

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

95th Legislative Day

April 21, 1982

Speaker Ryan: "The House will be in order and the Members will please be in their chairs. The Chaplain for today is Father Hugh Cassidy from the Blessed Sacrament Catholic Church of Springfield, Illinois. Father Cassidy."

Father Cassidy: "God, our Father, we ask of You a share in the faith of our fathers. Give these Members of the House of Representatives courage to put their lives into your hands, trusting themselves and those they love to Your wisdom, providence and love. Guide them in their deliberations. Help them to make right decisions so that the world may be filled with faith and love. May Your blessings come upon them today and always. Amen."

Speaker Ryan: "Thanks very much, Father. Representative Jackson will lead the Pledge today."

Jackson 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. Representative Daniel...or Collins."

Collins: "Yes, Mr. Speaker, for the purpose of an introduction. In the Speaker's gallery there's the Civics Class from Auburn High School which is in the 50th District, represented by Representative Oblinger, Irv Smith and Kane."

Speaker Ryan: "Welcome to the group. The Minority Leader of the Senate is with us this morning, Senator Philip. Welcome to the Illinois House, Senator. Senator Philip. Take the record, Mr. Clerk. With 164 Members answering the roll, a quorum of the House is present. Introduction and First Reading. Representative Getty, do you have any excused absences?"

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Getty: "Mr. Speaker, may the record reflect that Representative Vitek is excused due to illness?"

Speaker Ryan: "The record will so indicate. Representative Telcser, do you have any excused absences? Representative Telcser is not on the floor? Let the record indicate that Representative Macdonald is absent because of illness. Representative Kulas, do you wish to be excused today?"

Kulas: "No, Mr. Speaker, but, as you are probably aware of, the mushroom season is gradually approaching us and I would...I am sure that most of the Members of this Assembly don't mind working late as long as we are forewarned about it. Could you enlighten us as to what the schedule will be for today?"

Speaker Ryan: "Sometime today I will enlighten you, Representative. I noticed the...the birthday celebrant is not in the chambers. There any special significance to that? You get to be 40, baby, it's...takes a little longer to get around. Is that it? Representative Kulas, in response to your...your question, it's the intention of the Chair to work as long as we have to to clear this Calendar, and we will go through the Calendar on Second Reading and Third Reading today and hopefully be out of here at a decent hour if we get everybody to call their Bills. I would also like to make an announcement from the Chair, if I may. For those of you that...that haven't read it or haven't heard it, Representative Ben Polk has resigned from the Illinois House, effective May 1st. He's going to join the...the administration in the Department on Aging and, so I thought if you hadn't seen that, you ought to know it. Secondly, I would like to announce his replacement in the Leadership. We welcome back into the Leadership, Representative Bernard Epton, who will replace Ben Polk in the Leadership. Bernie Epton will be put back into the

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Leadership. Representative Tuerk, for what purpose do you seek recognition?"

Tuerk: "Well, I'm studying my Calendar, which I do every day, of course, and I see a discrepancy on the Calendar. I'm the Sponsor of House Bill 2274 that should be on Second Reading. I don't see it listed here."

Speaker Ryan: "Representative, if you look on your desk you should have a Supplemental Calendar, and you'll find 2274 is there."

Tuerk: "Thank you."

Speaker Ryan: "Special announcement from the Clerk."

Clerk Leone: "The Illinois American Heart Association will be screening for high blood pressure today in the nurses' station just outside the Speaker's Office. High blood pressure seldom has any symptoms, but it can lead to heart attack, stroke and early death. Speaker Ryan recommends that everybody go have their blood pressure checked today."

Speaker Ryan: "Lady from Cook, Representative Stewart, do you seek recognition?"

Stewart: "Thank you, Mr. Speaker. I rise for the purpose of introduction. I'd like to introduce to the chamber Mrs. Loveland Evans who is one of my fine constituents; who is, to her credit, a Republican. She says she forgives me...she's forgiven me for being a Democrat, because she says I'm too young to know any better; however, Mrs. Evans is a member of the Comptroller's Merit Commission Board. She is certainly...has been an inspiration in my life, and I'm awfully pleased to introduce her to the Assembly. Thank you."

Speaker Ryan: "Welcome. Welcome. You're welcome on the Republican side, too. Page two, under the Order of House Bills, Second Reading appears House Bill 429, Representative Pechous. Out of the record. House Bill

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957, Representative Daniels. Out of the record. House Bill 1004, Representative Kelley. Out of the record. The electrician informs me that the lights from your desk to the panel here don't work, and that's the best news I've had since I've been Speaker. However, we're going to give him a few minutes to see if he can get it repaired. That means when you turn your light on I don't know about it. So I don't...Just so all you folks out there understand that. Representative Friedrich, for what purpose do you seek recognition?"

Friedrich: "Mr. Speaker, I would like to request a 35 minute recess for Republican Conference in room 114."

Speaker Ryan: "Thirty-five minutes? You want to be back here what, at five minutes after one, or ten minutes after one, or whatever it is? 1:15? Representative Greiman, do you have any requests for a Democrat Conference?"

Greiman: "We'll just go to lunch, Mr. Speaker. Thank you."

Speaker Ryan: "You could afford to miss it. Republicans in 114 for a Conference immediately, and the House will stand in recess until 1:15. Representative Jones, for what purpose do you seek recognition?"

Jones: "Yeah, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to intro...introduce the sixth graders from the Immanuel Christian School located at 83rd and Damen, which is located in the 29th Legislative District. So let's give them a warm welcome, the Immanuel Christian sixth-grade students."

Speaker Ryan: "Welcome. The House will be in order and the Members will be in their seats. Page four of the Calendar under the Order of House Bills, Third Reading appears House Bill 79, Representative Catania. Turn Representative Catania on, would you please?"

Catania: "Thank you, Mr. Speaker. As principle Sponsor of House

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Bill 79 and having checked with the other Sponsors, I would like to recommit it to the Committee on Public Institutions and Social Services Interim Study Calendar."

Speaker Ryan: "Lady asks leave to recommit House Bill 79 to the Interim Study Calendar. Are there any objections? Hearing none, leave is granted. The Bill will be recommitted. House Bill 89, Representative Deuster. You ready? Read the Bill."

Clerk Leone: "House Bill 89, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Ryan: "Representative Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 89 amends the Illinois Vehicle Code. What House Bill 89, as amended, does is to simply provide that for those Illinois motorist and other motorist who are driving only on the toll road system and the interstate highway system, and they are driving only between the speeds of 56 miles an hour and 65 miles an hour, that the fine is reduced to be one dollar for each mile over the limit. And House Bill 89, as amended, also provides that the court cost will be five dollars. This legislation is similar to laws that have been adopted by other states. At present, under Supreme Court rule, if you go over the 55 mile limit, the fine is set at 50 dollars. House Bill 89 will reduce that so that the maximum fine Illinois motorists would pay would be 15 dollars. And what is very important is, House Bill 89 provides that this would not be a moving violation. It would not result in the revocation of your license. It is also important to point out that this would not jeopardize, in any way, our Illinois federal aid. Just to give you a little history; as most of us remember, Congress, as a result of the Arabs oil embargo, in 1973, almost ten years ago, adopted a temporary national 55 miles

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per hour speed limit as an effort to prevent us from going so fast that we would consume too much gasoline. It was designed as a conservation measure, and the name of the Bill that Congress adopted was called The Emergency Highway Energy Conservation Act. That was a temporary Act almost ten years ago establishing a national 55 mile speed limit. Subsequent to the enactment of that national law, the people of Illinois and the people of other states have become frustrated with that 55 mile speed limit. They have concluded, by their legislative action in other states and by their driving habits in Illinois and everywhere that you can observe, that this is an unreasonable law. For example, the action taken by other states is as follows: Montana created a new law called An Unnecessary Waste of a Resource in Short Supply, and they provided that this...the person who exceeded this would have a light fine, five dollars, and it wouldn't be a moving offense against your license; in Wyoming they said a person who goes over 55, not exceeding 74 miles an hour, is guilty of the same sort of offense of wasting fuel and that there's a small fine; in Nevada they did the same thing and; similarly, in Missouri, our sister state in Missouri, provides, just west of us, that this would not be a moving violation. And so, House Bill 89 is patterned after the action taken in other states; however, this Bill is drawn in a very narrow fashion. In Illinois, it only applies to our toll roads and to our interstate highway system. We have 132,319 miles of highway in Illinois. This Bill only applies to 2,000 miles or 1.5 percent of our highways. It is limited just to those roads that have desi...been designed by the highway engineers to safely accommodate traffic at least 70 miles an hour. I hope that you will support this legislation because it reflects what the people want and

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what the people are doing, and I know it reflects the speed at which the Legislators, ourselves, are driving. The solution that I'm offering here in this legislation is to be responsive to the way the people feel about going between 55 and 65. We make it a fine, but it's a minor offense. It's a dollar a mile over the limit, court costs five dollars, a maximum of 15 dollars. It is not a moving offense. Some may have some questions about the impact. Will this increase the consumption of fuel in a wasteful way? I don't think so, because everybody's already going at this speed. I don't think this legislation will have any effect on fuel consumption. Will it increase any safety hazard of any kind? I don't think so. These highways, the toll roads and the interstates are designed for safe travel at 70, and everybody is going 65 right now. They are divided highways. They are limited access, and they are multi-laned highways. Will it have a revenue loss impact on the state or on our local governments? I have tried to ascertain that from the State Police, from the courts and the Secretary of State. Nobody is able to estimate; although, I believe any revenue loss at all would be very minimal because even the police are not paying much attention to this. And as you drive back and forth from Springfield, if you see anybody arrested, it's very rare indeed. Will this encourage speeding at excessive speeds? I don't think so because this Bill is drawn only to involve people going between 56 and 65. If you're going 66 and over, you're subject to the existing law of the 50 dollar fine. I think this is responsive to what the people want. It's like prohibition. They are ignoring this law. As a matter of fact, in coming down to Springfield on many occasions, I have observed, in my own judgement, that if you go 55, you are a hazard. You are a hazard,

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particularly in the Chicago Metropolitan area on the toll roads where you have 300 cars racing down, virtually bumper-to-bumper. They're all going 65 or 60. If you're going 55 you'll get run off the road. I think, in addition, Ladies and Gentlemen, by adopting this legislation, we will send to Congress a message. Really, Congress should repeal that 55 mile limit and go back to the old days of states' rights when we Legislators in Illinois set our own speed limits and set our own penalties. This is all that we can do without jeopardizing federal aid. I think it is a responsible action. I'd be happy to answer any of your questions, and I would urge your support for this law, which really makes the fine or the punishment meet what the public and what we feel the offense is, a small offense, an insignificant offense. I urge your support for House Bill 89."

Speaker Ryan: "Now, is there any discussion? The electrician has not got this thing fixed yet. So we're going to have to do this as we go along here. Okay, your lights are on, but they don't blink. We'll start with Representative John Dunn on the Democrat side."

Dunn, John: "I have a question for the Sponsor, if he'll yield."

Speaker Ryan: "He indicates that he will yield."

Dunn, John: "If I understood the opening remarks correctly, a fine which, at the present time, would be levied in the sum of 50 dollars under your Bill would be reduced to the amount of 15 dollars. Is that correct?"

Deuster: "Yes, Sir."

Dunn, John: "That's a difference of 35 dollars, and can you tell me who stands to lose that revenue, that 35 dollars of revenue?"

Deuster: "It would not be the State of Illinois. It would probably be the counties along the toll roads and along the



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interstate highways."

Dunn, John: "So any county, in which a road like this is located, would face the possibility of losing 35 dollars in revenue on...on each ticket to which this matter would be applicable."

Deuster: "That's right; and, as I say, these tickets are limited in a very narrow way to certain roads and certain speeds. If somebody is going 70, they're still going to get the old ticket and, if somebody's speeding on some other road, just a regular Illinois highway, we make no change in that. In a way you could view this, Representative Dunn, as some tax relief. And anytime there is a reduction in taxes or a reduction in fines, there is some revenue loss. I happen to feel, from my personal experience and observation, that it would be very minimal, indeed."

Dunn, John: "What about the funds that, I think, have now been approved to provide for a certain amount, from traffic tickets, to be applied to the payment of the expenses of drivers' education?"

Deuster: "In the case of those tickets involved in this Bill, there would be that revenue loss, yes. No question. But I..."

Dunn, John: "Why...within...Because of the...the need to pay for drivers' education and the need to pay for the expenses of county government, have you given any thought to the possibility of leaving the amount of the fine the same, but to deal with the problem that really is of most concern to motorist, and that is the moving violation in this speed range?"

Deuster: "Yes, I've given thought to that. I've generally followed the pattern followed in other states. I think, for somebody going along where just about the whole flow of traffic is 60 or 65, and if you pick off one person, it's

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really a rip-off to charge that person 50 dollars, in my opinion. I would be very happy, though, Representative Dunn, if this Bill were in the Senate, I know there are other...people that have other suggestions on how to change it or fine tune it in some way. But we are under a time constraint and I would normally be happy to take it back to Second to try some other idea. I think another Representative suggested I change the name of the offense from Speeding to Not Conserving Energy Properly. I would cer...I'm open-minded on any changes that might be presented. Did...But I'm...I'm mainly concerned, yes, I think you're right; that the main concern is people don't want to lose their license; but, on the other hand, I don't think they want to pay 50 dollars for something that nobody, including Members of this Legislature, are respecting."

Dunn, John: "Well, one reason I ask these questions, my memory is certainly not the best, but I do know that last year we had a lot of debate about whether to have drivers' education or not and, if we have it, how to fund it. And there was legislation to pay for some of the cost of drivers' education from traffic fine revenues. And, my memory is, I may be wrong about this but, that you were opposed to providing drivers' education. Is that correct? Didn't you have Bills in to eliminate drivers' education?"

Deuster: "I don't think it has anything to do with this subject, but I'd be happy to be open. Yes, I happen to believe the local schools ought to decide whether they should offer drivers' ed or not, but that's an educational matter."

Dunn, John: "I...I just think that maybe, Mr. Speaker and Ladies and Gentlemen of the House, maybe this ought to be highlighted on this Bill. You are going to find, in the General Assembly this spring, among the other pressures

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brought to bear, pressure to provide the revenues to continue the payment of the cost of drivers' education for high school students so that they can learn to drive safely, and to get on the road in such fashion that they will know what they were...what they are doing. And this Bill, well-intended as it is, will further reduce the funds available to pay, at the local level, for the cost of drivers' education. And, for that reason alone, I think we should take another look at this Bill and do what the Sponsor has indicated and, perhaps, come back with a Bill that does not affect local revenues which are very seriously in jeopardy at this time, but to address the problem in such fashion that, perhaps, these fines could simply be legislated to be non-moving. So, I would urge, at least a 'present' vote and perhaps a 'no' vote on this legislation at this time."

Speaker Ryan: "Representative Robbins."

Robbins: "Mr....Mr. Speaker and Ladies and Gentlemen of the House, down in southern Illinois we need to fine tune this Bill just a little bit more. I have a good friend in a neighboring county that is just one ticket short of losing his license. At the present time, he has two tickets for driving 56 mile an hour in a 55 mile zone. Now, when you get into the quotas that we have requiring that ten percent of all tickets be written between 60...between 55 and 65, then you realize that they have to let some of the guys go by at 80 and 90 so they don't get their quota messed up. We are going, as Legislators, to be required to go every week to fight for someone that has three tickets for speeding. They're going to be losing their jobs. Whenever a trooper has to write a minimum of a hundred tickets in an unmarked car, 80 tickets in a marked car and some of them, in order to get promotions, write as much as 200 tickets a

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month, you, in our county, we need the revenue, I will admit. In the last four years, the revenue has gone from 38 thousand to 87 thousand dollars on traffic fines on the interstate. So, if we're going to reduce them on the interstate, let's bring them down on the country roads, too. I urge an 'aye' vote to send this Bill out and hope that it will be fine tuned in the Senate to include all of the highways as far as speeding tickets are concerned, for the losing of your license. I don't care if it costs a man 50 dollars for speeding, but whenever a man has to have a license to work, then it's a...another problem and we don't need to have to hire another hundred people in the Secretary of State's Office just to fine tune this speeding Bill. It's time that we really looked at reality. If you're going to have ticket quotas, then you have to have some way to let the working people get to and from work. And whenever the State Police will write a man that has driven for 60 years and never had a speeding ticket, write him two tickets in three months for one mile over, it's time you start looking at what's going on around you. I urge an 'aye' vote on this Bill, and I hope that it will be amended to do the state some good."

Speaker Ryan: "All right, Representative Kosinski."

Kosinski: "If the Sponsor would yield."

Speaker Ryan: "Yes, indicates he will."

Kosinski: "Don, very often we, you and I, see pretty much eye-to-eye. I do agree with you that 55 miles an hour speed limit on our super highways is kind of ridiculous. I know it came into being when we were a period of hysteria, in terms of energy, and now we have oil glut. As a matter of fact, the oil companies were suspect of manipulating, at that time, to increase prices. And that may have been a national effort on their part. So, in that regard, as I

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evaluate this Bill, you're right. I also agree with you that this would be extremely popular to our constituency, to those of us who like to go beyond 55 miles an hour, at least. However, I have been approached by representatives of the counties who don't touch as lightly the loss of revenue, as you do in your little speech. They have an indication that this could be a horrendous loss. Now, if they're right, and we know the needs of counties in this particular economic period, the need of cities, the need of villages. We know they're being squeezed tax-wise, and we know they don't have the money to operate with the increased costs. I wonder, Don, if actually if we permit those who exceed the speed limit excessively in the major portion that get away with it, if the counties, cities and villages won't squeeze it out of our constituency in some other way by increasing taxes. Do you see my point?"

Deuster: "I see your point, and it's a good one. However, the philosophy is here that Congress has made criminals, not us, Congress has made criminals out of people that are driving at a reasonable, proper, safe speed on a safe interstate highway. Now, do we have to fund government by continuing to recognize people as criminals and rip them off for 50 dollars for driving what everybody believes to be a safe speed? I think, if we have to finance government, let's finance it from some other source other than calling people criminals and hitting them with a heavy fine for doing what all of them think is fair and reasonable. I would say this, Representative Kosinski, if, between now and the time this, if it gets over the Senate as presented, if we can document that there's going to be a serious loss of revenue, I'd be glad to amend the Bill so we simply make it not a moving offense, keep the fine the same. However, this Bill only applies to 1.5 percent of

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our Illinois highways. I can't imagine that 1.5 percent of the highways are going to constitute that much of a revenue loss. And I do know, in the Chicago area where you serve and I serve, that if you get on that Tri-State or that interstate going in there, everybody's going 65. It's impossible to... almost, to get a police car out there, much less to go out and pick one person out of 300 and give him a ticket. I never...just don't see it."

Kosinski: "Well, I certainly agree with you in your attitude, and I wish the Federal Government would release that 55 mile an hour speed limit. And they put a gun to our head, if you'll remember, on 90 million dollars. I wish they would release that because certainly it's not...your life is in jeopardy driving 55 miles an hour on our highways. But I do have great concern with the emphasis put on the...the loss to counties recently, just an hour ago, in the hallway, by people who allegedly know. If this Bill, in its present form, were merely the moving violations, I could concur. I cannot hope that there'll be changes in the Senate. I have to examine a Bill as it exists, Don. And, under the circumstances, I have fears they will take it out in real estate tax if we don't give it to them this way."

Speaker Ryan: "Representative Wolf."

Wolf, J. J.: "Thank...Thank you, Mr. Speaker and Members of the House. I'd like to address the Bill in this particular form that it's now in. And while I do have some sympathy toward the aims of the Sponsor, let me point out a couple of things here from the appropriations or financial aspect. I have in my hand a memoranda from the U. S. Department of Transportation on the 55 mile an hour enforcement and also on the 55 mile an hour compliance. One of the interesting things, which is threatening to our highway funding, and at

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a time we're talking about possibly increasing gasoline taxes or license plate fees or a combination of both, let me just read this. It says, 'Each state shall submit data to support its certification, including data on the percentage of motor vehicles exceeding 55 miles an hour. If the data showed the percentage of motors vehicles exceeding 55 miles is greater than a certain percent, the Secretary shall reduce the state's apportionment of federal aid highway funds under...', they name the Sections, 'to be apportioned'. And this is what the schedule is: in 1981, if 50 percent of the people were reported in violation, we would get a reduction of five percent; in 1982, that dropped to 40 percent and would be a ten percent reduction and; for 1983, if 30 percent of the people are in violation, then we get also a reduction of ten percent in our highway funds and would jeopardize new road construction, in addition. I would say, Ladies and Gentlemen of the House, in the face of that, it would not be prudent for us to affirmatively support this Bill in its present form, at this time. And, as additional, as I tried to mention the other day on Second Reading and I think not too many people heard me, last year we passed a sur tax...a surcharge on highway fines which would go towards police training. Now those of you, if you talk to Al Appa or anybody from the Police Training Board, he's going to tell you that this could seriously jeopardize the funds which we desperately need to take care of our police training. So, for the reasons that I have stated, both the threat to the funding for our Police Training Program which this General Assembly enacted last year, and because it is clear that the Department of Transportation will, in fact, penalize the State of Illinois to a very serious degree at a time which we can little afford to lose any highway funds, I

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would ask for a 'no' vote on this legislation."

Speaker Ryan: "Representative Getty."

Getty: "Will the Gentleman yield?"

Speaker Ryan: "Yes, indicates he will."

Getty: "Representative Deuster, I'd like to refer you to a hypothetical situation. Noting on page seven that you refer to Section 11601 of the Code, exempting only Sections...Subsections E and G thereof, I ask you, if a person were to be arrested for speeding on the Dan Ryan at a point where it was, say, 45 miles an hour. Dan Ryan is an interstate highway, 94 I believe, going through the center of Chicago. If they were to be arrested on the Dan Ryan at, say, 65 miles an hour or within the limits that you prescribe here, they would be 20 miles over. Do I understand that the fine would then be 20 dollars, a dollar per mile?"

Speaker Ryan: "Representative Ropp. Oh, you haven't had your answered yet. Okay, I'm sorry."

Deuster: "I...Representative Getty has posed a question and I'm in the process of responding to it. Of course, I have not changed the law that a person must travel at a reasonable and proper speed with regard to the conditions. And I would assume that if the speed were posted 45, that that would be prima facie evidence that...or would certainly have to be taken into account to conclude that someone were going too fast. And that would be an exception in the Bill."

Getty: "Would...Wouldn't the police officer have to ticket, then, for too fast for conditions? But, that doesn't answer my question. My question is, if it's a 45 mile posted area and, to my recollection, the Dan Ryan that I drive periodically when I go to downtown Chicago from my suburban district is 55 miles an hour to about 95th Street; and then



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it's 50 miles an hour down to about 22nd Street; and then it's 45 miles per hour down to the Loop area; then it's 35 miles per hour through the Loop area. So my question is, if I were stopped for speeding in a 45 mile zone and I was going 64 miles an hour, would I be fined for the 19 miles that I'm over at the dollar per mile? That's my question."

Deuster: "I think the honest answer is yes. And that may be a deficiency that needs to be corrected; that there are a few instances in the interstates where a lower speed is posted."

Getty: "All right. Then, if I were going through the center of the Loop, downtown area I should say, where it's posted at 35 miles per hour, and I were going 65 miles an hour, that would be 30 miles over and the fine under this would be 30 dollars. Is that correct?"

Deuster: "Yes, except I think we would find the police would exercise their usual good judgement and issue a ticket for failing to observe a reasonable and proper speed."

Getty: "But, under this provision, that's what it would be. Is that correct?"

Deuster: "Yes."

Getty: "Yes. All right, so, the next question is..."

Deuster: "I think it is. I haven't researched that. My instinct it that, yes, you have spotted a deficiency or a problem."

Getty: "All right. Then, the next question is, since those are all in the City of Chicago, and the present fine would be, according to your statement and I believe the Supreme Court Ru..."

Speaker Ryan: "Representative Getty. Turn Getty on, would you? As I said, there's some problems. Try Representative Madigan's microphone. Where's the electrician? How about Representative Giorgi's microphone?"

Matijeovich: "It's always working."

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Speaker Ryan: "There it is. Try that one, Representative Getty."

Getty: "Well, Representative Giorgi is shorter than I am."

Speaker Ryan: "In a lot of ways."

Giorgi: "Right. I admit it. I admit it."

Getty: "All right. Representative, it is, as I understand it, the respective cities or whatever municipality that it happens to be within the corporate limits that the interstate road would run, that would get the fines that would be levied. Is that correct?"

Deuster: "I think so."

Getty: "So that, if this were to be enacted and become law, all of the tickets that are issued on the Dan Ryan, the Kennedy, the Stevenson, the Eisenhower Expressways in the City of Chicago, all of which are interstate roads, would not be fines of 50 dollars, but would be fines of somewhere between 10, 20...5, 10, 20 and, in the most 'degregeous' case that I cited, 30 dollars. Is that correct?"

Deuster: "It...It's my impression that you're correct, yes. Except, as I've noted on two occasions prior, that where other speeds are posted, I'm sure that the ticket would be for failing to observe a reasonable and proper speed. And the other thing is, obviously, anywhere in the State of Illinois in any community from one end of the state to the other where there were...where there was fog or snow or ice or an accident, and somebody was going 65, this Bill would not apply. What would apply would be the rule that you're...sometimes you can go 10 miles...7 miles an hour, it's unreasonably excessive, and I would think we would do as we always do and leave that to the good judgement of the law enforcement officials."

Getty: "But 99 times out of 100, the speeding ticket is what's given, not a too fast for conditions. But, let's go on to the next point and that would be the question that was

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raised earlier as to the number of cases. Now, I asked you on the record as to that. You privately indicated some difficulty in getting them. I'd like you to put on the record what that difficulty is."

Deuster: "On the record, the difficulty is that I called the Administrative Office of the Illinois Courts and asked them for this information, and they told me that they couldn't do it because they didn't keep records on the basis of the limited number of roads and the limited number of miles. I called the Secretary of State's Office, the liaison office and I did the same thing with the State Police, and I got the same answer. And I might say, Representative Getty, if you or anyone oth...else is worried about a revenue loss of this...of this Bill, I've given you assurance that, if that can be substantiated in any way, and I'm...perhaps it can, I'm perfectly willing, in the Senate, to change this so we just save a person's license and not change the fine. That's what I'm trying to accomplish mainly. And I give you that...my assurance."

Getty: "All right..."

Deuster: "My main...My main approach, in this Bill, is to recognize that, from one end of the State of Illinois to the other, most people think this law is ridiculous. The Legislators sitting on this floor don't pay any attention to the law, and the citizens don't either and rarely, rarely does a policeman pick somebody off. Once in a while we see some poor soul with the red light going from here to Chicago. And I think the time for being hypocritical is over. Let's vote the same way we put our foot pedals down. Let's recognize what every Legislator I know does. When I come down here at 65, I'm getting passed by a lot of people, and they're citizens, they're truck drivers. Coming down here this week I was passed by a caravan of the

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Illinois Department of Corrections; a limousine, a van and a bus going 64 miles an hour. And that's all I'm trying to accomplish, Representative Getty. And, if there is any revenue loss, I assure you, if it's significant, I'll take care of it in the Senate. And, of course, you've got control of the Senate. You can take care of it over there."

Getty: "Would you agree, Sir, that you would amend this then, in the Senate, to take out any portion which would result in a loss of revenue and have the Bill conform to making those offenses, which were previously legal prior to the enactment of the 55, where a person is traveling less than the prior maximum speed, but over the 55; that that would be an offense for which no points would be recordable?"

Deuster: "Yes. We've discussed that off the floor, and I give you that assurance on the record."

Getty: "And that, when it comes back from the Senate, that would be all that the Bill would do. Is that correct, Sir? I say, when it comes back from the Senate, that would be all that the Bill would do, is remove the points."

Deuster: "You know, I'm not much for speaking for the Senate. That would be the thrust of my intention. What those..."

Getty: "Well...Well, I mean, it would be your intention that that's all it would do."

Deuster: "My...That is my intention."

Getty: "Thank you."

Speaker Ryan: "Representative Piel, for what purpose...Representative Piel."

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

Speaker Ryan: "Gentleman moves the previous question. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the motion prevails. Representative Deuster to close; and, before you do, Representative

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Deuster, I'd like to remind the people in the gallery that it's against the rules of the House to take pictures with flash cameras and cameras, generally. So I wish that you would refrain from doing that, if you would please. Proceed, Representative."

Deuster: "Yes, I think everyone understands this Bill. House Bill 89, as amended, only applies to the toll roads and to the interstate highways. It is similar to laws adopted in Montana, Missouri, Wyoming and Nevada; and, in those states, there has been no loss of federal funds. I don't believe there will be any loss of federal funds. I think the revenue loss will...even to our local government, will be insignificant. What this law does is recognize reality and reflect the common sense of the people of Illinois; that they're not criminals, if on this road designed for safe travel at 70 miles an hour they happen to be going between 56 and 65. I think it's a good Bill, a responsible Bill. And what it really does is, by lessening this fine and making it not a moving violation for which you're going to lose your license, it reflects what the people of Illinois want us to do and that is to put some common sense into the law. This is a regulatory matter, not a criminal matter. Most people, most drivers regulate their own travel. If you have bad tires or it's icy, you don't go fast. Most people drive between 55 and 65, and those who go over, those who are going 70 or 80, they're still going to be ticketed and subjected to the existing fines for that offense. I think it's a good Bill. I urge and will appreciate your support. And, as a lame duck, I'm hoping that this is the one piece of legislation I can pass this year to say farewell to the people of Illinois and to do something good for them. Thank you."

Speaker Ryan: "The question is, 'Shall House Bill 89 pass?'. All

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in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Steele, one minute to explain your vote."

Steele: "Thank you, Mr. Speaker. I rise in support of this and think we ought to put some green lights up there. As I understand it, this only affects toll roads and freeways, about one and a half percent of the highway system. It doesn't change the speed for driving. It doesn't jeopardize federal funds. It merely moderates the fine. It merely moderates the fine for people, and it doesn't apply against their driving record. I think it's a crime that those who may be driving 57 miles an hour and get three tickets for that can have their entire livelihood and their driver's license taken away. It's a reasonable Bill. It moderates the fine, and I think it should be supported."

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

Giorgi: "Mr. Speaker, on that one minute, I...my light was on because I wanted to speak in debate, and when Mike Getty came over to my side here, I lost my turn to speak in debate. And I'd like to have a couple of minutes because..."

Speaker Ryan: "I'll shut the clock off for you, Representative."

Giorgi: "Thank you, Representative. Thank you, Sir, George."

Speaker Ryan: "Special treatment."

Giorgi: "You know, I...I don't know if the Members of the General Assembly realize what's happening around here, but the Bar Association, and the Automobile Insurance Carriers of Illinois and the Secretary of States have made driving almost intolerable in Illinois. Without causing an accident, you get a moving violation if you're ticketed for obstruction to a driver's view or control. You get a moving violation if you improperly open your door in the

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traffic. If you're coasting on the downgrade, you get a moving violation. If you follow a fire apparatus, you get vio...moving violation, without an accident. If you're driving...If your vehicle is...which is in unsafe condition or improperly equipped, you get a moving violation. Daytime lights on motorcycles, if you don't have them on, you get a moving violation. A clearance identification and side marker lamps, you get a moving violation. If you don't have a...a flag or a lamp from a projecting load, you get a moving violation. Failure to display the safety lights required is a moving violation. Windshields must be unobstructed and equipped with wipers, you get a violation. Horns and warning devices, is a violation. Mufflers...there's 20 more of those. And then, you get suspended for one...you lose your license. Then if you don't get the notice and you get picked up, you get seven days in jail. Then you're insurance premiums are escalated. Then you try to talk to the Secretary of State and, if he's got 20 employees in his department, he's cut off 10 telephones so you can't get any service. You know, you don't know what you're doing to the...this points up to the terrible attitude we have toward the drivers in Illinois. They're...They're being terminated from their employment when they get a suspension notice. It's very serious. This...I was going to introduce this legislation to remove all these moving violations if there wasn't an accident, and I know the insurance industry is going to descend on me; the Bar Association, the Chicago Bar, the Illinois Bar, because there's a fee involved in getting these guys out of this trouble. There's a fee involved in getting them a hardship license. There are real problems. I think you ought to consider going along with Deuster to bring the message home. It's a very bad, intolerable

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situation in Illinois."

Speaker Ryan: "Representative Daniels in the Chair."

Speaker Daniels: "The Gentleman from McLean, Representative Ropp, to explain his vote. Timer's on, Sir."

Ropp: "Mr. Speaker, Members of the House, I want to thank you very much. The concern that I have for this Bill is that I'm sure that everybody drives fast. When the speed limits were at 70, people were driving 80 and 90. Now that they've been reduced to 55, people are driving over 55. But, the real important issue that I think needs to be dealt with here is that in the last three years we've saved more than a hundred lives a year, for some reason. Maybe we're driving slower. Maybe we're driving smaller automobiles. But the real important issue is that we've saved a hundred lives a year by driving in whatever speed we are driving. I think that's important. To me, a life is more important than the amount of money that's going to go into any county as a result of any fine. Those states that have already passed this Bill are states in which you can drive for hours and not even see another automobile. I think we ought to give this real concern and save lives. Vote 'no'."

Speaker Daniels: "Gentleman from Cook, Representative Dunn, to explain his vote. The timer's on, Sir."

Dunn, Jack: "I'd like to amplify...thank you, Mr. Speaker. I'd like to amplify Representative Ropp's concerns here. We're talking about highway safety. Now, the lives are being saved. You'll recall last fall the plea that we had for restraints and...for young children riding in automobiles, and we had a vote that passed. I would like to see those same people express their concern here. Highway safety has not been talked about enough. We talked about fines; how much we're going to lose, how much we're going to make.



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It's not a dollar amount we're talking about, necessarily.

I don't think we should do anything to make it easier to break the law, and that's what...exactly what this does. I would urge a 'no' vote."

Speaker Daniels: "Further explanation of votes? The Gentleman from Hardin, Representative Winchester."

Winchester: "Fir...First of all, Mr. Speaker, is the lights for Representative Friedrich and myself working on your board up there?"

Speaker Ryan: "We...The electrical system is down. The only way I can tell who wants to speak is if you're standing up and you wave your hand."

Winchester: "Good. That explains it to...I think a lot of other Members, also.I...I have mixed emotions on, really, how I'm going to vote on this, and I haven't cast my vote yet. I'm one of those Legislators and citizens who drive, probably, faster than 55 miles an hour most all the time, except when I'm in a city limits. And I think 55 miles an hour is probably a ridiculous amount of time. But, it has saved 135.8 million gallons of gasoline per year, but that's...that's only...that would...if we...that would only be about a million dollars in savings. But, one of the things that two speakers here today have said, that we would not lose any federal funds; and, Mr. Speaker, that's incorrect. The Department of Transportation has informed me that we would lose 300 million dollars, 300 million dollars in federal construction dollars if we did anything in tampering with the 55 mile an hour limit. Now, we accepted this several years ago. We should never have done it. We accepted the money that the Federal Government gave us for the 55 mile an hour speed limit. But now we've got it, we've got to live with it, particularly, at a time when we're so in desperate need, desperate need of road monies

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for road construction projects throughout the State of Illinois. The loss of 300 million dollars, I just don't think, can be tolerated by the state. It is a good Bill. I admire the legislator for introducing it. I admire his Cosponsors who, one of them is about to speak in favor of it. But, fiscally, I don't think that we can afford to just give away 300 million dollars in federal funds. Thank you."

Speaker Daniels: "Further explanation? Representative Ewell, did you want to address?"

Ewell: "Mr. Speaker, very briefly, you cannot measure justice by taxation of the motorists. I think Representative Deuster has an excellent Bill. You have no idea of the personal hardships which you might cause motorists who, inadvertently, go over, a few miles over the speed limit. If you want to talk about doing some justice and helping your constituents, this is the Bill that, surely, you would support. It cannot be measured in terms of how much it possibly, might cost 1.5 percent of the state's highways, which is all that he's taking it off. A very reasonable Bill, a very practical Bill and one that, if you're truly interested in justice toward the motorists who are the least offensive of all the criminals in this country, I would suggest that you would give some consideration to this Bill."

Speaker Daniels: "Representative Bluthardt, and then Representative Friedrich. The timer's on, Sir. Representative Bluthardt."

Bluthardt: "Thank you. I want to talk briefly about the so-called myth of safety of the 55 mile speed limit. I think the biggest hazard we have today are the compacts and the small cars that are not much more safety than you had a scooter that could go 55-60 miles an hour with a piece of

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tin foil over it. There's absolutely no safety in those imports to compare with the bigger cars of yesteryear. Furthermore, the 55 mile an hour, if you're on an extensive trip of, say, 500 miles or longer and you're going 55 miles an hour, you get kind of hypnotized watching that highway. You get sleepy, dozey, doze off, and others on the highway do too. And that creates more accidents. The records will show that there have been a tremendous amount of fatalities since the advent of the im...the compact car. And I think that the safety hazard that was referred to earlier is a complete myth. We do not save that many lives. We've lost more because of...of the advent of the compact car. I would urge you vote 'aye' on this Bill."

Speaker Daniels: "Representative Friedrich."

Friedrich: "Mr. Speaker and Members of the House, I'm a Cosponsor of this Bill, and I think you had better think about what you're doing. In the first place, the Federal Government is not giving us any money for driving 55. They have threatened to take away our money if we don't; however, other states have found out a way around this. We would not have a speed limit in Illinois of 55, in the first place, if the Federal Government hadn't blackmailed us and said that if you don't do it, you don't get your own money back. Now, as to the lives saved last year, the truth of it is, there were at least ten percent fewer miles driven last year than they were the year before. So, I think that accounts for it instead of the speed limit. And, last but not least, I wish you'd look up on that board and then, when you go home this weekend, I want you to see how many of the guys in this room are driving 55. You smugly drive along with your official plates at 70 miles an hour and laugh at the guy, your constituent, you're passing who has to struggle along at 55. How phoney can we get? Now if

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you guys want to drive 55, that's fine, but I happen to know you don't."

Speaker Daniels: "Further explanation of vote? Representative Satterthwaite, the timer's on."

Satterthwaite: "Mr. Speaker and Members of the House, I'm sorry that I didn't have an opportunity to ask a question of the Sponsor. One of the problems I have with the Bill, as it stands now, it appears to me that, if you are on such a highway and you were traveling under 40 miles an hour, you are also committing a violation and, presumably, can be arrested for a moving traffic violation for traveling less than the minimum speed. I find it difficult to understand that we would give a higher penalty to somebody who might be having problems with his automobile malfunctioning and not be able to live up to that 40 mile an hour minimum speed and still give a lesser fine and a less...cause of action for taking his license away if he is traveling in excess of 55 miles an hour. I realize that we are hypocritical by having a law that we do not obey and, consistently, look the other way when people are traveling above 55 miles an hour. But, I believe the penalty ought not to be less than for someone who might be violating the other end of the scale as well, and I am going to vote 'present'."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this Bill, House Bill 89, there are 64 'aye', 93 'no' and 6 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 139, Representative Wikoff. Out of the record. House Bill 156, Representative Stearney. Representative DiPrima, do you want to...you want to come up? And...'Michler', you want to bring your people up? Ladies and Gentlemen of

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the House, would you give your attention, please, to Representative DiPrima?"

DiPrima: "Josephine Oblinger, do you want to come up here? Irwin (sic - Irv) Smith. Not 'til I give the word. I'm going to start off by introducing the National Auxiliary President of the Amvets. She is a war bride from England and now resides in New Jersey, and she got to become the National President of the Auxiliary. Let's give her a nice big hand. Margaret 'Rummel'."

'Rummel': "I thank you for your great welcome to this great State of Illinois. I'm happy to have this week to tour it, and I'm enjoying it very much. Thank you very much."

DiPrima: "Thank you. And we also have our own 'Nita Cornell'. She's the Department Auxiliary President from the state, and she is from Waukegan. And I forgot to get the Members from Waukegan up here."

'Cornell': "Good afternoon. It's a pleasure to be here. I'm ashamed to say I have never been anywhere in Springfield before, and I'm...it's really very interesting. Thank you."

DiPrima: "Thank you. Now we have the State Commander from Illinois. He's from Brook...that's where that zoo is, Brookfield Zoo, yes. 'Harlan Keppel'. Very active with the Combined Veterans, State Commander of the Amvets. 'Harlan Keppel'."

'Keppel': "Thank you, Larry. It's, indeed, a pleasure to be here this afternoon and address such an esteemed Body. I visited here once before when the Assembly was not in Session, and little did I dream, at that time, that I'd ever be up here at this microphone saying hello. And I thank you for the opportunity of being here. I hope that you continue your good wo...work in behalf of the veterans in the State of Illinois. Thank you."

