attempting to moderate and moderately defend the Morton Grove ordinance, the Chicago ordinance, the East St. Louis ordinance, that they only apply to handguns. I think if you carefully examine a variety of those ordinances, you'll find examples where they apply to a variety of long guns. As a matter of fact, if a trap shooter, if a hunter goes through the City of East St. Louis on any one of those expressways with his gun and his case in the rear of his car to go to trap shoot, or to go hunting somewhere else, that law-abiding citizen is going to find that he has fallen afoul of a city ordinance in East St. Louis and that he is subject to penalty. I think that that is one of the reasons in a mobile society, why citizens deserve to have the right for some kind of uniform regulation of this subject. Now, why should I care, beyond that limited example, about the deprivation of rights of the citizens of Morton Grove, the citizens of Chicago, the citizens of East St. Louis? For the same reason that I ought care about the deprivation of any other right that those citizens enjoy. If you can take that right away today, you can come back and you can infringe on other of their rights later. I believe that we ought to draw the line now, here at this point. I believe that, not only because of the fundamental nature of rights, I believe that because of how you have to look at the police power in a free society. Was the Morton Grove ordinance rational, a wise use of governmental power? Well, first of all, I would suggest that some of you take a look at the...what statistical research is available in the gun field. The...the people at the University of Massachusetts, who in the past have favored gun control,

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and who have done the most exhaustive study on the issue of guns, have come to some startling conclusions which have begun to disabuse themselves of their prior position in favor of gun control. First of all, they discovered that there is some substantial evidence in favor of the proposition that a burglar or a robber who invades a home is more likely to be repelled by the homeowner's possession of a gun than he is to be apprehended and convicted in the legal process. What...one of the things that is happening in the Morton Grove ordinance and the Chicago ordinance is that you are really depriving from the individual the effective right to self-defense. There is no effective self-defense for an unarmed individual confronted by a burglar with a gun. Now, do you believe you're going to disarm the burglars with this statute? I think Representative Madigan was quite honest and forthright when he said...he admitted that there was no probability of that occurring. You're not going to disarm the burglar. You're not going to disarm the committed criminal with this...with any of these ordinances. What you might have some hopes of doing is to...is for preventing the emotional, immediate crime of passion in the context of the home. And I believe in that...in that respect, Representative Madigan pointed out, that there...fifty percent of the murders in this country were committed with guns. I would suggest to him that all that is going to cause the immediate, emotional, passionate criminal in the home context to do, is to go in and pull a knife out of the kitchen drawer, and I would suggest to him that he take a look at the statistics on knife murders in this country. Is the next step going to be, the City of Chicago, the City of Morton Grove, the City of East St. Louis enacting an ordinance to register or ban knives? That's how absurd this gets to. I would suggest

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that while I am not too optimistic about the outcome of this Bill with the extraordinarily deranged ruling that we have had here, I would suggest that people take a very hard look at this issue, because what you are doing is depriving other citizens, you're depriving other citizens of rights that they have traditionally been able to enjoy, and you're not doing it with any hope, with any hope of effectively limiting crime or murder. I would urge a green vote on the issue."

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

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

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

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, you know we have before us, as we stated be...before, a Bill which is somewhat altered from its original form. Now, I guess that a closing argument that we could give one way or another is probably not going to change any minds at this point, but one thing we've got to keep in mind is what this Bill, and what the concept does is boils down into what you people who are Representatives of constituents. You represent the 11 million plus people here in the State of Illinois. You represent what they and you, collectively, perceive what is right and what is wrong. You know, we can argue. We can trade back and forth. We can be verbal. We can quote the Constitution. We can interpret, but when we come down to the basic things that we have to stand up and deliver a vote on what we perceive as right or what we perceive as wrong, that's the value. That's a value that's

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guaranteed to us by the Constitution of both this nation and this State of Illinois. Again, I can't persuade you one way or another, but I do say, vote your conscience and you do vote and this is your opportunity to say what you perceive as right and what you perceive as wrong."

Speaker Ryan: "The question is, 'Shall Senate Bill 160 pass?' All in favor will signify by voting 'aye', all opposed by voting 'no'. One minute to explain your vote, Representative Getty."

Getty: "Mr. Speaker, Members of the House, I wish to point out that this Bill is an Act in relation to municipal and county zoning Amendment and regulation of firearms. They are two distinct and unrelated subjects. One, local zoning, and one, the regulation of firearms. Article IV, Section 8-D, provides Bills except Bills for appropriations and for the codification, revision and rearrangement of laws shall be confined to a single subject. This Bill would violate the single Constitution...single subject constitutional requirement if it were passed, if it were to become law, it would be a nullity. It would be subject to review by the Courts. The Courts would be constrained to declare this unconstitutional. This Bill and the Amendment put on it, more specifically, has been a fraud and a sham on those people who support the concept against gun control. Therefore, I think that the Sponsors have done a disservice in presenting this. For the reason that it is, indeed, unconstitutional, I vote 'no'.