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DiPrima: "Thank you, 'Harlan'. Judith...Judy Topinka is your Representative, Harlan. That's...Judy's man. Judy Topinka's man. Last, but not least, the National Commander of the Amvets. From our own State of Illinois, National Commander of the Amvets, Don Russell, from...originally from Mount Vernon and now from Springfield. Don Russell."

Russell: "Thank you very much. It's really an honor to come home to this kind of a reception. We're very thankful to Larry for the veterans' legislation that he introduces here and for your support, and we get support from both sides of the House. So I really appreciate this. I'm an old employee of the State of Illinois. Thirty years with the Illinois Department of Public Aid. I'm on a year's leave of absence. So, it's really a nice homecoming, and I thank you very much."

DiPrima: "Thank you, Commander. And from his district over here is Irwin (sic - Irv) Smith and our own Josephine Oblinger from whence...yes, good supporters of veterans legislation. I want to take...Thank you, each and every one, for the nice welcome you gave our representatives of the Amvets. Thank you."

Speaker Daniels: "Representative Woodyard and Representative Zito."

Woodyard: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. It is, indeed, a pleasure for me this afternoon to be able to host some young people here who are members of Youth in Government, sponsored by the YMCA over the State of Illinois. About two months ago, there was a meeting down here with over 800 high school students involved in Youth in Government. This is just an absolutely super program that Greg is going to talk to you about just in a second or two. But, they have developed Bills. They are very involved in government, and one of

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the young people that I will be introducing has worked in my office for over six months, and I can tell you, it's certainly a pleasure to work with this type of young people. The person elected Governor of the State in Youth in Government is Peggy Pettit from the 54th District in Mount Vernon. It seems like we have a lot of people from Mount Vernon here today. Lieutenant Governor, Phil Wyatt from my hometown of Chrisman, as Lieutenant Governor. 'Aaron Law', from Mount Vernon also, from the 54th District and also with them today is 'Alan Moore', who is the Executive Director of the YMCA Youth in Government. And, Greg, if you would make a few comments, and then, I think, Peggy would like to make a few comments."

Zito: "Lad...Thank you, Ladies and Gentlemen of the House. Just very quickly, Youth in Government is probably the single most important program in the State of Illinois and throughout the nation. There's 40...I believe, 44 other states that participate that give young people, high school students, an opportunity to learn about government on a first hand basis. I'm sure many of you have received notes on your desk of thanks that the youth were able to use the chambers. We've done this program in Illinois for 33 years. I had the honor of serving of Youth Governor in 1971, and the honor to address all of you at this very podium. I'd like to introduce to you now, the Youth Governor of the State of Illinois, Peggy Pettit."

Pettit: "Mr. Speaker, Ladies and Gentlemen in the House chamber, I'd like to thank you, first of all, for allowing me to speak before you. I find it a great honor to be standing here in front of you. On February 26th through the 28th of this year, the 33rd General Assembly of the YMCA Youth in Government program took place. As usual, we found it to be a most profitable experience. Youth in Government is one

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of the most profitable organizations I've ever been in in high school, and I will say, and I'm speaking for everyone in the program, that's it's so beneficial because we learn how to use our loudest voices, our highest jumps and our quickest hands to be recognized in the House and in the Senate. We learn to get our Bills out of the Committees and then through the House and the Senate chambers and then to the Governors Office. And this year, I served as Governor, and I was the one who was able to take the final action on every Bill that came to my desk. I want to thank you, especially, for the use of the Capitol Building, your...your seats and your chambers. It was...I can't tell you how much everyone appreciated it. Again, I have to stress what a beneficial program it is. John Daly, he was the Youth Governor in 1959, and Greg Zito, as he said, was Youth Governor in 1971. This only proves that this program is the starting line for the future leaders for the State of Illinois, and I hope that I, Peggy Pettit, the 1982 Youth Governor, have represented these future leaders well. I thank you for your time and cooperation."

Speaker Daniels: "Perhaps the Youth Governor could instruct Representative Zito how to get a Bill out of Rules Committee. House Bill 210, Representative Tuerk. 210. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 210, a Bill for an Act to amend the Workers' Compensation Act. Third Reading of the Bill."

Speaker Daniels: "Out of the record. House Bill 281, Representative Deuster. Representative Deuster, 281. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 281, a Bill for an Act to amend Sections of an Act regulating wages of laborers, mechanics and other workmen employed in the public works by the state, county, city or any public body. Third Reading of



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the Bill."

Speaker Daniels: "Representative Deuster."

Deuster: "Mr. Speaker, House Bill 281 is a very simple Bill that consists of one sentence. And that sentence is as follows: 'it provides that any public body may adopt and approve a rate of wages not lower than ten percent less than the ascertained prevailing wage rate for a particular public works project'. What this means, in this time when everyone is short of money, villages, schools, fire districts, everybody's short of money, there are a lot of necessary projects that might be able to go forward and provide employment for working people as well as provide the establishment of a public project for local government that can't go forward because there just aren't the funds. This Bill simply provides that, by a Resolution, a public body, that's any municipality or any public body, any local government, could indicate that the prevailing wage rate for that project will be 90 percent of what is the prevailing wage. So they're able to cut back a little bit. And this is very relevant, because just today the Chicago Sun Times, in mentioning the important need for the Chicago school system to economize, mentioned that the Chicago school system could save about three million dollars if they were allowed some exception or some exemption to the prevailing wage rate. And, this is a time when we have to relax a little bit some of the old luxurious things that we did in the past. I have not proposed repealing this law, but simply putting a little flexibility into it. So, your local government all over our state can, if they want to, reduce the wage rate from the prevailing wage rate down to 90 percent, in between 100 percent and 90 percent."

Speaker Daniels: "Any questions? Gentleman from McHenry, Representative Hanahan."

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Hanahan: "Well, Mr. Speaker and Members of the House, I don't have a question of the Sponsor because I understand his motivation. What he'd like to see is people working for less than an acceptable wage that has been negotiated between employers and employees. What he would really like to see is people working for less and less. People would then compete to see how cheap they could work for their wages. There even happen to be some Legislators here that, possibly, think that their wages aren't worth the salaries they're getting. Maybe they should work for ten percent less. It seems almost silly, at this time of...of the Legislature that is supposed to be only meeting to worry about appropriation matters and matters of emergency, to be discussing the very basic rights; the basic rights of citizens of Illinois to be able to be negotiating their wages with their employers for a constant, uncutting wage such as what he is proposing here of cutting back a person's right to expect a decent living that has been negotiated freely. And this Gentleman stands up here many, many times I've heard him saying about the rights of human beings should not be impaired by government. Here's a case where government is going to say you're worth ten percent less, if you're a carpenter, or you're a plumber, or you're an electrician, or you're a painter; that somehow, because you're working on a governmental job, your wages is worth ten percent less. Well, let me tell you something, Ladies and Gentleman, there might be a lot of unemployment out there, but it doesn't mean that it's going to be solved by cutting wages. The unemployment's going to be solved by changing directions in the Congress of the United States and reducing the interest rates that are charged, not by cutting down on the basic wages that human beings have negotiated with their employers. Government has a

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responsibility of not knocking out the basic wage that has been entered into by the employees and employers. And what is really the travesty in this and what the Gentleman does not understand is, people who are not covered by a collective bargaining agreement in a locality will have the opportunity to be substituted by this kind of cutting of a prevailing wage; because, here's what happens. If XYZ Contractor has an agreement with the local unions in that given area, and a prevailing wage contract is able to be negotiated in that given area, ten percent less, it does not negate that contract that is entered into by the local contractor who already has got an agreement with the employees representative of that area. So, what you're going to do, and those of you Republicans in your area who want to protect your businessmen, if you really want to understand what you're doing here, is you're saying that the contractor in your area cannot have a job of a public works nature in your area. Only those that do not have the contract with your local unions can have a chance at that job at ten percent less wages, because this law will not, as proposed, negate the collective bargaining agreement entered into by the local contractor. So, in essence, what you're doing is putting your local contractor out of business in a competitive...un...an unfair competitive advantage to somebody not from your area on a local prevailing wage job. That's what it does, in essence. And I...I...I'm asking you, not necessarily because you're pro-union or anti-union, but consider what you're doing to your local employer, when he will not be able to compete. He will not be able to compete with a contractor who is not from the area who, under this Bill, would be allowed to compete at ten percent less wages. It's a bad Bill. It's a bad Bill, not only for the working man, it's a bad Bill

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for the employers who have legitimate labor contracts in any given area calling for the full scale. They cannot, under this Bill, ever compete at ten percent less in their area because they have agreed to at a full wage for those employees. So, I hope you understand that what you're voting on is not necessarily only a union versus an anti-union position, but really against a local contractor from being able to compete for those jobs in his area. I ask for a 'no' vote."

Speaker Daniels: "Gentleman from Peoria, Representative Tuerk."

Tuerk: "Mr. Speaker, Members of the House, having heard the previous speaker, I'd like to clarify a few things, because what he was telling you was a very emotional type speech; but, he wasn't really giving you the facts. What this Bill really says that it's an option that it would be...the wages paid would be 90 percent of the prevailing wage in that area. It only applies to public jobs. He led you to believe that it applied everything, which it doesn't. It's a...It's a step in the right direction. It's a tremendous problem throughout the state. I think it's a step in the right direction to get some things solved. It's a reasonable approach. It's going to create more jobs, and I hear the people on the other side of the aisle, particularly the previous speaker that is continually talking about jobs, he is doing nothing more than diminishing the jobs in the state, rather than adding to it. I think the proposal here, brought by Representative Deuster, is going to help the employment of the state. It's going to help the economy. I think it's a good approach. It...I would urge your support for it."

Speaker Daniels: "Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker. Will the Representative yield for a question?"

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Speaker Daniels: "Indicates he will."

Bullock: "Representative Deuster..."

Speaker Daniels: "It's Deuster, Representative Deuster."

Bullock: "Representative Deuster, Dostra, Don. You can call him Don. I'll call him Deuster. Don, what...what do you hope to accomplish with this Bill in terms of employment or unemployment picture in our state?"

Deuster: "What I hope to accomplish by this Bill is to put some people ba...back to work and to create some jobs, make jobs possible. Construction workers haven't been working for three years because there's just not the money to create...to have the projects go forward. For example, an average plumber is earning 21 dollars an hour. There are many little projects around, building a firehouse or something else, where the total cost is too high. Now, under this Bill, if your local unit of government decided to exercise the full authority here, they would be able to reduce that 21 dollars an hour down to 18.90. Now you tell me that 18.90 an hour is a hardship for anybody who's unemployed? I've had people come to me in my campaign who want to work for two dollars an hour passing out pamphlets because they're unemployed."

Bullock: "I'm leading up to that."

Deuster: "What this will do, it will create jobs, it will facilitate jobs and, particularly in the City of Chicago, the area that you represent, it will help us solve this Chicago school crisis. There are responsible people who want to save millions in the City of Chicago by getting rid of the rigidity of this law. I'm not getting rid of it. I'm just putting a little bit of flexibility, Representative Bullock or Larry, by allowing it to go down ten percent. And it has...it's optional with local government. If some unemployed union man comes to a local

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government and says I'd rather be unemployed than working for less money then..."

Bullock: "Representative Deuster, I didn't..."

Deuster: "Let him do that."

Bullock: "I didn't intend for you to filibuster this Bill to death. I'm going to yield to you, 'Zig'. All I wanted to say, Representative Deuster, after you briefly explained to me what you hoped to accomplish with this Bill is that, would you apply the same standard to the lawyers fees? Would you apply the same standard to the profit margin of big business? Would you want the same cheap labor when you go into the court room and you are grieved? Would you want the same cheap labor standards for a physician that has to perform surgery on you in the emergency room? I don't think you want cheap labor in those markets, and why should we expect cheap labor to prevail in any other markets, when you are constructing a high-rise building? Representative Deuster..."

Deuster: "In answer to your question..."

Bullock: "I think that what you are attempting to do here is, and to a great extent, is to cheapen...to cheapen the working man's service. You're trying to place a lower priority on a carpenter, or a bricklayer, or a pipefitter, or the people who are maimed and some of whom were killed in Indiana on those projects who were giving their blood, their sweat, their tears to this project. And I just resent the fact that we continue to have bloodsuckers come to this Legislature, again and again, telling us that the working man and the working woman have no value. Why don't we do it for the lawyers? Why don't we do it for the doctors? Representative Deuster..."

Deuster: "In answer to your question, Representative Bullock, in answer to your question, all this Bill does will allow the

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City of Chicago to make that decision. Now, if you believe in the City of Chicago, if you believe your aldermen have got some brains..."

Bullock: "No, I don't."

Deuster: "If you believe your Mayor is a responsible person, if you believe in Chicago, the City that you represent, you ought to believe in the intelligence of Chicago to apply this law. Now you're talking about me suggesting that people work for less. The Chicago Sun Times, I'm holding it right here, says the teamsters here, the teamsters - I'm not a teamster - the teamsters are voting for wage concessions, because they want to hang on to their jobs. They don't want to be unemployed. You'd make them unemployed. We're trying to create some jobs, make it possible. I say...I say to you, Representative Bullock, if a man wants to work or a woman wants to work, and they want to work at a wage, let's create those jobs and let them work."

Bullock: "Representative Deuster, the best way to create jobs in this country..."

Speaker Daniels: "Gentlemen. Gentlemen. House please come to order. Representative Bullock, nice, soft tones, please."

Bullock: "Thank you, Mr. Speaker. He...I really didn't answer my question. And since I didn't answer my question, I guess I can make a statement. Now, Representative Deuster just gave us a great idea. He suggested that if I'm interested in creating jobs that I ought to take some action. And I think that the voters in Illinois took action in March, and they're going to take action in November. And the best way to create jobs in Illinois is to make Republicans, who sponsor Bills like this, unemployed and give the jobs to the Democrats."

Speaker Daniels: "Further discussion? Representative Margaret

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Smith, from Cook."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I've been waiting for a long time to see this Bill come on the floor, because in Committee we couldn't do anything about it. The Democrats couldn't do a thing about it, because we were outnumbered. But, I'm very insensitive to my friend on the other side of the House who is sponsoring this Bill, that he would have the audacity, if I might use that word, to bring such a Bill before this House and think that we would be cooperative with him in wanting to repeal the minimum wage. With our living conditions as they are, with our government cutting back on all of our workers, so much so that we don't even have a middle class now; we're going to either have two breeches of society. We're going to have either the rich or the poor. And I've experienced this in my travels; that this is what you're getting in abroad in many countries. And what I see here that's happening here in the State of Illinois is to follow the pattern of our foreign governments. We don't want a middle class here in the State of Illinois. You're going to either be rich or either you're going to be poor. And here, our dear colleague, has the audacity to have sponsored such a Bill to repeal the minimum wage when it's not that much now, and all of our monies, everything that you eat, everything that you buy, everything that you wear is going up. And yet, they want to take us and make us lose our dignity and say that we can work for 50 cents an hour if they so desire to give that to us. Too many people have died and gone to jail or are sleeping in their graves today to fight for the right of dignity, to demand that they could, at least, make minimum wage. And here, our dear friend wants to tell us to repeal the minimum wage and go back and say 50 cents, a dollar, a dollar twenty-five



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cents. We've come too long, too far, baby, and we will not go back. We're now living in a progressive age, but our dear friends want to take us back and let us retrogress. And so I say to all of my colleagues here on this side of the House, let us let them all know we've come a long ways, and we're not going to turn back. I say, let us vote unanimously against House Bill 281."

Speaker Daniels: "Representative Giglio, Gentleman from Cook."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Gentleman on the other side of the aisle alluded to the plumbers' wage. Well, I think I have to enlighten him a little bit. I think I'm the only plumber in the House of Representatives in Springfield, and we don't make 20 dollars an hour, Representative Deuster. We only make about 16.20. And as far as the wages of the plumbers is concerned, the plumbers in California make about 26 dollars an hour, and plumbers in New York make 22 and those in Pennsylvania make 20. So, if anything, the plumbers in Illinois are way behind the times. We deserve a raise."

Speaker Daniels: "Gentleman from Cook, Representative Piel."

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

Speaker Daniels: "Gentleman's moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Gentleman from Lake, Representative Deuster, to close."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, my good friend, Representative Smith, on the other side of the aisle spoke about dignity. And, I think it's more dignified for someone to be working and to be employed than to be on public aid. The construction industry happens to be in a depression. And it's been in serious shape for

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several years, now. Perhaps 35 percent of the people in that industry are unemployed. Now, it might be some union bosses who come down here and lobby against a Bill like this, but you talk to the rank and file, people that don't have jobs; and, if they're on unemployment or they're on public aid, Representative, they would like to have a job. And whether we're talking about an average wage for a plumber that is 16 dollars an hour with benefits making it 20, I think they can live on that, and I think the average unemployed person would be very happy to have 16 dollars an hour, compared to what you get. I think you can live at that wage. And so, I am concerned that anyone would misinterpret my intentions. It troubles me that people are unemployed in Illinois, and I think that we don't want to sit on our hands and do nothing, and say, 'This is the wage you've got to pay. And if local government can't afford it, go on public aid. Apply for unemployment or go to Texas where they're...or some other state where they're doing something about the problem.' We're endeavoring, in this Bill, to do something about the problem, and I think the beauty of the Bill is that it's optional and permissive. In the City of Chicago, where you have financial problems, as other cities around the nation and around the state have problems, if your city doesn't want to take this action under the authority of this Bill, they don't have to. But, in some places, if they want to build a fire station, or they want to build a mun...a pumping station, or they want to do something for local government and they don't have the funds or the budget, let them, at least, exercise the authority of this Bill, which provides simply, in concluding, that 'any public body may adopt and approve a wate of rages...a rate of wages not lower than ten percent less than the ascertained prevailing

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wage rate for a particular public works project". And that's just for one project. They can't do it carte blanc for everything. They just say, "For this particular project, we'll set the wage rate at 95 percent", or whatever it is, "of the prevailing wage". I think it's a reasonable Bill. And it is a Bill that the people are crying out for. And, if you talk to the people who are unemployed, they want jobs. They want jobs. We have taken a lot of action. In fact, I...we have voted for a lot of Bills to try and stimulate the economy of Illinois and to do something to keep the jobs from leaving this state and to provide those jobs. This is a job-creation Bill, and I think you'll find the rank and file union members, in your district, the people who are unemployed, are going to appreciate your 'yes' vote for this good Bill. Thank you."

Speaker Daniels: "Gentleman's moved for the passage of House Bill 281. The question is, 'Shall House Bill 281 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Gentleman from Cook, Representative Henry, to explain his vote. The timer's on, Sir."

Henry: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I had a question I wanted to ask the Representative, but since you did not allow me to do so, I'd like to point out that he alluded to cheap labor in his campaign for two dollars an hour. Well, maybe that's the reason that he's not returning to the House of Representatives."

Speaker Daniels: "Gentleman from Bureau, Representative Mautino, to explain his vote. The timer's on, Sir."

Mautino: "Thank you, Mr. Speaker. I'm voting 'no' on this provision because I think there's a lot of unnecessary rhetoric concerning the original concept. The original

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concept protected the contractors of the State of Illinois, so that all contractors who bid on a job from outside the State of Illinois would have to bid under the same conditions and the same costs as what an Illinois contractor would have to bid on. The protection in this Bill is the fact that an outside contractor would have to pay and bid his job at the same prevailing wage as an Illinois contractor. And, there is a misconception. This legislation is not supported, for example, by the roofers of the State of Illinois, who do a lot of construction projects on state facilities. This is not supported, or opposed totally, by just the laboring class. The business entities who are involved in the construction programs in Illinois are not in favor of this either. So, I don't think there should be any misconception. It's a bad Bill, and it should be, resoundly, defeated."

Speaker Ryan: "Gentleman from Cook, Representative Jack Dunn, to explain his vote. The timer's on, Sir."

Dunn, Jack: "Mr. Speaker and Ladies and Gentlemen of the House, I think we're taking kind of another incongruous position on this Bill. Yesterday, we voted on legislation guaranteeing the teachers of Illinois more money. We had to recognize collective bargaining. This might be a little bit different, but today we come along with a Bill that's calculated to cut wages. Is it a matter of education? Are construction workers' less educated, thus they're not worth that much more? I would submit to you, the people who design this kind of liter...this kind of legi...legislation never spent a day on the job in their life. They never climbed up on top of a 50 story building or rode the elevator up, in zero weather, might have got rained out or snowed out and went back home with two hours pay in their pocket. They never spent a day on the job, and I would

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submit to you this is a horrible Bill. It is a typical union-busting Bill, and I urge your 'no' vote."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 30 'aye', 132 'no' and 3 voting 'present'. This Bill, having rec...failed to receive a Constitutional Majority, is hereby declared lost. House Bill 519, Representative Hoxsey. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 519, a Bill for an Act to amend the Workers' Compensation Act and Worker's Occupational Diseases Act. Third Reading of the Bill."

Speaker Daniels: "Representative Hoxsey."

Hoxsey: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I have held this Bill, waiting for an answer. I requested an answer from the insurance industry from the State of Illinois as to how much the rates would be reduced, if this Bill passed. I still don't have that answer. So, at this time, I would table this Bill."

Speaker Daniels: "Lady asks leave to table House Bill 519. Any objections? Hearing no objections, House Bill 519 is tabled. House Bill 554, out of the record. House Bill 555, Representative Tuerk. Out of the record. House Bill 556, Representative Tuerk. Out of the record. House Bill 615, Representative Swanstrom. Representative Swanstrom. Out of the record. House Bill 618, Representative Topinka. Out of the record? Out of the record. House Bill 658, Representative Collins. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 658, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Daniels: "Representative Collins."

Collins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 658 is a simple Bill that extends to the

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Chicago Policemen the same post-retirement increment that is enjoyed by other retirement systems throughout the state, the three percent post-retirement increment, and allows the policemen to start to draw out that annual increase at the age of 56 years old. It came out of the Committee by a vote of ten to one, and I would ask for your favorable consideration."

Speaker Daniels: "Any discussion? Hearing none, the Gentleman moves for the passage of House Bill 658. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this Bill there are 80 'aye', 54 'nay', 6 voting 'present'. Gentleman requests a Poll of the Absentees. Proceed with a Poll of the Absentees."

Clerk Leone: "Bianco. Bluthardt. Bradley."

Speaker Daniels: "Bradley, 'aye'."

Clerk Leone: "Domico. John Dunn. Ewell. Garmisa. Henry. Huff. Jaffe."

Speaker Daniels: "Jaffe, 'aye'."

Clerk Leone: "Johnson. Jones. Karpiel. Katz. Kornowicz. Kosinski."

Speaker Daniels: "Kosinski, 'aye'. Ackerman, 'aye'. Change it from 'no' to 'aye', Representative Ackerman? Representative Ropp, from 'no' to 'aye'. Representative Deuster, from 'no' to 'aye'. Representative Virginia Frederick, from 'no' to 'aye'. Representative Henry, 'aye'. Okay, we're going to dump this Roll Call. Everybody get on the Roll Call right now, okay? Dump the Roll Call. Question is, 'Shall House Bill 658 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Here's your chance. Everybody get on. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 107 'aye', 40 'nay', 5 voting 'present'. This Bill, having received a...Representative Ewing, 'aye'. Representative Alstat, 'aye'. Representative Ewing, 'no'. Okay. All right, boys, we'll get you in. Ewing, 'no'. Alstat, 'aye'. Clarence Darrow, 'aye'. Huskey, 'aye'. Winchester wishes to change from 'aye' to 'no'. Karpiel, 'no'. Representative Margaret Smith, from 'no' to 'aye'. Representative Breslin. Breslin, 'no'. Yourell, 'aye'. Anyone else? Take the record. This Bill, having received a Constitutional Majority, 110 'aye', 43 'no', is hereby declared passed. House Bill 665, Representative Catania. Read the Bill, Mr. Clerk. 665."

Clerk Leone: "House Bill 665, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Daniels: "Representative Catania."

Catania: "Has the Amendment been distributed?"

Speaker Daniels: "The Bill's on Third Reading. Are you re..."

Catania: "I have an Amendment and, when it's been distributed, I'd like to take it back to Second. I doubt that it's out yet, though."

Speaker Daniels: "It is not."

Catania: "Okay. Out of the record, please."

Speaker Daniels: "Out of the record. House Bill 703, 'Senator' Watson. Frank Watson. Out of the record. House Bill 710, Representative Klemm. Out of the record. House Bill 711, Representative Cullerton. Read the Bill, Mr. Clerk. No...what, Representative Cullerton, what purpose do you rise, Sir?"

Cullerton: "Thank you, Mr. Speaker. I wish to table House Bill 711, please."

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Speaker Daniels: "Gentleman wishes to table 711. Any questions or any objection? Hearing none, House Bill 711 is tabled. House Bill 714, Representative Klemm. Out of the record. House Bill 730, Representative Pierce. Out of the record. House Bill 745, Representative Stearney. Out of the record. House Bill 798, Representative Hannig. Out of the record. House Bill 807, Representative Tuerk. Out of the record. House Bill 842, Representative Rigney. Out of the record. House Bill 845, Representative Grossi. Out of the record. 859, Representative Karpiel. Out of the record. 869, Representative Reilly. Out of the record. 891, out of the record. 921, Representative Miller. Read the Bill, Mr. Clerk. Oh, excuse me. Representative Rei...Miller, what purpose do you rise, Sir?"

Miller: "As the Chief Sponsor, I'd like to request this Bill be put on the Interim Study Calendar in Revenue Committee, please."

Speaker Daniels: "The House Bill will be moved back to Interim Study, Revenue Committee. Any objections? Hearing none, the Bill will be placed on Interim Study. House Bill 943, Representative Tuerk. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 943, a Bill for an Act to amend the Workers' Compensation Act. Third Reading of the Bill."

Speaker Daniels: "Representative Tuerk."

Tuerk: "Mr. Speaker and Members of the House, one of the most illogical and unfair provisions of the present statute on Worker's Comp. is the problem of pre-existing conditions and disability. Many of us in society have pre-existing disabilities ranging from childhood polio to phlebitis to diabetes and coronary heart disease. The disabilities from such diseases are not the result of any injury at work, but such pre-existing problems may well complicate recovery from an injury as well as confuse the problem of disability



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resulting from the injury, compared to the pre-existing disability. An employer who hires a person, for example, with a withered or impaired leg from childhood polio, and that employee suffers even a minor injury while at work, the employer must pay as if that leg were perfect just before the injury. The injury could be a minor scratch or a simple fracture, which heals, leaving the leg the same as it was before. But since the prior loss of use was not compensated under the Illinois Workers' Compensation Act, there can be no deduction for the prior disability in arriving at the current disability for which the employer must pay. Another example is an individual who has impaired lung function from a lifetime of smoking or a coronary artery disease. No one knows the real cause. And this prior condition becomes aggravated by some incident at work. Since the prior disability was not totaled and has not been compensated under Workers' Compensation, the Industrial Commission cannot consider it in arriving at a disability award. Or, let's assume a person with a prior crippling leg injury, but not an amputation. Say that injury came from an automobile accident, and say that was injured, that leg, again in his employment. Under the 1975 Amendments that were made to workers' compensation, the employer must pay for the prior crippling injury as well as the current one, even though the employee may have already received 150 thousand or 200 thousand verdict or settlement for the automobile accident. As a result, employers are paying for many disabilities which has...which have no relation to the work whatsoever. I feel that this is grossly unfair and illogical, as well as a huge cost burden. Under House Bill 943, which has been on the Calendar for well over a year, the employer's responsibility for medical treatment and temporary total,

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during the period of recovery, remains the same. What this Bill does is say that the employer pays only for the disability caused by the injury in the employment. One recognizes that there may be a few cases where such allocation is difficult to determine, and this allocation must be left to the Industrial Commission. However, the difficulty in making this kind of decision, in a few cases, should not be permitted to frustrate the basic logical concept that the employer should pay for only that occurs in the accident in his employment and not, and I repeat, and not for all pre-existing disabilities. This Amendment provides that where the combined disabilities render to the individual a permanent, total disability case or, if there is a death resulting from the combined problems, the immediate employer will pay for whatever was caused by the current accident. And a second injury fund will pay whatever remains of a permanent, total disability or death award. As I have said before, I think it's a truly logical approach to the problem. It will solve a lot of the pre-existing injury problems that do exist. It will clarify the law. It will be determined, upon a physical examination, the extent to which an employee has a pre-existing injury. I think it means eminently good sense. I think it's...deserves an 'aye' vote, and I would ask for your support."

Speaker Daniels: "Any discussion? Gentlemen from McHenry, Representative Hanahan."

Hanahan: "Mr. Speaker, Members of the House, there's one underlying question that is on every Member of the House's mind. And I'm going to ask the Gentleman the one question that we're all faced with. And that is the question that, if this Bill, House Bill 943 passes, what reduction will take place in the premiums charged the employers of the

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State of Illinois? Could you answer that question, Mr..."

Tuerk: "The reduction will be significant. I can't give you a precise answer to the question, because I really don't know. But it will reduce the premiums. There's no question in my mind. Probably anywhere from five to ten percent."

Hanahan: "Well, Ladies and Gentlemen of the House, how often have you been asked to be not so precise when you vote 'yes' or 'no' on such an issue? Is the Gentleman asking you, right now, to just be not so precise when he's asking you to put your career on the line on saying whether or not the premiums of the unemployment compensation charges by the insurance companies of this state might, the word is might, be reduced? The fair answer to my question would be he don't know. And that's the answer you should give him when it comes down to the question of voting 'yes' or 'no' on this Bill. He don't know and I don't know. But I'll tell you this, Ladies and Gentlemen, I've been here long enough to tell you that you shouldn't vote for a pig in a poke. Too often you're brought down the road. Too often you're brought down the road of ruin, politically, because somebody lead you to believe something that wasn't quite true. Now, each and every one of you know the fact; that the unemployment compensation charges levied against the employers of this state are too high. Here's a Gentleman bringing to you a Bill that he don't know whether or not it will reduce the premiums. There hasn't been anyone coming to any one of you, and saying that...that the employee should not receive a decent workmen's compensation benefit. Nobody has come to any of you and said that somebody who lost their arm, or their eye, or their leg, or their life has been overpaid. Nobody has said that. But there has been somebody saying to you and to me that our unemployment

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compensation premiums are too high. Well, Ladies and Gentlemen, the issue is whether or not this Bill will reduce those premiums. And I say to you, listen to the Gentleman's own words. He don't know. He don't know whether or not it will reduce the premiums. And that's the answer you should give him, I don't know. So therefore, I'll vote 'no' until somebody can come forward and show me that there's a fair reduction in premium charges and...along with a proposal to be voted on by this General Assembly. You should not be voting for a pig in a poke. The issue is whether or not premiums will be reduced, and the answer is he don't know."

Speaker Daniels: "The Gentleman from Adams, Representative McPike."

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

Speaker Daniels: "Indicates he will."

McPike: "I have two questions...Clarence, could you sit down a minute? Thanks. Fred, I have two questions. The first is on page 12. If you recall two years ago, we set up a standard for hearing loss. So, if you look on page 12, let's take the first example. In order to file for a hearing loss, you have to be exposed to 90 decibels for an eight hour day for a sufficient period of time to cause permanent hearing loss. Now, that period of time would differ from one individual to another. But, let's say, for the sake of discussion, that for the...one individual there would be 100 days, at eight hours a day, 90 decibels; he would get permanent loss. At the end of 50 days, then, that individual would have a pre-existing condition, wouldn't he? And would he not, then, not be compensated because when he filed at the end of 100 days, he was already, theoretically, 50% gone? Is that true or not?"

Tuerk: "Well, it was difficult for me to hear you in the first

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place, but I..."

McPike: "Well, I can talk a little louder."

Tuerk: "Well, that won't be necessary. If we could just quiet down the Body, that would be better. Because, I don't want you to talk much louder."

McPike: "Good. Good."

Tuerk: "Actually, I heard enough that I can respond to that."

McPike: "Good."

Tuerk: "I think you're attempting to frustrate the Amendment, in and of itself, because I am talking about a pre-existing injury that...that existed at the time of this person's employment I mentioned in debate that that would be determined by a physical examination, and that is the way the rules of the game would be played."

McPike: "Well, excuse me then. I don't see that anywhere in the Bill. Could you show me where it says, 'At the time of hiring'? Could you show me that? Would you show me where it says in the Bill, 'At the time of hiring, a...a physical is required'? I don't see that in your Bill."

Tuerk: "Mr. McPike, if the employer, who is hiring a handicapped person or someone with any kind of an injury, has the discretion of a physical exam; and if he doesn't determine that there was an injury present, then he is going to be liable."

McPike: "Okay, let me ask you a second question, and then I will address the Bill. On page 20 at the very bottom of the page, you say that if an individual has a previous condition and, subsequent to that, is involved in an injury which results in death, then the...the amount of compensation to the survivors of the employee shall be reduced proportionately by the amount by which the previous permanent impairment contributed to death. Now, let me give you an example. Let's say you're an electrical

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worker. You work in DuPage County; and you're involved in a plant explosion; and you lose total hearing. You're deaf. Five years later, you're on a construction site; and a wall is about to fall on you; and your fellow employees holler, 'Get out of the way'. A wall is about to fall on you, but you don't hear it. You're deaf. The wall falls on you, and you're crushed. Now, according to this, your pre-existing condition contributed totally to the death, and therefore, the survivors of this poor individual who has just been crushed would get no compensation. Is that true?"

Tuerk: "Well, you're being very hypothetical in your question, because..."

McPike: "Yes, I am. That is what we're talking about."

Tuerk: "Well, now listen if you want me to answer your question."

McPike: "Yes, I do."

Tuerk: "You asked the question. I'll answer it. In the first place, it is hypothetical, because the employer, if he's got any sense at all, wouldn't hire the guy or the person because he is hard of hearing or doesn't have any hearing."

McPike: "Right, right, thank you very much. Now, if I can address the Bill, Mr. Speaker."

Tuerk: "Well, I haven't finished my answer, but..."

McPike: "Well, that's...that's good enough. That's fine."

Tuerk: "Is that good enough? Fine."

McPike: "Mr. Speaker, could I address the Bill?"

Speaker Daniels: "Proceed."

McPike: "I find it interesting to say that an electrical worker, who has been in a plant explosion and lost his hearing in DuPage County, would no longer be hired. I think the...the Sponsor of this Bill really shows his true feelings when he says that about a worker who has been injured on the job. And he says, 'Oh, the employer, if he has any sense,

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wouldn't even hire this poor guy". Let me really address the Bill and tell you what we're really trying to get at. We're not talking about handicapped individuals. And that's really a smokescreen, and everybody knows it. In St. Louis, the largest employer is MacDonal - Douglas. And they seek out the handicapped. They hire the blind, the crippled, the deaf. And they do it for a very good, economic business reason. Because these people have better attendance records. They have a lower accident rate, and they are more productive. And McDonald - Douglas makes a profit year, after year, after year on handicapped workers. So let's get rid of the smokescreen and see what we're really trying to get at. What the employer community would like to do to human beings is to depreciate a human being the same way that they depreciate machinery. What they would like to say to a hod carrier who has carried hod up and down a ladder for 40 years is that slowly, over those 40 years, your back is going to deteriorate. Your legs are going to deteriorate. Your knees are going to deteriorate. My God, a human being wasn't made to carry hod up and down a ladder for 40 years. In effect, you're no longer a whole man. What you have is a pre-existing condition so that when you get injured, after giving 40 years of service to the...to the construction industry, when you're injured, they are going to put a doctor on the stand and go through the whole thing about this individual carried hod for 40 years. Did he or did he not have a pre-existing condition? And the doctor is going to say, "Under those circumstances, his back was 50% gone. Or his leg or his knee was 50% gone." And so, if you suffer an injury, they are going to say suddenly you're not a whole man. What they would like us to believe is that the day before your injury, you were a whole person. You were paid 100% of your salary because

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you did 100% of your job. And if you didn't do 100% of your job, you were fired. But the second after your injury, you're no longer 100%. Suddenly, miraculously, over night, in a matter of a second, you've gone from a whole person deserving of a whole salary, to something less than a whole person who really does not deserve to be compensated because he will be injured and permanently disabled the rest of his life. That is what they are trying to get at. They want to say to every individual, 'And what individual among us does not have a pre-existing injury'. And they will find it. They want to say to each and every one of us, 'You are a machine. After so many years of doing work that nature did not make you for, we do not believe that you should be compensated for it. We believe that you are no longer a whole person. You are a half of a man, or a half of a woman or a third of an employee. And you should be compensated as such.' This is nothing more than an attempt to cut every benefit to every electrical worker, even those who wouldn't be hired because they are deaf; for every carpenter, brick layer, machinist, electrician, coal miner and auto worker in this state. It is a terrible, terrible, disgraceful Bill, and it should re...get a resounding 'no'."

Speaker Daniels: "Further discussion? The Gentleman from Morgan, Representative Reilly."

Reilly: "Thank you, Mr. Speaker. I rise in support of this Bill. It is sometimes hard to follow my friend, Representative McPike, and I won't try in the sense of the emotion of the issue. A simple fact is that this Bill does not do a great many of the things that he said. All in the world this Bill says is that if you're injured at...if you have an injury at the time you're hired, that that gets, in effect, deducted from whatever happens to you after that. If I



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hired a hod carrier or any other kind of person covered by this Act, and they were healthy at the time I hired them, and over the years - however slowly the injury occurred, but in fact, over the years they were employed with me - then I would be liable for the injury, assuming it was a compensable injury under the Act. All that is being done here, all that this Bill would do is simply justice, nothing else. Nothing so complicated, nothing so emotional. It is a good Bill. It is a Bill that takes a very modest step, but a very good step, that we all ought to support in terms of redressing a grievance that has justifiably been felt by a lot of people over the last few years. We ought to pass this Bill. We ought to get on with the business of addressing the other serious grievances in this area. But at least this Bill was a good start. I would urge an 'aye' vote on House Bill 943."

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

Stearney: "Would the Gentleman yield? Mr. Tuerk."

Speaker Daniels: "Indicates he will."

Stearney: "Aside from the...the high principles that you wish to implement, I would like to ask you how you would implement this Bill, because it seems to be totally impractical. Let me give you an example. You hire..."

Tuerk: "Is that a question?"

Stearney: "I...I preface my question with that statement. Now, here is the question."

Tuerk: "Well, the implementation would be easy."

Stearney: "No, here is the hypothetical, if you'd listen for a moment. An individual who is 30 years old is hired, and he suffers a leg injury on the job. Let's say he is employed by the Department of Transportation. He slips and falls out there on the highway. Now we go back into his medical

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records, and we find that in high school he had a knee injury. And he was treated for that knee injury, let's say to the 'ternal medial' ligament. However, you know, Mr. Tuerk, and all the Members of this House should know, that when a workmen's comp doctor evaluates an injury, he does it in the percentage of disability to a member. He may say five, or 10 or fifteen percent disability. But an individual who is examined for a knee injury in high school, he is not examined by a workmen's comp doctor. And that doctor has not evaluated that injury to the knee in terms of workmen's comp disability. So the question not becomes when he is age 30, 12 or 14 years later, how can you...how can the medical doctor for the defendant...or the company, attack any value or...to that pre-existing leg injury that occurred in high school? How would you do that?"

Tuerk: "Well, apparently...apparently, we have a number of people in the chamber who could, in effect, file workers' comp claims right now because they have partial loss of hearing."

Stearney: "That is not my question, Mr. Tuerk. You're abating the question."

Tuerk: "No, I'm not. I'm prefacing...."

Stearney: "Would you like me to restate the question?"

Tuerk: "No, no, no. I preface..."

Stearney: "Well, would you answer it?"

Tuerk: "I preface my answer with that statement, because apparently the people that are raising these types of questions weren't hearing anything what was said previously. And that is that the employer who goes about to employ a person, gives that person a physical. If it is determined that this person had a pre-existing injury caused by whatever...you mentioned a football game. I've

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got a bad knee myself caused by high school football."

Stearney: "Well, what you're saying is no one would ever be hired if he had any prior injury to any member of his body."

Tuerk: "No, I am saying that that would be documented and everything would be taken into consideration at the time that this person reinjured that leg, and therefore, file a work comp claim. And that would be judged according to what was established in the documentation at the outset. Now that, in pretty simple terms..."

Stearney: "My question is, how could you establish..."

Tuerk: "In pretty full terms, that answers your question once and for all."

Stearney: "Well, you didn't answer the question, but I'll ask another one relating to page 20. It provides that where you have a pre-existing physical condition, a permanent disability, any physical impairment, or any physical condition, was a contributory factor in the death of a working man, that that pre-existing condition shall be deducted from the value of his life. Let me give you this hypothetical. An iron worker, who has a pre-existing knee condition, falls from the 34th floor of a building in the Chicago Loop and is killed. Now, how do you go about determining that that pre-existing knee injury contributed to his fall which caused his death? How do you do these things?"