Speaker Ryan: "The Lady from Sangamon, Representative Oblinger. One minute to explain your vote."

Oblinger: "Mr. Speaker and Members of the General Assembly, I am attacking this from an entirely different viewpoint. It's time a woman got up and stood up in favor of this Bill. I'm going to read you what the prisoners say in Menard.

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They'd better be...we're always calling in the experts for everything. Well, who's more of an expert than the prisoners who are down there who are guilty of hand robbery. 'Again I went to my fellow inmates, convicts who dealt in armed robbery or violence and again the responses were the same. Banning handguns is a politically beneficial, socially ineffective issue that makes no difference to the criminal element in this country. So, when you're putting on those great handgun control Bills, you're not stopping crime.' This is what the criminals say. They say the ones that turn them in are the citizens, not the criminals, and it doesn't make a darned bit of difference to them."

Speaker Ryan: "The Gentleman from Cook, Representative Kulas. One minute to explain your vote."

Kulas: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, this is not a gun control Bill. It's a Bill which deals with the fundamental rights of the citizens of the State of Illinois. I believe that every citizen of the State of Illinois has the right to bear arms. But I also believe that the citizens have the right to make decisions which affect them at the local level. Now it's a dichotomy that those of you who are supporting this piece of legislation, you are saying to the citizens of Illinois, 'You have the right to bear arms, but at the same time, we are going to abridge your right to make decisions that affect you at the local level.' This is a terrible Bill. I'd like to see more red votes up there."

Speaker Ryan: "The Gentleman from Cook, Representative Sandquist. One minute to explain your vote."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen, let's really get down to brass tacks. We've heard this as constitutional argument. That's a lot of baloney. The

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Courts have already said that the Morton Grove ordinance is constitutional. Then we've had the argument about the fact that we're going to have some invasion from people from across the land. We've got to have our guns for that. What's really involved in here is handgun control or no control, and that's what the NRA wants. They want no control, and I say that if you down there in Coles County, or you in Hardin or you in anywhere around the state, if you don't think you've got a problem, then go right ahead. And you don't have to pass the ordinance, but don't tell us when we're trying to do something in the City of Chicago, and in Morton Grove, where handguns are a problem, to take that away from us. And I certainly urge a 'no' vote.'

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

Kelly: "Yeah, thank you, Mr. Speaker. I just wanted to use a couple of arguments. I've had mixed emotions on this issue because I feel, for one thing, that these local, whether it's State of Illinois or local ordinances dealing with handguns just are not going to work. It has to be a national law. But at the same time, the arguments that are being used, such as the break-ins for instance; I don't know about in your area...in some of those it's been used several times, but in my area, break-ins occur when a homeowner isn't home. And in that case, the handgun, you know, is the only thing that can be used there, is that it will be taken, and stolen and taken away. And also on this issue about the bumper stickers about 'Criminals will have guns if we ban handguns', well, Ladies and Gentleman, the ordinance in Morton Grove is not working, and there are a lot of good people that are holding on to their handguns, and maybe that's good in the long run. So I'm...I'm going to vote 'no' on this issue, but I really think it ought to

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be a national, not a local or a state, issue."

Speaker Ryan: "The Gentleman from Vervilion, Representative Miller. One minute to explain your vote."

Miller: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. To add to the comments of Representatives Vinson and Kociolko, I think the issue here is really freedom. Well intentioned but misguided zealots are trying to take away a fundamental, if not a constitutional, right of people to possess firearms. Men and women seeking freedom came to this country and founded it. They've settled it, and they've defended it with guns in their hands. We cannot remain a free people if we cannot maintain ownership and possession of guns. That is the issue today. I hope you'll please vote 'yes' for freedom."

Speaker Ryan: "The Gentleman from Cook, Representative Griffin, one minute to explain your vote."

Griffin: "Mr. Speaker, it was 117 years ago today that Abraham Lincoln, a Member of the Republican Party in this chamber, died. We saw a picture of him with a bullet hole in his head, distributed by the pro-gun lobby...the pro-gun ban lobby, but I think the real bullet hole in Lincoln's head was from the polarities in this country who could not see some common ground. And I would like to simply give an interpretation that the NBA itself supports, which is from the Second Amendment. If you look at it, it's a balance. It's a balance between a government that has the right to preserve order and the right to make sure citizens will have a way to defend themselves. The first clause relates to the right of the government to defend itself; the second clause, the right of citizens to protect themselves from an overzealous government. I think we ought to be guided by this principle in the Second Amendment and cast in our votes today in relation to this issue. Let's look for a

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balanced, moderate, Democratic approach. Let's get away from the polarization that we have developing here. And in memory of Lincoln, I'd like to have us all reflect on that."

Speaker Ryan: "The Gentleman...the Gentleman from Cook, Representative Huff, one minute to explain your vote."

Huff: "Thank you, Mr. Speaker. I'm very mindful of the fact that what is engendering all this hysteria about gun controls is the use of guns in the hands of the criminal. I submit that if we really wanted to provide prospective...effective deterrent against criminal use of guns, we would cut their hands off. And that is not my Amendment, Ladies and Gentlemen. That comes right out of the Bible, Matthew, Chapter 18, Verse 7. But, it is the hypocrisy of our society that denies us the...recognizing the scriptural truth in that Amendment. And another thing, Mr. Speaker, Ladies and Gentlemen of this House, I represent a class in this society who loses their freedoms regularly. And I'm mindful of an incident that happened two months ago when two Chicago policemen were killed, and as unfortunate as that incident was, I do not condone it, nor do I condone the hundreds of black people who lost their freedom through the violation of illegal search and seizures who were taken out in the middle of the night with guns stuck to their heads, and imprisoned, and kept in jail for 18 and 30 hours. The repression of our people in this...in Chicago is no different from the repression of the people in Poland. And I'm sitting here now to give my 'aye' vote as a reaffirmation that the price of liberty is vigilance, and I stand on my 'aye' vote as that vigilance that we need to remind the Chicago police and anybody else who thinks that they can come in and summarily take people out of their beds and imprison them without charge is illegal and

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unconstitutional. Thank you."

Speaker Ryan: "The Gentleman from Cook, Representative J. J. Wolf. One minute to explain your vote."

Wolf: "Thank you, Mr. Speaker, Members of the House. I'm going to vote 'yes' on this Bill, as I did on the Second Reading Amendment, because I view it as a basic right that law-abiding citizens who don't commit any crimes should be permitted to bear firearms. However, as I stated before, both in the conference and other times, I believe this Bill is a serious overkill. It doesn't appear like it's going to pass and I won't be here next session, and I hope that you will amend this Bill and put in in the proper shape, because what you're doing, really, with this Bill...a municipality couldn't even pass an ordinance that says you can't discharge a firearm within the city limits. And that's what you're doing. It's an overkill. It's gone too far, but I feel compelled to vote 'yes' because it does represent a basic right in a concept in which I believe. So I'm voting 'yes'."

Speaker Ryan: "The Gentleman from Peoria, Representative Schraeder, one minute to explain your vote."

Schraeder: "Thank you, Mr. Speaker, Members of the House. I just want to point out two things very quickly. The Gentleman who represents Morton Grove indicated by his opening remarks that the National Rifle Association members were somewhat onerous, they were somewhat like the Klu Klux Klan or the Swastika bearing gentlemen that were in Chicago or Cicero a couple of years ago. I think the General Assembly ought to resent that kind of remarks. The members of the NRA are just as American as apple pie, as the Daughters of the American Revolution. They happen to be an honorable society for the protection of an interest that they hold near and dear, and I think that we ought to recognize that."

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And I would admonish the Gentleman representing Morton Grove not to carry the torch of the news media in classifying the NRA as heinous devils. And let me point out, thirdly, that we ought to give this an 89 vote to retain the right of the State of Illinois to say to home rule units, 'We are restricting your power in this avenue, and home rule power should be deleted when it comes to gun control', and I would vote...urge a green light."

Speaker Ryan: "The Gentleman from Cook, Representative McAuliffe, one minute to explain your vote."

McAuliffe: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I would rise on a point of personal privilege..."

Speaker Ryan: "Proceed, Representative."

McAuliffe: "The distinguished Gentleman from the west side of Chicago made reference to the fact that some people there temporarily lost their freedom, and of course, I don't condone that in any way, shape or form, but I'd like to remind him that those policemen lost their freedom forever. They're six feet under the ground."

Speaker Ryan: "The Gentleman from Cook, Representative Levin, one minute to explain your vote."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think Representative Getty was absolutely correct about this Bill. There are two subject matters, and my opposition is to both parts of this bill, both with respect to the limitations and local regulations of guns and also my opposition is to the basic Bill itself, which, lest we forget, does deal with zoning and limits the ability of property owners to protest a zoning change, whereby a two-thirds vote would be required by a city council to pass a zoning change. It requires that notice must be given of the protest at least five days before final action, and this severely cuts down the amount of time that property

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owners have. So it is a dual purpose Bill, and I object to both purposes and, accordingly, am voting 'no'."