Tuerk: "That would be judged according to the Industrial Commission taking into account all the records and information available."

Stearney: "But how would you show that that knee condition caused the fall or was a contributory factor?"

Tuerk: "I'm not on the Industrial Commission. I'm not...I'm not on the Industrial Commission. Therefore, it is...I can't make that determination at this point."

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Stearney: "Well, Mr. Speaker, in addressing the question..."

Speaker Daniels: "Proceed, Sir."

Stearney: "I would say that the Bill is totally outrageous.

There is simply no way to implement the provisions of this Act. All it would do is entail a great deal of more discovery by lawyers, running up the fees to the employer. It would make...be totally impractical. But, let me say this here. If you allow this, you are undermining the essence of the Workmen's Comp Act, because the employers would simply, by matter of discovery, drive the plaintiff's counsel absolutely berserk, make it uneconomical for him to handle such a claim, drive all the...plaintiff's counsel out of business. And then, the industry would have total and ultimate control of the settlements. This...this Bill here would do that. You would undermine the entire Act. And I am going to say this here. There is no way to implement this Act. There is no way for any medical doctor to judge what an injury is worth, 14 years before, as to the amount of disability to a knee, to the ankle, or any other member of the body. There is no way of implementing this. It is totally outrageous, and this Bill should ab...be absolutely defeated."

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

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

Speaker Daniels: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?'. All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Gentleman, Representative Tuerk, to close."

Tuerk: "Well, Mr. Speaker, Members of the House, this Bill is not outrageous. It is not a fraud as was indicated. We're trying to employ people, particularly the handicapped, in

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certain areas. There has been some facts brought out in debate here that would indicate that...I don't know what the insurance premium...how much it would be reduced as a result of this Bill becoming law. I would be candid, and honest and upfront with you to say that I don't know precisely. I do know it would reduce the premiums...have an effect. I don't know how the Gentleman who...who indicated this would have any idea of how many people in the handicapped category would be employed with or without the Bill. It is just not one of those things that is an exact science. There...I do know that employers are not hiring the handicapped because they are fearful of the law, fearful of the law that was passed in 1975 which has been devastating to the state. I know it is time to make some changes. This is one step in the direction of doing it. One of the opponents of this Bill pointed out, and he used an example of St. Louis, Missouri, I don't know. He's confused so often on this very subject that I am sure he got further confused by the fact that people in Missouri aren't covered by Illinois workers' comp statute, and therefore, you should allay your fears on some of the things that he pointed out. It is a true fact that a physical examination would be given to the people who went to work. If there is no physical, there would be no way of documented...documenting the extent of his previous injury. I said, during my opening remarks, that this Bill is sensible. The employer pays only...only for the disability caused by the injury in that employment. Representative Reilly, in addition to myself and others who have spoken in behalf of this Bill, put it very succinctly, clearly, and precisely. And in a reasonable way, this is a step to get some improvements made in the devastating workers' compensation statute today. Therefore, I would ask for

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your favorable vote and support on the issue."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 943. The question is, 'Shall House Bill 943 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'nay'. The voting is open. The Gentleman from Rock Island, Representative Darrow, to explain his vote. The timer's on, Sir."

Darrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, here we go again. Here we go again fighting labor with business. We haven't yet gotten to the point where we can compromise like Chrysler, GMC, IH, American Motors with the UAW. It is time to compromise. The only people that are benefitting from this are the lobbyist who can stay down here on big expense accounts from both sides. They are putting us to the test again. Let's go to the agreed Bill. I call upon Governor Thompson to go back to the agreed Bill table, bring in the Republicans - Democratic Legislators, labor and business, and hammer out the agreement. We're going to be pulled through this again this year. We might as well go to the agreed Bill, because this Bill would ever make it through the Senate. You know that. I know that. We're just going through another exercise in futility. Thank you."

Speaker Daniels: "The Gentleman from Macon, Representative Tate, to explain his vote. The timer's on, Sir."

Tate: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this Bill today. And it is the Caterpillar Tractor Companies, the ADM's, the Staleys of Decatur, Illinois. We're not moving down to the south or the sunbelt. They were moving right next door to the Indianas, the Iowas and Wisconsin. And it was...one result was the workmen's compensation system. This Bill would reduce the premiums. Right here in front of me I have a letter from

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Class of America, which is an auto manufact...automobile manufacturer that looked at Danville, Illinois. And here, the vice president of the manufacturer. Let me read...share with you some of these statistics. 'We, the Class of America, are most deeply appreciative of the support and advice that we have received from Danville in the question of deciding the permanent location of Class in America. In the course of our investigation, we looked at a total of 63 sites. This was further narrowed down to a controllable number of cities.' The bottom line was, 'Some of the factors we reviewed in the comparison of Indiana and Illinois were workmen's compensation. Workmen's compensation costs, for 500 employees, to locate in Danville, Illinois was \$275,000 more for...for Danville, Illinois.' And they moved right next door, 60 miles across the border and located 1500 employees when Danville has one of the leading unemployment rates in...in the State of Illinois. Gentlemen, I know you appoint yourselves to lead the labor parade every year, but your parade gets smaller and smaller. Look for those jobs. If you want to do something for jobs, this is a vote for pro..."

Speaker Daniels: "The Gentleman from Cook, Representative Greiman, to explain his vote. Timer's on."

Greiman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Tuerk, I can see you from where I am. I am wearing my glasses. Now I am going to take my glasses off, and I don't see you so well anymore. I guess I have an impairment..."

Speaker Daniels: "Representative Greiman, he's up here, up front."

Greiman: "Oh, is he? There he is, yeah. I guess I have an impairment. And as a matter of fact, under the curious way that this Bill is drawn, every person who wears glasses,

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not hob carriers for 40 years, just people who wear glasses, if they lost an eye, they would get less...less than the schedule shows for the loss of that eye just because they wear glasses. Because their sight, under this Bill as it is drawn, would be impaired. Now, that is nonsense. Nonsense. Nobody in this room wants to make people who wear glasses second-class citizens. Nobody says that my eyes aren't worth a full eye just because I can't see so well without my glasses. But that is what this Bill would do quite clearly. Now, that is the comic side of this Bill - comic as long as you don't lose an eye, comic as long as you don't think an eye that can be corrected isn't worth what another eye is worth. That is what this Bill is about. That is why I am going to vote 'no' on this Bill."

Speaker Daniels: "The Gentleman from Will, Representative Van Duyne, to explain his vote. The timer is on, Sir."

Van Duyne: "Thank you very much, Mr. Speaker. I find one thing very interesting. No one has mentioned insurance premiums in terms of the rip off that the insurance companies are doing. Now, one of our illustrious columnists did the other day, in fact, he did an editorial in the Sun Times about three or four days ago which said, in effect, that the insurance companies admit to...and they admit this that they are ripping the people off...the premium payers off to the tune of 1.2 million dollars per month, per month, not per year. And they even estimated to maybe it go as high as 20 million dollars per month. Now, if Representative Tuerk really wanted to get to the crux of what has been bothering the workmen's compensation law that as passed in 1975, I think he should be addressing the insurance premiums and the rip off that they attest to in this article."



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Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 74 'aye', 89 'nay', none voting 'present'. Representative Brummer."

Brummer: "Please record me 'no'."

Speaker Daniels: "Record Representative Brummer a late 'no'. 74 'aye', 90 'no', none voting 'present'. This Bill, having failed to receive...somebody is waving back there with his glasses. Representative McCormick. Representative McCormick, 'aye'. 75 'aye', 89...90 'no'. Representative Tuerk."

Tuerk: "Poll the absentees, would you please?"

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

Clerk O'Brien: "Poll of the Absentees. Bartulis, Ralph Dunn, Flinn, Johnson, Macdonald, Martire, Polk, Robbins, C. M. Stiehl, Vitek, Wikoff and J. J. Wolf."

Speaker Daniels: "75 'aye', 90 'no', none voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 944, Representative Tuerk. Out of the record. House Bill 964, Representative Hoffman. Read the Bill, Mr. Clerk. Oops, Representative Hoffman, out of the record? Alright, Representative Hoffman."

Hoffman: "It's a...it's a...it's a pleasure to have a Speaker who will recognize you when he gets the right answer from you when you request the microphone."

Speaker Daniels: "Well, just say what I want you to say, and you'll be okay."

Hoffman: "Thank you, Sir. Thank you, Sir. Mr. Speaker, as the Chief Sponsor of House Bill 964, I would request that that Bill be tabled."

Speaker Daniels: "You did fine. The Gentleman requests leave to

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table House Bill 964. Does he have leave? Hearing no objections, House Bill 964 is tabled. House Bill 1003, Representative Birkinbine. Out of the record? Out of the record. House Bill 1023, Representative Tuerk. 1023, Sir? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1023..."

Speaker Daniels: "Representative Tuerk."

Tuerk: "I would like to table that Bill."

Speaker Daniels: "The Gentleman asks leave to table House Bill 1023. Does he have leave? Hearing no objections, leave is granted. House Bill 1060, Representative Levin. Out of the record. What purpose does Representative Cullerton arise?"

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, I would ask that we go to the Order of Consideration Postponed to consider House Bill 608 which is...you were my Cosponsor on."

Speaker Daniels: "The Gentlemen asks leave to have House Bill 608 heard. Are there any objections? Any objections? Representative Ewing? Representative Ewing objects."

Cullerton: "Mr. Speaker, I would then move that we consider House Bill 608 that is on Postponed Consideration."

Speaker Daniels: "Representative Cullerton has moved that we go to the Order of House Bill 608 and to suspend the appropriate rules. It takes 107 votes. On that Motion, Representative Ewing."

Ewing: "Mr. Speaker, I object, because I think we need to go through these Bills on Third Reading before we go to Postponed Consideration. And I would like to know the intent of the Chair."

Speaker Daniels: "The Gentleman has had...made a Motion. We have heard these Motions throughout the various days, and he just made the Motion. He is entitled to do it. It takes

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107 votes. The Gentleman moves that we go to that Order of business. It takes 107 votes. All those in favor will signify by voting 'aye', opposed by voting 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Take the record. There are 120 'aye', none...25 'nay', none 'present'; and the Motion prevails. House Bill 608, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 608 enacts the Illinois Child Passenger Restraint Act, which provides for the use of a child restrain system, which is basically a car seat, when a child is transported by a parent in an automobile which is owned by that parent. Failure to use the child restraints is a petty offense. It would be punishable by a \$25 fine. Now, there is two issues in considering this particular Bill. Number one, what is the need for the Bill? Number two, is this a matter of too much government interference? Now, with respect to the need for the Bill, the best thing to do is to describe some misconceptions people have about child passenger restraint and settle those myths, if you will, in your own mind. And then you will know that the Bill is clearly needed. Many people think if they hold a baby in their arms while they are in the car, if they stop suddenly, they can hold on to that baby. But that is not true. If the car crashes at 30 miles per hour, and you're not wearing a seat belt, your body would crash forward at a force roughly times...roughly 30 times your weight, and you would crush the child. Many people think that babies are small and flexible, and they are less likely to be injured. And the fact is that they are more vulnerable to head injuries than...than adults are. Many people say, 'Well, I put my child in the back seat of a car and that they are safe back there'. It is a

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little bit safer, but there is nothing to stop them from flying into the front seat and out through the window. Many people say that their child will not be...will not stand for being restrained. But the fact of the matter is that many children behave better when they are in a car seat. And if you start them from the day that you bring them home from the hospital, they are used to it, and they do not reject it. Many people say that poor people cannot afford car seats. The fact of the matter is that there are loaner programs and rental programs conducted throughout the State of Illinois so that poor people can obtain the car seats. People say that they drive on residential streets at a low speed. There is no way that they can have an accident. The fact of the matter is that there are many times children are injured in non-crash events, when a driver simply stops the car suddenly. People know, I think, that there was a tendency statute passed in 1978 which is similar, which resulted in the...greater than 300% reduction...increase in car seat usage. And it has reduced the fatality and injury rates in that state by 50% in '78 and 71% in 1979. In Illinois during the 1976 - 1981 period, 140 children, under four, died. And another 25,828 were injured in automobile accidents. So, I think that it is clear, and I think everyone here realizes that there is a need for children to be in car restraints. The question is, 'Should we, as a government, should we require it?'. Now, I want you to know that this Bill was first sponsored by a lady who is not here now, Giddy Dyer. And when that Bill first came up, I had a chance to consider it for only the minute and a half that she took to explain it. And I was, quite frankly, against the Bill at that time and didn't vote for it. And since then, I have educated myself, and I realize that when you consider some analogies

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requiring that children have a car restraint system in their car, it is not that outrageous at all. The Federal Government requires that car seats...that safety belts be in cars for adults to use. And that is similar to what we are asking here. Car seats, safety belts...that is, safety belts do not work for children, so this is the equivalent of the child's car seat. The other thing that I think is very significant - it just struck me the other day - we require, in Illinois, children between the ages of five and 14 to receive five vaccinations or they can't go to school. Incidentally, of course, we require that they do go to school. There is an example of how we, in the Legislature, are saying that a person has to have an injection into their own body. Now, clearly that is government interference, but who here would say that we shouldn't require vaccinations of children? The purpose, of course, is to protect the health and the safety of our children. And that is also what the purpose of this Bill is. Now, I will be happy to answer any questions. I know that people, at first blush, thought that this was a bad Bill or a silly Bill, and I think upon reflection that it is obviously a very important Bill. It is a very workable Bill. Many states have enacted this Bill recently into law, including New York and Michigan; in addition, of course, to other states including Tennessee, which began the program. I will be happy to attempt to answer any questions, because I know there may be some. I had questions when I first saw the Bill. I think now I have been convinced, and I hope to convince all of you."

Speaker Daniels: "The Gentleman from Will, Representative Leinenweber."

Leinenweber: "I do have a few questions for the Chief Cosponsor, Representative Cullerton. I didn't under...I'm not sure I

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understood your explanation. Is it...the Bill make it a criminal offense...or is it not a violation if you have one of these things in the car, or must the kid be strapped into it?"

Cullerton: "Well, first of all, it is not a criminal offense. It is a petty offense, and that's very important to keep that in mind. We're not making criminals out of parents. We are...no more than someone who gets a speeding ticket. And, if you give me one second, I will answer your question with respect to... They have to properly...properly secure the child in the car restraint. If you're..."

Leinenweber: "How old is your child?"

Cullerton: "One."

Leinenweber: "Have you ever tried to secure a four year, eleven month-old child in one of these things?"

Cullerton: "Yes, I have seen..."

Leinenweber: "You've seen it done, but have you ever tried to do it? I didn't ask if you've seen it."

Cullerton: "Yes, I have myself. Personally I have put...my nieces and nephews are that age, in a car seat we have in our own car. It...it's certainly more difficult when they haven't been doing this from birth, as I have with my child. But it certainly is much more...it makes a lot more sense to do that than to have that four year-old jump into the front seat and in some way distract the driver so that that person will become killed or in worse cases, maimed. So it is..."

Leinenweber: "How much do these things cost?"

Cullerton: "They cost anywhere from \$25 to \$50. What is significant is that there are a number of groups, including my own house on the north side of Chicago, where we make these available as loaners. And we charge \$10 a year. And if someone can prove that they are indigent and can't

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afford it at all, we give the car seat to the person."

Leinenweber: "Who manufactures these things?"

Cullerton: "There are numerous manufacturers. All that Bill says is that they must be approved by the United States Department of Transportation."

Leinenweber: "In the State of Tennessee, where you say is the bellwether in this legislation, how many arrests were...how many tickets were issued or how many notices to appear were issued?"

Cullerton: "I don't know. All I know is only one child who was restrained died in Tennessee in the three years that this law has been in effect. And it reduced the fatality and serious injury rates in that state by 50% in '78 and 71% in 1979."

Leinenweber: "Well, Mr. Speaker, Members of the House, unfortunately Representative Johnson is not here who usually takes off in this Bill, and quite effectively, because he has been able to stop this Bill every time it has come up. And I doubt my abilities would equal his in that score. However, a few things you ought to point out. The Gentleman compares this Bill with the requirement that manufacturers install seat belts. A few years before I became a Member of this Body, a Session of this Legislature adopted a law which was quickly refused...it was not enforced, and it was quickly either repealed or thrown out which required...the law required that people who were driving a car actually have the seat belt strapped around them. And this Bill is a make-work Bill for the companies that manufacture these things. I'm not saying they're not a good idea. They...they probably are. However, I can tell you that it is not as easy as the Gentleman would like you to believe to strap a four, or five, or even a three or a two year-old that doesn't want to be strapped in one of

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these things. And I suggest to you that if have to go somewhere quickly, and you don't have a babysitter, and you have to put your child in the car, and you can't get the seat belt around it - your seat belt jams or for whatever reason you can't install this thing - you have to leave you kid sitting on the sidewalk and drive away or run in violation of this law. The fact that we mandate seat belts in cars, all that is done really...the seat belts itself wasn't so bad. Then they went on, and they decided...big brother decided that we better have a shoulder harness because you are safer with a shoulder harness. Well, the net effect of that was to increase the cost of automobiles and decrease the use of seat belts. People just won't put these shoulder harnesses on. I suggest to you that people won't use these contraptions because they are very difficult to do, particularly if the child doesn't want it done, and they won't do it. And it is another Act that will not work out, that will lead to disrespect. It is one of those things that will clutter up our law books. It might be...it's probably a good idea, and I think the...the way the Gentleman operates on the north side of Chicago by trying to promote these things is probably the best way to go about it. But, let's not put this in our Criminal Code or in the Traffic Code and expect the people to obey this, because they won't obey it and because they probably...some of them can't...either they can't afford it, or they won't know how to do it, or the child won't let them. And the police won't enforce it anyway. So, let's not add to the clutter in our law books that already exists."

Speaker Daniels: "The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen. This is, I think, the third time this issue has been up.



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It has been defeated in the past. There has been a great deal of lobbying going on. Now we are suddenly...in the closing days to consider regular Bills on Third Reading that have not had a hearing while the chief Sponsor is in the Chair considering this issue. So, I suppose it is going to fly. However, I think there are some important things that should be pointed out. Number one, the Tennessee law which is held up as a model, has a very important exception in it. And that is...exception is that it is not applicable when the child is being held on the lap of an adult. That is specifically in the Tennessee law. This...that exception is not in this law. And I would suggest, as a father of seven children, that there are times, particularly on long trips, when there is going to be safe...safer driving occurring by the mother or the father, whoever is not driving at the moment, holding a child on their lap while the parent themselves is...is strapped into a shoulder harness and seat belt rather than having that child distracting the driver with crying and needing attention. We have travelled many time for six, or eight, or ten hours with some small breaks in between. Sometimes small children simply need the...to sit on their parent's lap, and they will go to sleep and quite down. And I would suggest that in doing that temporarily is a much safer provision than having a driver distracted and irritated with regard to...to crying children. The Tennessee law specifically provides that exception. That exception is not in this law. I find it very curious that we suddenly have a Bill which would require an investment by everyone who ever has small children riding in their car of some significance while we do not, in Illinois...under Illinois law currently, requiring...require the attachment of seat belts to those children who are between five and 18

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years old or whatever age we want to be concerned about children. Existing seat belts are in all...all the automobiles, and yet we do not require that a five year-old, or a six year-old, or an eight year-old be in the seat belt that exists in every automobile in the State of Illinois. On the other hand here, we want to require the expenditure of funds. At one time, I would have had to purchase three of these units for every vehicle that any of my kids were going to ride in. They generally ride in the child restraining devices, but there are times that they don't. When my first son was born and I took him home from the hospital, we, quite frankly, didn't have a child restrain device from that trip from the...from the hospital to our home. I don't know how long it was. It was probably a week or two before we had one. I would suggest that this is a...a great injustice to create a...a petty offense of a mother or a father bringing their newborn child home from the hospital, and I will give you significant odds that the majority of the people are going to be holding that child on their lap in violation of this law, if it should become law. We ought not to pass laws that we don't mean to enforce and that are unenforceable. I would suggest that this is not going to be enforced. It is not going to be enforced by the police. It is another instance of putting unnecessary laws on the books. Concerned parents are going to have their children in these child restraint devices. Unconcerned parents are not going to. The State Police are not going to be very concerned when they have murders, and rapes, and other items to be...to con...to occupy their time, about arresting mothers and fathers who are bringing their seven day-old child home from the hospital because it is not in one of these child restraint devices. We ought to encourage the use of the

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child restraint devices by advertising and by safety promotion, and not by putting an unworkable, unenforceable law on the books. I would urge, again, 'no' votes on this Bill."

Speaker Daniels: "We have just a slight pause in proceedings. Some visiting Attorney Generals from other states - in the rear we have with us Attorney General from the State of Illinois, Tyrone Fahner. Welcome to the chamber again, Attorney General Fahner. And with Attorney General Fahner is the Attorney General of Pennsylvania, Attorney General Leroy Zimmerman; also the Attorney General of Rhode Island, Attorney General Dennis Roberts; and the Deputy Attorney General of Florida, who has brought some good weather with him, Gary 'Connover'. Welcome to the Illinois House, and thank you for bringing them over, Attorney General Fahner. Representative Epton in the Chair."

Speaker Epton: "I recognize Representative Fawell."

Fawell: "Thank...thank you, Mr. Speaker and Ladies and Gentlemen. I rise in support of this Bill. I, too, am the mother of four children, all of whom were under five at one point. I happen to also be a guardian of a child who has been brain damaged by hitting the wheel...the windshield of a car. This child is now confined to a wheelchair. He cannot speak. He cannot move. He will probably be this way the rest of his life. I have personally seen the damage that can be caused by an accident when a child hits a windshield. I would strongly urge your support for this Bill. If we just save one child in this entire state by forcing that parent to restrain that child while their car is in motion, I think this Bill is well worth passing. And I urge a 'yes' vote. Thank..."

Speaker Epton: "Thank you. The Chair recognizes Representative Preston."

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Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. One of the previous speakers alluded to the difficulty that a parent might have in getting a child into one of the car seats that be required in accordance with this Bill. I don't know how many people have recently seen the television documentary on the injuries that children can suffer because they did not have automobile restraints at the time of an accident. An infant is very top heavy. An infant's skull weighs a great deal in comparison to the neck muscles of that infant. If a car is involved in an accident where a child is not properly restrained, the fibers holding the brain within the skull are pulled off. Brain damage is incredible. The damage...the permanent damage or death that is caused to a child not properly restrained is also devastating. I've had the unfortunate opportunity of seeing children who are damaged because of automobile accidents in which they were not restrained. They were not hit against the walls. Their heads were just brought forward quickly in what we normally term whiplash. When whiplash happens to an infant, that whiplash can cause death or permanent brain damage. If this Bill will cause some people, not everyone, but if it will cause some people, who ride with infants, to put those infants in a car seat notwithstanding that the infant may not like it in some small number of occasions; if it...if it saves lives and permanent brain damage to children, for that alone, this Bill it worth it. And I know, Representative, that you would want to be responsible for saving the...the bodily health and well-being of these children. And for that reason I ask you to urge...to vote 'aye' on this. This does not do great harm. If this Bill passes, there may be, at most, an inconvenience. Yes, somebody may be guilty of a petty offense if in an emergency or

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pseudo-emergency situation they don't put a child in a car seat on the way home from a hospital. But at the same time, if they do put a child in the car seat and that child is in a car seat when an accident happens, that child's life may be preserved. And that is a far more important reason to vote for this Bill. So I ask you to vote 'aye' on this Bill. It is important for the safety of children in Illinois."

Speaker Epton: "Thank you. The Gentleman from Livingston, Representative Ewing." Ewing: "Mr. Speaker, would the Sponsor yield for a question?"

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

Ewing: "Did you tell us what the fine would be?"

Cullerton: "Yeah, it...it's a \$25 fine. It would work this way, very similar to if you don't have a vehicle sticker on your car, and you're given a citation. When you go to court, if you show proof of purchase, the...the fine is usually waived. And this is the same practice that will probably work out with this thing. It is a \$25 fine."

Ewing: "But if you...But doesn't the Bill provide that if you are picked up and you have a child in your car in the age bracket, and they are not in the restraining seat, that then you'll be guilty regardless of whether you have the...the apparatus or not."

Cullerton: "Right. You have to use it."

Ewing: "That's right. What if I have your child in my car or some other child in that age? Am I required to have one?"

Cullerton: "Every parent or legal guardian of a child shall be responsible when transporting his or her child. It wouldn't apply."

Ewing: "So...it wouldn't apply. Mr. Speaker, Ladies and Gentlemen of the House, we have heard from many parents. I, too, have children, and of course, no one likes to see

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children injured. No one likes to see human tragedy at any level. But I think one thing that people are telling us back home is that you can't legislate against all human tragedy. Government can't be big mommy and daddy to everybody and take care of everything. For every problem we try and solve, we many times create many more. This is a good example, of my opinion, a do-gooder Bill. It sounds good. It is even good practice to follow it. But to require it by legislation, I don't think so. I don't think it is the kind of society that your people want to live in. I don't think it is the kind of society you want to live in. It is like requiring morality. It is like requiring everybody that goes in a pool wears a safeguard to keep them afloat. Just the other day a young man fell and was killed in a corn crib. Shouldn't we have a law to keep all kids out of corn cribs? It is just as ridiculous, and it is unenforceable. And it is going to be maddening when those people are called in, be it a petty offense or not, for not having their child in that restraining seat. I certainly have no quarrel with the Sponsor that his motives are just. I just think that he doesn't understand human nature or the enforceability of this Bill. And I would urge a 'no' vote."

Speaker Epton: "Thank you. The Gentleman from Cook, Representative Margalus."

Margalus: "Mr. Speaker, we've heard the pro and cons on this. There is good points on both sides. I move the previous question."

Speaker Epton: "The Gentleman moves the previous question. All those in favor indicate by saying 'aye', all those opposed 'no'. The 'ayes' have it, and... Representative Cullerton to close."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of

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the House. I know that the people who speak against the Bill are well intentioned. And, as I indicated, I initially was against the Bill myself. But just consider this...issues that you have raised, the question of enforcement. It's just like requiring that we have vehicle stickers on our cars. That is how it will be enforced. If someone's stopped on the street in a traffic case, that is when the thing will be enforced. As a practical matter, if the parent shows purchase of a...or possession of a car seat, the case will be dismissed. As far as the issue of cost, as I indicated, these things are available for free if people are indigent. And the amount of money that can be saved is staggering if we cut down on the...the cost to society and through insurance premiums of...of people who are injured...children who are injured. As far as the...the Tennessee Bill, I have been told by people working for this Bill at Rehabilitation Institute, that they took out that exemption. And it...and it is a good thing that they did, because the point is you can't restrain a child just from simply holding the child. And as far as the...the talk about government interference and big brother and all of that, the fact of the matter is we require children between the ages of five and 14 to receive vaccinations. I made this point before. We go right into their body. And that certainly is government interference. But it is something which everyone here is clearly in favor of. So it is something which is obviously designed to help the health and the safety of the children of our state. It is a very important Bill. It is going to save lives. It is going to save money. I would ask for you to please vote 'aye'. Thank you."

Speaker Epton: "Thank you. The question is, 'Shall House Bill 608 be passed?'. All those in favor signify by voting

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'aye', all those opposed by voting 'no'. The Chair recognizes the Gentleman from Henderson, Representative Neff, explanation of vote. The timer is on."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Here we go again trying to tell the people what we they must do and what they can't do, and it seems though that we can't trust the people to make some of their own decisions. But we have to set down here, as Legislators, and say that we're smarter than they are and tell them what to do. I think any mother or father can make their decision of whether they should have these or not have them. You're putting extra cost onto the people, and there is going to be...some of the people be fined. And I think it is rather ridiculous for us to sit here and continue to put regulations which all continue to cause more inflation."

Speaker Epton: "Thank you. The Gentleman from Cook, Representative Greiman."

Greiman: "Thank you. Well, Mr. Speaker, I had actually wanted to ask some questions, more than explain my vote. But...so I'll ask the questions and hope that Representative Cullerton can indicate in some way an answer to this as one of the drafters of this Bill. I am concerned that somehow this Bill will change the negligence law of Illinois, and I...I assume, then, that Section 5...the purpose of Section 5, which says that, 'It shall not be admissible...a violation shall not be admissible in evidence in any civil action.' But that means that it does not now...it would not allow a child to sue its parents. I assume that is number one that it would mean. I assume, secondly, it would mean that a third party who struck a car in which a child was...was riding and was not in restraint, that that would not allow that third party to sue the parent as



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a...for contribution as a tort-feasor. Is...I see that Mr. Cullerton, a drafter of this Bill, is saying that...that that is correct. I assume, also that this Bill...that Section 5 intends that this not be the basis of any civil liability. And I wonder if Mr. Cullerton would shake his head on that. Mr. Cullerton indicates, for the record, that...that this Section 5 means this Bill will not be, in any way, used for civil liability. I have one other question about the Bill which is a constitutional one, and that deals with the equal protection of the laws. Since parents are the only people...and guardians are the only people who are liable under this Bill, if I drive a car with Representative Cullerton's daughter, I am not liable..."

Speaker Epton: "Would the Gentleman bring his remarks to a close?"

Greiman: "...For violation of the Act. But, Representative Cullerton would be liable for the same thing. Doing the same act, driving the car, and yet there seems to be a difference in liability. I wonder if that is not a violation of the equal protection law. I am going to vote for this just to see what happens."

Speaker Epton: "Thank you. The Chair recogn...recognizes the Lady from Cook, Representative Hallstrom."

Hallstrom: "Thank you, Mr. Hallstrom...excuse me. Thank you, Mr. Speaker. I see we have 110 votes, and everybody has said pretty much what I feel. I am very enthusiastically in support of the Bill."

Speaker Epton: "Thank you. The Chair will recognize the Representative from Will, Representative Van Dyne. Have all voted who wish? The Chair will recognize Representative Huskey."

Huskey: "Well, Mr...Mr Chairman, I want to steal one of your

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lines. I have a conflict of interest, therefore, I am voting 'present'."

Speaker Epton: "The Chair will recognize Representative Dwight Friedrich."

Friedrich: "Mr. Speaker and Members of the House, I can't believe that there is 112 green votes up here. How on earth could this Body decide that a mother who holds her baby in her arms is a criminal just for holding the baby in her arms and not having him strapped in the seat? I don't know why we think around here that government has to protect everybody from everything; but the second thing, you're not protecting everybody from everything. In the first place, if you have a child strapped in one of those seats, he can get a whiplash, too. This is just more government impositioning their will on the people. And boy, you've gone too far when you start telling a mother she can't hold her baby in her arms. I can't believe this."

Speaker Epton: "The Gentleman from Wayne, Clyde Robbins."

Robbins: "Mr. Speaker and Ladies and Gentlemen of the House, especially those of you with green votes, I...I really don't know too much about these seat belt things. My grandchildren have only used them for all 11. My children, we used a bassinet because they didn't have these nice chairs then to put these people in. Now, my question is, you have a Lady driving down the road with a grandchild or a child with her - that is members of your family - they are not in this restrained seat. You don't have \$25. The policeman pulls you over, so you take momma and put her in jail, under the law, because she don't have the money to put up her bond. Now, do you want that? If you do, remember that this law will be enforced. In our area, if you don't wear your seat belt in a truck, it is a \$25 fine. If you don't have a health card, it is a \$25 fine under the

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enforcement of the federal regulations. If you think they won't enforce this law, you're kidding yourself. It is a bad Bill, and I would like to ask the young Ladies here if we should not, if we pass this Bill, add to it a restriction on the use of cigarettes. Because it has definitely been proved that cigarettes and alcohol cause as...cause more problems with the child than you will correct with this harnessing effect. So, if..."

Speaker Epton: "Will the Gentleman bring his remarks to a close?"

Robbins: "...Cigarettes and alcohol."

Speaker Epton: "Thank you. The Chair recognizes Representative Henry."

Henry: "Thank you, Mr...Mr. Speaker. In explaining my 'yes' vote, it is because of the Sponsor, Representative Cullerton. I will have to listen to his advise and counsel. He should know what he is talking about. I think he expects to have a large family."

Speaker Epton: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 114 'aye', 47 'no', 7 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1060, Representative Levin. Is Represent...out of the record. House Bill 1078, Representative Bower. Read the Bill."

Clerk O'Brien: "House Bill 1078, a Bill for an Act to amend Sections of the Nursing Home Care Reform Act, Third Reading of the Bill."

Speaker Epton: "Representative Bower."

Bower: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1078 would require the Illinois Department of Public Aid to reimburse nursing homes for allowable actual costs of nurses' aid trainings. As a result of the Nursing Home Reform Act, the nursing homes of

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our state have...were required to provide a specific training program for their nurses' aids. Nursing homes, which are already operating on a shoestring, many of which...many, in fact, which are losing money, have told us repeatedly that the costs...the additional costs of training nurses' aids is one of the most burdensome that they were faced with with the Nursing Home Reform Act. We feel that this is a very reasonable thing for the state to assume, and I would ask for the adoption of the Bill."

Speaker Epton: "Any discussion? Hearing none, Representative Bower, would you care to close?"

Bower: "I would merely ask for an 'aye' vote."

Speaker Epton: "The question is, 'Will House Bill 1078 pass?'. All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wished? The Gentleman...recognize Representative Leverenz, to explain his vote."

Leverenz: "Well, the...the Sponsor indicated that the state should assume this cost item, but he did not explain the total cost of the item and apparently didn't get an opportunity to ask how much it might be. But, I understand it is in the multi-million dollar range. And therefore, with the crisis that we have in terms of cash, I don't think any new programs have any place in the budget with a three second presentation."

Speaker Epton: "The Gentleman from...Representative Bower to explain his vote."

Bower: "Thank you, Mr. Speaker. I would have answered the question, but nobody asked it. We estimate that the cost of the Bill...the implementation of the Bill will be under \$1,000,000. The fiscal note that was filed by the Department of Public Aid was for \$2.2 million. However, there are important things that have happened since then. Representative McMaster was the Sponsor of legislation that

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has passed the General Assembly that would allow nurses' aid training...or nurses' aids to take a proficiency exam, thereby negating the necessity of them taking training if they pass the exam. We believe this will significantly reduce the number that would have to be trained. Second of all, it currently costs a million and a half dollars, which the state already picks up, to train those...who are reimbursed through Medicaid which is 60% of the total case load. It seems unreasonable that the remaining 40% should cost almost twice as much as what 60% costs. We believe under \$1,000,000 is a reasonable amount."

Speaker Epton: "The Chair recognizes the Honorable Gentleman from Cook County, Representative Ronan."

Ronan: "Thank you, Mr. Speaker and Members of the House. I...I am amazed looking at some of the red votes on the Board. All this Bill does is it...it mandates that the state pay for responsibilities that we established. This General Assembly passed legislation to say that nursing homes had to set up programs to train their aids. The goal of the General Assembly, obviously, is to have nursing homes deliver the types of services that they are supposed to provide. And the only way they can deliver services to people who are residents of nursing homes is to have qualified aids. That is what we established. That is what the General Assembly passed. This is what nursing home reform is all about. Now we are...we sit here, and we come up to the point that we have to pay for the responsibilities we established in the past. It is very important that we be consistent in our...in the votes that we cast here in the General Assembly. We set the criteria. We notified the nursing home industry that they had to clean up their operations. And we said that they had to have trained individuals within the nursing homes providing

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services for the residents. However, if we don't meet this responsibility...meet this economic responsibility, we sit here as hypocrites mandating certain things and then not providing the necessary financial reimbursement to meet these responsibilities. I urge everyone to...to think what they are trying to do with this legislation and to come up with the proper vote which is to provide adequate care in the nursing homes throughout the State of Illinois. I urge everyone to consider and to vote 'aye' on this fine Bill."

Speaker Epton: "Thank you. The Chair recognizes the Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just want to briefly state, for the Membership, that the newspapers throughout this state had a number of series of investigations and also recommendations that were adopted into law by this General Assembly providing additional safeguards for the residents of nursing homes. And one of their most important criterias, they said, was adequate staffing and properly trained staffing. We mandated that of the nursing homes. They also are faced with the same cost...inflationary aspects as everyone else within the State of Illinois. They are looking for some help and relief in an area that was mandated by the...by this General Assembly in saying, 'Yes, we want you to provide adequate nursing care. We want you to provide adequate care for the individuals, but we won't give you the money.' They are faced with a very serious problem in this area and many other areas. This Bill would one...a very small iota, correct the situation that is long overdue in correction and provide some of the funding for nursing home care for proper, adequate staff. I strongly recommend an 'aye' vote."

Speaker Epton: "Thank you. The Chair recognizes the Gentleman

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from McLean, Representative Bradley. Representative  
Bradley."

Bradley: "Yeah, thank you, Mr. Speaker. In the presentation of the legislation, I didn't hear the Gentleman say whether or not, and I wish he - he has already explained his vote - by a nod of his head though, I was wondering...I...have a figure of over four...four and a half million dollars. Is it...is that amount in the Governor's budget?"

Speaker Epton: "Review the remark, Representative Bradley."

Bradley: "I...I...I asked a question, and I am only asking for a nod of the head because he has already explained his vote, but I am just asking, Mr. Speaker, if it is in the Governor's budget."

Speaker Epton: "He certainly can nod his head. The Gent...the Chair will recognize the Gentleman from Will, Representative Schneider."

Schneider: "Thank...thank you, Mr. Speaker, Members of the House. The Bill is very interesting indeed inasmuch as we're talking about a figure of less than \$1,000,000. It was not too long ago when one of the persons spoke on the floor a minute ago and I shared a Bill that would have allotted \$800,000 for nurses' training. We were, for some strange reason, not willing to support funds for that program, but now we're supporting funds for a degree of health care or services that are equal in dollars but provide less professional help. I think we've never been known to be consistent, as a Body nor as individuals, on the way we vote. But I think you ought to give some thought to where you were on that issue regarding advanced training for nurses, and skilled and professional people versus nurses' aids which I respect because of the job they do, but which certainly receive, I think, far less training, bring far less professional skills. So, I think if you want to spend

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\$800 to \$1,000,000, you'd be better to direct it toward a truly professional group of nurses rather than for nurses' aids. And I would solicit a 'no' vote."

Speaker Epton: "The question is, 'Will House Bill 10...Have all voted who wish? Have all voted who wish? The question is, 'Will...Take the record. Representative Oblinger, I am trying to cut you off. Would you recognize Representative Oblinger?"

Oblinger: "Well, Mr. Speaker and Members of the General Assembly, I notice a lot of you are voting for this, and I would suspect that there are not more than one or two of you that have ever attended the nurses' training sessions. They are held here in Springfield. I participate in every one of them. They are doing an excellent job. The people who were in the training sessions say that they have been well trained. We're training registered nurses who go back and train the nurses' aid. I haven't heard one of them say that they haven't gotten adequate training. I don't know why we have to have a second training program."

Speaker Epton: "Thank you. On this question there are 99 voting 'yes', 59 voting 'no', 11 voting 'present'. This Bill, having received the Constitutional Majority, is hereby de...recognize Representative Matijevich."

Matijevich: "I hit the wrong but...button. I meant to vote 'aye' on this."

Speaker Epton: "Thank you. Matijevich, 'aye'. On this vote there are 100 voting 'yes', 59 voting 'no', 11 voting 'present'. And the Bill, having received a Constitutional Majority, is hereby declared passed. Inadvertently, when I called Representative Levin's Bill, I didn't notice him running down the aisle. And with the House's permission, I will go back to House Bill 1060, Representative Levin."

Clerk O'Brien: "House Bill 1060, a Bill for an Act to amend



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Sections of the Illinois Housing Development Act, Third Reading of the Bill."

Speaker Epton: "Representative Ellis Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill does indeed amend the Illinois Housing Development Authority Act. And what it does is to make it easier for Members of this Body to serve their constituents by requiring IDHA to notify Members of the Illinois General Assembly of proposed projects affecting their districts so that they can..."

Speaker Epton: "Representative Daniels in the Chair."

Levin: "Yeah, Mr. Speaker, yeah. As I was saying, this Bill makes it easier for the Members of this Body to serve their constituents by requiring the Illinois Housing Development Authority to noti...to notify Members of this Body, as well as of the Senate, of proposed projects affecting their district so that they can notify the members of the...the community groups and the individuals in their neighborhoods who are concerned. At the present time, there is no notification outside of the six county area of affected Members of the General Assembly. In the six county area, there is notification of the Northeast Illinois Plan Commission, the A 95 area for the Chicago metropolitan area. And they notify the Members of the General Assembly. Unfortunately, that notification comes rather late in the process when it is difficult to have a significant impact on the decision making by IDHA. What this legislation would do is basically two things. First of all, it would provide that outside of the six county area that there be notification of the Legislators in whose district the project was proposed to be. And pursuant to an Amendment by Representative Vinson and myself, the Legislators in the surrounding districts would also be notified. Secondly,

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this legislation would move up the time when IDHA would be required to make the notification to the time after they have completed their preliminary analysis. Right now, they do not notify Northeast Illinois Plan Commission until after they have completed the full financial analysis which is rather late in the process. If there are any questions, I would be happy to answer them. Let me just say I think this is legislation that everybody concerned about housing can support. In my district, there are many groups that are concerned about displacement of low income persons. They are unhappy with IDHA. They would like to have a better idea of what IDHA is doing. They support this legislation. There are other community groups that simply want to have a say in what happens in their area. They support this legislation. And there are some community groups that don't want any subsidized housing. They support this legislation as well."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the passage of House Bill 1060. The question is, 'Shall House Bill 1060 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 146 'aye', 5 'nay', 5 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1120, Representative...Excuse me, Representative...House Bill 1120, Representative Preston. Read the Bill."