Speaker Ryan: "The Gentleman from Cook, Representative Dunn, one minute to explain your vote."

Dunn: "Mr. Speaker, Ladies and Gentlemen of the House, the purpose of the local gun laws are to supposedly to deter...deter crime, but there's a...group of people missing today from the gallery and from the Assembly, I don't know where we'd put them if they were here, but the front line against crime, the police, are missing today. We don't see the unions represented or the benevolent organizations, and I think if the police thought for a moment that local gun regulations would deter crime, they would be down here en masse. One of the highly respected Members of the Assembly here, Roger McAuliffe, is wearing the same button that many of us are wearing. And if the Chicago Police Department, and Roger is somewhat of a Spokesman for the Department, thought that would help crime, and they've got an ordinance in Chicago now, if he thought that would help, he would be up here fighting to do away with this kind of law. But instead, he's speaking for it, but I would submit to you that it don't work on a local level. If it did, we'd have a lot of policemen down here supporting it, because they're the ones on the front line."

Speaker Ryan: "The Gentleman from Wayne, Representative Robbins to explain his vote, one minute."

Robbins: "One thing that I hope that the people of Chicago do not have as good fortune as the people in New York did this week, whenever the three young men went to the aid a woman being attacked. Of course, in New York City, they were unarmed. They were all three killed. This is what happens when the citizens are not allowed to protect themselves. One of the...in Washington, D.C., they have the tightest

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gun control in the nation. What happened to the President of the United States a little over a year ago? What will you accomplish by your Bill? Switzerland is one of the few countries in the world that has never been invaded because every home is armed and every home is prepared to defend themselves. How do you feel about your area? Are you prepared to defend yourself? No, you're not. Are you prepared, as a citizen, to stand up for what is right and give the individual the right to protect himself? Chicago has its own crime syndicates. Of course, they're going to turn their guns in. You all know that. Now, give the person a right, if they want to own a gun, to own a gun. Give them the right to have the same privilege that the criminal has. Why should the criminal..."

Speaker Ryan: "The Gentleman from McLean, Representative Ropp, one minute to explain your vote."

Ropp: "Thank you, Mr. Speaker and Members of the House. I would just like to recall, for all of our memories, what we did last year when it had to do with the permitting of individuals to carry a small canister or a kind of a weapon, you might say, for the protection of women against potential rapists. We all supported that idea because it gave some degree of force for the potential victim. And now that is law and what we're doing, if this Bill is not passed, is to begin to place an overbalance of handgun power in the hands of criminals, which will, in effect, take away that potential power that we have as free people to resist potential crime. Support this Bill, and our continued constitutional rights for self-protection of my family, and your family and of ourselves will be preserved."

Speaker Ryan: "Have all voted who wish? Take the Record, Mr. Clerk. On this question, there are 94 voting 'aye', 70

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voting 'no' and 2 voting 'present'. This Bill, having failed to receive a three-fifths Majority vote, is hereby declared lost. 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 adopted the following Senate Joint Resolution, adoption of which I am instructed to ask concurrence of the House of Representatives, to wit: Senate Joint Resolution 78, adopted by the Senate, April 14, 1982', Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. ' Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed a Bill with the following title, passage of which I am instructed to ask concurrence of the House of Representatives, to wit: Senate Bill 1463, passed the Senate, April 14, 1982', 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 of Representatives adoption of the following Joint Resolution, to wit: House Joint Resolution 75, concurred in by the Senate, April 13, 1982', Kenneth Wright, Secretary."

Speaker Ryan: "The Gentleman from Cook, Representative Sandquist, for purposes of an announcement."

Sandquist: "Yes, Mr. Speaker, Ladies and Gentleman of the House, I'd like to announce that the Committee on Registration and Regulation will meet as soon as we adjourn, but instead of D-1, we'll be in C-1, so if you can all get there, we've got two Bills. We can handle them very quickly, I believe. We'll meet in C-1, Registration and Regulation."

Speaker Ryan: "The Gentleman from Peoria, Representative Tuerk, for an announcement, I think."

Tuerk: "Mr. Speaker, Members of the House, the House Labor and

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Commerce Committee will meet in 114 as soon as we can get there right after adjournment."

Speaker Ryan: "The Gentleman from Knox, Representative McMaster."

McMaster: "Thank you, Mr. Speaker. To the Members of the Counties and Townships Committee, we will meet immediately after adjournment. We only have two Bills and it shouldn't take long to get it over with if we'll just get a quorum there, so please come."

Speaker Ryan: "The Gentleman from Cook, Representative Stanley...Representative Stearney, I'm sorry."

Stearney: "Mr. Speaker, the Judiciary II Committee will not meet tomorrow morning."