Clerk O'Brien: "House Bill 1120, a Bill for an Act relating to rehabilitation of disabled persons, Third Reading of the Bill."

Speaker Daniels: "Representative Preston."

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Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask leave to move this Bill back to the Order of Second Reading and for immediate consideration of the Bill thereafter. I said Second Reading."

Speaker Daniels: "The Gentleman asks leave to return the Bill to Second Reading. Are there any objections? Hearing none, the Gentleman has leave to return the Bill to Second Reading. Is there any Amendments?"

Clerk O'Brien: "Amendment #2, Oblinger - Preston, amends House Bill 1120..."

Speaker Daniels: "Representative Oblinger on Amendment #2."

Oblinger: "Mr. Speaker and Members of the House, I would like to table Amendment #2."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Oblinger - Preston, amends House Bill 1120 as amended by deleting the title and inserting in lieu thereof the following."

Speaker Daniels: "Representative Oblinger, Amendment #3."

Oblinger: "Mr. Speaker and Members of the House, briefly, we have a Community in Care Program...In Home Care Program, but we have never had the medical screening part that should have gone along with it. This Amendment reduces it from a statewide program to a demonstration program, which the departments and that agree upon; and we have deleted the part which set up all the fee schedule and just put in a maximum fee allowable. I think this Amendment brings us into conformity with which most of the departments have asked for, and I know that the...a number of people have been against it, and all of sudden I find out they didn't even know this Amendment was to go on. I think this answers your questions."

Speaker Daniels: "Any discussion? The Gentleman from Adams, Representative McClain."

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McClain: "Thank you very much, Mr. Speaker. Will the Lady yield?"

Speaker Daniels: "She indicates she will."

McClain: "Ms. Oblinger, would you mind explaining the program a little bit more on...and why you are constricting it to a pilot program?"

Oblinger: "The program, as you know we passed a Bill two years ago, the In Home Service Community Program; that is the services that are listed in this Bill. We have to add the screening part. It is involving three departments: Public Aid, Public Health...four departments: Aging and Rehabilitation. They tell me, all four departments, that they could not go statewide with a program of that nature, looking for those people who do not now receive the services to keep them out of institutions, but they could go with a demonstration program which then could be enlarged as they were able to take care of it."

McClain: "Ms. Oblinger, as I understand the program now, like a visiting nurse would go to a house and check whether or not the in home services are required, and then that...if it meets with the requirements, then that form would go to the Department of Public Aid for prior approval. Is that correct?"

Oblinger: "No, the program now has...the In Home Service Program - which goes to transportation, nutrition, adult day care, homemaker...home service, and so forth - is administered by the two Departments: Department on Aging and the Department of Rehabilitative Services. One of the things it has been lacking in the program is a health screening to see if people who are being institutionalized should or should not be, and if not, whether they could benefit from these programs. And we've never had a Health Screening Program to go with it. This is what this Bill adds. In

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addition, finding those people who, before this time, have not been brought into the program."

McClain: "And who would conduct this screening?"

Oblinger: "Department of Public Health."

McClain: "And the Department of Public Health would...it would only be restricted to one demonstration project?"

Oblinger: "No, this will be in conjunction with the other departments if they make the recommendation. At this point, the Department of Aging serves 10,500 people with in home community care service. If they would be recommended for this kind of service, they would take priority over those other people because they were in eminent danger of institutionalization. Therefore, we have to have a program where we can see whether this can work and the services are available."

McClain: "So, no eligibility will be required here. This is just setting up a screening program by the Department of Public Health. Is that correct?"

Oblinger: "The eligibility requirements are set up by the Title XI Program which has charge of the services, which says, 'if 75% of a group were presumed eligible, a balance would be presumed eligible'."

McClain: "Let me ask one more question. I'm sorry, Mr. Speaker."

Speaker Daniels: "Proceed, Sir."

McClain: "Ms. Oblinger, I imagine one of the focuses is to reduce public aid costs by keeping people - I mean it's a good project - by keeping people out of the nursing home for as long as possible, to stay in their home. Is that correct?"

Oblinger: "That's the primary goal of the whole program."

McClain: "Okay. Now, locally, who would be doing the surveying of these people to find out if they meet the requirements, so that they would be diverted away from these nursing homes?"

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Oblinger: "In the states that we have already checked with, they have a program, that I would expect our Department of Public Health would adopt, on screening whether people have sufficient enough serious disease that they must be institutionalized or with certain services. This would be done by a physician."

McClain: "And would the physician's word and signoff be... I mean, would that be the law? Whatever the physician said would be okay?"

Oblinger: "No, they make an assessment and make a recommendation. It is then referred to the departments for final determination. You might notice that in here there is a requirement that these four departments make a recommendation and report to the Governor and to the General Assembly, as to the effectiveness of this program."

McClain: "Why would you assume that these four departments will work hand-in-hand to help divert people away from nursing homes, so they can stay in their homes?"

Oblinger: "I'll answer that, but I think that should have gone to the Sponsor of the Bill. I did not sponsor this Bill. I'm only sponsoring the Amendment. I don't know what Mr. Preston had in mind. I know that there are... that this Body, that we all belong to, has encouraged departments to make interdepartmental agreements, in order to accomplish the sorts of things that this Bill wants to accomplish; case management, assessment, evaluation of the program and then recommendation to this Body for approval or disapproval."

McClain: "Jo, I ask you this one final question. In downstate Illinois, where area agencies on aging deal with trying to keep people in the home, will this have any kind of bad affect on downstate Illinois and how they offer services to seniors?"

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Oblinger: "It won't affect the way they offer services. It will find people that need the services that are now not receiving them."

McClain: "Thank you."

Speaker Daniels: "Further discussion? Representative Satterthwaite."

Satterthwaite: "Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Satterthwaite: "Representative Oblinger, I'm looking at the language on page six of the Amendment, line 24 where it talks about alternative residential settings. It's talking about diverting individuals from placement in skilled and intermediate care facilities to care in alternative residential settings. Are... Do we have alternative residential settings in place now?"

Oblinger: "We have a number of them in place. We do have in-home care, which would be one alternative. We have senior citizen housing and housing for the handicapped, which would be a second alternative. In some parts of the state, they now have communal living where...or sheltered care living, whichever way you want to call it, where there are a number of people living in a facility with a dining room and a living room and so forth that is general to all of them. We are now developing, in the City of Chicago, and I hope they go state-wide, respite places where people can be put for a limited length of time until they are on their feet and can go back into the regular living situation. In southern Illinois, they have another program that is being developed, and I hope will expand, and this is a clearinghouse for young people who would like to have grandparents live with them and grandparents who would like to live with young people. This is being done in Salem. So we are experimenting with a number of different ways,

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and I hope they will expand as this program expands."

Satterthwaite: "So, we're not talking, necessarily, about keeping an elderly person in a family home, as such. We're looking at a whole variety of alternatives."

Oblinger: "Yes, because some people would be able to live in a highrise, let's say, for senior citizens, with a limited amount of service given to them; however, others of them would need to be in a - and we're developing one in the little community where I live - a sheltered care facility where there will be a resident registered nurse, communal meals and socialization but individual rooms for them, and I think this concept is being developed rather rapidly throughout the state. So, we are looking at as many different models as we can find."

Satterthwaite: "Are these... the people who are to be served to be screened in some way for financial need, or are we talking about simply the physical needs of the person?"

Oblinger: "If you've noticed the Bill, originally... I really think Mr. Preston should be answering some of these, but I'll try. Originally, we set up a fee scale for people with incomes of 15,000 or above. We decided that this really is no place for it in the law; that it should be referenced to public aid and also with a cap on it, and so we've said that there will be a sliding fee scale with a maximum top of a hundred dollars a month."

Satterthwaite: "Thank you."

Oblinger: "Those people under 15,000 would pay as they could."

Satterthwaite: "Thank you, very much."

Oblinger: "Surely."

Speaker Daniels: "Representative Dunn, John Dunn."

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

Speaker Daniels: "Gentleman has moved the previous question. The question is, 'Shall the main question be put?'. All those



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in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Oblinger, to close."

Oblinger: "I think this is a Bill we've long needed. There is a myth that most older people thought they were supposed to be losing their eyesight, getting shaky, not being able to get around, not being able to think clearly, and this isn't true. And we've found out by a health screening that this can be cleared up by healthful means, and that they can go on to live productive lives in a proper setting. I would ask your favorable vote for this Amendment."

Speaker Daniels: "Lady has moved for the adoption of Amendment #3. All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #3 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Representative Stanley, for what purpose do you rise, Sir?"

Stanley: "I had a question of Representative Oblinger regarding this Amendment, and I had my light on. But I'd like to ask that now. I can address that to the Chair."

Speaker Daniels: "State your inquiry, Sir."

Stanley: "Doesn't this Amendment change the title of the Bill and, if it does, shouldn't it be on First Legislative Day, Second Reading?"

Speaker Daniels: "Amendment #3 was adopted. Your question is, now that that has been adopted, does it amend the title and, if so, should this Bill be placed on Second Reading, First Legislative Day. Is that correct, Sir?"

Stanley: "That's correct."

Speaker Daniels: "Alright. The Amendment clearly does change the title and; therefore, the matter is placed on Second Reading, First Legislative Day. Representative Preston."

Preston: "Mr. Speaker, the Amendment #1 already adopted had

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changed the title. This merely changes the effect of that Amendment. Mr. Speaker, in Amendments 1 and 3, it's the identical title."

Speaker Daniels: "Gentleman's point is well taken. Amendment #1 did change the title, and that Amendment then would incorporate into #3. So, the Bill is properly on, at the present time, Second Reading. And, are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. Representative Preston."

Preston: "Thank you, Mr. Speaker. I'd ask leave of the House to have this Bill immediately considered on Third Reading."

Speaker Daniels: "Gentleman asks leave that this matter be heard immediately. Are there any objections? Representative Bower."

Bower: "Mr. Speaker, I believe the title of this legislation has been changed. Is that correct?"

Speaker Daniels: "We have ruled on that, based upon Representative Stanley's suggestion, and the title was not changed. Do you object to this Bill being heard, at this time, on Third Reading?"

Bower: "I do."

Speaker Daniels: "Alright. Representative Preston, there is objection. Therefore, Representative Preston moves that this Bill be heard immediately. It will take 107 votes for this Bill to be heard at this time. Therefore, all those in favor will signify by voting 'aye', opposed by voting 'nay'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. There are 114 'aye', 17 'nay', 2 voting 'present'. The Gentleman's Motion prevails. House Bill 1120, Representative Preston."

Clerk O'Brien: "House Bill 1120, a Bill for an Act relating to non-institutional health care services and amending certain

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Acts herein named. Third Reading of the Bill."

Speaker Daniels: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As most eloquently stated by Representative Oblinger, this Bill merely sets up a pilot program to give nursing home applicants, prior to entering those nursing homes, merely to be told of alternatives that may be available and to set up those pilot project screening procedures. The problems addressed by this Bill were included in a study of the Illinois Community Care Program that was released March 8 by the Department on Aging. I don't think I have to elaborate on the comments that were made. I think it has been discussed when Representative Oblinger presented the Amendment. I'd just ask for your 'aye' vote."

Speaker Daniels: "Any discussion? Gentleman from Morgan, Representative Reilly."

Reilly: "Mr. Speaker, Ladies and Gentlemen of the House, while I have some questions about the Amendment, I am going to be supporting the Gentleman in the passage of the Bill. It's no secret, I think, that the Speaker and I, and I hope Representative Preston joins us in that Bill. I have another Bill, House Bill 2147, which we will be presenting in Committee next week, and I think the provisions of that Bill, when we get it finally organized, will go beyond this; and, I hope that it will also receive the approval of the House. The issue here, I would just hope that this Bill would not go down in some kind of partisan maneuvering. The issue here transcends party lines. We are going to be working on our version of this Bill in the next week or so. I would just remind my colleagues, on this side of the aisle, that he who lives by the sword can also die by it. I think that this is an imperfect Bill but

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one that's a step forward. I will join with Representative Preston on this and trust that we will have bipartisan support for 2147, at the appropriate time."

Speaker Daniels: "Further discussion? Being none, the Gentleman, Representative Preston, moves for the passage of House Bill 1120. All those in favor will signify by voting 'aye', opposed by voting 'nay'. The voting's open. Have all voted who wish? Have all voted who wish? Representative Vinson. Have all voted who wish? Clerk will take the record. On this Bill there are 142 'aye', 10 'no', 6 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative McMaster, who's that standing next to you there?"

McMaster: "I am not quite sure which one you mean that I should introduce. We have Judge Fleck and Don Moore, ex-Members of the House, on the floor. Give the Gentlemen a hand. I don't know what Charlie Fleck is looking for, but..."

Speaker Daniels: "Judge Fleck, Senator Moore, welcome to the House again. House Bill 1154, Representative Stanley. Representative Stanley. Out of the record. 1158, Representative McPike. Out of the record. 1162, Representative Pullen. Out of the record. 1178, Hoffman. Representative Hoffman. Out of the record. Steczo? 1178? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1178, a Bill for an Act relating to the sale and delivery of alcoholic liquors in certain parks and forest preserve districts. Third Reading of the Bill."

Speaker Daniels: "Representative Steczo, House Bill 1178."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 1178, as I had mentioned during the amending process, mirrors House Bill 1371, which this House approved overwhelmingly last year. House Bill 1178 does two things.

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First of all, at the request of the DuPage County Forest Preserve District, it would allow alcoholic beverages to be served on their golf course, which is a privilege that other forest preserve districts enjoy throughout the state. Secondly, House Bill 1178 would permit the sale or delivery of alcoholic liquor in park district buildings, and I want to stress park district buildings, pursuant to the approval of the governing board of that particular park district. It's the feeling that, presently, this authority is limited to buildings of golf courses owned by a park district in connection with an established food... established food service on the premises, and it comes at a time when we have literally hundreds of facilities throughout Illinois which are located in ideal locations and can be used as settings as banquet halls for anniversaries and for wedding receptions, etcetera. And these locations are relatively unused because of the present prohibition against serving alcoholic beverages. House Bill 1178 would permit park districts to utilize these facilities in, what I would consider, a useful and productive way. In addition to that, park districts receiving no tax benefits, except for property taxes, receive no state aid and receive no direct federal revenue sharing. So, these extra fees could do much to help the fiscal situations in many park districts. I should make it clear that, in the last General Assembly, we passed a Bill, House Bill 1800, which gave the same authority to the Chicago Park District. The other park districts, in the State of Illinois, would appreciate having this same authority the Chicago Park District has. During the last couple of days, I've had people come up to me and ask questions as to whether or not this Bill would permit park districts to enter into competition with other local liquor establishments. That would not be the case.

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From our discussions on House Bill 1371 last year, in the Cities and Villages Committee, it was determined that a local group making application to use a park district's facility for a one-night type of event, would have to, not only have dram shop insurance, but would also have to obtain a liquor permit from the local municipality or the local jurisdiction issuing liquor permits. I think that House Bill 1371 is something that is needed. It's something that's being requested by the park districts and, with the vote in the House last year of 136 'ayes' and 21 'nos', I think that the sense of the House is that park districts should have the opportunity to rent their facilities to groups on a one-day basis and have alcoholic beverages served. And, if there's any questions that I can answer, I would be glad to do so."

Speaker Daniels: "Representative Dunn."

Dunn, Jack: "Sponsor yield? Representative Steczo, I subscribe to what you're doing here, but I see nowhere, in my analysis, does it pertain to park districts. They have underlined forest preserve districts. Is this broad enough to provide for park districts as well?"

Steczko: "Representative Dunn, the original Bill, House Bill 1178, pertained to forest preserve districts, and that was the legislation that pertained to the request from DuPage County. Amendment #1 put the Bill in the same posture as House Bill 1371 of last year, which included the language for forest preserve di... for park districts."

Dunn: "Mr. Speaker, I'd like to speak to the Bill. I think the legislation..."

Speaker Daniels: "Proceed, Sir."

Dunn: "...that's being presented here is of great value to, not only the forest preserve districts, but to the park districts, because it's something that right now people

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carry beer onto the grounds and it's a little bit hard to control. It will lend better control to liquor consumption on the grounds and, at the same time, it will provide some extra dollars for widely needed services that they are providing. Thank you."

Speaker Daniels: "Further discussion? Gentleman from DuPage, Representative... Hoffman? No. Gentleman from Wayne, Representative Robbins."

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

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

Robbins: "How does this Bill affect a county that is dry that would have a park district in it?"

Steczo: "I imagine, Representative Robbins, that, if a county is dry, that this Bill would have no effect. I would assume that dry ordinance would take precedence."

Robbins: "Thank you."

Speaker Daniels: "Representative Steczo. Further discussion? Gentleman from Cook, Representative Zito."

Zito: "Just to move the previous question, Mr. Speaker."

Speaker Daniels: "Gentleman moves the previous question. The question is, 'Shall the main question be put?'. All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it and the previous question has been moved. And the Gentleman from Cook, Representative Steczo, to close."

Steczo: "Thank you, Mr. Speaker. In closing, I would just reiterate that the word 'buildings' is used in the legislation and 'buildings' means buildings and not adjacent areas of any park district property. I would also indicate, too, that protections are included in the Bill that would provide for dram shop insurance and providing that groups wanting to use these facilities on a day-to-day basis would have to get a permit from the local

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municipality or the persons or the unit of government that issues those permits. And, again, I'll reiterate, too, that it was the sense of this House last year, by a vote of 136 to 21, to approve this legislation. I think it's needed. I think it could help park districts. I think it could be of service to our constituents, and I would solicit a 'yes' vote."

Speaker Daniels: "Gentleman's moved for the passage of House Bill 1178. Question is, 'Shall House Bill 1178 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no', and the voting's open. Gentleman from Will, Representative Davis, to explain his vote. The timer's on."

Davis: "Not to explain my vote, Mr. Speaker. I have a conflict of interest on this legislation and; therefore, I will vote my conscience."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Record Representative Peters 'aye' and Representative Wolf 'aye'. Have all voted who wish? Record Representative Ebbesen as 'aye'. Representative Pullen, would you hit Representative Ebbesen as 'aye'? Thank you. Have all voted who wish? Clerk will take the record. There are 147 'aye', 14 'nay', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1180, Representative Ropp. Out of the record. House Bill 1208, Representative Macdonald. Out of the record. House Bill 1215, Representative Levin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1215, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Daniels: "Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the



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House... (cut off)... Mr. Speaker, Ladies and Gentlemen of the House, when you go into court, you know that it is not proper to talk to the Judge about a pending case, unless the other side is present as well. This policy is true, not only for courts, but for most regulatory authority. It's true of all federal agencies, and it's true of many state agencies as well. The Illinois Department of Insurance, for example, has a very strong regulation on this, which is called ex-party communications, setting forth when it is proper to talk to the hearing officers and when it is not. The Illinois Commerce Commission is one agency that, currently, has neither in its statute, nor in regulation, any regulation of what's called ex-party communication. The agency, orally, does have a policy, but there is nothing in writing for people to follow, in terms of their ... what their practices should be. This Bill, in its present form, would mandate that the Illinois Commerce Commission establish, by regulations, standards with respect to ex-party communications. It is supported by the Commerce Commission which itself believes that it should be doing this, and they have been undertaking a review; although, they've been moving very slowly in this regard. This legislation is also supported by many of the utilities that are before the Commerce Commission that feel the same way that I do and many of the consumers that there need to be standards, as far as when communications with a hearing officer on pending matters are appropriate. This Bill, when it was originally introduced, actually set out the standards. It was the feeling of some of the utilities that we should not put the actual standards into the law, but should simply mandate the Commission to establish its ex-party standards. I commend this Bill to you. I think it's a small step towards improving the image of the

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Illinois Commerce Commission in creating a greater confidence in that body that I, for one, have been rather critical of for a long period."

Speaker Daniels: "Any discussion? There being none, the Gentleman moves for passage of House Bill 1215. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 137 'aye', 22 'nay', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. 1219, Representative Stearney. Representative Stearney, 1219."

Stearney: "Table that Bill."

Speaker Daniels: "Representative... Representative Stearney says, 'Table that Bill'. Leave of the House, Bill is tabled. 1254, Representative Keane. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1254, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Daniels: "Representative Keane."

Keane: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. House Bill 1254 addresses the exemption of... from real property. Under the Revenue Act, many charitable institutions and others have their real estate is exempt from real property taxes. In order to get that exemption, they have to come in to the assessor and file every year to insure that that property has not been used or gone from tax exempt use to profitable use. There were, prior to the Revenue Act being passed, there were a number of institutions that are chartered exempts. They were chartered under previous law that were not included in that. All this Bill does is it includes them. Most of them do it right now. They do come in and file their exempt... certificates of exemption. This just makes them

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... formalizes the requirement. I would ask for a favorable Roll Call. If there are any questions, I'd be happy to answer them."

Speaker Daniels: "Gentleman from Cook, Representative Stearney."

Stearney: "As to House Bill 1219, which I just asked to be tabled. I made a mistake. I had that confused with another Bill. It was erroneous for me to make that Motion. So, the... I imagine the appropriate Motion would be to move to reconsider the vote by which that..."

Speaker Daniels: "Representative Stearney, let us... Representative Vinson."

Vinson: "Yes, Mr. Speaker, I wonder, if that Bill were taken back to the table, would it not have to go to Rules?"

Speaker Daniels: "The only problem is, the Bill hasn't gotten to the table yet. Representative Stearney, let's finish the Bill we're on. I will come back to you when we're done with this Bill. Alright. Representative Keane has moved for the passage of House Bill 1254. Is there discussion? Being no discussion, the question is, 'Shall House Bill 1254 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no', and the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this Bill there are 160 'aye', 2 'nay', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Now, Representative Stearney."

Stearney: "Yes, Mr. Speaker."

Speaker Daniels: "Your Motion is to reconsider?"

Stearney: "Well, I don't know what the appropriate Motion would be. I imagine it would be a move to take it from the table since it was a misnomer, a misstatement on my part. Mea culpa, mea culpa, mea culpa."

Speaker Daniels: "Gentleman has confessed error in tabling his

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own Bill, and that's the first time he's confessed error in his seven years... eight years here. And, with leave of the House, he asks for his Bill to be reinstated. Is there any objections? We have..."

Stearney: "No objections."

Speaker Daniels: "We have Representative Piel raising his hand. Representative Piel."

Piel: "I'd like the Parliamentarian to rule on 63A."

Speaker Daniels: "What's your question, Sir? He rules that there is a 63A."

Piel: "It's got to be on the table... If a Bill is on the table, it's got to be on the Calendar for one day. Am I correct?"

Speaker Daniels: "Representative Stearney."

Stearney: "We move to suspend Rule 63 as well."

Speaker Daniels: "Representative Vinson."

Vinson: "I would offer a substitute Motion to expunge Representative Stearney's first action."

Speaker Daniels: "Is that his error, or do you wish to expunge him?"

Vinson: "Just expunge his first action as an act of grace and equity."

Speaker Daniels: "Gentleman, Representative Stearney, has moved that his Bill be taken from the table. Representative Piel has raised the question under 63A. Representative Stearney has moved that the appropriate rules be suspended, and Representative Vinson has moved to expunge Representative Stearney. Representative Vinson withdraws his. With leave of the House, Representative Stearney asks that he have unanimous leave that his Bill be reinstated. Are there any objections? Hearing no objections, House Bill 1219 is reinstated. Now, Representative Stearney, are you wishing that we call that Bill, or do you want to take it out of the record?"

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Stearney: "I just... I wish to take it out of the record, because I have to confer with my staff counsel prior thereto."

Speaker Daniels: "House Bill 1219 is back on Third Reading, returned to the record, and he then removes it from the record. Representative McMaster, for an announcement."

McMaster: "Thank you, Mr. Speaker. This announcement is for all of the Members of the County and Townships Committee and also all of those who were supposed to have Bills before that Committee today. Due to the lateness of the hour, we are postponing our Committee hearing of Counties and Townships to room D-1 tomorrow morning at 9:00. So, please listen, pass around... word along to all of those Committee Members who are not hearing this that we will meet tomorrow morning in D-1 at 9:00, and, hopefully, if we have a quorum, we can have it over with in a half an hour. Please."

Speaker Daniels: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, this is to all Members of the Committee on Registration and Regulation and to those who had Bills that were posted for today. Because of the lateness of the hour, we will not meet today. However, it is an important meeting. We must meet tomorrow. So, we will meet at 9:00. 9:00 tomorrow in room O-2 and, again, if we all are there and have a quorum, I think we can get through within a half hour. Thank you."

Speaker Daniels: "Representative..."

Sandquist: "Room O-2."

Speaker Daniels: "Representative Ewing."

Ewing: "Announcement, Mr. Speaker. Next week will be the last week for the Revenue Committee to hear House Bills. Anyone that wishes to have their Bill posted must call my office and talk to Joella 'Medalla' by 11:45 tomorrow if they want

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their Bill posted."

Speaker Daniels: "Representative Hudson."

Hudson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A notice to all Members of the Higher Education Committee..."

Speaker Daniels: "Excuse me, Representative Hudson. Ladies and Gentlemen of the House, we are not closing down. We are not closing down. We'll return back to Third Reading upon the completion of these announcements. Representative Hudson."

Hudson: "Thank you, Mr. Speaker. Members of the Higher Education Committee, which was to have met at 4:00 p.m. today, that meeting will be postponed until next week; one week from today at the hour of 4:00 p.m., room C-1 in the Stratton Building. Any Members who have Bills that want them posted, be sure to let me... let us know before 11:00 tomorrow."

Speaker Daniels: "Representative Friedrich."

Friedrich: "Since we're on announcements, the Rules Committee will meet 30 minutes after the Session tomorrow, the recess meeting from today."

Speaker Daniels: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. It's my understanding that the Speaker intends us to finish up with Third Readings, House Bill and then go to House Bills, Second Reading and work through those tonight because of deadline problems. I would like to make a Motion that we go to House Bills, Second Reading and start working our way through those, and maybe we can get out of here at some sort of reasonable hour and maybe even have a chance to see some of the people who came down to see us tonight."

Speaker Daniels: "We appreciate your suggestion. Perhaps you'd want to bring that up with the Speaker."

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Birkinbine: "That's a Motion."

Speaker Daniels: "Okay. Well, you weren't recognized for the purpose of the Motion. Okay. Representative Matijevich."

Matijevich: "Mr. Speaker, before that last few words, I had my light on for a personal privilege because so many were getting up. I just received a copy of the schedule, and I've heard some comments about how this Session is running as compared to other Sessions. First of all, I think it's a joke that we're trying to crowd all of last year into one day. That, to me, is a big joke, when all of us know, for example, that the Senate isn't going to respond in time. I think it's a joke, too, and it's a sorry waste of the taxpayers money that we are virtually going to be here for two months straight and be in here five days next week, five the week after and be here two months straight to consider, practically, only Republican Bills. That's a joke in itself. Now, even if they were half Democratic Bills and half Republican Bills, I think it would still be a sorry waste of money; because, it has already been determined that the Senate is not going to act on them. We are two Houses here, the Senate and the House. I don't see why reasonable people can't get together, the Leadership in the Senate and the Leadership in the House. And, if it is a fact that those Bills which aren't emergencies and we know it and aren't going to be considered in the Senate, that we really call a spade a spade and not be here wasting the taxpayers' monies. I don't think that I'm one that wants to go to all these parties or whatever they have tonight, but a lot of people from back home have spent a lot of money to come here, if for no other reason, just to say hello. And I think, if we were really doing something important now that's going to have some effect later, then maybe we ought to stay here till midnight. That's alright,

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but, if we're just spinning our wheels, I think we're better off saying hello to the taxpayers that spent so much money to come down here to say hello."

Speaker Daniels: "House Bill 1260, Representative Wikoff. Representative Wikoff. Out of the record. House Bill 1261, Representative Wikoff. Out of the record. 1268, Representative McAuliffe. Representative McAuliffe, 1268. Out of the record. 1296, Representative Ewing. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1296, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Daniels: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I will try and make the explanation of this Bill short and to the point. There's been quite a bit of talk about reclassification of personal property into real estate. Originally, as this Bill was introduced, it had a new definition of what was real and what was personal property. Because things were not uniform across this state, this new definition, of course, made some changes in some counties and created concern among many units of local government and schools. Yesterday we amended this Bill. We took out the definition. We will leave that to another time and another General Assembly; but, what we put in the Bill was a statement of policy as to what we're going to tax as personal property or not tax as personal property and what we're going to tax as real estate. And very, very simply we are saying that, if it was personal property and taxed that way before 1979, any new property put into service or replaced in the years ahead will not be taxed as real estate. If it was taxed as real estate, prior to 1979, it cannot be reclassified and now taxed as personal property. We have said what is fair. We have said that we want to



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keep Illinois and make it an attractive place for business, and this is a very important Bill for new industry; because, if you're planning on investing millions in what used to be personal property, you don't want to wake up one morning and find it being taxed as real estate. It's important for the little farmer, for the small businessman, because property, which he no longer pays tax on, could, without this Bill, be reclassified into his real estate. You might say, "Well, the courts have acted in this matter". Well, they have acted, and they have said that what was personal property and in existence before 1979 could not be reclassified. But what they didn't do; they didn't address the problem of reclassification of property put in use or replacement property put in use after 1979. I believe that this Bill, as amended, is fair. I believe it's equitable. I think it will help our business climate. I think it will keep this state from having double taxation with the personal property replacement tax, and I would be glad to answer any questions and, of course, would ask for a favorable vote."

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

Getty: "Mr. Speaker, will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Getty: "Representative Ewing, I think your opening remarks answer at least two of these questions, but just to be absolutely crystal clear, in legislative intent, I would like to ask you three questions. As I understand it, the purpose of this Amendment is to preclude assessing officials from adopting a reclassification of property purchased or placed in use after January 1, 1979. Is that correct?"

Ewing: "That's correct."

Getty: "And the amending language is added for the purpose of

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extending the decision given in Supreme Court case Central Illinois Light Company versus Johnson, and, in that case, the Court held that certain property lawfully assessed as personalty, prior to January 1, '79, cannot be later reclassified as realty. And this Bill, as amended, extends that concept of that... the concept of that decision prohibiting reclassification for new property purchased or placed in use after January 1, 1979. Is that correct?"

Ewing: "That's correct."

Getty: "And, thirdly, it is not the purpose of this Amendment to remove taxable real estate from property tax rolls. It's designed to continue the practice of assessors existing prior to January 1, 1979, as to new property coming into their jurisdiction, after that date. Is that correct?"

Ewing: "For real property, yes."

Getty: "Thank you."

Speaker Daniels: "Further discussion? Gentleman from Stevenson, Representative Rigney."

Rigney: "Would the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Rigney: "I was asked just this afternoon, by the Supervisor of Assessments in Ogle County where a new nuclear plant is going in, under the definition of your Bill, how that would be handled. Now realize, of course, this is something that didn't exist prior to '79, and there is no precedent here as to how you're assessing the fixtures and all that within that nuclear plant. It's a substantial amount of potential tax there. Can you tell us, for the record, how that would be handled?"

Ewing: "Are you saying that this plant came on line? There was nothing there, no assessment prior to 1979?"

Rigney: "Yeah, and it's not even in operation and won't be for a couple of years even."

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Ewing: "My understanding of the Bill, of course, if you had other nuclear or power plants in your county."

Rigney: "That they do not have."

Ewing: "It would have been assessed the way they were. The practice would be continued. I would assume then that they will, and this is an assumption, that they would then have to assess that plant based on the general assessing practices in the State of Illinois for nuclear plants. If they have no ... no basis."

Rigney: "Conceivably, that could differ from one nuclear plant to the other?"

Ewing: "And that is a real problem in the state, the nuclear plants. Some were assessed almost completely as personal property and some have been assessed as real estate. I'm sorry I don't have a better answer for that."

Speaker Daniels: "Further discussion? Representative Smith. Sponsor indicates he will."

Smith, Irv: "Does... Does your Amendment satisfy those criticisms that I have just received the past few days from school boards and local governments?"

Ewing: "Representative Smith, to the best of my knowledge, it does. In fact, I've had some of these... their representatives come up to me and say, 'We're very pleased with the Amendment and we think it does the fair thing'. It tries to keep the status quo."

Smith: "Thank you."

Speaker Daniels: "Further discussion? Representative Barr."

Barr: "Thank you, Mr. Speaker. Does the Sponsor yield for a question?"

Speaker Daniels: "Indicates he will."

Barr: "Representative Ewing, I'd like to follow up on some of the previous questions. Is it the intent of your Bill, as amended, to apply on a county-by-county basis? That is,

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would the supervisor of assessments, in the case of new property coming on line, review how similar property in that county had been assessed prior to 1979?"

Ewing: "Representative Barr, I would think that's the only way you could do it, because we give the county assessor certain responsibilities and obligations in each county, and there were variations across this state, from county to county; and, I would see no other way that you could interpret this Bill than that if, in your county, it was personalty, before 1979. It will be afterwards and, if it was real estate, it will be real estate."

Barr: "Thank you."

Speaker Daniels: "Gentleman from Will, Representative Van Duyne."

Van Duyne: "Yes, I'd like to ask the Sponsor a question, please."

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

Van Duyne: "Representative Ewing, does this Bill address... If I can create a little scenario for you, it might help a little bit. Under the farm assessment Bill and also under assessment of land owned by manufacturing agents or agencies, where they have a factory that's located, maybe own a hundred acres and the factory is only located on, let's say, ten, they have 90 acres of surplus land that they're going to expand on. In the case of nuclear power plants like Dresdin or Collin Station, they have that identical situation existing where the plant itself maybe covers ten acres or five acres, but the cooling lakes cover maybe 500 or a thousand acres. Now, how do you treat this water-covered land? Is it taxed or assessed as improved land, or is it... would it be assessed like a bog or a swamp on a farm where they say it's unusable or nonproductive or whatever?"

Speaker Daniels: "Representative Ewing."

Ewing: "I don't believe this Bill would address that. It says

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that, if that land were - and I don't see how that land could be assessed as anything but real estate - it will continue to be assessed as real estate; be it waste land or prime land or development land. This doesn't change that."

Speaker Daniels: "Representative Virginia Frederick."

Frederick: "Mr. Speaker, will the Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Frederick: "Representative Ewing, I would like to talk about the Zion Nuclear Plant, specifically. Are the walls and the ceiling and the floor of the Zion Nuclear Plant, which are there for protection of radiation... from radiation, are they there classified as real property or personal property?"

Ewing: "Representative, could you tell me how they were classified yesterday or in 1979?"

Frederick: "They were classified as real property, I believe."

Ewing: "Under this Bill, they will be classified as real property."

Frederick: "Did you also say that there is no uniformity between nuclear plants throughout the State of Illinois in assessment?"

Ewing: "I understand that, in some counties, that which was... what you have classified as personal property in Zion... I mean, as real estate in Zion, was personal property in other plants, and that was one reason that the Bill, as originally introduced, caused some concern; because, we tried to arrive at a definition that would be state-wide. The Bill, as amended, says, if it was realty before, it's realty now. If it's personal property before, it's personal property now. So, we cover all bases. So, if your county was doing it one way and another county doing it another way, that's the way it will continue."

Frederick: "Thank you."

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Speaker Daniels: "Further discussion? Gentleman from Coles, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, simply to speak to the question raised by Representative Smith and a couple of others. Representative Ewing and I put this Amendment on that's the Bill now, yesterday, in response, in great part, to the fear that this Bill, with its original definitions would create problems in the state and not solve the problem. Representative Ewing said, yesterday, that this Bill would not be used as a vehicle, and it won't. We know the problem is an ongoing one. To my knowledge and I think to Representative Ewing's, having since offered and passed the Amendment, those school associations and other units of local government, while not wildy happy, I'm sure, that any Bill's in, have yet to raise any serious, if any, objections since that Amendment went on. Representative Ewing's also right in simply saying this is a status quo Bill, with the Amendment. Things will be treated as they were, both with regard to old property on the books before '79 and, prospectively, as to new property. The bottom line, very simply, is it would also obviate the need, if there were any question and had a definition in there, of the types of property of those entities like in Grundy and Lake County of having, in their cases, to go back to attempt to dip into the till of the replacement tax. It simply keeps things in the status quo. I think it's the best we could hope for. Clearly, it's the best, because it satisfies most objections. It will promote business entities knowing what's going on, with regard to taxation. It won't allow people to go back and attempt to ... to dicker, if you will, with the type of property that may be there and change the assessment practices. It's the best we can get, at this time, as I say, recognizing the need to

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go on and someday define this. I think this is the best we can do now, and the Amendment satisfies all major objections that have been raised by anyone to date. For that reason, as Representative Ewing has well outlined, I think, as well as anyone could, the Bill ought to be passed by this House and sent on to the Senate to take care of a very important problem in this state and to clear the air, at least in regard to the fact that we have differences in the state. But we're going to maintain the status quo and prevent the loss of revenue on one hand while, hopefully, preventing an exodus of business on the other."

Speaker Daniels: "Representative Mulcahey."

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

Speaker Daniels: "Gentleman's moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Ewing, to close. Representative Ewing, do you wish to close?"

Ewing: "I think the House has discussed this thoroughly, and I hope that they're all cognizant of the contents of this Bill; and, I would ask for a favorable vote."

Speaker Daniels: "Question is, 'Shall House Bill 1296 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. Leave it open. Representative Abranson, could you record Representative Stearney as 'aye'? Have all voted who wish? Take the record. On this Bill there are 158 'aye', 9 'nay', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1338, Representative O'Brien. Out of the record. House Bill 1442, Representative Telcser. Read the Bill, Mr. Clerk."

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Clerk O'Brien: "House Bill 1442, a Bill for an Act in relation to Judges and providing for the filing of vacancies in the Office of Judge in the 1st Judicial District. Third Reading of the Bill."

Speaker Daniels: "Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, House Bill 1442 simply substitutes a method of filling judicial vacancies in Cook County by one system for another. Under the current law, when a vacancy exists in a Circuit Court Judgeship, that vacancy is filled until the next election by the State Supreme Court. What House Bill 1442 does is simply to substitute the Supreme Court appointment method for a method similar to that described in the so-called merit selection plan. You may recall, in the 1970 Constitution which was submitted to the voters, there were three side issues; one of which was so-called merit selection of Judges. The voters of Cook County decisively approved the merit selection plan for electing Judges in this state. We all know the history of that issue. It failed state-wide and Constitutional Amendments have been submitted to the Legislature ever since but have consistently been defeated over and over again, because they cover the entire state. I've been a proponent to that legislation, and I hope that perhaps someday that will be the method of selecting Judges in this state. Just yesterday, a Constitutional Amendment to do this failed. So, Mr. Speaker and Members of the House, I decided to proceed with House Bill 1442, a small, small sliver of, perhaps, a different way of selecting Judges than proposed in the Constitutional Amendment we heard yesterday. Mr. Speaker and Members of the House, I believe that House Bill 1442 satisfies the wishes of the citizens of Cook County, who have already said that they approve of this type of



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selection for their Judges. I emphasize to the Members of the Assembly that this Bill covers only Cook County; that this Bill only covers the filling of vacancies. When the term for which that vacancy was filled expired, that individual, if he or she so chooses, would have to run to continue to serve as a Judge. I believe that House Bill 1442 gives the citizens of Cook County something which they have told us they want. I believe your vote is warranted, and I sincerely appreciate it."