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

Collins: "Mr. Speaker, I have been asked to make an announcement to remind the Membership that the Illinois Coroners' Association is hosting a reception for the Members of the General Assembly this evening from 6:00 to 8:00 at the Knights of Columbus Hall."

Speaker Ryan: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "I was wondering if you are going to get the Order of Constitutional Amendments on Second Reading. It's important that we do."

Speaker Ryan: "We do that perfunctorily, I think, Representative."

Friedrich: "Oh, okay, thank you."

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

For what purpose do you seek...Change of Votes, Mr. Clerk."

Clerk Leone: "Representative Hallock and Representative DiPrima request to vote 'aye' on House Bill 804. Representative Polk requests to vote 'aye' on House Bill 735. Representative Smith requests to vote 'no' on House Bill 1363. Representative Hudson requests to vote 'no' on House

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Bill 1423."

Speaker Ryan: "The Gentleman asks leave to have change of vote. Are there any objections? Hearing none, leave is granted for the vote change. Committee Reports."

Clerk Leone: "Representative Leinenweber, Chairman from the Committee on Judiciary I to which the following Bill is referred. Action taken on April 14, 1982 and reported the same back with the following recommendations: 'do pass' House Bills 1780, 1770, 1771, 1773, 1775, 1776, 1779, 1782, 1784, 1845, 1846, 1847, 1849; 'do pass' as Amended, House Bills 1053, 1054, 1055, 1772, 1777, 1781, 1783, 1848, 1850, 1851 and 1852."

Speaker Ryan: "Agreed Resolutions?"

Clerk Leone: "Joint Resolution 78, Van Duyne; House Resolution 540, Kornowicz; House Resolution 774, McBroom; 775, Ryan; 776, Levin - Madigan - Garmisa; 777, Oblinger; 778, Oblinger; 779, Kociolko; 780, Giglio; 782, C. M. Stiehl; 783, Keane - Jones - Ewell; 784, DiPrima et al; 785, Polk; 786, Madigan - Beatty - Kucharski; 787, DiPrima et al; 788, DiPrima et al."

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

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Joint Resolution 78 urges that we strongly urge Members of Congress to give their support to Senate Bill 2157 and House Bill 5665, a Bill which will establish the Illinois-Michigan Canal Heritage Corridor and be it further resolved that the...we memorialize Congress to do so. House Resolution 540, that we congratulate the Southwest Parish and the Neighborhood Federation for its effective representation of community aspirations and resolve that a suitable copy of this Resolution be sent to the Federation with best wishes of this Body. House Resolution 774, Ed

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McBroom; whereas, St. Mary's Hospital of Kankakee this year celebrates its 85th year of service to the community. House Resolution 775, the Girl Scouts of America celebrate their 70th birthday this year. House Resolution 776, Levin - Madigan - Garmisa; whereas, Dave and Sandy Kennedy became proud parents of their first child, a seven pound, three ounce baby girl named Andrea Lea, born on April 2, 1982. House Resolution 77...777, Oblinger; whereas, Estonia...that we honor Estonian Americans for their contribution to the economic, culture and political life of their communities. House Resolution 778, Oblinger; that we extend our heartiest congratulations to the Vocational and Industrial Clubs of America on the occasion of their 14th Annual Leadership Conference and Skills Olympics, that we wish the members the very best luck and continued success in their future endeavors. House Resolution 779 by Kociolko; whereas, John Chief (sic) Sagel will retire on April, 1982, from the Cicero Fire Department after more than 35 years of distinguished service to the community. House Resolution 780, Giglio; whereas, Peter J. Ragona has served the people of Chicago through his work of the Ryerson Pharmacy in Chicago for 33 years. House Resolution 782, C. M. Stiehl; Baker...Baker is being honored...could I have some juice...whereas, Jacquelin Baker is being honored as Commander of the Department of Illinois Disabled American Veterans' Auxiliary at a testimonial dinner on April 17. I was cut off by that, that's House Resolution 782 by C. M. Stiehl. House Resolution 783; wishes to commend Benjamin H. Alexander, President of Chicago State University, for his unselfish dedication to the maintenance of academic excellence in higher education, to congratulate him on his recent appointment as President of Washington, D.C. University. Keane - Jones and Ewell. House