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

Cullerton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1442 is clearly unconstitutional for the following reasons. The Bill applies to local Associate and Circuit Court Judges and changes the manner in which vacancies are to be filled. Article VI, Section 8 of the Illinois Constitution clearly states, and I quote, 'Associate Judges shall be appointed by Circuit Judges in each circuit, as the Supreme Court shall provide by rule'. This Bill is in direct contradiction with respect to the appointment of Associate Judges within the Illinois Constitution. The Bill only applies to the 1st Judicial District. Therefore, it is violative of Section 2 of the Illinois Constitution that says all persons are entitled to due process of law nor denied equal protection of the laws. Since it only applies to the 1st Judicial District, it's violative of Article IV, Section 13 of the Illinois Constitution that says the General Assembly shall pass no special or local law when a general law is or can be made applicable. There is no reasonable classification in having the legislation only apply to the 1st Judicial District, and there is no basis for that classification. The legislation is also violative of the 14th Amendment of

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the U. S. Constitution in that it means that people of Cook County are being treated differently than the rest of the state for strictly and admittedly political purposes. Furthermore, Article VI of the Illinois Constitution establishes the single unified court system for the State of Illinois. This system is vitiated by this Bill and only applies to the 1st Judicial District and is, therefore, unconstitutional. Section 8(D) of the Illinois Constitution requires that all Bills be confined to one subject and all portions of the Bill must be germane to the title of the Act. This title only refers to vacancies, but the second sentence in Section 2 expands. It goes beyond vacancies and adds the term 'additional judges'. That same Section of the Constitution is violated in another manner. The title of the Act refers to Judges in the 1st Judicial District. Section 2 of Article VI of the Illinois Constitution indicates that judicial districts only applies to the Office of Supreme and Appellate Court Judges. Therefore, any further reference in the Bill to Circuit and Associate Judges is also outside the germaneness of the Act. Additionally, Chapter 37, Section 72-42 is the existing statute governing the filling of vacancies of the Office of Judge, but, since this Bill doesn't amend that Section, the Bill is amended without reference to an existing statute. By the way, this Bill also is not similar to the merit selection Bill, because the merit selection Bill was amended so that the Governor didn't make all of the appointments to the Nominating Commission. This Bill is a real beauty, when it comes to this... the power of the Governor. It creates a Nominating Commission of 19 members all of which are appointed by the Governor, and then it makes... This Commission of which the Governor has appointed all the members; they make a list from which the

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Judge is selected. Guess who gets to make this final selection? The Governor, the same guy who picked the entire Commission and the Chairman. That is real, real reform. I think that what the Sponsor of the Bill really wants to do is to experiment... experiment with merit selection in a certain county that might need it, and I would suggest to him that the county is not Cook. The county is DuPage. Let me read a little bit of facts about DuPage County. It's a single circuit. It's got ten Circuit Court Judges and fifteen Associate Judges. The Circuit Judges and Associate Judges are all Republicans. They are elected for six year terms, required to run for retention each sixth year. To date, no Judge in the 164 year history of DuPage County has failed to be retained in DuPage County. Associate Judges are selected by a majority vote of the Circuit Judges for a term of four years. To date, in 164 years, no Associate Judge has not been reappointed for another four-year term. Every Judge who's been elected by the voters of DuPage County and every Associate Judge elected by the Circuit Court has been Republican for 164 years, except, except Judge Max F. 'Ellibin' of Glen Ellyn. He was a Democrat. He was elected in June of 1933. He served for three years, and then he had a heart attack. He was, of course, succeeded by a Republican. In Cook County, in Cook County and I'm sure Chairman Barr can tell you this is true of both Republican and Democratic Parties, we do not slate, in Cook County, either Republican or a Democrat, we do not slate any candidate who has not been approved by the Chicago Bar Association. In DuPage County, it's quite the opposite. They totally, totally disregard the recommendations made by the DuPage County Bar Association and make the appointments in any way they want. So, I would suggest to

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Representative Telcser and, as he says, although I can't impersonate him, as he says so well, I have tremendous amount of respect for this Sponsor, but I think that the Gentleman is misguided. I think that he should go to DuPage County and try to practice his merit selection out there. Thank you."

Speaker Daniels: "Representative Hoffman, from DuPage."

Hoffman: "I would only make one comment, Mr. Speaker, in reference to the statements from the last Gentleman. He seems to forget his origins."

Speaker Daniels: "Where might that be, Representative Cullerton? DuPage County. Gentleman from DuPage, Representative Loftus, on his maiden speech to talk about the fine Judges in DuPage."

Loftus: "This is my maiden speech. I had it all prepared. Representative Cullerton just spoke five minutes about DuPage County. It is true that in DuPage County we have not had one Judge, and I don't even... I have never heard of the Gentleman that you refer to, but I assure you we did. At the last Session in DuPage County, we do have a system where the Bar Association, of which I am a member, submits names to the Circuit Judges for appointments as Associate Judge. Now, the DuPage Bar Association is anything but an arm in a Democratic Party, as has been claimed by some of the Circuit Judges. At the last slating, we slated the non-partisan Bar Association slated ten gentlemen, in order of preference, to be appointed Associate Judge. Jack Perry, a very respected lawyer in DuPage County and the son of Federal Judge Sam Perry, was number one on the list. He happened to be a Democrat, and the number two and three gentlemen happened to be Democrats. The Circuit Judges in DuPage County appointed three gentlemen to be Judges who had an average of three

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years to five years out of law school. So, if the Gentleman from Cook County wants some meaningful legislation on judicial selections, I would suggest you include DuPage County in that legislation. Thank you."

Speaker Daniels: "I certainly wouldn't want to be a Democrat Judge in DuPage, based upon the last one there. Representative Barr."

Barr: "Mr. Speaker and Ladies and Gentlemen of the House, I've been fascinated by the... this debate so far and the remarks from our colleagues on the other side of the aisle, and, to hear them talk, you'd think they'd all voted for that merit selection Constitutional Amendment yesterday, which, of course, would have applied to DuPage County. If they didn't like the way Judges are selected there, they had their chance yesterday, but I didn't see too many green lights on the board on that proposed Amendment. As a matter of fact, what we're talking about here, as Representative Telcser pointed out so ably, is a very limited situation. In the first place, Representative Cullerton, this Bill, of course, does not have anything to do with the selection of Associate Judges; and, I don't know where you got that idea. The Bill applies only to vacancies in the 1st Judicial District in the Office of Circuit Court Judge, full Judge of the Circuit Court, and Appellate Court Judge. And what change does it make in the present system? The change that it makes is in the method of appointing people to fill vacancies as they occur. It has nothing to do... doesn't change, in any way, the present alleged power of the people to elect their Judges. It merely changes the present system. Under the present system, vacancies that arise in the Circuit Court and the Appellate Court are filled by appointment by the Supreme Court, which means, in Cook County, as a practical matter,

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they are filled by the three Supreme Court Judges appointed by the... or elected, excuse me,... actually, appointed, of course, by the... from Cook County. So, we have an appointive system now, a system whereby our vacancies are filled by the three Supreme Court Judges from the County, and what this Bill of Representative Telcser's would do is change that appointive system and put in a ... a.. a system whereby a Commission, composed of both lawyers and non-lawyers operating under public scrutiny, which is not the case now, select nominees. The Governor would be restricted to the three nominees presented by the Commission in making his appointment to fill these vacancies and, as under the present system, men and women appointed to fill these vacancies would serve only until the next election, at which time they'd have to run for election just as they do now. So, all this Bill does is take away the present secretive and absolutely undemocratic system where three Judges of the Supreme Court appoint Judges to fill our vacancies - that's what we have now - change that to a Commission operating in the public eye, under public scrutiny, with involvement by many more of our citizens; and, this is obviously an improvement under the system that we have now. And, if it works in Cook County, if experience shows that it works, why then, of course, I'm sure that all of us would be glad to expand it to other counties at a later date. Thank you, Mr. Speaker."

Speaker Daniels: "Minority Leader, Representative Madigan."

Madigan: "Mr. Speaker, would the Sponsor yield to a question?"

Speaker Daniels: "He indicates he will."

Madigan: "Mr. Telcser, was it... was it your testimony that this Bill would only apply to the County of Cook?"

Telcser: "That's correct, Mr. Madigan. For the 1st Judicial District which, as you know, is Cook County."

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Madigan: "And does the Bill, in effect, provide that vacancies in Cook County would be appointed by the Governor of the state?"

Telcser: "From a list of names submitted by a panel appointed pursuant to the provisions of House Bill 1442. You leave the impression that the Governor would just go about the state choosing anyone who he would wish. That's not the case. He would have a list submitted to him by the Nominating Committee, in full view of the public, as opposed to a few Judges standing on high now making the appointment."

Madigan: "But then he would make the appointment."

Telcser: "The Commission would submit the names and he would make the appointment from the names submitted by the Commission. It's the Commission who would initiate the candidates and select the candidates and screen the candidates."

Madigan: "Mr. Telcser, does the Bill carry a requirement that a Cook County appointee must reside in Cook County?"

Telcser: "The names would be... The names would be submitted to the Nominating Committee made up of people who reside in the 1st Judicial District, and what's more, the State Constitution already sets forth the residency requirements."

Madigan: "Does the State Constitution provide that..."

Telcser: "The Constitution says that a Judge has to live in the Circuit from which he or she is serving."

Madigan: "Now, Mr. Telcser, for purposes of this particular Bill, would you be able to tell us what the legal residence of Jayne Thompson is?"

Telcser: "Of Jayne Thompson?"

Madigan: "Yes."

Telcser: "I am not completely familiar with the laws on residency requirements. I do know, however, that people who are ...

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and their families who serve a public life may keep their residence where they live prior to where they are living as a state officer. I, frankly, can't answer that residency question for you. Perhaps you could make your point, if you wish, directly."

Madigan: "But.. But, apparently, Jayne Thompson might qualify, under this Bill."

Telcser: "Any qualified person, who meets the standards set forth by the Nominating Committee, may very well meet the requirements, Representative Madigan. I'm confident that, should Mrs. Thompson's name be brought forth, she would meet the requirements because of her excellent qualifications."

Madigan: "Mr. Speaker, might I address the Bill?"

Speaker Daniels: "Proceed, but she is welcome in DuPage, by the way."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in opposition to the Bill. The question of merit selection of the Judiciary was very adequately debated by this House yesterday. All of us have our own personal opinion relative to the wisdom of a merit selection system for the State of Illinois, and we all recorded our votes yesterday on that question. Today, we are asked to treat a very small part of that question; a part that relates to one county, which is the most Democratic county in the State of Illinois. The Bill, which treats the most Democratic county in the State of Illinois, is being offered to us by the Republican Majority Leader, an individual who has been elected as a Republican for several years in Chicago and, at one time, served as a Republican Ward Committeeman in the City of Chicago. So, that I submit to you that this is clearly a partisan, political effort directed at one county, directed at one group of



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individuals who are Democrats and who wish to participate in the selection of Judges just as people throughout the state participate in the selection of Judges. I stand in opposition to merit selection of Judges. I have done that since I served at the Constitutional Convention. I do that today. In regard to this particular Bill, I'm opposed to the Bill because of the concept offered by the Bill, but because of its very shortsighted nature; and, because it is obviously directed at one small group of people, one class of people in this state. And, for those reasons, it should be rejected."

Speaker Daniels: "Gentleman from Cook, Representative Piel."

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

Speaker Daniels: "Gentleman has moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Telcser, to close."

Telcser: "Mr. Speaker and Members of the House, the debate from some of the Members was really quite interesting. The first Gentleman who rose to speak on the question, I believe, has a Bill pending right now to change the method of filling vacancies and taking that system away from the Supreme Court and giving it to some political leader. Secondly, let me refer the Gentleman to the State Constitution, Article VI, Section 12, Paragraph C in which the State Constitution clearly says that the vacancies shall be filled by a method prescribed by the General Assembly. So, I submit to you that the Gentleman's arguments were politically inspired and quite specious indeed. I might also say to the Minority Leader that all of the debate we heard yesterday, in connection with the Constitutional Amendment, are the very reasons for which one should support House Bill 1442. The central argument in

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yesterday's debate from the opponents to merit selection was that the people of Illinois are entitled to accountability; that they should have the right to elect their Judges so that the Judges could answer to the citizens of Illinois. Now, everybody in this chamber knows full well how insulated the State Supreme Court members are. Are you trying to say to me that Illinois citizens can go and lobby and appear before the deliberations of the State Supreme Court when they fill vacancies? Baloney. We all know that's not the case. So, what's the next logical step? The next logical step is to have citizens and neighbors and people who we know make those selections for that short interval until the next election. The logic of House Bill 1442 clearly, clearly warrants the support, not only of those people who support merit selection, but it gets to the heart of those who criticize merit selection. Why House Bill 1442 ought to have the support of every Member of this House except those political leaders who consider political needs first, and I believe that some of the opponents, who have been speaking against this Bill, put those considerations first; party partisan politics first. Yes, I'm a Ward Committeeman and, yes, I'm a Minority Leader; but, not once, in my opening remarks, did I even discuss or even have a 'centilla' of a hint of partisan politics. I don't think that the Judiciary ought to be involved in partisan politics. That's the issue. This Bill is a good Bill for the citizens of Cook County. They spoke loud and clear in 1970 for merit selection. Let's give them what they want. I encourage and hope that you'll give me support on House Bill 1442."

Speaker Daniels: "Question is, 'Shall House Bill 1442 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Gentleman from Lake,

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Representative Pierce. The timer's on, Sir."

Pierce: "Mr. Speaker, in explaining my vote, I supported merit selection yesterday. I felt it's a good concept, but this Bill smells to high heaven. It's a partisan attempt to put merit selection in the Democratic county and exclude it in the Republican areas of the state. In Lake County and other areas, one Supreme Court Judge, not three, one Supreme Court Judge in that district determines who fills the vacancies. That's true of Districts 2, 3, 4 and 5 and so on. Not three, just one Judge selects the vacancies. If you believe in merit selection, if you aren't a partisan, Republican, narrow-minded Ward Committeeman, you'd put this in all the counties of the state, in all the districts of the state. When you did it yesterday, I supported you. Today, you're only doing it in the Democratic county, in the Democratic district. The Bill is phony, and I oppose it. It's not merit selection. It's Republican selection, and I vote 'no'."

Speaker Daniels: "Gentleman from Marion, Representative Friedrich, to explain his vote. Timer's on, Sir."

Friedrich: "Mr. Speaker and Members of the House, if this were for permanent appointments, I wouldn't be for it, but I certainly think this is a good system of filling vacancies; because, right now, the vacancies are filled by the Judges. So, it's just a matter of who does the appointing. It has nothing to do with election, because they're not elected now to fill a vacancy. So, I don't see anything wrong with changing this method. I'd be happy to have it down in my area."

Speaker Daniels: "Gentleman from Cook, Representative Bowman, to explain his vote. Timer's on, Sir."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I was surprised that Representative Cullerton was

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more picky than usual in analyzing the Bill. Actually, I don't see this as a partisan attempt. The Republican of the Governor's Office changes hands from Democrat to Republican, and I'm sure that there will be a Democrat in their... after the next election. I would remind everybody here that the voters of Cook County did vote, for the proposition that was presented to them separately at the time that the Constitution was adopted, for merit selection. The voters of Cook County want merit selection. So, I'm with the voters of Cook County. I'm supporting this Bill."

Speaker Daniels: "The Gentleman from Cook, Representative Dick Kelly, to explain his vote. Timer's on, Sir."

Kelly: "Yes, Mr. Speaker, one of the items why I'm against the merit selection is, at the federal level, the questions that are being asked about becoming a merit Judge is whether or not you are favorable to or against the issue of abortion; and, I'm afraid that will be carried down to the state level and into the county level. Mr. Speaker, I'd like to ask why Senate Bill 941, the Motion that's been filed this morning, has not been recognized. It was in writing, and we did go to Postponed Consideration on House Bill..."

Speaker Daniels: "I'm sorry. Representative Kelly... Representative Kelly, you'll have to stay on this Bill. We're in the middle of a discussion of a very important piece of legislation. Further discussion? Further explanation of vote? Gentleman from Macon, Representative John Dunn, to explain his vote. Timer's on, Sir."

Dunn: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I support merit selection, but I, too, am against abortion, and that's what this Bill is. So, I'm not going to vote for it."

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Speaker Daniels: "Representative Cullerton, for what purpose do you rise, Sir? You did speak in debate."

Cullerton: "Yes, and my name was also mentioned in debate a number of times, and I think that, on a point of personal privilege, I'd like to make a few clarifications. First of all, Mr. Barr, if you read line eight of the Bill, it says it applies to all Judges of the Circuit Court. Associate Judges are Judges of the Circuit Court. So, the Bill clearly applies to Associate Judges. With respect to the Bill that I have pending, which was mentioned in debate by Representative Telcser, all that does is allow for the people to have... to elect their Judges sooner rather than... It has nothing to do with the political leader appointing Judges. With respect to his comments about the openness of this Commission, the Bill, specifically, exempts meetings of the Judicial Nominating Commission from the Open Meetings Act, and I, however, do agree with him that it's very similar to the merit selection Bill that we defeated yesterday; and, I would ask for the same Roll Call as we had yesterday."

Speaker Daniels: "Gentleman from Cook, Representative Bullock, to explain his vote. Timer's on, Sir."

Bullock: "Well, Mr. Speaker, my vote is clear. It's 'no', but I want you to know that, if this should receive 89 votes, I'd like to be recognized for the purpose of a verification of the affirmative votes."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Bill there are 84... Representative Ebbesen 'aye'. There are 85 'aye', 81 'nay', 2 voting 'present', and the Gentleman, Representative Grossi, votes 'aye'. Gentleman, Representative Telcser, requests a Poll of the Absentees."

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Clerk O'Brien: "Poll of the Absentees. Johnson. Katz. Krska. Macdonald. Martire. Vitek. Wikoff and Younge."

Speaker Daniels: "Gentleman from Hardin, Representative Winchester, for what purpose do you rise, Sir?"

Winchester: "How am I recorded, Mr. Speaker?"

Speaker Daniels: "How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Speaker Daniels: "You are recorded, Sir, as voting 'aye'. Representative Ebbesen, for what purpose do you rise, Sir?"

Ebbesen: "Did you get me recorded affirmatively?"

Speaker Daniels: "How is Representative Ebbesen recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Ebbesen: "Thank you."

Speaker Daniels: "Representative Ebbesen, you're recorded as voting 'aye'. Representative Hastert?"

Hastert: "Mr. Speaker, how am I recorded?"

Speaker Daniels: "How is Representative Hastert recorded?"

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

Speaker Daniels: "You are recorded as voting 'aye', Sir. Representative Pullen, for what purpose do you rise? How is the Lady recorded?"

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

Speaker Daniels: "You're recorded as voting 'aye'. What did you say, Representative Collins? No, I'm sorry, it's too late to explain your vote."

Collins: "Did you say it's too late to explain my vote?"

Speaker Daniels: "I said, it's too late to explain your vote."

Collins: "What time is it, Mr. Speaker?"

Speaker Daniels: "86 'aye', 81 'no', 2 voting 'present'. This matter, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1520, Representative Rea. Out of the record. House Bill 1551, Representative Stearney. Is that the one you wanted to table, Sir?"

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1551?"

Stearney: "No, Mr. Speaker."

Speaker Daniels: "Do you wish to proceed? Out of the record? Out of the record. House Bill 1590, Representative Donovan. Out of the record. House Bill 1600, Representative Keane. Out of the record. House Bill 1605, Representative Keane. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1605, a Bill for an Act to create a second Local Government Finance Study Commission."

Speaker Daniels: "Representative Keane."

Keane: "Mr. Speaker, I'd ask leave to table House Bill 1605."

Speaker Daniels: "Gentleman's asked leave to table 1605. Does he have leave? Hearing no objections, leave is granted, and House Bill 1605 is tabled. House Bill 1606, Representative Keane."

Keane: "1607?"

Speaker Daniels: "1607, I'm sorry, Sir."

Keane: "Yes. I'd like leave to take this back to Second for an Amendment."

Speaker Daniels: "Gentleman asks leave to take 1607 back to Second Reading. Does he have leave? Hearing no objection, Second Reading, House Bill 1607. Are there any Amendments?"

Clerk O'Brien: "Amendment #1, Sam Wolf, amends House Bill 1607 by deleting the title and so forth."

Speaker Daniels: "Representative Sam Wolf."

Wolf: "Thank you, Mr. Speaker. Amendment #1 to House Bill 1607, if adopted, actually becomes the Bill. If you will recall, last year we passed legislation that provided for the turning in of assessment books by local tax assessors to the Supervisor of Assessments by April the 15th of a particular year. This Bill simply provides that Boards of Review can go into session during the first week of May

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rather than having to wait until the third week in June. I would simply move for its adoption."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the adoption of Amendment #1. All those in favor will signify by voting 'aye'... or saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #1 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. Gentleman, Representative Keane, on 1607. For what purpose do you rise, Sir?"

Keane: "Yes, I would ask leave to hear the Bill on Third Reading now."

Speaker Daniels: "Gentleman asks leave to have the Bill heard on Third Reading. On that Motion, Representative Vinson."

Vinson: "Mr. Speaker, I wonder if the Gentleman would take it out of the record for just a minute while we consider that request."

Speaker Daniels: "Would you take it out of the record, Sir, and consult with Representative Vinson?"

Keane: "Yes. If we can come back to it at a later date, that would be fine. Thank you."

Speaker Daniels: "We'll do our best. House Bill 1621, Representative Stanley. Out of the record. House Bill 1624, Representative Pierce. Out of the record. House Bill 1655, Representative Yourell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1655, a Bill for an Act in relation to state revenue sharing with local governmental entities. Third Reading of the Bill."

Speaker Daniels: "Representative Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1655 was heard earlier in the year and received 88 votes. Since that time, we've amended the Bill



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and what it does is simply provide that libraries in the State of Illinois receive their proportionate share of the Personal Property Tax Replacement Fund. The law is very clear in this regard, and, in Public Act 82... 81-1255, the court determined and the statutes required that townships do what we're asking now for municipal corporations to do. It's good legislation, and I would be happy to announce.... answer any questions you might have."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the passage of House Bill 1655. The question is, 'Shall House Bill 1655 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Gentleman from Cook, Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Some questions probably should have been asked of this Bill during the discussion period, because, with a Bill like this, you're really taking away from local control in that we're not letting them decide whether or not they want to change the percentage of monies that come from tax dollars to go to libraries. Now, I like libraries as much as anybody else, but there's also a matter of local control in letting them decide. Theoretically, we could go down the list of items that receive tax dollars and say each and every one of these units of government has to be given the same amount or same percentage of tax dollars as they got in the past, thereby, letting local government... leaving them no discretion whatsoever insofar as how they're going to disburse those dollars. I don't think it's a wise idea."

Speaker Daniels: "Further discussion or explanation of vote? Have all voted who wish? Representative Jack Dunn, Gentleman from Cook, to explain his vote. Timer's on,

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Sir."

Dunn: "It's my understanding that... that this money only goes when a community levies that money. There's some units of local government that levy this money and they're not passing it on to the libraries, and that's simply all that we're asking for here; that this money that is levied, by the municipality for the library, simply be given to the library. Thank you."

Speaker Daniels: "Gentleman from Cook, Representative Conti."

Conti: "Well, Mr. Speaker and Ladies and Gentlemen of the House, for a good many years I've tried to get legislation passed through this House where school board members are elected and library board members are elected and that they should create their own taxing body. They should be responsible for their own tax rates, and they should be separated from the autonomy or the village budget or village appropriation each and every year. They have to answer to the general public just like we have to. In the one particular instance that I'm thinking of, for 25 years, the library board operated with 3000 square feet. They couldn't possibly build a school library. They tried for a good many years. Along comes General Revenue Sharing Fund, and the municipality, through their trying to help out this library board in getting a new library; offered them a 10,000 square foot building. Well, after the people and the friends of the library were motivated knowing that they had a source of revenue coming in, then they made demands for a 15,000 square foot library and pressured the local village officials then to give them a 15,000 square foot library. Now, I'll be most happy to Cosponsor any Bill, any Bill at all that anybody wants, if they really want to be sincere about giving the schools and the library boards the money that they have coming through personal property

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taxes or through any real estate taxes, but all municipalities, the village fathers take the heat for the expenditures of the libraries and all the libraries and their expenditures all year long; and, still and all they come in with a Bill like this. This isn't the way to go at it. If they want to have their own separate appropriation, their own separate budgets, I'll be most happy to Cosponsor a Bill and help anybody pass a Bill like this. But to make demands like this on their village fathers... the village fathers have to be responsible to the voters just like they do, but they don't have to be responsible for the budget and the budget and the request that they're asking for. I think this is a terrible Bill, and it should be defeated."

Speaker Daniels: "Further explanation of vote? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this Bill there are 129 'aye', 25 'nay' and 8 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Back to House Bill 1607. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1607, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Daniels: "Representative Keane, this Bill was anended and you wish to move that we have this Bill heard immediately. It will take 107 votes or leave... or unanimous leave. Are there any objections? Representative Ewing, do you object? Alright. Gentleman moves that this Bill heard immediately. It takes 107 votes. All those in favor will signify by voting 'aye', opposed by voting 'no'. This is on the Gentleman's Motion to have this Bill heard immediately. Have all voted who wish? Have all voted who wish? Take the record. 130 'aye', 3 'nay', none voting 'present'. Gentleman's Motion prevails. House Bill 1607. Read the

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Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1607, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Daniels: "Representative Keane, on 1607."

Keane: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think we've satisfied the questions on the Amendment. What the Amendment does is it amends the Revenue Act and it requires an earlier turnover of the assessment books on the Supervisor of Assessments. The Amendment is an effort to help bring about... bring relief to property tax assessment cycle, by providing permissive legislation to speed it up. I would ask for your support on this Bill."

Speaker Daniels: "Any discussion? Gentleman from Knox, Representative McMaster."

McMaster: "Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

McMaster: "Jim, what will be the time for returning the assessor's books to the Supervisor of Assessments under this?"

Keane: "It's April... Under House Bill 1294, it's April 15th."

McMaster: "April 15th?"

Keane: "That's correct."

McMaster: "Did you change that with your Amendment?"

Keane: "No, that is in House Bill 1294."

McMaster: "What..."

Keane: "That's already... That's already been signed into law, Tom. April 15th, under House Bill 12..."

McMaster: "And you're not changing that?"

Keane: "No. We're not changing that. What we're doing is we're allowing the Boards of Review to get into the act earlier, and it's strictly permissive. We don't force them to get it in earlier. We just are moving up the dates that they

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can start their review."

McMaster: "Okay, just so long as it's permissive, Jim."

Keane: "Yeah. Right... Yes, it is."

Speaker Daniels: "Gentleman from Will, Representative Van Duyne."

Van Duyne: "Yes, I'd like to ask the Sponsor a question, Mr. Speaker."

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

Van Duyne: "Jim, is there in... by statute now, is there any date by which the township assessor is supposed to have the books?"

Keane: "January 1st."

Van Duyne: "January 1st?"

Keane: "Right. That's right."

Van Duyne: "Okay. What.. What do you do to these local township assessors if they don't get the books? Well, I'll ask both questions simultaneously. Say, the Supervisor of Assessments, the Board of Review don't get the books out in time for January 1st. Maybe it's February or maybe it's the middle of February. What do you... What kind of a provision do you make for them then? And, not only that, if... let's say they do get them on January 1st. Is there any penalty to the local assessors, if they don't turn them in by April 1st? Could you just let me finish by saying that, if there's no penalty, I don't see what's the sense of the date."

Keane: "I will yield to the Sponsor of the Amendment, Representative Wolf."

Speaker Daniels: "Representative Wolf."

Wolf, Sam: "Yes, Representative Van Duyne, as I indicated before, last year, under House Bill 1294, which was sponsored by Representative Slape, it... that legislation provided that, if the township... or rather, the if the Boards of Review were not finished with the original assessment books, that

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the Supervisor of Assessments had authority to issue what is called workbooks to the local township assessors, which he would turn over to them on January the 1st. That same Bill provided that those workbooks would be back in the hands of the Supervisor of Assessments by April the 15th. Now, that's a moving up of the date from the previous date of June the 1st. All we're doing in this Bill is moving that Board of Review date up six weeks to correspond with the previous legislation that was passed last year. There was no penalty in the Bills, either Bill, that I know of, no."

Van Duyne: "Thank you, Mr. Speaker. I'd just like to make one comment. As everyone on this House floor knows, we've tried... I'm going to vote for this, but I think it doesn't go far enough. When the provision is made that Sam has already made that the Supervisor of Assessments does get the workbook to the super... the local assessors by January 1st, there is no reason for them not having their books back to the Supervisor of Assessments by April 1st, as Sam alleges. Now, but the only trouble with that is, if you don't have any bars or any penalties to this, you really... They're elected officials. They can just thumb their nose at you, and so, I don't think it's gone far enough."

Speaker Daniels: "Gentleman from DeWitt, Representative Vinson."

Vinson: "Sponsor yield for a question, Mr. Speaker?"

Speaker Daniels: "He indicates he will."

Vinson: "Representative, I was under the impression that this was permissive, in the discussion, and the language in the Bill says, 'shall meet before the first Monday in May'. Now, that doesn't sound permissive."

Keane: "I'll yield to Representative Wolf."

Speaker Daniels: "Representative Sam Wolf."

Wolf: "The language of the Bill, Representative Vinson, is the

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same language as contained in the statutes except for the changing of the date from the third week in June to the first week in May. Now, it has the same mandatory provisions, under the Amendment, as the statutes have at the present time."

Vinson: "It's my understanding, though, when you explained the Amendment to me, was that it would be permissive and not mandatory and the word 'shall' conveys a mandate to me."

Wolf: "'Shall go into session on or before the first week in May'. That's correct."

Vinson: "So, it's not permissive. They must do that."

Wolf: "Not... You're right. You're absolutely right."

Vinson: "Okay, now, is there... Explain to me what the nature of the legislation is requiring a transfer of the books."

Wolf: "That legislation was passed under House Bill 1294."

Vinson: "What did it do?"

Wolf: "That provided that the Supervisor of... If the Board of Review, within that particular county, was not finished with the original assessment books on January the 1st, the Supervisor of Assessments had the authority to issue what would be called workbooks to local township assessors. Then the local township assessors would post those books with all the changes at their disposal and from their assessments cards."

Vinson: "So, it is not mandatory. We have not made it mandatory that the books be turned over to the Board six weeks earlier."

Wolf: "I'm sorry. I didn't hear your question."

Vinson: "We have not made it mandatory that the books be turned over to the Board six weeks earlier."

Wolf: "Well, the Supervisor of Assessments, in effect, would turn those books over to the Board during the first week in May."

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Vinson: "But it's not mandatory that they be turned over six weeks earlier. Is that correct?"

Wolf: "It would be just as much mandatory, under this Amendment, as it would under the ... under the present statutes."

Vinson: "We have mandated that they be turned over six months ear... six weeks earlier?"

Wolf: "That provision is... The present statutes read that the Board of Review shall not go into session until the third week in June. Let me back up here a minute. The statutes provide that the tax books of the local township assessors shall not be turned over to the Supervisor of Assessments until June the 1st. Now, that's the way the statutes read before House Bill 1294 was passed. Alright? Then, when House Bill 1294 was passed, that date was moved up to April the 15th."

Vinson: "That's when the books have to be turned over?"

Wolf: "That's correct."

Vinson: "So..."

Wolf: "To the... To the Supervisor... to the Supervisor of Assessments."

Vinson: "... this just coordinates... This just coordinates that aspect..."

Wolf: "That's correct."

Vinson: "... and the Board... the Board does know that it will, I mean, by statute, the Board will have the books available to it prior to when it is required to meet, under your Amendment."

Wolf: "Absolutely."

Vinson: "Thank you."

Speaker Daniels: "Gentleman from Macon, Representative John Dunn."

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

Speaker Daniels: "Gentleman moves the previous question. The



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question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Gentleman, Representative Keane, to close."

Keane: "Thank you, Mr. Speaker. I would just... I think the Bill has been well ... or the Amendment is now the Bill, has been well explained by the Sponsor of the Amendment, and I would ask for a favorable Roll Call."

Speaker Daniels: "Gentleman moves for the passage of House Bill 1607. The question is, 'Shall House Bill 1607 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 163 'aye', none voting 'no' and none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. 1768, Representative Satterthwaite. Read the Bill."

Clerk O'Brien: "House Bill 1768, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Daniels: "Representative Satterthwaite."

Satterthwaite: "... have the Bill tabled please. Leave to table House Bill 1768."

Speaker Daniels: "Lady asks leave to table House Bill 1768. Are there any objections? Hearing no objections, House Bill 1768 is tabled. House Bill 1785, Representative Davis. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1785, a Bill for an Act to transfer certain functions of the Department of Labor to the Department of Commerce and Community Affairs. Third Reading of the Bill."

Speaker Daniels: "Representative Davis."

Davis: "Well, thank you, Mr. Speaker and Members of the House. House Bill 1785 is a rather simple concept of State

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Government and reorganization. It touches a problem area that all of us have continuous problems with, in that it deals with transferring the functions of the Bureau of Employment Security and the Unemployment Insurance Administration Fund from the Department of Labor to the Department of Commerce and Community Affairs. I doubt there's anyone in this chamber who has had... has had no difficulty with either BES or the Unemployment Insurance Administration of the Fund. The Department of Labor, and I'm not here to slam them or whatever, but it seems that the Department of Labor has had a consistently inconsistent policy relating to unemployment insurance and to the free-job service in the Bureau of Employment Security, for at least the number of years that I have been involved in the General Assembly. And, if I can believe the older and wiser colleagues that are serving here with many more years than I, it is a perennial problem that has continued to hassle each of us as Legislators and, even more importantly, the people who come to those offices seeking honest employment and seeking to go back to work and seeking rightful claims to unemployment compensation insurance. Now, I suggest to you that it is time, perhaps, to look at the notion that some sunshine must be let into the area; that we must reorganize that particular organization and, by transferring those functions to the Department of Commerce and Community Affairs, an agency that may be held up in debate in opposition to this, if there is any opposition to this, as an agency that's, perhaps, too new and, in a shake-down procedure, may not be... or may still be suspect in receiving this kind of function. I can suggest to you the agency was picked as the receiving agency for these functions simply because it does tend to identify itself with the employment community

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who, indeed, are the ones who are paying the taxes for the Unemployment Insurance Fund itself. There are those and many who believe and, if you read the editorial... the editorial policies of the major newspapers, the columnists, that that Unemployment Insurance Fund, which is now some 1.4 billion dollars in debt, is, in large measure, responsible for some of the inconsistencies contained within the administration of the Fund, as it currently exists in the Department of Labor. In fact, indeed, we read recently the 66 million dollars in illegal alien unemployment insurance compensation fraud was brought to light through poor administration of the Fund itself and, of course, outright fraud on the perpetrators who were gaining those monies illegally, at the expense of honest men and women who seek unemployment insurance benefits. So, I recommend it to you as a good reorganization Bill, for State Government. I think it's a very good idea that we let some sunshine in. I'm not personally married to the Department of Commerce and Community Affairs as the receiving agency. It seemed to be the right thing to do. The pro-business groups support this. The Department of Labor is neutral on this transfer, as is the Department of Commerce and Community Affairs. And, for those of you who have Calendars marked with an arrow, either way, all those arrows should be marking up at this point in time."

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

Leverenz: "Sponsor yield for a few?"

Speaker Daniels: "He indicates he will."

Leverenz: "The Department of Commerce and Community Affairs has quite a track record of not being able to produce. As a matter of fact, for some reason, we've had a turnover of directors and that Department seems to be totally, as you

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indicated, business oriented, in terms of its desire to help people. But, is not the Department of Commerce and Community Affairs currently going through a reorganization, under the new Director, the acting Director, currently?"

Davis: "Well, all agencies, particularly..."

Leverenz: "It's a simple one, a yes or a no."

Davis: "It is not a simple answer. As you know, Representative Leverenz, all agencies are living creatures, and they are constantly going through reorganization, internally, to make them more effective in what they do. The Department, DCCA, is a new agency and is still ... And probably in the process of a shake-down cruise; although, I think it's sailing along rather well, at the moment."

Leverenz: "Is the Administrator of the Bureau of Employment Security going to be going with this organization?"

Davis: "I would suggest to you that the Bill is silent on that issue, Representative Leverenz, of personnel changes. It merely transfers the administration of the Fund under the Bureau of Employment Security. The Bill is silent on personnel."

Leverenz: "What is the..."

Davis: "The Bill is silent on personnel. This Bill was left on Second Reading for a great number of weeks last year while we were going through the process to have Amendments offered to suggest other agencies to receive the personnel question. And it went to Third Reading, and it sat there for all this time now, waiting for the kind of comments I expect we're going to hear on the Bill tonight."

Leverenz: "Well, I don't know that I'd have offered an Amendment to put it in another agency. I think we ought to give it back to the Federal Government and let them run the program. But, the..."

Davis: "I have no objection..."

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Leverenz: "...Governor announced and formed a task force of business and labor organizations, and representatives of those groups, and put a person in, in charge of that task force. And what is the status of that task force? They were to come up with the overall plan to solve the problems within the Bureau of Employment Security, whether it was in Labor or DCCA."

Davis: "Well, I will attempt to answer your question if you're through asking it, Representative Leverenz. The Commission is still deliberating, and, I understand the final report is to be submitted to the Legislature on June 7."

Leverenz: "What is the Governor's position on this tr...move now."

Davis: "It is my understanding that the Governor is not too all thrilled with the idea."

Leverenz: "The Governor is not thrilled with the idea?"

Davis: "Well, let me put it to you this way, I...I have not personally discussed it with the Governor. I am told by some of his staff aides that he probably would rather...rather not see this happen. However, the departments, themselves, the Director of DCCA and the Director of the Department of Labor both testified in the State Government Organization Committee that they are totally neutral as to the reception or divesting that's outlined in 1785."

Leverenz: "You indicated that there were problems with illegal aliens receiving unemployment insurance. How do you feel, if you can go back to your previous remarks, that they were going...that they are going to eliminate illegal aliens from getting it. How will it function any better in DCCA?"

Davis: "Well, I'm merely suggesting to you that...that through the past two decades, at least, if my information is correct, that the policies have been consistently

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inconsistent within the agency administering the fund at this point. I think it's certainly worth a try to put the aegis and the onus of administering the fund into an agency that represents, and truly represents, those who are funding the particular fund itself that's...that's causing the monies to flow into a consistent policy. I don't pretend to stand here and tell you what the policy should be."

Leverenz: "Well, Mr. Speaker, to the Bill..."

Speaker Daniels: "Proceed, Sir."

Leverenz: "The Gentleman has indicated that the task force that was appointed by the Governor, made up of people representing business interests and labor interests toward actually solving the problems of the function of the Bureau of Employment Security, is still deliberating on the results of their investigations into the function and operation of the Bureau of Employment Security. I would think it would be not wise to transfer this and go through a bunch of problems. As we know, most mergers end up costing more money to the state. And, in a situation like that, without that task force headed up by some able people, I don't think that anyone should give a green vote to this. And I will vote red, and ask for you to vote red also."

Speaker Daniels: "Further discussion? Gentleman from McHenry, Representative Hanahan."

Hanahan: "Mr. Speaker and Members of the House, I, too, oppose the action of the Gentleman, not so much because I feel that the Department of Labor is such a great agency of this particular Governor, anymore than the other departments of...of Business and Community Affairs is a bad department. I oppose it because what I think you're going to do is end up screwing up the direct relationship between the federal

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U. S. Department of Labor and the Employment Security of the Federal Government, in its relationship here in Illinois. In most states of the United States, we have, in most State Governments, a Department of Labor. It may include a Department of Labor and Commerce, but in no time have...am I aware of, in knowledge of any state, even the most conservative state, where the Department of Employment Security is not a part of the State Department of Labor or, at least, an adjunct of it. I've been here long enough to remember when there was no Department of Employment Security. And, in 1965, we did create that department, separating it from the Department of Labor, in order for it to act on its own in relationship with the U. S. Government. I think, at this time, just to change it for the sake of change is not reason enough for us to vote 'aye', at this time. The Gentleman knows that we have enough other things to do that may be more productive, at this hour. So, I'd just ask for a simple 'no' vote, and hurry up and get on to some more important business."

Speaker Daniels: "Lady from DuPage, Representative Fawell."

Fawell: "Mr. Speaker, I call for the previous question."

Speaker Daniels: "The Lady moves for the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The main question is put. Representative Davis to close."

Davis: "Well, I think everybody would agree with the notion that we should get on with the business at hand for the rest of the evening, Representative. And I certainly subscribe to that. However, this issue is terribly important. I think, at this point in time, notwithstanding the protestations of Representative Leverenz, that...and the Representative from McHenry, that it is still somewhat unclear; although, we're

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expecting a decision from the Federal Department of Labor, momentarily. And momentarily being within the next few days, the next week or so. That, indeed, this is perfectly within the purview of the state to reorganize its departments along those lines, and there will be no objections forthcoming from that. If nothing else, I think you should remember that there breathes not one Legislator in this room, that has not had problems with those two agencies. And it certainly would behoove us to look, if nothing else, to the Department of Commerce and Community Affairs or any other receiving agency that the Senate, in its wisdom, would find more acceptable than DCCA to take this function over, shed some sunshine in it and restore a consistent philosophy of a fairly administering the rightful unemployment insurance monies to those hard-working people in this state who deserve the support that that trust fund, which is now bankrupt and now in a position of having interest at 10 percent charged on the further loans that we know are coming and we know higher taxes are coming, the employment community is paying that full freight, and wants and is willing to pay that freight for honest protection for the recessionary cycles that are so evident in this country. I suggest to you this is a very good idea if, for no other reason, it should be kept alive in the event that further changes, because of the continuing recession, necessitate action by use of this as a, perhaps, a vehicle. If for no other reason, it should stay alive by that. But the base idea is a good one. You all know it's a good one. There are no strong feelings from organized labor on this one way or another. There is no organized opposition to this concept, and I think all of you should vote green, and let's get on about the business of the rest of the evening's activities."