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Resolution 784, DiPrima - Ryan - Madigan - Conti - Lechowicz et al; whereas, where discontinuing free medical care for veterans over sixty-five years would be a severe blow to those who served this country so proudly, we strongly urge President Reagan and the Members of Congress to ensure the practice of providing free medical care to veterans sixty-five years of age or older. House Resolution 785 by Polk; whereas, Edward Swaggard of Davenport, Iowa coached the Rock Island High School Rockettes to the regional victory in the Illinois Class A...AA Girls' Basketball Championship this past March. House Resolution 786, Madigan - Beatty - Kucharski: It has come to the attention of the House Floor of Representatives that Raymond...Reverend Stanley Ryzner, Pastor Emeritus of the Queen of the Universe Church of Chicago will commemorate his 50th Anniversary as priest and servant of God on April 18, 1982. DiPrima - Ryan - Madigan - Conti - Lechowicz; it has come to the attention of the Members of House that Mr. Hugh Hill of Naperville has been named the 1982 winner of the prestigious Dante Award. DiPrima - Ryan - Madigan - Lechowicz - Conti and Collins. House Resolution 788; that...that we strongly oppose any federal funding reduction in the Job Service Program that would endanger the invaluable employment assistance provided to our most deserving citizen, the veteran. Mr. Speaker, Ladies and Gentlemen of the House, I move for the adoption of the Resolutions."

Speaker Ryan: "The Gentleman moves for the adoption of the Agreed Resolutions. All in favor signify by saying 'aye', all opposed 'no', the 'ayes' have it and the Agreed Resolutions are adopted. Further Resolutions? Death Resolutions."

Clerk Leone: "House Resolution 781, Jack Dunn; in respect to the memory of John Logsdon."

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Speaker Ryan: "The Gentleman moves for the adoption of the Death Resolution. All in favor signify by saying 'aye'...all in favor signify by saying 'aye', all opposed will signify by saying 'no', the 'ayes' have it the the Death Resolution is adopted. Representative Terzich, for what purpose do you seek recognition?"

Terzich: "Mr. Speaker, I'd like leave to take Senate Bill 730 and 740 from Third Reading and bring it back to Second Reading and leave it there for Amendments."

Speaker Ryan: "The Gentleman asks leave to return Senate Bill 730 and Senate Bill 740 to the Order of Second Reading. Are there any objections? Hearing none, those two Bills are returned to the Order of Second Reading. Representative Telcser for the Adjournment Resolution, leaving some perfunct time, please."

Telcser: "Mr. Speaker and Members of the House, leaving enough time for the Clerk to finish up his work, I now move the House stand adjourned until 11:00 a.m. tomorrow morning."

Speaker Ryan: "You've heard the Gentleman's Motion. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it. The House now stands adjourned until 11:00 a.m. tomorrow."

Clerk O'Brien: "Introduction and First Reading of Bills. House Bill 2589, Oblinger, a Bill for an Act to amend Sections of an Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities, First Reading of the Bill. House Bill 2590, Hastert, a Bill for an Act in relation to the abolition...abolition of the Illinois Housing Development Authority, First Reading of the Bill. House Bill 2591, Steczo - Saltsman - Van Duyne, a Bill for an Act to create the State Corporation for Innovation Development and to authorize income tax credits for investments therein, First Reading of the Bill. House Bill

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2592, Woodyard, a Bill for an Act to amend the Illinois Vehicle Code, First Reading of the Bill. House Bill 2593, McMaster, a Bill for an Act to amend the Nursing Home Care Reform Act. First Reading of the Bill. House Bill 2594, McMaster, a Bill for an Act to amend the Revenue Act, First Reading of the Bill. House Bill 2595, Mautino, a Bill for an Act making appropriation to the Department of Mental Health and Developmental Disabilities, First Reading of the Bill. House Bill 2596, Rea, a Bill for an Act making an appropriation to the Department of Mental Health and Developmental Disabilities, First Reading of the Bill. House Bill 2597, Pierce, a Bill for an Act to amend the Illinois Public Aid Code, First Reading of the Bill. House Bill 2598, Pierce, a Bill for an Act to amend the Illinois Public Aid Code, First Reading of the Bill. House Bill 2599, Pierce, a Bill for an Act to amend the Illinois Public Aid Code, First Reading of the Bill. House Bill 2600, Birkinbine - Barkhausen, a Bill for an Act to amend the Electronic Fund Transfer...Transmission Facility Act, First Reading of the Bill. House Bill 2601, Barkhausen, a Bill for an Act to authorize the Lake County Forest Preserve District to exchange with the Midwest Diocese of the Orthodox Church and the Globe Construction by appropriate transfers of certain tracts of land in Lake County, First Reading of the Bill. House Bill 2602, MaAuliffe, a Bill for an Act to amend the Illinois Controlled Substance Act, First Reading of the Bill. House Bill 2603, MaAuliffe, a Bill for an Act to amend an Act concerning public utilities, First Reading of the Bill. House Bill 2604, MaAuliffe, a Bill for an Act to amend the Humane Care for Animals Act, First Reading of the Bill. House Bill 2605, MaAuliffe, a Bill for an Act concerning the creation of the Illinois Commerce Commission Nominating

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Council, First Reading of the Bill. House Bill 2606, Rigney, a Bill for an Act making an appropriation to the Capital Development Board for the Department of Corrections, First Reading of the Bill. Constitutional Amendments, Second Reading. House Joint Resolution Constitutional Amendment #20; resolved, by the House of Representatives, the 82nd General Assembly, the State of Illinois, the Senate concurring herein; there shall be submitted to the electors of the state for adoption or rejection at the General Election next occurring at least six months after the adoption of this Resolution. A Proposition to amend Section II of Article X of the Constitution to read as follows: Article X, Education. Section II, Superintendent of Public Instruction. A Superintendent of Public Instruction shall be elected by the electors of the state and shall hold office for four years, beginning on the second Monday of January after his election. To be eligible to hold the office of Superintendent of Public Instruction, a person must be a United States citizen, at least 25 years old, and a resident of this state for the three years preceding his election. Any vacancy in the office of Superintendent of Public Instruction shall be filled in the manner provided in Section VII of Article V. The Superintendent of Public Instruction shall be Chief Educational Officer of the State, having general supervisory responsibility in relation to public elementary and secondary schools, and shall, as limited by law, establish goals, determine policies, provide for planning and evaluate education programs and recommend financing. The Superintendent shall have such other duties and powers as provided by law. Transition schedule; if this Amendment is approved by the electors of the General Election in 1982, a Superintendent

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of Public Instruction shall be elected at the General Election in 1984 for a term of four years and shall take office on the second Monday of January after his election, at which time the State Board of Education shall cease to exist. Thereafter, a Superintendent of Public Instruction shall be elected in 1988 and every four years thereafter for a term of four years, Second Reading of the Constitutional Amendment. The Amendment is held on Second Reading and taken out of the record. House Joint Resolution Constitutional Amendment #27. Called by the House of Representatives, the 82nd General Assembly of State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of this state for adoption or rejection at the General Election next occurring at least six months after the Adoption of this Resolution. A Proposition to amend Section XI of Article IX of the Constitution will read as follows: Article IX, Section XI; limitation on total of state taxes on the share committed to local governments and on ad valorem property tax, prohibition of mandate of local programs without state funding, provisions of mandate of local programs without state funding, provisions for the transfer of programs. a) There is hereby established a limit on the taxes imposed by the General Assembly for any fiscal year. The state shall not impose taxes on any...of any kind which, together with all other revenues of the state except revenues received from the federal government, revenues received by the state, revolving funds, receipts from the sale of general obligation bonds and contributions to and earnings of trust funds in the custody of the State Treasurer, shall exceed 8.5 percent of the average annual personal income of Illinois of the next to last full calendar year preceding the calendar year in which the fiscal year begins and the

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prior two calendar years. Personal income of Illinois is the total income received by persons in Illinois from all sources, including transfer payments as defined and officially reported by the United States Department of Commerce or its successor agency. No expenses of state government shall be incurred for any fiscal year which exceed in amount the revenue limit established by this Section. b) Any fiscal year in the event that total revenues of the state exceed the revenue limit established in Subsection A of this Section, this excess shall be transferred to a Budget Stabilization Fund in the State Treasury. Emergency expenditures from the Budget Stabilization Fund may be made only if all the following conditions are met: 1) The Governor requests the General Assembly to declare an emergency. 2) The request is specific as to the nature of the emergency and the dollar amount of the emergency. 3) The General Assembly thereafter declares an emergency in accordance with the Governor's request by a Joint Resolution adopted by a three-fifths vote of all the Members elected to each House. The Bills providing for the appropriation of funds for the emergency must be passed by three-fifths vote of the Members elected to each House. Total revenues of the state means all public funds received by the state, but does not include revenues received from the federal government, revenues received by the state's revolving funds, receipts from the sale of general obligation bonds, and with the contributions to and earnings of trust funds in the custody of the State Treasurer. If it is determined that the amount in the Budget Stabilization Fund is less than the amount needed to meet an emergency situation, taxes in excess of the limit established in Subsection A of this Section may be imposed and collected only if all the