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Speaker Daniels: "The question is, 'Shall House Bill 1785 pass?'.

All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Davis to explain his vote."

Davis: "Well, I see there's a bit more opposition than I thought perhaps there was. I'm not sure how I can convince 84 red votes that it's a good idea, other than to reiterate what what has already been said. And that would, of course, cut into the rest of the activities of the evening. I suppose, the next time that the phone calls start into your district offices, and the next time you have to talk to an outrageous bureaucrat who has no idea what his policy decisions or the consistency of his department decisions are, and they're all over the map and they're telling your secretary where she can head in, or he can head in, whatever the case may be, you should remember this night and remember you cast a red vote for sunshine and for consistency and for solidarity within the fund itself."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 79 'aye', 87 'no', none voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1841, Representative Karpel. Out of the record. House Bill 1873, Representative Breslin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1873, a Bill for an Act in relation to the settlement of differences between state employees...employers and state employees and provide for collective bargaining. Third Reading of the Bill."

Speaker Daniels: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. Yesterday, this chamber sent to the Senate a Bill that said that teachers in the state are no longer second-class citizens. Teachers in this state, who work in their profession, have the same rights and the same responsibilities as all other citizens in this state. Teachers in this state have the right to bargain collectively. This Bill, House Bill 1873, does the same thing. It gives to state employees the right to bargain collectively. As you know, since 1973, the Governors of this state have always allowed state employees to bargain collectively. They have seen that it allows effective employee negotiations and have used it effectively. It is time for us to stand up for those employees and treat them the same way we treat every employee in the private sector and other employees in the public sector. This Bill implements Executive Order #6. It applies to all of those people who are presently under the Personnel Code. For those of you who are concerned about the right to strike, please note that either the employee or the employer, under this Bill, have the right to binding arbitration at any time that they request it. So, public employee strikes, at the state level, can be avoided by either the employee or the employer. We could not be more even-handed. It allows, in the elections, for collective bargaining units that the ballot shall contain, not just the names of those organizations that could represent a bargaining unit, but also the alternative of no organization. We could not be more even-handed. It also allows, permissively, the right for bargaining units to bargain for the right to have an agency shop. It is not mandatory. It is only permissive. If the employer wants to allow it, wants to negotiate on it, it is a negotiable item as it is with all other employees in the State of Illinois; private employees and

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now teachers in the public sector. This Bill says to the State of Illinois and to the world that we will give no more, but no less, to state employees than we give to everybody else. Now, some of you will say, 'Well, since the Governors of this state have already allowed the use of collective bargaining, why should we do it by law?'. Number one, this Bill, a law, is much more secure than a mere executive order. It does not allow state employees to act at the whim, or be allowed...or bargain collectively at the whim of whoever happens to be Governor at the moment. It also clarifies that the contract will supersede personnel rules. That has always been a difficult problem under the Executive Order. This Bill clarifies that any contract reached between management and employees will supersede personnel rules. And, last but not least, a good reason for the passage of this Bill into law is that it expands the number of items that can be negotiated; and, in particular, it would allow negotiations on important benefits like health insurance and pension benefits. The typical state employee, and I will... I will remind you that it does not cover people in the Attorney General's Office, the Secretary of State's Office, the State University System. Those people are covered under their own personnel codes. This covers your average worker in the Department of Mental Health, the Department of Revenue, the Department of Corrections, the Department of Conservation, many people in the lower-paying positions in many of the menial jobs. I don't know how many of you have mental health facilities in your area, but you know that many of the people that work in those facilities, that spend their whole day emptying bedpans, don't have the nicest job in the world. By the same token, if you are like me and have an inordinate number of correctional

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facilities in your district, you have been through them many times. You know they aren't the best places to work at. They aren't the most attractive jobs, and some of the people aren't the most attractive people. Some of the people, when you call them on the phone, they're nasty to you, or they're crabby, or they...they're not helpful. They...they don't say the things that you want to hear. But they are people, and they are full citizens in this state; and, we should treat them all the same as we treat everybody else in this state. I ask for an 'aye' vote."

Speaker Daniels: "Any discussion? The Assistant Majority Leader, Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, I wonder if she'll yield to a question?"

Speaker Daniels: "She indicates she'll yield."

Conti: "I...I'm sitting on this aisle...Sitting on this aisle here has its disadvantages. I'm trying to find out, does this have a strike clause in it?"

Speaker Daniels: "Representative Breslin."

Breslin: "This Bill allows binding arbitration at either the request of the employer or the employee. So, a strike can be avoided at the request of either management or the employees."

Conti: "Does the other party have to agree to that binding arbitration?"

Breslin: "Absolutely not."

Speaker Daniels: "Representative Conti."

Conti: "What would happen if one would refuse then?"

Breslin: "They would be in violation of the law, because it's with a requirement that it is a part of the definition of bargaining collectively that they submit to binding arbitration, if that's been requested."

Conti: "Then, I...I can't see any legislative purview in it."

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Breslin: "You can't see any legislative what?"

Conti: "Purview."

Breslin: "What's that mean?"

Conti: "Your oversight on this."

Breslin: "I'm sorry, you lost me. What...What are you addressing?"

Conti: "If you have binding arbitration on this, does the Legislature have any review on this after the...after the two parties agree?"

Breslin: "Yes, you have to... We have to pass the appropriations, but...as we do now."

Conti: "Yeah. But here's...here's what's probab...what the problem is. The appropriation is going to be set by the binding arbitration. After...After the two parties agree, then...then the appropriation will be set by the two parties."

Breslin: "The...If it costs any money, the Legislature has the authority to pass on it. That's no different than we operate right now in Illinois for the past ten years. Under Executive Order #6, employees have been bargaining collectively, have struck agreements, and this Legislature has acted on appropriations. We don't ratify those contracts. We merely act on the appropriation, and as we always have."

Conti: "Does the Legislature have the right to...to reject the agreement made by the binding legislation?"

Breslin: "We don't reject that contract any more than we do now. We act only on the appropriation."

Conti: "Do we have the right, Peg? What I'm asking you, do...will we have the right? Do we have the right, if your Bill is passed?"

Breslin: "We have the right not to implement the appropriation, yes."

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Conti: "That answers my question."

Speaker Daniels: "The Gentleman from Cook, Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I have some statistics that may interest those who are paying any attention to this subject at all. There is a direct correlation between collective bargaining in this country, public sector collective bargaining, and strikes. Now, during the discussion yesterday, the spokesman for labor indicated that, when you get collective bargaining, nothing really happens in the way of strikes; and, frankly, that was just not true. The points: In 1960, with one state having collective bargaining legislation, there were 36 strikes in the country; in 1965, five years later, there were nine states with collective bargaining legislation. The strikes went from 36 up to 42. Five years later, in 1970, there was a big jump up to 28 states with collective bargaining legislation. Strikes went from 42, five years earlier, up to 412. Five years later, in 1975, with 36, the strikes were up to 478. It's a night and day relationship. You create an adversarial relationship like this, and you get strikes. Perhaps the most dramatic example is next door to us in Michigan, the state that we can best identify with as a northern industrial state. From 1958...I'm sorry, from 1958 to 1964, they had one strike. One. After adoption of collective bargaining that had a no-strike clause, from 1966 to '78, they went from one to 576 strikes. It's a night and day drama, Ladies and Gentlemen. And that's what you're going to get with this. Now, Pat Quinn and his group and the other Lincoln Amendment groups are getting a lot of signatures on their petitions; and, if his success in his present effort is anything like it was in the past,

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we're going to have initiative here in this state. And the reason is because of the kind of legislation that we see being pushed through here, because the unions have been able to install enough 'yes' people in the Legislature to even do things that the people don't want. I know my seatmate, Frank Watson, did a poll of his district, asking the people there how they felt about public employees being able to strike, especially teachers. Seventy-seven percent of the people said absolutely not, and yet we're going to pass junk like this when we know what it's going to do to the state? Initiative's probably coming, and you're the ones who are bringing it. It's a lousy idea. I recommend you vote 'no'."

Speaker Daniels: "Gentleman from Cook, Representative Preston."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 1873. Historically, state employees in Illinois have been the first ones to have been dumped on whenever there is a problem that the Governor finds and, not just this Governor, but previous Governors. Whenever the Governor finds that there's a problem in his budget, where do cuts come from? Where do they fail to give increases, the same kind of increases that private employees have gotten? They do it in the state sector. The state employees are hard-working. They're loyal. They're there when you need them. They're there at all times. This is not a political Bill. Those state employees are members of the Republican Party. They're members of the Democratic Party. This is a good Bill. It's not a good Bill because AFSCME wants this Bill. It's a good Bill because it benefits Democratic and Republican employees of Illinois, who are there doing your job, doing a job for you. When you pass legislation, when you need programs initiated and carried through, they're

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the people who do the work. I know, in one Democratic administration, not long ago, public employees were given, in the Governor's budget, no raise whatsoever. None. Zero. That's not fair. At the same time, you don't give the public employees a right to negotiate, to collectively bargain on their own behalf. This Bill is needed, and it's needed now; and, I urge your 'aye' vote."

Speaker Daniels: "Representative Dunn, Gentleman from Macon."

Dunn, John: "Move the previous question, Mr. Speaker."

Speaker Daniels: "Gentleman's moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Breslin to close."

Breslin: "I ask you to recognize Representative Stuffle to close, as a hyphenated Sponsor."

Speaker Daniels: "Do I have to?"

Breslin: "He would like it."

Speaker Daniels: "Representative Stuffle, to close."

Stuffle: "Thank you, Mr. Speaker and Members of the House. Very quickly and shortly, I think Representative Breslin argued the case very well. This is no different a Bill than the Bill we passed yesterday for state teachers in Illinois. It provides for a method, not of promoting, but a method of preventing strikes, because it does have, in Section 5, page 6, lines 16 through 20, specific language in which it lets one party, not both, provide for binding arbitration. That will prevent strikes. I don't know where the one Gentleman got his figures. We keep hearing that there are more strikes of public employee collective bargaining. We've seen, we've read, on this floor, many studies that show just the opposite. That's the case in every major industrial state. I beg to differ with them. I think strikes would be prevented under this Bill. It merely



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gives to these people the same rights others would enjoy under the Bill we passed yesterday with 106 votes. It provides for good-faith collective bargaining and recognizes majority rule. It's that simple. Those who say we speak for the union should consider that others here speak against working people. Let us consider the Bill on its merits and on the facts. It provides for agency shop, only by permissive action, where there's agreement. It's a Bill that lets you pay your fair share if it's in the contract. It's a Bill that gives everybody the same treatment as public employees, who happen to be state employees, in the code departments; and, most importantly, it prevents the effort that's been made by some to prevent the continuation of the Executive Order that allows for collective bargaining for public employees in the state sector. It prevents that from becoming a political issue or a political hammer. And, for those reasons and the reasons given by Representative Breslin and others, I rise as a principle, hyphenated Sponsor to ask, as you did yesterday, to cast an 'aye' vote to make public employees in the state sector first class citizens. Thank you."

Speaker Daniels: "The Gentleman, Representative Stuffle, moves for the passage of House Bill 1873. The question is, 'Shall House Bill 1873 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no', and the voting is open. And the Gentleman from DuPage, the Honorable Dr. Gene Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I, personally, have serious reservations whether we ought to be giving the authority of the Executive and, in reality, the authority of the Legislature away to be ended up in a binding arbitration situation. I...I have serious doubts whether the taxpayers or this

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Legislature are going to have the resources available to make the kinds of settlements that will be made under this legislation. And; although I, for one, believe that public employees ought to have the right to negotiate with their employee...employers, I don't believe that governmental bodies should give their prerogatives away to a process, for that reason, I must vote 'no'."

Speaker Daniels: "Gentleman, Representative McBroom, to explain his vote."

McBroom: "Well, Mr. Speaker, Members of the House. I was trying to get your attention to ask Rep...Representative Breslin a couple of questions. But I think the crux of this Bill and what brought it about was a matter that Representative Lechowicz and I were working on together in the last Session, where benefits were cut mid-way in the ball game. And I can tell you, in my business, that if I made agreements with people when they came to work and then, suddenly, I decided that business wasn't as good as it should be and called them in and said, 'Now, we can't do what I originally promised you to do', I think I'd have a mass exodus. I think this is an excellent Bill. I think it will...I think it will help to correct the matter that Representative Lechowicz and I were working on. You...Many Members came to me and, I think, to him the last Session and said, 'What can we do to help you?'. We managed to get a corrective Am...Amendment out of here, and it bogged down in the Senate or something happened to it in the waning days of the Session. I would encourage all of the Members to vote 'aye' on this matter."

Speaker Daniels: "Gentleman from Cook, Representative Ronan, to explain his vote. Timer's on, Sir."

Ronan: "Thank you, Mr. Speaker, Members of the House. I...I'm encouraged to hear the remarks of the last Gentleman from

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the other side of the aisle. This is not a partisan issue. I...I wish all State Legislators would spend some time talking to state employees. There's a real concern out there among state employees. You should go into those highway garages around the state and listen to the concern that highway employees explain. Go into the mental hospitals and talk to the employees and find out the concern. The state...State Government is made of employees. That's what we're here to represent, as well as the people, and state employees deserve these kinds of protections. Let's bring State Government into the 20th century. That's what we need at this time. These are the rights that were gained in the private sector back in the 20's and 30's, and now it's about time that we give these same rights to state employees. What's good about this Bill, it doesn't affect home rule. It doesn't affect the City of Chicago. This affects state employees, and those people deserve these protections. I just urge every Member of the General Assembly; go home into your districts and talk to you state employees, and you'll find out that they're 100 percent behind this fine Bill. And I'm very happy to see these kinds of votes on the board, in this fine bi-partisan measure. Thank you, very much."

Speaker Daniels: "Gentleman from Cook, Mayor Conti."

Conti: "I'd like...I'd like to explain my vote. I...I have to agree with the...the two previous speakers that this is about one of the best collective bargaining Bills that I've seen come through; but, where there's the slightest possibility, I have to be a bit concerned with Representative Birkinbine and Dr. Hoffman's remarks about the strike provisions and about the rights of the Legislature, once that they've made an agreement, a binding agreement. If you could only come in with a collective

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bargaining Bill, if you could only come in with a collective bargaining Bill and just give me a chance..."

Speaker Daniels: "Excuse me, Elmer. Excuse me, Representative Conti, you're creating all kinds of havoc on the other side. I don't know why you're yelling at him but, Representative Breslin, what's your point?"

Breslin: "With all due respect, I think the Gentleman spoke in debate."

Speaker Daniels: "Did you do that, Sir?"

Conti: "I didn't...didn't hear what she said."

Speaker Daniels: "She said you spoke in debate."

Conti: "I spoke in debate. I thought my name was mentioned."

Speaker Daniels: "Well, don't do it again. Have you concluded your remarks?"

Conti: "I haven't concluded my remarks but, before I leave this General Assembly, I would like to vote for a collective bargaining Bill. I wish somebody would come up with one."

Speaker Daniels: "Gentleman from Cook, Representative Kustra."

Kustra: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. The way this Bill was explained to me a week or so ago, when I first took a look at it, is that it really put into effect an executive order which has been in existence, now, for the last three Governors. However, in listening to the debate today and in taking a closer look at the Bill, the binding arbitration Section bothers me, as well; because, it seems to me that, if one of those parties does request binding arbitration and if that takes place, that, in fact, this General Assembly is then bound by that binding arbitration, and that means that we lose control of the appropriations process. It's for that reason that I cannot support this Bill."

Speaker Daniels: "Representative Conti."

Conti: "If this receives the 92 votes that's up there, I'd like

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to verify the... like to verify the roll."

Speaker Daniels: "You'll be recognized for that purpose. Gentleman from McHenry, Representative Hanahan, to explain his vote. The timer's on."

Hanahan: "Well, Mr. Speaker, very briefly, the Gentleman's fears of having some constitutional authority, by this Bill being passed, that would bind this Legislature is just an error. Each and every Member of this General Assembly will always have the constitutional right to vote for or against any appropriation that would implement any contract. We're not substituting that. What this Bill really, in effect, does, and, Representative Conti, I'll mention your name in debate, because this Bill really is the easiest collective bargaining Bill you'll ever get to vote for. I've put through this House many tough ones with the rights of strike and the rights of everything that a lot of people felt very chagrined about. This is an easy Bill to vote for, and let me tell you. Those of you who are constitutional constructionists that are always arguing in the campaign that you hate to see judicial fiat, and you hate to see executive fiat making law, this is the chance you have, as a Legislator, to put into action those words in the campaign that you really stand up for implementation of law by the Legislature and not by the Governor issuing executive orders. All this Bill does, in true sense, is put down, in an orderly fashion, the executive order that the Governors are now implementing through their own prerogatives. Vote 'aye'. It won't hurt you. It's an easy Bill."

Speaker Daniels: "Representative Mays, Gentleman from Adams."

Mays: "Thank you, Mr. Speaker. In explanation of my vote, you know, yesterday we had a Constitutional Amendment which many people, from both sides of the argument...aisle, were

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saying limited the state's ability to tax, the local ability to tax. A previous speaker today said that this Assembly is wrought with inconsistencies and here's another one. We voted against that one, the ability to tax, and yet, now, we're limiting the state's ability to manage. A previous speaker in debate tonight mentioned that the state employees had been dumped on in previous administrations. I would suggest that, with the passage of this Bill, it would be the taxpayers, and those who are dependent upon the delivery of the of the essential services that we are empowered to delivery, will be dumped on. Thank you."

Speaker Daniels: "Gentleman from DuPage, Representative Hudson, to explain his vote."

Hudson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think that history may someday show that April 21, 1982 was the day that we turned the legitimate functions of the State of Illinois over to the unions in the State of Illinois. That's what this Bill is going to do, in the long run. Make no mistake, my friends, that when we bring in exclusive bargaining agents, i. e. unions, and make them co-equal partners, with our duly elected officers, and turn those responsibilities for pay wages and everything else that go along, which those duly elected officers at the state, the county, municipal, township level were elected to do, we are affecting a transfer of responsibility that, in my mind, someday may be found unconstitutional; but, it certainly is unconscionable. This is one of the worst Bills. If yesterday's Bill was bad, today is ten times worse. This, in my opinion, is going to turn out to be one of the most disasterous and one of the most financially disruptive and debilitating Bills that we have ever passed out of this Illinois General Assembly, and they can put the nicest face on it. They can

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make it sound so permissive. It won't be. Eventually, it will be mandatory, but we will regret this day; and, I, in good conscience, could not sit here and not say something in opposition to this Bill. It's a bad one. It's going to fly out of here. We know the influence here is not the NRA. We don't have to worry about the NRA. Last week we got paranoid down here about the NRA and the influence of that lobby. The real lobby down here is the union lobby. Check it out."

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

Friedrich: "Mr. Speaker, I have two problems with this Bill. I have a number of state employees in my district who say they don't want to belong to a union. They don't want any of their hard-earned money going to pay union dues. The other problem I have is, if I understood the Sponsor, that each unit could have a different contract. Corrections could have one. DOT could have one and so on. Now, we have a uniform personnel code. If you work for the state, you have the same rights, in terms of bidding for a better job, promotions and so on. I...I think that that consistency throughout State Government is good; and, if I understand the Sponsor, this...that would be destroyed with this legislation."

Speaker Daniels: "Gentleman from Cook, Representative Levin, to explain his vote. Timer's on."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to commend the Sponsor of this legislation for standing up for her views, in sponsoring this Bill, the same way I respect the rights of every Member of the House to stand up for his or her views. That's the way we operate. One day we agree with each other. The next day we disagree. We come back to fight again. However, I take

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affront at the comments of one lobbying group which recently sent a newsletter to each of us, in which they personally attacked the Sponsor of this Bill for her sponsorship, accusing her of being duped and calling on her to resign. This is most inappropriate, and I would hope that the Members of the House, whether or not you agree or disagree with this Bill, would send the message to this particular lobbying group that that is not the way we work down here; that personal attacks are not appropriate."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this Bill, there are 102 'aye', 62 'nay', 1 voting 'present'. The Gentleman from Cook, the Honorable Mayor and Assistant Majority Leader Conti, asks for a verification. Representative Breslin asks for a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Abramson. Bartulis."

Speaker Daniels: "Bartulis, 'aye'."

Clerk O'Brien: "Johnson."

Speaker Daniels: "Excuse me. Mayor Conti."

Conti: "Mr. Speaker, I know I've got at least ten of them that I could knock off. I'm not going to take the time of this House tonight. I'll withdraw my verification, but I'm going to put them on notice the rest of the night. I'm getting tired just like everybody else. There are at least ten names...There are at least ten names that I know I could definitely knock off of this list tonight."

Speaker Daniels: "Representative Breslin, do you still desire the Poll of the Absentees? Lady withdraws her request for a Poll of the Absentees. What's the count? There are 103 'aye', 62 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Leinenweber, for what purpose do you arise, Sir?"



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Leinenweber: "Thank you, Mr. Speaker. I would ask leave to change the order of business to Consideration Postponed for the consi...immediate consideration of Senate Bill 941."

Speaker Daniels: "Gentleman asks leave to go to House (sic - Senate) Bill 941. Are there any objections? Representative Greiman objects, therefore..."

Leinenweber: "I have a Motion to suspend the rules."

Speaker Daniels: "Representative Leinenweber moves to suspend the appropriate rules. It takes 107 votes. All those in favor signify by say...voting 'aye', opposed by voting 'no'. It takes 107 votes. Representative Leinenweber."

Leinenweber: "Yes, I'd like to explain my vote. Just so everybody knows, this is Senate Bill 941, which is the Bill that seeks to make numerous modifications, and changes, and additions to the state abortion law. This is a Bill that many of your constituents have contacted you about, have written you about and have come down from your districts to lobby you for. This is the number one proposal for the state Right-to-Life groups. It was called on a very impertune (sic - inopportune) time last spring in June, on Saturday evening, when not...when some members were missing. The...The count went over the top, but a verification would have reduced the number down. I think it...in all fairness, this Bill ought to receive a consideration when there is sufficient numbers. So I would ask the Members to give the number of votes up here, and vote against the Bill if you feel that it ought to be voted against when it's heard on Third Reading."

Speaker Daniels: "Representative Kelly."

Kelly: "Ye...Thank you, Mr. Speaker. I agree with Representative Leinenweber. This Bill was not called at a convenient time in...during the Spring Session. And this Bill has received more attention from people that have come down to this...to

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this chamber and down to the Capitol to lobby in favor or, in fact, some...a few, in oppose, to work for this Bill. Of any legislation that has been on the Calendar this year, this Bill has received the most concern and attention, and people have driven down here to Springfield just to discuss this issue. And I think we ought to, at least, have an opportunity to be able to express ourself in voting on a very important, a very sensitive issue. The pro-life organization across the entire state, every organization that I know, the Illinois Federation for Life, the Illinois Pro-Life Coalition, Illinois Right-to-Life Organization, Families for Life, every organization is totally unified. Don't be fooled by a few statements that some people may be concerned. It's the one that's received...that's receiving strong attention, and will receive strong attention in the fall. And this Motion is very critical to the pro-life movement in the State of Illinois, and that's why it's so important to the unborn, especially, that we have a chance to, at least, be able to debate this Bill, and to consider it on its merits. Therefore, I'm going to support Representative Leinenweber in the number one, as he pointed out, priority Bill of the pro-life movement in the State of Illinois is to have this Bill considered, and to have this Bill passed on to the Governor. And we need 107 votes, and I appeal to you to give us that opportunity."

Speaker Daniels: "Representative Sandquist."

Sandquist: "Well, I was just going to say, it's completely...off the record. He was not speaking to the Motion before us. But, he's already spoken the whole time."

Speaker Daniels: "Representative Yourell."

Yourell: "Yes, Mr...I'd like to see this Bill discussed and debated, because I agree that it is an important Bill to the pro-life people. But I have a concern that when we

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change the order of business, we ought to follow in numerical order on all of the Bills in that order of business, on Consideration Postponed. This is a Senate Bill. I'm sure that other Sponsors, as well as myself, have Senate Bills on Consideration Postponed, and each person in this House thinks his Bill is the most important Bill. And so be it. I don't debate that issue, but if we're going to go to that order of business, let's do it like we did with Third Reading; let's do it like we do with Second Readings. Let's take the first Bill on that list and go right down the list. What are we afraid of? I'm willing to stay here if the rest of you are willing to stay here, and hear all these Bills. And I think it's totally unfair to the Membership to go to one single Bill out of the entire list on a Consideration Postponed and consider that Bill and that Bill only."

Speaker Daniels: "Representative Greiman."

Greiman: "Mr. Speaker, my comment was, I think, germane to the Motion itself, that there are a number of Bills on Second Reading that must be heard tonight; otherwise, they will not be able to be heard tomorrow on Third Reading. What we are doing is running a Bill, which has, in fact, had a hearing, and was not Saturday night, it was a Saturday afternoon. We were in Session in the late days of June. This had a full and complete debate. It seems to me, not the time to...to move out those Bills which are now on Second Reading. Similarly, we have had a no Bill...no Senate Bills on Third Reading that have sat on the Calendar. They have not been called. So, we have a number of Bills that have some priority over this Bill. Granted, it's certainly one of great interest to a lot of people, but I believe it...we would be doing ourselves a disservice by taking it out of order at this time."

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Speaker Daniels: "Representative Bowman."

Bowman: "Well, I just wanted to ask for a verification of this if it hits 107."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. There are 109 'aye', 45 'no', 3 voting 'present'. The Gentleman from Cook, Representative Bowman, asks for a verification. The Gentleman from Will, Representative Leinenweber asks for a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Breslin. Cullerton. John Dunn. Virginia Frederick. Hoxsey. Huff. Jackson. Johnson. Katz. Leverenz. Macdonald. Matijevich. Ozella. Reed. Ronan. C. M. Stiehl. Topinka. Vitek. Wikoff and Younge."

Speaker Daniels: "Any changes, additions? All right. The Gentleman, Representative Bowman, requests a Verification of the Affirmative Roll. Proceed with a Verification of the Affirmative Roll. Will all Members please be in their seats. Representative Loftus, will you please sit down? And we'll, please, clear the aisle. Proceed with a Poll of the Affirmative Roll."

Clerk O'Brien: "Ackerman. Alstat. Barnes. Bartulis. Beatty. Bell. Bianco. Birkinbine. Bluthardt. Boucek. Bower. Bradley. Brummer. Capparelli. Carey. Christensen. Collins. Conti. Daniels. Darrow. Davis. Deuster. DiPrima. Domico. Donovan. Doyle. Jack Dunn. Ralph Dunn. Ewing. Farley. Findley. Flinn. Dwight Friedrich. Garmisa. Getty. Giglio. Giorgi. Griffin. Grossi. Hanahan. Hannig. Henry. Hudson. Huskey. Jones. Karpiel. Keane. Jim Kelley. Dick Kelly. Kociolko. Koehler. Kornowicz. Kosinski. Krska. Kucharski. Kulas. Kustra. Laurino. Lechowicz. Leinenweber. Leon. Loftus. Madigan. Margalus. Mautino. McAuliffe. McBroom.

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McClain. McCornick. McGrew. McMaster. Ted Meyer. R. J. Meyer. Miller. Mulcahey. Neff. Oblinger. O'Connell. Olson. Peters. Piel. Polk. Pouncey. Pullen. Rea. Reilly. Rhem. Richmond."

Speaker Daniels: "Excuse me. The Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Leave to be verified."

Speaker Daniels: "Gentleman asks leave to be verified. Does he have leave? Leave is granted. Representative Lechowicz is verified."

Clerk O'Brien: "Continuing the Roll of the Affirmative. Robbins. Ropp. Saltsman. Schraeder. Slape. Irv Smith. E. G. Steele. Stuffle. Swanstrom. Tate. Terzich. Tuerk. Van Duynes. Vinson. Watson. Winchester. J. J. Wolf. Sam Wolf. Yourell. Zito. Mr. Speaker."

Speaker Daniels: "Questions of the Affirmative Roll? Representative Bowman. Will all the Members please be in their seats? Representative Ralph Dunn, for what purpose do you rise, Sir?"

Dunn, Ralph: "I'd like a leave to be verified, if I could, please."

Speaker Daniels: "Representative Dunn requests leave to be verified. Does he have leave? Leave is granted. Representative Ralph Dunn is verified. Representative Bowman, questions of the Affirmative Roll. If you have too many lists, throw three away and go with one."

Bowman: "Okay, let's try Bluthardt. Oh, yeah, what's the count to start with? What did you say the count was?"

Speaker Daniels: "109-45. Hasn't changed."

Bowman: "Okay, Bluthardt."

Speaker Daniels: "Representative Bluthardt. Gentleman in the chamber? Representative Bluthardt? How is the Gentleman recorded?"

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Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Bowman: "McBroom."

Speaker Daniels: "McBroom. Representative McBroom? Is the Gentleman in the chambers? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Bowman: "Polk."

Speaker Daniels: "Remove...Do you want me to remove him, or..."

Bowman: "Yeah, please."

Speaker Daniels: "Okay. Remove Representative McBroom."

Bowman: "Now, Polk."

Speaker Daniels: "Polk. Representative Polk. Is the Gentleman in the chambers? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him. Representative Garmisa asks leave to be verified. He's down here. Do you see him?"

Bowman: "Okay. Domico."

Speaker Daniels: "All right. Representative Garmisa has leave to be verified. Next."

Bowman: "Domico."

Speaker Daniels: "Representative Domico. Is the Gentleman...Gentleman in the chambers? Representative Domico. Representative McBroom has returned, so return Representative McBroom to the Roll Call. Is Representative Domico in the chambers? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Bowman: "Terzich."

Speaker Daniels: "Who?"

Bowman: "Oh, there he is."

Speaker Daniels: "Terzich is right in front of you, Sir."

Bowman: "Oh, yeah. Never mind. Bradley."

Speaker Daniels: "Bradley. Representative Bradley. Jerry

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Bradley. The Gentleman in the chambers? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Bowman: "Doyle."

Speaker Daniels: "Who?"

Bowman: "Ed Doyle."

Speaker Daniels: "Representative Doyle is in the rear of the chambers."

Bowman: "Thank you."

Speaker Daniels: "You're welcome."

Bowman: "Kucharski."

Speaker Daniels: "Representative Kucharski. Ed Kucharski. Representative Kucharski. Is the Gentleman in the chambers? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him. Representative Rhem, for what purpose do you arise, Sir?"

Rhem: "I want to change my vote to 'no', please."

Speaker Daniels: "All right. Representative Rhem wishes to be changed from 'aye' to 'no'. Further questions?"

Bowman: "Just a minute. Darrow."

Speaker Daniels: "Representative Darrow is in the rear of the chambers."

Bowman: "McGrew."

Speaker Daniels: "Representative McGrew. McGrew. Is the Gentleman here? Gentleman in the chambers? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Bowman: "Mulcahey."

Speaker Daniels: "Mulcahey is in his seat."

Bowman: "Okay, just a second, here. We're switching lists."

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Madigan."

Speaker Daniels: "Representative Madigan."

Bowman: "Yeah, forget it."

Speaker Daniels: "He's...I'm sure he's in his office. He's always working..."

Bowman: "Yes, I'm sure he is."

Speaker Daniels: "Would you like him out here, Sir? Oh, Representative Madigan is up in the balcony talking to the Chamber of Commerce."

Bowman: "I see."

Speaker Daniels: "The Illinois Manufacturers Association."

Bowman: "Meyer."

Speaker Daniels: "I'm sorry. What was that?"

Bowman: "Ted Meyer."

Speaker Daniels: "Ted Meyer. Representative Ted Meyer is in his chair, as always, planning his congressional campaign."

Bowman: "I don't...I don't...I don't see Kosinski. Is he here?"

Speaker Daniels: "Record Representative Cullerton as 'present'."

Bowman: "Oh. McAuliffe."

Speaker Daniels: "McAuliffe. Representative McAuliffe is in his seat. Further questions? Representative Kucharski has returned. Will you see him in the rear of the chambers there? That a way, Ed. Any further?"

Bowman: "No further questions."

Speaker Daniels: "No further questions. Now we have people jumping up and down. Okay. Representative Leverenz."

Leverenz: "Record me 'aye'."

Speaker Daniels: "Record Representative Leverenz as 'aye'. Representative Pouncey."

Pouncey: "Mr. Speaker, I'd like to be recorded 'no'."

Speaker Daniels: "Change Representative Pouncey from 'aye' to 'no'. Any further?"

Bowman: "That's it. What's the count?"



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Speaker Daniels: "Well, wait a second, now. We have some more changes coming up. Representative Rigney wishes to be changed from 'no' to 'aye'."

Bowman: "What's the count, Mr. Speaker? How long does it take?"

Speaker Daniels: "There are 104 'aye', 46 'no'...whoops. Who we pointing to? No. 104 'aye', 46 'no'. This Motion, having failed to receive the necessary votes, is hereby declared lost. On the Calendar, page 12 under the Order of Concurrence, House Bill 252, Representative Yourell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 252, a Bill for an Act to amend certain land titles, with Senate Amendment #1."

Speaker Daniels: "Representative Yourell."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to non-concur with Senate Amendment #1 to House Bill 252, and ask that a Conference Committee be appointed."

Speaker Daniels: "Gentleman moves to non-concur House Bill 252, and asks that a Conference Committee be appointed. All those in favor signify by saying 'aye', opposed by saying 'no'. The 'ayes' have it. The House non-concurs in House Bill 252. House Bills, Second Reading. House Bills, Second Reading, Spring Calendar, page two. Spring Calendar Bills only. Representative Peters in the Chair."

Speaker Peters: "House Bill 429, Representative Pechous. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 429, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Pechous, amends House Bill 429..."

Speaker Peters: "Representative Pechous, Amendment #1."

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Pechous: "Mr. Speaker, I would ask that Amendment #1 be tabled at this time."

Speaker Peters: "Amendment #1 is withdrawn. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Pechous, amends House Bill 429..."

Speaker Peters: "Amendment #2, Representative Pechous."

Pechous: "Mr. Speaker and may...Ladies and Gentlemen of the House, I would ask that favorable consideration and adoption of Amendment 2 to 429 be favorably considered at this time. 'If service'...This is the General Assembly Retirement Fund and has, as its thrust, that a participant would be allowed, having attained the age of 50 and having at least 20 years, and, in the House, that, of course, would mean ten terms, 20 years of service credit, would be entitled to a pension opportunity. And this would also be in...in the Amendment, it provides that there be an increase in the Members' contribution. I do not see a...any increase, any cost accruing from this change. I think it's constant with changes that are also in existence for other state employee systems. I would ask for a favorable consideration on the adoption of Amendment #2 to House Bill 429. Thank you."

Speaker Peter: "Any discussion on Amendment #2? There being no discussion, the question is, 'Shall Amendment #2 to House Bill 429 pass?'. Those in favor will signify by saying 'aye', those opposed... In the opinion of the Chair, the 'ayes' have it. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. House Bill...Amendment is adopted. Third Reading. House Bill 957, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 957, a Bill for an Act to amend

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Sections and repeal Sections of the Motor Fuel Franchise Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Daniels."

Speaker Peters: "Representative Daniels, Amendment #1."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 957, itself, seeks to make some improvements to the Motor Vehicle Franchise Act, which this House passed a few years ago. That Act, actively sought by the auto dealers in all of your districts, gives protection to the auto dealer against arbitrary treatment by the manufacturer in such things as improper termination of the franchise or placement of new franchises in the market area of existing franchises. Amendment #1 would clarify a few of the existing provisions and add a few new prohibited activities to the present list of things a manufacturer cannot do to a dealer. The Bill, itself, adds a definition to the relevant market area, and defines market area as being within a 10 or 15 mile radius. The Amendment makes the cut-off point, for the larger market area, a population of 300,000 instead of 100,000. For example, in counties of 100 to 300,000 the market area would be bigger under this Amendment. Secondly, the Amendment would prohibit a manufacturer from requiring a franchisee, at his own expense, to participate in an advertising campaign or contest, or to purchase any promotional campaign materials or displays. The Amendment would also put into language clarifying the limits relocating an existing franchise into the market area of another. It provides that the rel...relocation of one franchise cannot be within seven miles of the nearest dealership. There are several other additions to the Amendment. This Amendment puts the Bill

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in good order, and I believe it will be one that will workable for passage. And ask for your favorable consideration of the Amendment. I move for its adoption."

Speaker Peters: "Any discussion? Representative Getty."

Getty: "Mr. Speaker, will the Gentleman yield?"

Speaker Peters: "He indicates he will."

Getty: "Representative Daniels, this appears to make some very, very substantial changes in the law. Is that correct?"

Daniels: "The Amendment is a clarifying Amendment. And we feel that, in terms of the Bill itself, that the Bill does add to the relevant market area of the Motor Vehicle Franchise Act, and would be beneficial to the dealers. The Bill itself is lengthy, but that has been on the Calendar for some time now. We feel the Amendment is a clarifying Amendment, Representative Getty."

Getty: "Who supports this..."

Daniels: "The New Car and Truck Dealers' Association of Illinois are the heavy supporters of this franchise legislation that we have before us, and they've been bringing this Bill before you, before the General Assembly, because of the depressed market area and some of the treatment that they feel that they have had at the hands of the manufacturers."

Getty: "Representative, call your attention to page o...one, line 42."

Daniels: "Are you talking of the Amendment or the Bill?"

Getty: "Of the Amendment, Sir."

Daniels: "Okay. Page one, line 22?"

Getty: "Yes. Page one, line 42. Is there a word missing after 'motor vehicle'?"

Daniels: "Are you talking about 22 on the left, or 42 on the right?"

Getty: "I'm sorry, line 20. Page one, line 20."

Daniels: "Line 20."

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Getty: "It reads, 'of an existing franchise of the same line make or to relocate an existing motor vehicle...'"

Daniels: "We don't think its missing any language."

Getty: "You don't think the word 'dealership' ought to be in there?"

Daniels: "No."

Getty: "So, you're just going to be relocating motor vehicles, not relocating an existing motor vehicle dealership."

Daniels: "'Dealership' is on line 22 of the Bill, itself. If you look to the Bill, itself, you'll find the word 'dealership' on line 22, and this adds to it just before that."

Getty: "All right, thank you."

Daniels: "You're welcome."

Speaker Peters: "Representative Yourell."

Yourell: "The Gentleman yield?"

Speaker Peters: "He indicates he will."

Yourell: "Representative Daniels, is there anything in your Amendment that mandates that automobile dealers close on Sundays?"

Daniels: "No, Sir."

Yourell: "Thank you."

Daniels: "You're welcome."

Speaker Peters: "Representative Kosinski."

Kosinski: "Will the Sponsor yield?"

Speaker Peters: "Indicates he will."

Kosinski: "Representative Daniels, now, the Bill, as it originally was...the Bill, as originally was, is status quo, right? That's the way things exist today, as the original Bill was before the Amendment came up. Can you hear me?"

Daniels: "Well, I'm not sure I understand your question. The Bill...The Bill, itself, deals with the relevant market area of franchise areas, and is meant to address the

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problems that many of our dealers are experiencing today, and meant to benefit the total market in the State of Illinois. The Bill was meant to correct those areas. Amendment #1, that you have in front of you right now, is a clarifying Amendment, we feel, adds to clarification of the Bill so that, when we do debate this very important subject on Third Reading, you'll have a Bill that's clear right in front of you, so that we can all understand it."

Kosinski: "But I don't understand that the Amendment will reduce the areas, the radius, in which another automobile dealership can come in?"

Daniels: "The Amendment, as I stated, would make a change as to the area. It provides that the relocation of one franchise cannot be within seven miles of the nearest dealership in counties of 300,000 or more; or 12 miles in counties of less than 300,000."

Kosinski: "And it used be what? Twelve miles, didn't it?"

Daniels: "It's not define...It's not defined in the present law, and that's why we have the Bill."

Kosinski: "So the Amendment is for definition? It doesn't reduce the area? It appears to me that dealerships, now, must be further apart from each other, and what this Amendment is doing is putting them close together."

Daniels: "No, it depends upon the size of the county, Representative. That's why we were unable to answer your question."

Kosinski: "Well, take Chicago, in example. The dealerships were at a certain distance, one from each other. Now, with this Amendment, you're reducing that distance. Isn't that correct?"

Daniels: "Are you talking about relocation of a franchise?"

Kosinski: "Yeah, relocation or a new franchise. Ri...In the way the situation is today, if I understo...stand it

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correctly..."

Daniels: "The Bill, itself, defines the market area as being within either a ten or fifteen mile radius of the dealership, depending upon the population of the county. The Amendment makes the cut-off point for the larger market area, population of 300,000 instead of 100,000. And then, in terms of the definition, it provides that the relocation of one franchise cannot be within seven miles of the nearest dealership."

Kosinski: "So, we are reducing the distance between franchises."

Daniels: "In...In larger counties."

Kosinski: "Is that right?"

Daniels: "Yep."

Kosinski: "Thank you."

Speaker Peters: "Further discussion? Being none, Representative Daniels to close."

Daniels: "Just move for the adoption of this very important clarifying Amendment."

Speaker Peters: "Gentleman moves for the adoption of Amendment #1. Those in favor will signify by saying 'aye', those opposed... The opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1004, Representative Jim Kelley. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill..."

Speaker Peters: "Out of the record. Out of the record at the Sponsor's request. House Bill 1108, Representative Schneider. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1108, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. This Bill has been read a second time..."

Speaker Peters: "Any Committee Amendments?"

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Clerk O'Brien: "...previously, and Amendment #1 was adopted.

Floor Amendment #2, Schneider, amends House Bill 1108, as amended, and so forth."

Speaker Peters: "Floor Amendment #2, Representative Schneider."

Schneider: "Thank you, Mr. Speaker. When we adopted last year, a provision that allowed for early retirement, there was potential for abuse by certain persons being able to take a lesser paying position, and yet benefit at a high retirement payout, and also pay in lesser amounts. And the net affect was to allow those persons that took advantage of that system to, in effect, put the pension system at a disadvantage, by taking a lesser paying position. At the request of a variety of groups, including Taxpayers' Federation and other groups, we ask to remedy this abuse, and that is the intent of this Amendment. And I would ask its adoption."

Speaker Peters: "Any discussion? If not, the question is, 'Shall Amendment #2 to House Bill 1108 pass?'. Those in favor will signify by saying 'aye', those opposed... The opinion of the Chair, the 'ayes' have it, and Amendment #2 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1317, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1317, a Bill for an Act to regulate liability rising out of product-related injuries or damages. Second Reading of the Bill. This Bill has been read a second time previously, and Amendments #1 and 2 were adopted."

Speaker Peters: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #3, Daniels, amends House Bill 1317 as amended."

Speaker Peters: "Representative Daniels, Amendment #3."



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Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #3 is...seeks to reinsert a provision in a Bill, to create an aversion of what is called a state of the art defense in one sort of product liability case, the sort involving an alleged design or formula defect. This is the type of case in which the plaintiff is alleging that his injury was caused by a defective design or formula of the product, such as where a safety guard wasn't properly designed to stay on a piece of manufacturing equipment, and was...and came off, resulting in some form of injury. The proposal is offered to redress the pro-plaintiff balance between misapplications of the doctrine of strict liability in tort. The strict liability theory of recovery simply says that a plaintiff can recover when the cause of his injury was a condition of the product, which was unreasonably dangerous when it left the manufacturer. Unfortunately, this vague standard has permitted recoveries where it shouldn't have and irrespective of the state of the technology at the time of the manufacturer. The state of the art defense proposed here, however, does not mean that the manufacturer can successfully defend by saying that all others in the industry use the same design as he did. That is the custom and practice version of the state of the art, and that is definitely not what is being proposed. Amendment #3 is a very reasonable proposal, which seeks to require proof of several reasonable elements, in all strict liability design cases; the case law now being inconsistent, and inconsistent throughout various appellate court districts. The Amendment would clarify this inconsistency and confusion and would set forth, in very clear terms, the state of the art law created by the conflicting Appellate Court statements throughout our State of Illinois, by clearly requiring the

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plaintiff to prove that an alternative design or formula was available at the time of manufacture; something that some, though not all, Illinois courts now require. First, the Amendment, through the alternative design, would have prevented or substantiated..."

Speaker Peters: "Representative Daniels."

Daniels: "Yeah."

Speaker Peters: "Excuse me. Representative Greiman."

Greiman: "Yes, I...a point...a point of order, Mr. Speaker. It seems to me that we have considered this very matter, and that this House has rejected, in a previous Amendment, this very issue. And it would seem to me, therefore, that we, under Robert's Rules of Order, cannot consider this Amendment again, and that it would be, then, out of order."

Speaker Peters: "Your point, Representative Greiman, is that this Amendment is dilatory?"

Greiman: "No, that we've already considered it, and we...therefore, cannot...ought not to consider it again. We've considered it, had a judgement on it, of the House, last Spring."

Speaker Peters: "Your point is that this House can only consider a piece of legislation once and not consider that legislation again?"

Greiman: "My point is that we..."

Speaker Peters: "I would like to rule you're right. That would give us...save us a hell of a lot of trouble later on."

Greiman: "I think that Robert's Rules says that, when we have...have had a hearing, that's what it is. Now, we may, in other Bills, consider the same point; but, in this one Bill, we have already heard...we have already heard this Amendment."

Speaker Peters: "The Chair, on the advice of the Parliamentarian, will indicate that your point is well...not well taken."

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Continue, Representative Daniels."

Daniels: "Well, Representative Greiman, so that you understand completely the subject matter, I'll continue. Therefore, in order to qualify, an Amendment would clarify the confused state of the law dealing with various areas and set forth various requirements that the plaintiff must prove. First, that the alternative design would have prevented or substantially lessened the likelihood of the occurrence of the injury or damage alleged and; secondly, that the availability of the alternative was actually known or should have been known, by a manufacturer, within a reasonable concern for safety and; third, that the alternative design was technologically possible at the time of manufacture and; fourth, that the design was practical and feasible. In terms of the last element, there are also sub-elements of that requiring the production. These, or other relevant considerations may be looked at by a jury in its deliberations as to whether the proposed design was feasible or practical. Requiring proof of the feasibility or practicality and meeting or permitting a consideration of the comparative cost is probably the most controversial and so...certainly the most easily misunderstood part of the proposal. We have considered, very carefully, the Amendment, and Section 3 thus requires that a plaintiff prove the various elements set forth in the Amendment, that's set forth by you right now, in considering the very important subject of products liability. Ladies and Gentlemen of the House, this area is of great importance throughout the State of Illinois, great importance to the various manufacturers of this state and great importance to the various agencies that are supportive of reasonable approach to the very important topic of products liability. In summary, Section 3 clarifies existing law, clarifies

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that law by making it clear that the plaintiff must prove that a feasible alternative design was available at the time a product was manufactured, before a manufacturer may be held liable for a claim design defect. It will assist in creating predictability in product liability actions. It, moreover, sets fair and reasonable standards for determining whether a proposed design is a feasible alternative. The standards set forth logical limits on a manufacturer's liability and it recognizes that a product's design must be analyzed under a reasonableness test. I think it's very fair to all parties concerned, does not destroy a cause of action, and is one that we bring to you for your attention, on this Amendment stage, so that it can be considered on Third Reading. I ask for a favorable adoption, and I'll accept a Roll Call in favor of the Amendment."

Speaker Peters: "There are a number of lights flashing. To the best of the Chair's eyesight here, we will take the Representatives in this order: Leinenweber, Hanahan, Jaffe, Stearney, Brummer, McClain, Birkinbine, Greiman. Representative Leinenweber."

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

Speaker Peters: "He indicates he will."

Leinenweber: "First of all, Representative Daniels, it is my understanding that House Amendment #...or Amendment #3 is not verbatim of the language that was stricken by one of the previous Amendments. Is that correct?"

Daniels: "It's been redrafted from the Bill, if that's what your question is."

Leinenweber: "What differences are there, if any, in the Amendment 3 that...from the previous language that was stricken?"

Daniels: "We have added to the state of the art defense and the

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statement set forth therein, and I think it's more reasonably clear and easily understood."

Leinenweber: "Repeat that again. I didn't understand."

Daniels: "We think the Amendment sets forth a little more clearer than it did before."

Leinenweber: "Is it...Are there any additional provisions, or is it merely rearranging the same words to say something in a better way?"

Daniels: "The original Bill, some people interpret it, set forth the custom of the state of the art defense. We've reclassified it so that it's a little clearer understood what our intentions are. I think the Amendment #3, which is what you're really getting at, Representative Leinenweber, is clearer, more succinctly set forth and fairly easily understood, if you look at the Amendment. It's not that long, and it sets forth reasonable standards that should be applied before a manufacturer is socked with a products liability judgement, many of which he cannot properly insure against."

Leinenweber: "All right. Now, in regard to the state of the arts, there is in existence, in the common law of the State of Illinois, the state of the arts defense, though. Is there not?"

Daniels: "Well, that's the very reason for the Amendment that we have. It depends upon which Appellate Court district you're in. In some it is, some it isn't. In some it's one way, others it's not. So, what we've attempted to do is set it forth very clearly so everybody knows the law of the land in the State of Illinois. So, that the Legislature speaks, not the courts. Aren't you getting a little sick and tired of the courts legislating? This allows us to legislate, for us to tell what kind of recovery we're going to have in the State of Illinois, not the courts to create

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a new field of law so that our companies, legitimate manufacturers of this state, cannot protect themselves against unconscionable and unreasonable lawsuits. We're getting a little tired of that, and that's what this Amendment me...meant to do."

Leinenweber: "Well, I appreciate your comments, but what appellate districts do not recognize the state of the art defense?"

Daniels: "Well, we refer you to the 'Stanfield' case, 34 Illinois Appellate Third, 365, which is the Second Appellate Court. We refer you to the Third Appellate Court. Refer you to the 'Gel Samino' versus 'E. W. Bliss Co.', 10 Illinois Appellate Third, 604."

Leinenweber: "Well, I can...I can speak for the Third Appellate District. It's my understanding they do recognize the state of the arts defense. Your Appellate District, the Second, I'm not certain about it, because I don't practice there. But, let me ask you this. Suppose an Illinois manufacturer made a machine and sold it to New York...a business in New York. They would be stuck with whatever the law in the State of New York is, regarding the state of the arts. Would they not?"

Daniels: "Are you saying the injury took place in New York?"

Leinenweber: "Yeah. In other words, an Illinois manufacturer made a machine that, let's say, that was hazardously designed and was sold to a company in New York, and a New York employee was injured. Then New York law would apply, would it not?"

Daniels: "Well, I don't know what the New York conflicts of law is, but if you're getting to the site of the accident and the problem with interstate..."

Leinenweber: "Yeah, well...well, the only point I'd like to raise is that, would you think that there really would be any

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effect on the Illinois manufacturer's exposure by the passage of this Bill, other than a very minimal amount, in the appellate districts in the State of Illinois, that don't recognize the state of the art, insofar as most manufacturers are engaged in interstate commerce, and sell throughout the nation? So, they would be governed by local law in all 50 states or foreign countries, if they're in foreign trade. It would seem to me that what we're doing here is trying to codify the...codify the common law, which I usually find confuses the issue kind of unnecessarily. I don't think you'll find that they'll make any difference in the insurance premiums of any Illinois manufacturer."

Speaker Peters: "Representative Hanahan."

Hanahan: "Well, Mr. Speaker and Members of the House, not having been cursed with or blessed with being a lawyer serving in this Illinois House, I'm sure at least a hundred other Members here are confused by the very eloquent arguments made for and against this proposal. Having been a...just a kid from the west side of Chicago, grew up in...in a hard-knock area, I really don't understand the necessity of this Bill, except that possibly some robber barons might benefit by the passage of this Amendment. I...I just don't really quite understand that, when some person gets injured, you know, that they don't have a right to recover, you know, pretty easily. And why should the big manufacturers always have some more defense? And, just being a non-lawyer and just a Member here listening to this eloquent debate, I'd just like to remind the proponents that you're not selling the people that aren't lawyers on the issue by just using all that highfalutin phrases in the Appellate Court districts. Tell us what it really does, Representative, so that...so that we understand, in laymen's language, just what the big robber barons want

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this time from ourselves."

Speaker Peters: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker, Members of the House, to do exactly what Representative Hanahan wants to do, I'll tell you what this Amendment is. This Amendment is probably the worst Amendment that we could possibly attach to this Bill. This Amendment, for all practical purposes, really wipes out products liability cases in the State of Illinois. I have to tell you that, at the present time, defendants win more than 50 percent of all the products liability cases that are tried in the State of Illinois. So, why do we really need this? Let me tell you that you would never be able to prevail in a products liability case, under this law, unless you were really very extremely wealthy. And, in addition to being very extremely wealthy to afford a lawsuit like this, you'd also have to be a PHD in engineering, and you'd probably also have to be a shareholder in the corporation; because, this Bill mandates that you have to have a vast amount of technical knowledge, which the plaintiff has to prove, which they never can prove, in any of these cases. Just look at this Amendment. Look at what the poor plaintiff has to prove now. You know, they have to prove, you know, the alternative design unless 'A) it would have prevented or substantially lessened the likelihood of the occurrence of the injury or damage alleged'; and, so understand all of these things are cumulative; and, 'was actually known by the manufacturer or should have been known by the manufacturer with a reasonable concern for safety'; and, this is another thing, 'C) was technologically possible at the time the product in question was manufactured'; and, this is another thing, 'D) was practical and feasible in the determination of which the tryor of fact may consider, but shall not be limited



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to, the following factors'. And look at all the factors they have to go through. Number one, 'the likelihood of any new or additional hazards which might have occurred as a result of the alternative formula or design'. Two, 'the effect of such alternative formula or design on the usefulness of the product is in question'; and, three, 'the comparative cost of producing, distributing, selling, using, maintaining the product that's formulated or designed that is alternatively formulated or designed'. This is just really a horrible Amendment. It knocks out product liability in the State of Illinois, no matter how innocent you are. I have to also tell you, that no other state in the Union has this type of law. No other state in the Union has tri...has had this type of law. They wouldn't go any place else but Illinois with...with this type of a crummy Bill. This is just a terrible Amendment. It ought to be voted down; and, in answer to Representative Hanahan, you're absolutely correct. It is for the robber barons, and you should vot...vote 'no'."

Speaker Peters: "Representative Stearney."

Stearney: "Would the Gentleman yield? Representative, on page two of the Bill, it makes mention of one of the burdens placed on a defendant, and that would be demonstrating to the jury what the defendant's comparative cost of producing, distributing, selling, using and maintaining the product, as formulated or designed and as alternatively formulated or designed. Now, I ask you this very simple question. How would a plaintiff ever be able to demonstrate, prove to a jury, what the costs are to the defendant, because those costs would only be known to the defendant himself?"

Daniel: "Through discovery."

Stearney: "Well, we're talking..."

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Daniels: "We have liberal rules of discovery in Illinois that you know exist."

Stearney: "But that's begging the question, now. We're having... we're talking about a product not in being, not in existence. So, therefore, the manufacturer says, 'We have not manufactured, nor produced, nor distributed this product'. Well, now the bur...and he says to the plaintiff, 'I cannot furnish you those figures'. Well, how does the plaintiff then demonstrate to the jury what it would have cost the manufacturer to produce, to distribute, to sell, to use and maintain the product as formulated and...or designed and as alternatively formulated or designed? It seems to me you have placed a burden on the plaintiff that he could never prove. It's an impossibility of...in terms. Can you answer, please?"

Daniels: "I didn't realize...I thought you were making a statement. We don't think it's an unreasonable burden. It can be proved through discovery. It can be proved through the process of the case and one that is certainly reasonable, under the state of the law, today."

Stearney: "Well, Mr. Speaker and Ladies and Gentlemen of the House, just in addressing myself to the question, let me give you a specific example, because that's what we're really talking about. I know of an elderly lady, 74 years old, who might very well be your mother, who was sitting in a restaurant. She was being served coffee by the waitress, and what the waitress was carrying was a glass coffee pot that you see here in Zeke Giorgi's office or elsewhere. And, lo and behold, a particle of glass about an inch square just came shooting right out, and that hot scalding coffee came all over this woman's legs and buttocks. She was hospitalized for over one month. She has 20,000 dollars in medical bills. She had to undergo two

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operations for skin grafts, and she has been unable to walk for six months. Now, under this proposed Bill, no one could ever sue the manufacturer of that coffee pot, who is down in Oklahoma; because, with the burden of proof now placed on the defendant, it would be impossible. It is an insufferable burden. What the proponent of this Motion is saying is that it was an act of God that caused that piece of glass to come falling out of that glass coffee pot, causing that hot, scalding coffee to run all over this woman and put her in the hospital for one month and cause her to have 20,000 dollars in medical bills, undergo two skin grafts, and not walk for six months. Now that is shameful. That is truly shameful, because the burden placed on the defend...on the plaintiff here, by this Amendment, is impossible to overcome. We cannot prove what the cost would be to the manufacturer to...to produce, or to distribute, to sell, to use and maintain the product, simply because we do not have those figures along with all the other items mentioned by Representative Jaffe. You have, effectively, eliminated a cause of action, and this very person, this elderly woman, could very well have been your mother; and, you would be sitting there saying, at some future date, 'My God, did we, in the Illinois Legislature, do that?'. I...You would then say that we went a bit too far. For that reason, I would suggest that this Amendment should be defeated, because it is an attempt to completely eradicate and eliminate the products liability action, a cause of action created by the common law; and, we should not tamper with it in this way, statutorially, not when we do not know what...exactly what we are doing. I ask you to vote 'no'. Thank you."

Daniels: "Well, you just cited an excellent case for a manufacturing defect, if one would exist in that coffee

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pot, or that glass pot, but you failed to cite the fact that you could have several theories under that example, and, once again, you've taken a specific example, tried to turn it around to allege benefits to serve your purpose and not allege that there could be a manufacturing defect that caused that bottle to break, causing all the injuries."

Stearney: "It's a design defect."

Daniels: "And not a design defect, as this Amendment addresses, and you know it, Representative Stearney. This one applies to design defects."

Stearney: "However, the allegation and the complaint is that that coffee pot could have been designed otherwise."

Daniels: "Well, I don't know what all the fancy lawyers that handle products liability cases may allege or may not allege, but this sets forth, pretty clearly, it involves design defects, and your case, very possibly, might involve a manufacturing defect. If somebody was wrong in manufacturing..."

Stearney: "Well, you're saying 'might'. That's a hypothetical. You are not eliminating the theory."

Daniels: "Hypotheticals are ones...You know, the Amendment is fairly clear and set forth very easily. If you look at it, you'll see that it deals with design defect cases, not manufacturing defects, like you said."

Stearney: "The Amendment, very simply, is crushing, overwhelming, draconian. It should be defeated."

Daniels: "You...You know that the plaintiff does not have to prove a comparable cost, as you seem to indicate they may, but only whether or not that practice was feasible."

Speaker Peters: "Representative Brummer."

Brummer: "Yes, Mr. Speaker, briefly in opposition. I think if the Sponsor wants to abolish product liability for design, he ought to do so straightforward and just abolish that

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method of recovery, rather than this back-door method, which is going to make it totally impossible, in the absence of a massive staff of engineers and cost accountants, to recover. I think it is important to point out that this only...not only applies to strict liability in tort; it also applies to negligence actions and implied warranty actions, with regard to formula or design product. It is a bad concept and ought not to be passed."

Speaker Peters: "Have you concluded, Sir? Representative McClain."

McClain: "Thank you, very much, Mr. Speaker. Ladies and Gentlemen of the House, I'll try to be as brief as Mr. Brummer, but what you've heard from Mr. Jaffe and Mr. Stearney are absolutely correct. I'd like to suggest one more thing. For the first time in the history of our statutes, we are placing, in the statute books, specific jury instructions, specific jury instructions. That is a tremendous precedent for us to do. I'd like to give you an...a quick example of what would happen if one of your friends, or one of your constituents, one of your relatives had an accident. Let's say the person was working in a plant, and he slipped and there was no hand guard, and his hand was cut off. In order him...for him to prove his case up, he, now, would have to prove that the product design created a hazardous condition. There should have...there was a hand guard available, and it was practical and feasible to incorporate the hand guard in the machine; and, it was not too costly. Under Mr. Daniels' proposal, not only does he have to show that the hand guard would have prevented or substantially lessened the possibility, he also has to prove that the design for the hand guard was available; but, he also has to show that the hand guard was practical and feasible. And, in doing so, he has to go to

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what Mr. Stearney says, which is that the cost of producing, distributing, selling, using and maintaining the hand guard was economically practical and feasible. Now, for those of you that have some concerns over any issue where the mover has to show that it's economically feasible in order to prove something up for anything; hazardous waste, products liability, or whatever, this is a very dangerous situation. What Mr. Jaffe said about over half the cases in products liability cases, right now, the defense wins. What this does is effectively wipes out all products liability. Now, products liability, for those of you who don't know, means that there is a possibility of a defective machine that causes injury. That is a legitimate issue in a court case. What Mr. Daniels does, with inserting these jury instructions into the statute books, is he, basically, does away with that, and that person that loses that arm or hand or substantially damaged eyes, what, ineffectively, you're doing is that he will not win that law suit. And I urge you to vote 'no' against this Amendment."

Speaker Peters: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I don't know about the rest of you, but I think any time we make this many lawyers nervous, we must be onto something right. The...I haven't heard any of them, yet, say that they might have a conflict of interest in this, but I'm sure that's just an oversight. Perhaps, as a non-lawyer, I can put this into terms that people can understand. When they talk about state of the art and manufacturing, many items that are manufactured in this country have a life of decades, not just years, decades. In many areas of the country, where you get heavy manufacturing, say like a drill press machine, or even

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something as mundane as sporting equipment; that's just not around for a couple of years. It's around for decades. Now, if you think of some of the old cars, if you think of some of the old machines, even if you think of some of the old dishwashers or clothes washers you've seen in years back, by today's standards, they can look pretty crude. They might even look dangerous. But, at the time they were built, the state of the art, at the time, said that that was the best product on the market. As best they knew, that was the best they could produce. And the argument is, it's unfair to come back, by today's standards, and say, 'Look, look how dangerous that is now', when at the time it was built, it might have been the best machine on the market. That's the concept of state of the art. There were a number of companies that I used to call on; and, when the products liability problem came in, much of it after 1975, more and more companies found that they couldn't even get insurance, because there were so many goofy law suits. There were so many juries awarding all kinds of money, on what seemed like frivolous suits, that insurance companies were saying, 'No way are we going to insure you. We don't know what you're going to get hit with. We're just not going to take the chance.' There's an example of a company, a family-owned company that built sporting equipment; things like parallel bars and tumbling mats, stuff as mundane as that. They had not had one product liability suit against them in the entire 39 years that they were in business, and yet the companies, nonetheless, said, 'We can't take the chance. We can't insure you.' So, they are having to go without insurance. As an example of how crazy this can get, let me give you a true story from here in Illinois, and this will be the end of what I'm saying. There was a lady who bought an old

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spinning wheel. She put this spinning wheel back together, took it home, and started spinning, or trying to. The wheel came off while she was operating it and broke a couple of her fingers. Well, she decided to sue, and, Lord knows, she had no trouble finding a lawyer to help. So, they went, and they investigated; and, sure enough, it was so old that the company that originally produced this spinning wheel had gone out of business. But, another company had bought some of the business up. Sure enough, the court ruled that that new company owed damages to this woman because of the product liability case and her spinning wheel. That's how crazy things can get; and, in a situation and an environment like this, you try and get insurance, when courts, and lawyers, and judges are that goofy, we need this kind of protection for business. That's the products liability story in laymans terms. I think it's a good idea, and I encourage you to vote for it and I... (cut off)..."

Speaker Peters: "Representative Greiman."

Grieman: "Having just heard about Betsy Ross and her liability with the spinning wheel, I won't pursue this any longer. I would only ask that we, Mr. Speaker, that we get a record vote on this Amendment, and he asked for it. Okay. Other than that, I...I'm going to pass."

Speaker Peters: "Representative Mautino. Representative Topinka."

Topinka: "Yes, Mr. Chairman, I'd like to call the question on this very fair and well-reasoned Amendment."

Speaker Peters: "The Lady moves the previous question. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Daniels, to close."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, very



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simply, Section III, which is this Amendment, clarifies existing law by making it clear that the plaintiff must prove that a feasible alternative design was available, at the time a product was manufactured, before a manufacturer may be held liable for a claimed design defect. Before a manufacturer may be held liable for a claimed design defect, the plaintiff must prove that there was a feasible alternative design available. It's straightforward. It's simple, if you look at it. It codifies existing law throughout this state, but the difficulty with the law throughout the state is various Appellate Court districts, in the State of Illinois, have stated different ways of getting there and have stated different conclusions, so that, from the First to the Second Appellate Court District, it changes. This Bill codifies the law so we know where it is and what's available. No injured person is going to lose any rights under this Amendment. No injured person is going to be without redress, because we have workers' comp. We still have the strict liability theory. We just have elements that are set forth. It's a reasonable Amendment. I ask for your support. I ask for your approval of this Amendment."

Speaker Peters: "The question is, 'Shall Amendment #3 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. The voting is open. Representative Olson, to explain his vote."

Olson: "Mr. Speaker, I was going to move the previous question."

Speaker Peters: "Representative Epton, to explain his vote."

Epton: "Thank you, Mr. Speaker. As was pointed out, I, like many others, have a conflict of interest. As usual, I will vote my conscience."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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Representative Vinson, to explain his vote."

Vinson: "Mr. Speaker, what this Bill really attempts to do is to lower the cost of products to the consumer. It makes a very reasoned effort to transfer money that's tied up in interminable strike suits, very high costs of litigation, into a meaningful reduction in inflation, a meaningful reduction in the price of consumer goods. I believe, for that reason, a vote for this Bill is a vote to reduce the Consumer Price Index, and I would urge everybody to vote 'yes' on it."

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

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, what we attempt to do, in this Legislature and in our court system, is to strike a balance, so that people are treated fairly and, in the court system so that people can present their case in a fair manner, with not one side having no more fair advantage than the other side. In this present state of the law, a def...a plaintiff must already prove that the product design created the hazardous condition, that there was something available that would have...that could have prevented that problem, that it was practical and feasible to incorporate into the machinery that was being used and an approximate cost of that item. That is something that the plaintiffs presently present. I think that is a fair burden, and what is being proposed is an unfair burden for any plaintiff to carry."

Speaker Peters: "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 81 voting 'aye', 82 voting 'nay'. Representative Daniels."

Daniels: "I would like a Poll of the Absentees and a Verification of the Negative Roll, in the event that we don't get the necessary votes."

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Speaker Peters: "The Gentleman makes a request for a poll of the affirmative vote and...and requests a verification of the negative. Representative Stearney, should so indicate, requests a verification of the affirmative. Representative Hanahan. Han...Hanahan."

Hanahan: "Just a suggestion, Mr. Speaker. It might save a lot of time if we had an Oral Roll Call on this. As long as we're going to have verification, let's have an Oral Roll Call and get it over both ways all at one time, instead of fooling around verifying one side and then the other."

Speaker Peters: "The Chair is agreeable. Representative Daniels and Stearney? Representative Daniels? Dump the Roll Call. The Clerk will call the roll. It'll be an Oral Roll Call. Let us expedite, as best we can, so we can conclude with the few Bills we have left here, and get out of here. When your name is called, answer 'aye' and...or 'nay' and punch your button. Mr. Clerk, are we ready? Representative Olson, do you have a question, Sir?"

Olson: "No."

Speaker Peters: "Your light is on. Mr. Clerk, proceed."

Clerk O'Brien: "Abramson, pass."

Speaker Peters: "Abramson? Is...Is the board open? What's with Bianco? Mr. Clerk, clear that board again. All right. Open the board. Proceed."

Clerk O'Brien: "Abramson."

Speaker Peters: "Abramson? Abramson, 'no'."

Clerk O'Brien: "Ackerman."

Speaker Peters: "Ackerman, 'aye'."

Clerk O'Brien: "Alexander."

Speaker Peters: "Alexander, 'no'."

Clerk O'Brien: "Alstat."

Speaker Peters: "Alstat, 'aye'."

Clerk O'Brien: "Balanoff."

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Speaker Peters: "Balanoff. Balanoff, 'no'. Punch your button,  
Ms. Balanoff."

Clerk O'Brien: "Barkhausen."

Speaker Peters: "Barkhausen, 'aye'."

Clerk O'Brien: "Barnes."

Speaker Peters: "Barnes, 'no'."

Clerk O'Brien: "Barr."

Speaker Peters: "Barr, 'aye'."

Clerk O'Brien: "Bartulis."

Speaker Peters: "Bartulis? Bartulis, pass."

Clerk O'Brien: "Beatty."

Speaker Peters: "Beatty? Beatty, pass."

Clerk O'Brien: "Bell."

Speaker Peters: "Bell, 'aye'."

Clerk O'Brien: "Bianco."

Speaker Peters: "Bianco? Bianco, pass."

Clerk O'Brien: "Birkinbine."

Speaker Peters: "Birkinbine, 'aye'."

Clerk O'Brien: "Bluthardt."

Speaker Peters: "Bluthardt? Bluthardt, pass."

Clerk O'Brien: "Boucek."

Speaker Peters: "Boucek, 'aye'."

Clerk O'Brien: "Bower."

Speaker Peters: "Bower, 'aye'."

Clerk O'Brien: "Bowman."

Speaker Peters: "Bowman, 'no'."

Clerk O'Brien: "Bradley."

Speaker Peters: "Bradley, pass."

Clerk O'Brien: "Braun."

Speaker Peters: "Pardon?"

Clerk O'Brien: "Braun."

Speaker Peters: "Braun, 'no'."

Clerk O'Brien: "Breslin."

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Speaker Peters: "Breslin, 'no'."

Clerk O'Brien: "Brummer."

Speaker Peters: "Brummer, 'no'."

Clerk O'Brien: "Bullock."

Speaker Peters: "Bullock, 'no'."

Clerk O'Brien: "Capparelli."

Speaker Peters: "Capparelli, pass."

Clerk O'Brien: "Carey."

Speaker Peters: "Carey, 'no'."

Clerk O'Brien: "Catania."

Speaker Peters: "Catania, 'no'."

Clerk O'Brien: "Chapman."

Speaker Peters: "Chapman, pass."

Clerk O'Brien: "Christensen."

Speaker Peters: "Christensen, 'no'."

Clerk O'Brien: "Collins."

Speaker Peters: "Collins? Collins, pass."

Clerk O'Brien: "Conti."

Speaker Peters: "Conti, 'aye'."

Clerk O'Brien: "Cullerton."

Speaker Peters: "Cullerton, 'no'."

Clerk O'Brien: "Currie."

Speaker Peters: "Currie, pass."

Clerk O'Brien: "Daniels."

Speaker Peters: "Daniels, 'aye'."

Clerk O'Brien: "Darrow."

Speaker Peters: "Darrow, pass."

Clerk O'Brien: "Davis."

Speaker Peters: "Davis, 'aye'."

Clerk O'Brien: "Deuchler."

Speaker Peters: "Deuchler, 'aye'."

Clerk O'Brien: "Deuster."

Speaker Peters: "Deuster, pass."

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Clerk O'Brien: "DiPrima."

Speaker Peters: "DiPrima, 'no'."

Clerk O'Brien: "Domico."

Speaker Peters: "Excuse me. Larry, hit your button. All right.

Domico? Domico, pass."

Clerk O'Brien: "Donovan."

Speaker Peters: "Donovan, 'no'."

Clerk O'Brien: "Doyle."

Speaker Peters: "Doyle, pass...wait...Doyle? Doyle, 'no'."

Clerk O'Brien: "Jack Dunn."

Speaker Peters: "Jack Dunn, 'aye'."

Clerk O'Brien: "John Dunn."

Speaker Peters: "John Dunn, pass."

Clerk O'Brien: "Ralph Dunn."

Speaker Peters: "Ralph Dunn, pass."

Clerk O'Brien: "Ebbesen"

Speaker Peters: "Ebbesen, 'aye'."

Clerk O'Brien: "Epton."

Speaker Peters: "Epton, 'no'."

Clerk O'Brien: "Ewell."

Speaker Peters: "Ewell, pass."

Clerk O'Brien: "Ewing."

Speaker Peters: "Ewing, 'aye'."

Clerk O'Brien: "Farley."

Speaker Peters: "Farley, 'no'."

Clerk O'Brien: "Fawell."

Speaker Peters: "Fawell, 'aye'."

Clerk O'Brien: "Findley."

Speaker Peters: "Findley, 'aye'."

Clerk O'Brien: "Flinn."

Speaker Peters: "Flinn, 'aye'."

Clerk O'Brien: "Virginia Frederick."

Speaker Peters: "Frederick, 'aye'."

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Clerk O'Brien: "Dwight Friedrich."

Speaker Peters: "Dwight Friedrich, 'aye'."

Clerk O'Brien: "Garmisa."

Speaker Peters: "Garmisa, 'no'."

Clerk O'Brien: "Getty."

Speaker Peters: "Getty, 'no'."

Clerk O'Brien: "Giglio."

Speaker Peters: "Giglio, 'no'."

Clerk O'Brien: "Giorgi."

Speaker Peters: "Giorgi, 'no'."

Clerk O'Brien: "Greiman."

Speaker Peters: "Greiman, 'no'."

Clerk O'Brien: "Griffin."

Speaker Peters: "Griffin, 'aye'."

Clerk O'Brien: "Grossi."

Speaker Peters: "Grossi, 'aye'."

Clerk O'Brien: "Hallock."

Speaker Peters: "Hallock, 'aye'."

Clerk O'Brien: "Hallstrom."

Speaker Peters: "Hallstrom, 'aye'."

Clerk O'Brien: "Hanahan."

Speaker Peters: "Hanahan, 'no'."

Clerk O'Brien: "Hannig."

Speaker Peters: "Hannig, 'no'."

Clerk O'Brien: "Hastert."

Speaker Peters: "Hastert, 'aye'."

Clerk O'Brien: "Henry."

Speaker Peters: "Henry, 'no'."

Clerk O'Brien: "Hoffman."

Speaker Peters: "Hoffman, 'aye'."

Clerk O'Brien: "Hoxsey."

Speaker Peters: "Hoxsey, 'aye'."

Clerk O'Brien: "Hudson."

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Speaker Peters: "Hudson, 'aye'."

Clerk O'Brien: "Huff."

Speaker Peters: "Huff, pass."

Clerk O'Brien: "Huskey."

Speaker Peters: "Huskey? Huskey, pass."

Clerk O'Brien: "Jackson."

Speaker Peters: "Jackson, 'no'."

Clerk O'Brien: "Jaffe."

Speaker Peters: "Jaffe, 'no'."

Clerk O'Brien: "Johnson."

Speaker Peters: "Johnson, pass."

Clerk O'Brien: "Jones."

Speaker Peters: "Jones, pass."

Clerk O'Brien: "Kane."

Speaker Peters: "Kane, 'no'."

Clerk O'Brien: "Karpiel."

Speaker Peters: "Karpiel, 'aye'."

Clerk O'Brien: "Katz."

Speaker Peters: "Katz, pass."

Clerk O'Brien: "Keane."

Speaker Peters: "Keane, pass."

Clerk O'Brien: "Jim Kelley."

Speaker Peters: "Jim Kelley, 'aye'."

Clerk O'Brien: "Dick Kelly."

Speaker Peters: "Dick Kelly, 'aye'."

Clerk O'Brien: "Klemm."

Speaker Peters: "Klemm, 'aye'."

Clerk O'Brien: "Kociolko."

Speaker Peters: "Kociolko, 'aye'."

Clerk O'Brien: "Koehler."

Speaker Peters: "Koehler, 'aye'."

Clerk O'Brien: "Kornowicz."

Speaker Peters: "Kornowicz, 'no'."



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Clerk O'Brien: "Kosinski."

Speaker Peters: "Kosinski, pass."

Clerk O'Brien: "Krska."

Speaker Peters: "Krska, pass."

Clerk O'Brien: "Kucharski."

Speaker Peters: "Kucharski, 'no'."

Clerk O'Brien: "Kulas."

Speaker Peters: "Kulas, 'no'."

Clerk O'Brien: "Kustra."

Speaker Peters: "Kustra, pass."

Clerk O'Brien: "Laurino."

Speaker Peters: "Laurino, pass."

Clerk O'Brien: "Lechowicz."

Speaker Peters: "Lechowicz, pass."

Clerk O'Brien: "Leinenweber."

Speaker Peters: "Leinenweber, 'no'."

Clerk O'Brien: "Leon."

Speaker Peters: "Leon, 'no'."

Clerk O'Brien: "Leverenz?"

Speaker Peters: "Leverenz? Leverenz, pass."

Clerk O'Brien: "Levin."

Speaker Peters: "Levin, 'no'."

Clerk O'Brien: "Loftus."

Speaker Peters: "Loftus, 'no'."

Clerk O'Brien: "Macdonald."

Speaker Peters: "Pass."

Clerk O'Brien: "Madigan."

Speaker Peters: "Madigan, 'no'."

Clerk O'Brien: "Margalus."

Speaker Peters: "Margalus, 'aye'."

Clerk O'Brien: "Martire."

Speaker Peters: "Martire? Martire, pass."

Clerk O'Brien: "Matijevich."

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Speaker Peters: "Matijevich, pass."

Clerk O'Brien: "Mautino."

Speaker Peters: "Mautino, 'aye'."

Clerk O'Brien: "Mays."

Speaker Peters: "Mays, 'aye'."

Clerk O'Brien: "McAuliffe."

Speaker Peters: "McAuliffe, 'no'."

Clerk O'Brien: "McBroom."

Speaker Peters: "McBroom, 'aye'."

Clerk O'Brien: "McClain."

Speaker Peters: "McClain, 'no'."

Clerk O'Brien: "McCormick."

Speaker Peters: "McCormick? McCormick, pass."

Clerk O'Brien: "McGrew."

Speaker Peters: "McGrew, 'aye'."

Clerk O'Brien: "McMaster."

Speaker Peters: "McMaster, 'aye'."

Clerk O'Brien: "McPike."

Speaker Peters: "McPike, 'no'."

Clerk O'Brien: "R. J. Meyer."

Speaker Peters: "R. J. Meyer, 'aye'."

Clerk O'Brien: "Ted Meyer."

Speaker Peters: "Ted Meyer, 'aye'."

Clerk O'Brien: "Miller."

Speaker Peters: "Miller, 'aye'."

Clerk O'Brien: "Mulcahey."

Speaker Peters: "Mulcahey, 'aye'."

Clerk O'Brien: "Murphy."

Speaker Peters: "Murphy? Murphy, pass."

Clerk O'Brien: "Neff."

Speaker Peters: "Neff, 'aye'."

Clerk O'Brien: "Nelson."

Speaker Peters: "Nelson, 'aye'."

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Clerk O'Brien: "Oblinger."

Speaker Peters: "Oblinger, 'aye'."

Clerk O'Brien: "O'Brien."

Speaker Peters: "O'Brien, pass."

Clerk O'Brien: "O'Connell."

Speaker Peters: "O'Connell, 'aye'."

Clerk O'Brien: "Olson."

Speaker Peters: "Olson, 'aye'."

Clerk O'Brien: "Ozella."

Speaker Peters: "Ozella, pass."

Clerk O'Brien: "Pechous."

Speaker Peters: "Pechous, pass."

Clerk O'Brien: "Peters."

Speaker Peters: "'Aye'."

Clerk O'Brien: "Piel."

Speaker Peters: "Excuse me. Thank you. Pechous, 'aye'. Piel,  
'aye'. Pechous, pass. Pechous, pass. Peters, 'aye'.  
Piel, 'aye'."

Clerk O'Brien: "Pierce."

Speaker Peters: "Pierce, 'no'."

Clerk O'Brien: "Polk."

Speaker Peters: "Polk? Polk, pass."

Clerk O'Brien: "Pouncey."

Speaker Peters: "Pouncey, 'no'."

Clerk O'Brien: "Preston."

Speaker Peters: "Preston, 'no'."

Clerk O'Brien: "Pullen."

Speaker Peters: "Pullen, 'aye'."

Clerk O'Brien: "Rea."

Speaker Peters: "Rea, pass."

Clerk O'Brien: "Reed."

Speaker Peters: "Reed, pass."

Clerk O'Brien: "Reilly."

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Speaker Peters: "Beilly, 'aye'."

Clerk O'Brien: "Rhem."

Speaker Peters: "Rhem, 'no'."

Clerk O'Brien: "Richmond."

Speaker Peters: "Richmond, pass."

Clerk O'Brien: "Rigney."

Speaker Peters: "Rigney, 'aye'."

Clerk O'Brien: "Robbins."

Speaker Peters: "Robbins, 'aye'."

Clerk O'Brien: "Ronan."