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following conditions are met: 1) The Governor requests the General Assembly to declare an emergency. 2) The request is specific as to the nature of the emergency, the dollar amount of the emergency, and the method by which the emergency will be funded and, 3) Upon receiving the requests, the General Assembly declares an emergency in accordance with the specifications of the Governor's request by a Joint Resolution adopted by a two-thirds vote of the Members elected to each House. The Bills providing for the appropriation of funds for the emergency must be passed by a two-thirds vote of the Members elected to each House. The emergency must be declared in accordance with these procedures prior to incurring of any of these expenses which constitutes specific emergency requests. The revenue limitation may exceed only for the fiscal year in which the emergency is declared. In subsequent fiscal years, the revenue limit of Subsection A of this Section shall again take effect. An emergency shall not be declared in two successive fiscal years without the approval of a Majority of qualified electors of the state voting thereon. Income earned from the funds maintained in the Budget Stabilization Fund shall occur to the Fund. c) For any fiscal year, in the event that the amount in the Budget Stabilization Fund exceeds two percent of the revenue limit established by Subsection A of this Section, the General Assembly shall provide for distribution of the excess funds in the form of the reducing of or the rebating of state taxes. d) There is hereby established a limit on the ad valorem taxes levied on real property by units of local government in school districts. The total yield resulting from the application of the tax rate for any tax year to the assessed valuation of real property has finally equalized for that year, excluding the value of new

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construction and improvements, and property added by annexation will not exceed a percentage increase over the yield in the previous year for the first year of implementation and the maximum yield computed for the current year under this Subsection in each subsequent year in excess of 75 percent of the average percentage increase in the Consumer Price Index. All items for the United States as defined and reported by the Bureau of Labor Statistics of the United States Department of Labor or its successor agency for the last full calendar year prior to the date the unit of local government or school district levies such taxes in the prior two calendar years. If the total yield exceeds this limit, the tax rate applies to the equalized assessed valuation shall be reduced to produce a yield which reflects no more than the limit established by this Subsection. The revised tax rate shall then be applied to the equalized assessed valuation of new construction and improvements and property added by annexation. The limitation of this Subsection shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidence of indebtedness or for the payments of assessments on contract obligations in anticipation of which bonds are issued, which were authorized prior to the effective date of this Section. The limitations of this Subsection shall apply to home rule units; however, a home rule unit may, by majority vote of the qualified electors of the home rule unit voting thereon, determine that the provisions of this Subsection do not apply to their home rule unit. The home rule unit may subsequently determine that the provisions of this Subsection shall apply by a majority vote of the qualified electors of the home rule unit voting thereon. The tax rate of a unit of local government or school district may

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be increased to yield revenue exceeding the limits established by this Subsection only with the approval of the Majority of qualified electors of the unit of local government school districts voting thereon. If such an increase is approved, and the total yield, including the new tax rate, shall be used to determine the limitation in the succeeding year. The governing board of a unit of local government or school district may, by a two-thirds vote of the Members elected or appointed, declare an emergency situation. The declaration of such emergency shall be specific in nature, containing the dollar amount necessary and the method by which the emergency will be funded. When an emergency is declared, taxes in excess of the limit established by this Subsection will be imposed and collected. The revenue limitation may be exceeded only for the fiscal year in which the emergency is declared. In subsequent fiscal years, the revenue limit of this Subsection shall again take effect as though the emergency had not been declared. An emergency shall not be declared in two successive fiscal years without the approval of the Majority of qualified electors of the unit of local government or school district voting thereon. e) Whenever, by law or by court order, the responsibility for defraying the cost of a program is transferred from one unit of government to another unit of government, the total yield established by the Section of this unit of government to which such responsibility was transferred shall be commensurably increased and the total yield established by this Section for the unit of government from which such responsibility was transferred shall be commensurably decreased. f) The General Assembly shall, by law, prescribe the manner by which any unit of local government or school district created after the effective date of this

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Section shall determine the limits established in Subsection D of this Section during the first year of its existence. No new unit of local government or school district shall be created after the effective date of this Section except by the approval of the Majority of qualified electors of the proposed unit of local government or school district voting thereon. The fiscal year that...portion of the state expenditures paid to all units of local government and school districts shall not be reduced below the proportion paid to all units of local government and school districts in fiscal year 1982. h) The state shall appropriate funds for each unit of local government and school district to reimburse it for the full cost for mandates enacted after the effective date of this Section. However, where the General Assembly is required to enact legislation or comply with the federal mandate, the state shall be exempt from the requirement of reimbursement a unit of local government or school district for the cost of the mandate. State mandates for which funds are not appropriated to reimburse units of local government and school districts are void until such time as the required funds are appropriated. No unit of local government or school district shall be required to implement any mandate enacted after the effective date of this section, unless that mandate is a result of a federal or court mandate, or funds are appropriated for the unit of local government or school district for the cost of the mandate as determined by the General Assembly. The limits established by Subsection D of this Section shall not apply to new or expanded federal or court mandates. j) The General Assembly shall provide, by law, for the implementation of the provisions of this Section. d) If approved by the electors, this Amendment takes effect July 1 next occurring

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after its adoption. Second Reading of the Constitutional Amendment. Constitutional Amendment is held on Second Reading. Taken out of the record. No further business. The House now stands adjourned."

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