Speaker Peters: "Ronan, 'no'."

Clerk O'Brien: "Ropp."

Speaker Peters: "Ropp, 'aye'."

Clerk O'Brien: "Saltsman."

Speaker Peters: "Saltsman, 'no'."

Clerk O'Brien: "Sandquist."

Speaker Peters: "Sandquist, 'no'."

Clerk O'Brien: "Satterthwaite."

Speaker Peters: "Satterthwaite, pass."

Clerk O'Brien: "Schneider."

Speaker Peters: "Schneider, 'no'."

Clerk O'Brien: "Schraeder."

Speaker Peters: "Schraeder, pass."

Clerk O'Brien: "Slape."

Speaker Peters: "Slape, 'no'."

Clerk O'Brien: "Irv Smith."

Speaker Peters: "Irv Smith, 'aye'."

Clerk O'Brien: "Margaret Smith."

Speaker Peters: "Margaret Smith, 'no'."

Clerk O'Brien: "Stanley."

Speaker Peters: "Stanley, 'no'."

Clerk O'Brien: "Stearney."

Speaker Peters: "Stearney, 'no'."

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Clerk O'Brien: "Steczo."

Speaker Peters: "Steczo, 'no'."

Clerk O'Brien: "E. G. Steele."

Speaker Peters: "E. G. Steele, pass."

Clerk O'Brien: "Stewart."

Speaker Peters: "Stewart, 'no'."

Clerk O'Brien: "C. M. Stiehl."

Speaker Peters: "C. M. Stiehl, 'aye'."

Clerk O'Brien: "Stuffle."

Speaker Peters: "Stuffle? Stuffle, pass."

Clerk O'Brien: "Swanstrom."

Speaker Peters: "Swanstrom, 'aye'."

Clerk O'Brien: "Tate."

Speaker Peters: "Tate, 'aye'."

Clerk O'Brien: "Telcser."

Speaker Peters: "Telcser, 'aye'."

Clerk O'Brien: "Terzich."

Speaker Peters: "Terzich, 'aye'."

Clerk O'Brien: "Topinka."

Speaker Peters: "Topinka, 'aye'."

Clerk O'Brien: "Tuerk."

Speaker Peters: "Tuerk, 'aye'."

Clerk O'Brien: "Turner."

Speaker Peters: "Turner, 'no'."

Clerk O'Brien: "Van Duyne."

Speaker Peters: "Van Duyne, 'no'."

Clerk O'Brien: "Vinson."

Speaker Peters: "Vinson, 'aye'."

Clerk O'Brien: "Vitek."

Speaker Peters: "Vitek, pass."

Clerk O'Brien: "Watson."

Speaker Peters: "Watson, 'aye'."

Clerk O'Brien: "White."

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Speaker Peters: "White, 'no'."

Clerk O'Brien: "Wikoff."

Speaker Peters: "Wikoff, pass."

Clerk O'Brien: "Winchester."

Speaker Peters: "Winchester, 'aye'."

Clerk O'Brien: "J. J. Wolf."

Speaker Peters: "J. J. Wolf, 'aye'."

Clerk O'Brien: "Representative Sam Wolf."

Speaker Peters: "Sam Wolf, 'no'."

Clerk O'Brien: "Woodyard."

Speaker Peters: "Woodyard, 'aye'."

Clerk O'Brien: "Younge."

Speaker Peters: "Younge, pass."

Clerk O'Brien: "Yourell."

Speaker Peters: "Yourell, 'no'."

Clerk O'Brien: "Zito."

Speaker Peters: "Zito? Zito, pass."

Clerk O'Brien: "Zwick."

Speaker Peters: "Zwick, 'yes'."

Clerk O'Brien: "Mr. Speaker?"

Speaker Peters: "Mr. Speaker, 'yes'. Representative Reed?"

Reed: "Vote me 'aye', please, Mr. Speaker."

Speaker Peters: "Representative Reed, 'aye'. Representative Darrow, 'aye'. Representative Rea, 'no'. Hit your button? Representative Leverenz, 'no'. Are we set? On this... Representative Chapman, 'no'. Press your button, Representative Chapman. Representative Satterthwaite, 'no'. Representative Pechous, 'no'. Press your button, Representative Pechous. Okay? On this question, there are... Pechous voted 'aye'...or 'no', I'm sorry. 'No'. On this... Take the record. On this question, there are 73 voting 'aye', 64 voting 'nay'. Amendment #3 is adopted. Any further Amendments?"

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Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Representative Hanahan, thank you. It was an excellent suggestion. House Bills... we have six more Bills on Second Reading. House Bill 1346, Representative McClain. Read the Bill, Mr. Clerk."

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

Speaker Peters: "Any Amendments from the Floor?"

Clerk O'Brien: "Floor Amendment #1, McClain, amends House Bill 1346 by deleting..."

Speaker Peters: "Representative McClain, Amendment #1."

McClain: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 is a gasoline tax hike, and I'd move to withdraw Amendment #1."

Speaker Peters: "Amendment #1 is withdrawn. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Mulcahey - Mautino, amends House Bill 1346 as amended in Section 4, and so forth."

Speaker Peters: "Representative Maut...Mulcahey, Amendment #2."

Mulcahey: "Mr. Speaker, leave to withdraw Amendment #2."

Speaker Peters: "Amendment #2 is withdrawn. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Van Duyne, amends House Bill 1346..."

Speaker Peters: "Representative Van Duyne, Amendment #3."

Van Duyne: "Yes, Mr. Speaker. This Amendment is in response to the expose of the CV license plates by the Chicago newspapers some time ago, and it is merely an attempt to tighten up the issuing of these CV license plates by forcing these applicants to accompany their application with certif...certified copies of their federal exemption, so I move for its adoption."

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Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #3 to House Bill 1346 be adopted?'. Those in favor will signify by saying 'aye'. Opposed? In the opinion of the Chair, the 'ayes' have it. Amendment #3 is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Van Duynes..."

Speaker Peters: "Representative Van Duynes, Amendment #4. Representative Van Duynes..."

Van Duynes: "Mr....Mr. Speaker, would the Clerk inform me...I had two Amendments. One Amendment was going to put...be put on if Mike's Amendment got on, and the other Amendment was supposed to be put on if...if his Amendment did not get on. Now he...well..."

Speaker Peters: "And neither of his Amendments got on."

Van Duynes: "That's right, so I'm...I'm..."

Speaker Peters: "So you want to withdraw both?"

Van Duynes: "No, no, no, no, no. No, I'm...I'm adopting this Amendment. But there...they should be identical except for the composition from the Legislative Reference Bureau..."

Speaker Peters: "Mr. Clerk, can you..."

Van Duynes: "I beg your pardon?"

Speaker Peters: "...Illuminate the situation?"

Clerk O'Brien: "Identifying them by the LBB number on the top of your Amendment, the Amendment #3 we just adopted ends in the letters 'CDHAM'. Amendment #4 ends in the letters 'CJHAM'."

Van Duynes: "Okay, okay. I think I'm right."

Speaker Peters: "Amendment #4."

Van Duynes: "I'd like to withdraw that."

Speaker Peters: "The Gentleman asks to withdraw Amendment #4. Amendment #4 is withdrawn. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Leverenz. Amends House Bill 1346 as amended in Section 3-808, and so forth."



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Speaker Peters: "Representative...whose Amendment is it, Mr. Clerk? Representative Leverenz, Amendment #5."

Leverenz: "We need a little help from the Clerk. Is #5 technically correct, if #3 is on?"

Speaker Peters: "Offhand, the Chair would say it's incorrect."

Leverenz: "Well, that's why we asked for the Clerk's knowledgeable... How about 'on-hand'?"

Speaker Peters: "The Gentleman is offering Amendment #5 in the hopes that it is still in proper order, now that Amendment #3 has been adopted and #4 has been withdrawn."

Leverenz: "Mine should be all right if his...if Representative Van Dyne's is on."

Speaker Peters: "Representative Kane, you have an inquiry?"

Kane: "Yeah...Point of Order. Amendment #5 says 'by striking through Paragraph 3'. Doesn't it have to include Paragraph 3 and strike it through? I mean... if this becomes the way of doing things, it would be difficult for Members to know what's happening."

Speaker Peters: "The...the Parliamentarian says there appears to be no need for Amendment #5. I...I'm not sure what's the intent of the Sponsor, and your point is well taken. The Chair will rule, Representative Leverenz, that your Amendment is out of order. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1351, Representative Winchester. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1351, a Bill for an Act to amend Sections of the Election Code. Second Reading of the Bill. Amendment...this Bill was read a second time previously. Amendment #1 was adopted."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #3..."

Speaker Peters: "What happened to #2?"

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Clerk O'Brien: "#2 was adopted previously and then tabled."

Speaker Peters: "All right."

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

Speaker Peters: "Representative Ewing, Amendment #3."

Ewing: "Mr. Speaker, I'd like to withdraw Amendment #3..."

Speaker Peters: "Amendment #3 is withdrawn."

Clerk O'Brien: "Floor Amendment #4, Winchester. Amends House Bill..."

Speaker Peters: "Representative Winchester, on Amendment #4."

Winchester: "Thank you, Mr. Speaker. I would like to withdraw Amendment #4."

Speaker Peters: "Amendment #4 is withdrawn. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "No further Amendments? Third Reading. House Bill 1502, Representative Abramson. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1502, a Bill for an Act to repeal Sections of an Act concerning public utilities. Second Reading of the Bill. This Bill has been read a second time previously. Amendment #1 lost, #2 was not germane, #3 was withdrawn, #4 lost, and #5 lost, #6 lost, #7 was withdrawn, #8 lost, #9 through #13 were withdrawn."

Speaker Peters: "Any further Amendments?"

Clerk O'Brien: "Floor Amendment #14, Younge. Amends House Bill..."

Speaker Peters: "Amendment #14, Representative Younge. Is the Lady in the chamber? Mr. Sponsor? The Gentleman moves to table Amendment #14. Amendment #14 is tabled. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #15, Abramson - Bowman."

Speaker Peters: "Amendment #15, Abramson."

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

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Amendment #15 is a thick Amendment, but it's a very simple concept. Right now, there's a five percent gross receipts tax on utilities. This Amendment converts that tax...four points of that tax to a sales tax, rather than a public utility tax. The effect of this change is twofold. First of all, it becomes deductible on your federal income tax return, so we're always worried about too much money going to Washington and not enough staying in Illinois. This allows approximately a 20 to 25 dollar a year actual tax savings to the citizens of Illinois, so they...if they deduct their sales tax that they pay on their public utilities. The other effect of the Bill is that it exempts certain institutions that are exempt from sales tax from the public utilities tax, and I yield to Representative Bowman, at this point."

Speaker Peters: "Any further discussion? There be...Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Brummer: "I would like you, if you would, to elaborate a bit on the deductibility of this on your individual income tax return."

Abramson: "It becomes deductible as an itemized deduction under the sales tax. Okay, it will increase the...the table for the State of Illinois by...by adopting this."

Brummer: "Do you have some indication..."

Abramson: "Three other states..."

Brummer: "...From the IRS that there will be a..."

Abramson: "Three other states have done this, and it is deductible in those states, and those are Maine, Wisconsin, and, I'm at a loss for the third one at the present time...Minnesota."

Brummer: "Well, as I understand the income tax law, the...any

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sales tax you pay is deductible if you...if you specifically itemize and keep tabs on every receipt that you have. Otherwise, you go to the table, which is applicable, depending on the number of dependents that you have and the...your income level. Will there be a direct change in the sales tax table as a result of this?

Abramson: "The sales tax tables have traditionally followed the changes in the sales tax law. As you know, this year you are allowed, if you live...live in the City of Chicago, you are allowed to add an additional twenty-eight percent to the table, as a result of the tax changes we made last year."

Brunner: "And...and what percentage of change would be there...would there be in the sales tax table as a result of the adoption of this?"

Abramson: "That would be...have to be determined by the Internal Revenue Service."

Brunner: "Do you have an opinion or a best estimate?"

Abramson: "I'm sure they have some way of computing this as to what portion of personal income is attributable to utilities and some...coming up with a formula for that. They might even allow it as a specific itemization, 'cause it's a large enough item."

Brunner: "Okay, and you indicated further in...in your explanation that...that this was no change in the public utility tax, there would be no change in revenue to the State of Illinois?"

Abramson: "I didn't say that, exactly. I said that this takes off four percent of the public utility gross receipts acts...tax and puts on four percent of sales tax. In that effect..."

Brunner: "Is the public utility tax currently on a...on a volume of sales basis?"

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Abramson: "Yes, it's gross receipts."

Brummer: "Okay, and you...you further indicated, I think, that this created certain exemptions."

Abramson: "Yes."

Brummer: "What are the exemptions that are created?"

Abramson: "Presently, there are certain institutions, such as government organizations, charitable, and illico-masonry organizations that are exempt from paying sales tax. Those institutions would now become exempt from the public utility tax, for four points of it."

Brummer: "What effect..."

Abramson: "Your school...your school districts, or something like that, they currently pay public utilities tax on the energy that they use. Okay, they're exempt from sales tax, so this would be a savings to them."

Brummer: "Okay, what would be the estimated loss of revenue to the State of Illinois as a result of those exemptions?"

Abramson: "This Bill becomes effective July 1, 1983; so there would be no fiscal impact for FY '83. After that, it would be difficult to determine the exact revenue loss, 'cause the Department of Revenue does not keep records as to institutions that are exempt from sales tax but paying utility tax."

Brummer: "Well, just for..."

Abramson: "Probably in the neighborhood of 20 million."

Brummer: "Would this, for example, exempt the City of Chicago and the City of Effingham from paying sales tax on their electrical usage?"

Abramson: "I believe it would."

Brummer: "Well, the revenue impact would be quite significant, then."

Speaker Peters: "Representative Vinson."

Vinson: "Mr. Speaker, Parliamentary Inquiry. The Amendment seeks

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to change the Retailers' Occupation Tax Act. The underlying Bill goes at the...an Act to regulate, concerning public utilities, repeal certain Sections of that. Neither the substance of the Amendment is germane to the Bill, nor does the Amendment amend anything in the original Bill, and I would seek a ruling from the Parliamentarian on the germaneness of the Amendment."

Speaker Peters: "The Parliamentarian informs the Chair and the Chair will so rule that your point is well taken and the Amendment is not germane. Representative Abramson?"

Abramson: "I would have appreciated a...an attempt to respond to his...his inquiry. The Amendment affects public utilities and the Bill affects public utilities. It is the...same general subject matter. I think it's, therefore, germane."

Speaker Peters: "Representative Bowman, for what purpose do you rise?"

Bowman: "Well, also on the...the same point, Mr. Speaker, I'd think the Parliamentarian ought to reconsider what...what we are doing is fundamentally changing the...the nature of the public utility tax. Now, that is clearly a public utility matter, but if you change its form, it then becomes a retail occupation tax. The...it's a dollar for dollar change. Unfortunately, there is no way that you can amend the one Act without amending the other Acts. The two have to be taken together, looked at together, and treated as a whole. You cannot divide the particular...the taxes in question, and...and I think if...if the Parliamentarian considers that the change in the utility tax is germane to the Bill, then everything else must be carried along as necessary baggage."

Speaker Peters: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker. The title in no way embraces anything vaguely related to the subject of the Amendment."

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The subject of the Bill in no way reg...relates to taxation of any sort. Consequently, the Amendment would not be germane to the Bill."

Speaker Peters: "The Chair...the Chair has ruled the Amendment is out of order. Any further Amendments? ...Or, is not germane. Any further Amendments?"

Clerk O'Brien: "No Further Amendments."

Speaker Peters: "Third Reading. House Bill 1527, Representative Miller. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1527, a Bill for an Act relating to extension of ad valorem personal property taxes and amending certain Acts connected therewith, Second Reading of the Bill."

Speaker Peters: "Represent...I...I...I'm sorry, Mr. Clerk. Second Reading of the Bill."

Clerk O'Brien: "This Bill has been read a second time previously, and Amendments 2 and 5 were adopted. Floor Amendment #6, Miller, amends House Bill 1527 as amended and so forth."

Speaker Peters: "I'm sorry, Mr. Clerk."

Clerk O'Brien: "Floor Amendment #6."

Speaker Peters: "Floor Amendment #6, Representative Miller. Proceed, Sir."

Miller: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As amended, House Bill 1527 makes a limitation on the extensions of the tax year 1981. It was sponsored by Representative Pierce, heavily supported by Members on the other side of the aisle. Unfortunately, the tax extensions for 1981 have already been made and Bills prepared and many sent. There is, therefore, a necessity, if we are going to have an extension Act, to be made applicable to 1982. That is the first thing that Amendment #6 does. The second thing is that it deletes any application to home rule units of government, and it's been pretty well understood by

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previous Roll Calls that many people are not interested in having this type of limitation extend to home rules. It would also make it more difficult to pass, and that is the reason for the second part."

Speaker Peters: "On the Amendment, Representative Pierce."

Pierce: "Mr. Speaker, the Gentleman has a very good Bill here. There's no question about it. It carries forward part of our Democratic tax limitation program, and certainly, he...he's not wrong in this Amendment, in making it 1982 extensions that he's eliminating instead of 1981. But, the one thing he does here that ruins the Bill by Amendment #6, and I'm prepared to support the Bill if he applies it to home rules units. What he does in this Amendment, he takes out home rule units from the tax limitation Bill. Well, without home rule units, we don't need a tax limitation Bill. The park boards are all at their maximum around the state, the park districts. Most school districts are. Most non-home rule units are, but the one, the one flagrant violator of tax limitations are home rule units, and I would include even the City of Chicago, and...and Jane Byrne, you may strike me dead. I would include the City of Chicago and Cook County, as people who could use some tax limitations. And that's why, and that's why I supported the Bill and put in Amendment #5. Amendment #6 excludes home rule units from the tax limitation...one year tax limitation, and, as I say, without home rule units, who needs tax limitation? Who is it that's running away with taxes, but the home rule units that don't have rate limitations don't have to go to the people for an increase in tax rates. The, as I said, the school boards and park districts are mostly at or close to their maximum, or they need a referendum to go higher. So therefore, Amendment #6 guts the Bill, makes it meaningless. It may be all right



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to run for re-election on, that I limited the taxes of my park districts who are already at their maximum, but I don't know if the voters would fall for that, Representative Miller. I think you've got to keep home rule units in a tax limitation Bill in order to make...in order to make it meaningful. I oppose constitutional tax limitations, but I would support statutory tax limitations, including this particular Bill if it...included home rules units, and therefore, I intend to oppose Amendment #6 and support the Bill if it includes home rule units, who are the real violators of tax limitations."

Speaker Peters: "Further discussion? Representative Vinson."

Vinson: "I move the previous question."

Speaker Peters: "The question is, 'Shall the main question be put?'. Those in favor will signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it. Representative Miller, to close."

Miller: "Well, thank you, Mr. Chairman and Ladies and Gentlemen of the House. The simple fact of the matter is, most of the tax dollars paid by property tax payers are not paid to home rule units. They're paid to the school districts and the counties and townships and cities that are not home rules units. If you look at the percentage of municipalities that are home rules units, I think you'll find it's a very small percentage. I think it's meaningful. If, in fact, this represents the feeling of the Body that they want home rules in, they can always add them in in the Senate, but this is the last chance to put in home rule...or put in a limitation on property tax extensions."

Speaker Peters: "The question is, 'Shall Amendment #6 be adopted?'. Before that, Representative Getty, you have an inquiry as to the time. It is 19 minutes after. Further

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than that. Proceed, Sir."

Getty: "I would ask for an Oral Roll Call, please...or, strike that. Just a Roll Call. Just a Roll Call."

Speaker Peters: "The question is, 'Shall Amendment #6 to House Bill 1527 pass?'. Roll Call vote. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk? The voting is open. To explain his vote, Representative Brummer."

Brummer: "Well, Mr. Speaker, I have an important announcement. The St. Louis Cardinals have just won their tenth in a row."

Speaker Peters: "Cardinals. Representative Schraeder, to explain his vote."

Schraeder: "Well, Mr. Speaker, it's been customary around here for many years that if a Sponsor wanted to put an Amendment on his Bill to make it more palatable to him, he ought to have that right, and I think this is one of those cases. This is a...a single Sponsor, Representative Miller, and I think he's entitled to have his Amendment on to run with the Bill as he saw fit."

Speaker Peters: "Further discussion? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On...on this question, there are 72 voting 'aye', 67 voting 'nay'. The Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "No further Amendments. Third Reading. House Bill 1543, Representative Levin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1543, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Second Reading of the Bill. Amendment #1...this Bill has been read a second time previously. Amendment #1 was adopted."

Speaker Peters: "Any further Amendments?"

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Clerk O'Brien: "No Floor Amendments."

Speaker Peters: "Representative Levin?"

Levin: "Mr. Speaker, I would ask leave to re-refer House Bill 1543 to the Committee from whence it came."

Speaker Peters: "The Gentleman asks leave to refer House Bill 1543 from whence it came. Pardon? Interim Study whence it came. Does the Gentleman have leave? Leave is granted. Couple...couple of short pieces of business which we lost in the shuffle, here. The Chair will first recognize for small piece of business number one, Representative Meyer...Ted Meyer. Representative Meyer, for what purpose do you rise?"

Meyer: "Yes, Mr. Speaker, I'd like to move Senate Bill 1193 back to Second Reading for purposes of Amendment. Senate Bill 1193, it's..."

Speaker Peters: "The Gentleman asks leave to suspend the appropriate rules to take Senate Bill 1193 from the Order of Senate Bills Third Reading back to...back to Second?"

Meyer: "Second Reading for purposes..."

Speaker Peters: "Second Reading for purposes of Amendment. Does the Gentleman have leave and use of the Attendance Roll Call? Leave is granted. Proceed, Sir. Or...Mr. Clerk, read the Bill."

Clerk O'Brien: "Amendment #7, McClain - Hannig. Amends Senate Bill 1193 as amended and so forth."

Speaker Peters: "Representative McClain, on...Amendment #7. Representative Terzich?"

McClain: "Mr....Mr. Hannig and I will withdraw that Amendment, please."

Speaker Peters: "7 is withdrawn. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #8, Ted Meyer. Amends Senate Bill 1193 as amended and so forth."

Speaker Peters: "Representative Meyer, on Amendment #8."

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Meyer: "Withdraw Amendment #8."

Speaker Peters: "Amendment #8 is withdrawn. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #9, Ted Meyer - Getty, amends Senate Bill..."

Speaker Peters: "Amendment #9, Representative Meyer."

Meyer: "This Amendment crea...is an Amendment to Senate Bill 172, which was passed last Session, which related to the siting of land fills. The Environmental Protection Agency has extended a concept of zoning to air pollution control permits and water pollution control permits. This clarifies this extension and says that those applicants who are applying for other than solid waste...regional solid waste permits must comply with local zoning, but they not...need not get a...a...cer...cer...certificate of compliance from the local municipality. It...It's supported by the Municipal League, the Chamber of Commerce, and the Illinois Manufacturers' Association. I know of no opposition."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #9... 'The question is, 'Shall Amendment #9 to House...to Senate Bill 1193 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it; Amendment #9 is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #10, Mautino, amends..."

Speaker Peters: "Amendment #10, Representative Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #10 also addresses Public Act 82-682, which was Senate Bill 172 of last Session. It is my firm belief, and that belief covers the only county in the state where there is a viable, ongoing hazardous waste site now in operation; that being the Sheffield site in Bureau

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County. In that regard, I have discussed with the people of Bureau County and the County Board on a continuing basis, and we've come up with this Amendment, which addresses what I think is the most important issues. And it also addresses those items that were removed from the initial legislation by virtue of the Governor's veto during the last Session. There are six criteria in this Amendment, and they reinstate what the Governor took out in his amendatory veto of last year. Basically, we put the facility...we put the criteria as follows: That the facility is necessary for the public convenience at that particular location; that the facility is so designed, located and proposed to be operated that the public health and safety and welfare will be protected; the facility will not cause substantial injury to the value of the other property in the neighborhood in which the land fill site is located; that the facility is located outside the boundary of the 100 year flood plain, as determined by the Illinois Department of Transportation; or that the site is flood proof to meet the standards and requirements of the Illinois D.O.T. and approved by that Department. We also have included a provision for a maximum charge of \$100,000 in application fees. This is identical to the action that was taken by the Bureau County Board on that same provision. It changed to 30 days the allowable time for the comments following the last evidentiary hearing. This provision would probably be more appropriate if it comes from the...after the final decision, in our estimation. It deleted the 60 day rules, and it indicated that one or more of the hearings be held, and any person or their attorney or organization should be allowed to cross-examine all witnesses who testify and be able to call their own witnesses. Zoning should be considered, of course, in the

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decision makers' factor to consider, and it basically is probably the most comprehensive and the tightest structured Amendment on this same question. It is my feeling and many of my constituents that what the Governor did in the amendatory veto in the existing law, that we now have on the question, was basically...what was happened, I guess you might say, is the teeth were taken out of the legislation. I think this is the most stringent, the most important; and, for those of us that have the possibility of receiving additional waste anywhere from the State of Illinois or any other surrounding waste, it's a very important issue. And I ask for your consideration and support on this Amendment, on Amendment #10 to Senate Bill 1193."

Speaker Peters: "Any discussion? Representative Meyer."

Meyer: "Point of parliamentary order, Mr. Speaker."

Speaker Peters: "State your point."

Meyer: "In light of the adoption of Amendment #9, is this Amendment in order?"

Speaker Peters: "Representative Meyer, would you state your point again, please?"

Meyer: "In light of the adoption of Amendment #9, is his Amendment in order? The Bill as amended, by Amendment #9?"

Speaker Peters: "The opinion of the Parliamentarian of the church...the Chair...ex cathedra...will rule that Amendment #10 is out of order. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Representative Mautino, on that point, Sir."

Mautino: "On that point, Mr. Chair, would you please tell me on what grounds, since this Amendment amends the legislation as amended? Would you please point to the Section which tells me that this is not in order, please? You, or the Parliamentarian. The line, specifically."

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Speaker Peters: "The Vatican Council of 1870 decreed the infallibility of the Chair. However, the...the Clerk will prepare that...the Parliamentarian will prepare that statement for...which we will give you for the record."

Mautino: "Yes..."

Speaker Peters: "You...you have very little trust, Representative Mautino. Proceed."

Mautino: "I...I trust you, Mr. Speaker. My only point was, before...before you go on with this legislation, I would hope that you would give me the specifics, before this Bill is moved from Second to Third, so that it can be voted on. I'd like to have the specifics, Sir, and I would hope that you would give me the courtesy to have that."

Speaker Peters: "Representative Miller...Meyer? Representative Meyer."

Meyer: "Yes, Sir, if... if the Parliamentarian will look at line 8, pardon me, line 5, pardon me, no, pardon me, line 8, 'by deleting everything after the enacting clause'; and there's not the enacting clause, as amended."

Speaker Peters: "Did you get that, Representative Mautino? Representative Mautino."

Mautino: "Yeah, Mr....Mr. Speaker. I know exactly what I did, because it's the same as his line #7 on his Amendment. Right or wrong?"

Speaker Peters: "The Amendment is out of order. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Representative Mautino. Go ahead, Sir."

Mautino: "I know full well what my opportunity was to do at the time, and I did raise my hand to have that choice considered. And you know as well as I do, Sir, that I have the opportunity to make the Motion to overrule. You know

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it, and so do I. Pete, I won't do it; but, for the first time in eight years down here, you're not fair. You're not right, and you were wrong in this decision. I'm sorry, very sorry to say that, Sir."

Speaker Peters: "The Chair appreciates your kind words and consideration. We have three more pieces of short business to do, one of which is the recognition of Representative Yourell, who moves that Senate Bill...that leave be granted to...for him to go to Senate Bill 777 on the Order of Postponed Consideration and that Bill be moved back to Second Reading for the purposes of an Amendment, and the Gentleman further asks leave, use of the Attendance Roll Call, for that Motion. Does he have leave? Leave is granted. Representative Yourell."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to Senate Bill 777 makes two changes. It diminishes the amount per capita that the Secretary of State awards to...library districts from \$1.50 to \$1.06, and also, from \$56.25 to \$37.27. I've talked with the Secretary of State, Mr. Edgar. This is his Amendment. This is in his budget, and it's in the state budget; and, I move the adoption of Amendment #1 to Senate Bill 777."

Speaker Peters: "Is there any discussion to Amendment #1? The question is, 'Shall Amendment #1 to Senate Bill 777 be adopted?'. All those in favor will signify by saying 'aye', opposed. In the opinion of the Chair, the...the 'ayes' have it, and Amendment #1 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Representative Yourell? Senate Bill 777, on Third Reading. Representative Kane? The Chair's recollection is that that was part of the Motion. Senate Bill 777, Representative...Mr. Clerk, read the Bill."



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Clerk O'Brien: "Senate Bill 777, a Bill for an Act to amend the Illinois Library System Act. Third Reading of the Bill."

Speaker Peters: "Representative Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I've indicated in my discussion of Amendment #1, I have talked to the Secretary of State, Mr. Edgar, and he is in complete agreement with the provisions of Senate Bill 777. This Bill is identical to a House Bill that we passed on Third Reading, 91 to 63, and it provides the grant amounts given to library systems approved by the State Librarian, by changing the rate formula from the figures that I stated in Amendment #1. Originally, it was \$1.00 to \$1.50, and now it's a minimal...raise from \$1.00 to \$1.06, and it changes the population of the area served from \$35.00 to \$56.00 and the original Bill will reduce that now to...\$37.25. The Secretary of State's money is in the budget. He heard his budget today, I understand, and this is in the budget as well as in the State Budget, and I move for a favorable Roll Call on Senate Bill 777."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Senate Bill 777 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Rep...Representative Robbins?"

Robbins: "As...as I...I have no objections to the Amendment, it's just the way I read it; it says \$37.27 instead of \$37.25."

Speaker Peters: "Representative Yourell?"

Yourell: "Yes, I'm sorry, Clyde. It's very difficult to read the Amendment I had. \$37.27 instead of \$37.25."

Speaker Peters: "Have all voted who wish? Representative Robbins? Did you wish to be recorded? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 132 voting 'aye', 7 voting 'nay'...'nay', none

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voting 'present', and Senate Bill 777, having received a Constitutional Majority, is hereby passed...adopted. On House Bills on Third Reading, we passed House Bill 665 because the Amendment was not prepared at the time. With leave of the House, the Chair would like to call House Bill 665, Representative Catania. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 665..."

Speaker Peters: "The Lady moves to take...the Lady moves to take House Bill 665 back to the order of Second Reading for the purposes of an Amendment. Does the Lady have leave? Leave is granted."

Clerk O'Brien: "Amendment #4, Catania. Amends House Bill 665 as amended, and so forth."

Speaker Peters: "Representative Catania."

Catania: "Thank you, Mr. Speaker, Members of the House. Amendment #4 to House Bill 665 puts in some language to bring it into compliance with the newly adopted statute, which has taken effect since last spring and this spring. It also clarifies the definition of joint custody and makes clear the distinction between joint legal custody and joint physical custody, provides that the court may, upon its own motion, provide for joint custody and says that there can be a change upon a change in circumstances of the child. I move for the adoption of Amendment #4 to House Bill 665."

Speaker Peters: "The Lady moves adoption of Amendment #4. Any discussion? Representative Brummer."

Brummer: "Yes, I'm sorry. It...it was rather noisy over here. I couldn't hear the explanation. This deals with joint custody of children?"

Catania: "Right, and it incorporates the changes that were made in the statute, I think as a result of legislation that Representative Grossi had that..last year, that has since taken effect. It also makes the changes that I agreed to

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work on with the Divorced Fathers Organizations when I was in Committee, and it puts it in the shape in which I would like to have it presented on Third Reading."

Brunner: "And...and what are the specific changes that are made by this Amendment, as opposed..."

Catania: "Clarifies...clarifies the definition of joint custody, makes clear the distinction between joint legal custody and joint physical custody..."

Brunner: "And what is that distinction?"

Catania: "I can read it to you if you want me to. 'Joint legal custody means that both parents have equal rights and responsibilities regarding decision making and the overall well-being of the child or children. Joint physical custody means that physical custody is shared by the parents in such a way as to assure the child or children of frequent and continuing contact with both parents.' I can read you the old definition, too, if you want me to. It was not...as straightforward."

Brunner: "Okay, with regard to the issue of joint legal custody, if, for example, a decision needs to be made whether a...a child would undergo medical surgery, and the parents disagreed regarding that, is there any method to resolve that disagreement?"

Catania: "It's the kind of thing that ought to be decided at the time that the order is issued by the court. There is a further provision further down in the Amendment of...about provisions for changes in the order, but obviously, that's the kind of thing that the parents and the court have to agree on at the time of the issuance of the order."

Brunner: "Well, currently... a doctor..."

Catania: "For instance...well, for instance, the court can say that one parent has responsibility for medical provisions, if that appears to be something that might cause problems."

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Brummer: "Yes, but the...the...I think the court will be inclined, under this legislation, to make a decision that joint legal custody shall be awarded if a medical situation presents itself, for example, that requires the consent of the legal...the individual with legal custody, and it is a situation with joint legal custody, and the parents disagree about whether that procedure shall proceed, how is that issue going to be resolved?"

Catania: "As I said, it's the kind of thing that...clearly should be discussed at the time that the order is issued. The two kinds of decisions that were brought up as potential problems, when the Bill was heard in Judiciary I, were medical decisions and school decisions, and it's quite reasonable that the court would say to the parent, 'Okay, how are you going to handle them? Does one want to make medical decisions? Does one want to make school decisions? Does one want to make both kinds?' And, simply write it into the order, because those are the two kinds that people seem to agree, who have had experience in these cases, are potential sources of conflict."

Brummer: "Does...does the Bill specifically say that, with regard to joint custody orders, that the court shall order one parent to make medical decisions, and the other one educational decisions?"

Catania: "No, it doesn't say that. It simply says that the court has the right to, when both parents agree that they want a joint custody order, to make that kind of an order, and it does not tell them what the terms of the order have to be. That's what we pay Judges to do."

Brummer: "I...I would suggest the, in the my experience, that the court would just simply enter a...a joint legal custody order, and say that both parents shall have equal rights and responsibilities regarding decision making, without

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delineating who is going to make which decisions; and, when a decision needs to be made and the parents, who couldn't agree during marriage, can't agree after they are divorced, there will be no tie-breaker, and there will no ability to make the decision."

Catania: "Well, Representative Brummer, as I said, we're trying not to write the order for the Judge. If we want to have computers in the courts, then I guess we can program them to do what we want them to do. We've got people there, and we're paying them to make decisions, and I think it's going a bit too far to say specifically what the order must include. We can certainly establish in legislative debate that that's our intent. The Judges may include that kind of information, and I think that's probably as specific as we can get; but, if you want to get into the whole debate about whether we should have joint custody or not, I think that's more appropriate on Third Reading than on Second."

Speaker Peters: "Further discussion. Representative Getty?"

Getty: "Mr. Speaker, will the Lady yield?"

Speaker Peters: "She indicates she will."

Getty: "Representative Catania, I think you probably remember, I supported this in Committee, but Representative Jaffe had some serious questions. Now, does this Amendment address itself to those questions?"

Catania: "I think Representative Jaffe is basically opposed to the concept of joint custody, and he referred to a Law Review article that just been published about a year ago, when this Bill first came to Committee, that was written by two social workers who saw all the problem cases. And I'm certainly prepared to rebut their recommendations on Third Reading, but, again, I'm not sure Second Reading is the appropriate place to consider that. I don't think an Amendment to the Bill could address Representative Jaffe's

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objections."

Getty: "All right. It's not your intention to try to suspend the rules to have this heard on Third tonight, is it?"

Catania: "No. I just want to..."

Getty: "Thank you."

Catania: "...Put the Amendment on so that we can consider it on Third tomorrow."

Getty: "That's fine."

Speaker Peters: "Any further discussion? There being none, the question is, 'Shall Amendment #4 to House Bill 665 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it, and Amendment #4 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Representative Terzich?"

Terzich: "Yes, Mr. Speaker, I'd like leave to hear...Senate Bill 730, which is on Second Reading. It was called before an Amendment wasn't prepared, and I would like to have it moved."

Speaker Peters: "Representative Terzich asks leave to go to the Order of Senate Bills, Second Reading, for purposes of hearing Senate Amendments (sic, Senate Bill) 730, and for the purposes of adoption of an Amendment. Is that correct, Sir?"

Terzich: "Yes."

Speaker Peters: "Does the Gentleman have leave? Is there objections? There being none, the Clerk will call Senate Bill 730."

Clerk O'Brien: "Senate Bill 730, a Bill for an Act to amend Sections of an Act relating to the Purchasing Act for the Metropolitan Sanitary District of Greater Chicago. Second Reading of the Bill. This Bill was read a second time

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previously, and Amendment #1 was adopted. Floor Amendment #2, Terzich..."

Speaker Peters: "Amendment #2, Representative Terzich."

Terzich: "I would move to table Amendment #2."

Speaker Peters: "The Gentleman withdraws Amendment #2."

Clerk O'Brien: "Floor Amendment #3, Terzich, amends Senate Bill 730 as amended."

Speaker Peters: "Representative Terzich, on Amendment #3."

Terzich: "Amendment #3, which I move for adoption, applies to addressing or increasing the Working Cash Fund under the Metropolitan Sanitary District, and I would move for its adoption."

Speaker Peters: "The Gentleman moves. Any discussion? The question is, 'Shall Amendment #3 To Senate Bill 730 be adopted?'. Those in favor will signify by saying 'aye'. Rep...excuse me, Representative Mays?"

Mays: "Mr. Speaker, Bob, I've got a question here. In the Amendment, you have, 'To help defray expenses of examinations, a Sanitary District may, but need not, charge a fee to each applicant who desires to take a Civil Service examination'. Can you kind of explain that?"

Terzich: "Right now, the examination fee for a Civil Service test is \$3.00, and the...to charge for that is...the administrative cost is too much, and they wanted to eliminate the fee."

Mays: "So, in some cases, you would charge a fee, or..."

Terzich: "No, no, they just leave it that they are not going to charge a fee. They wanted to eliminate the fee, but the...if there is an expense, that they would be in a position to charge a minimal fee for the testing."

Mays: "Thank you very much."

Speaker Peters: "Representative Hudson, on Amendment 3. Sir? Representative Hudson? Your light is on. Any further

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discussion? There being none, the question is, 'Shall Amendment #3 to Senate Bill 730 be adopted?'. Those in favor will signify by saying 'aye'. Those opposed? In the opinion of the Chair, the 'ayes' have it and Amendment #3 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

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

Leverenz: "Mr. Speaker, while we're on that Order of Business, I would ask that the House consider Senate Bill 1463. I know of no Amendments..."

Speaker Peters: "The Gentleman asks leave to consider Senate Bill 1463. Does the Gentleman have leave? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1463, a Bill for an Act appropriating monies to the Illinois Industrial Development Authority. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "None."

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

Hannig: "Thank you, Mr. Speaker. I would ask leave of the House to move Senate Bill 1086 back to Second Reading for purposes of an Amendment."

Speaker Peters: "Where...where's it at?"

Hannig: "It's on Senate Bills, Third Reading."

Speaker Peters: "The Gentleman asks leave...the Gentleman asks leave to move Senate Bill..."

Hannig: "1086, page 9 of the Calendar."

Speaker Peters: "1086, on the Order of Senate Bills, Third Reading, back to the Order of Second Reading, for the purposes of an Amendment. On that...on that Motion, Representative Birkinbine."



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Birkinbine: "Thank you, Mr. Speaker. We seem to be on a roll here, where everyone's rolling one Bill after another back from Postponed Consideration, or Third Reading to Second. I'd like a...an explanation of what some of these Bills do, just so we can have a...have a look at some of these. Some of these have been de...debated extensively. We could be here all night if people tack on all the Amendments they want. I'd like an explanation of what the Bill is. We may object."

Speaker Peters: "Representative Hannig."

Hannig: "Thank you, Mr. Speaker. Senate Bill 1086 as unamended provides that, when hazardous waste is deemed by a Circuit Court to be improperly buried, that it must be moved to a site outside of the State of Illinois. We simply want to try to provide some language which we feel is a little bit more constitutional, also to provide some clean-ups with the other Amendments, and that's the reason that I bring it back tonight, or request to bring it back, so that we'll be able to vote on it in that form tomorrow, on Third Reading."

Speaker Peters: "Representative Birkinbine?"

Birkinbine: "Thank you for the explanation."

Speaker Peters: "Does the Gentleman have leave? Are there objections? There being none, leave is granted. Rep...Mr. Clerk, Senate Bill 1036...1086, the Order of Third Reading to Second Reading. Read the Bill."

Clerk O'Brien: "Senate Bill 1086, a Bill for an Act to amend Sections of the Environmental Protection Act. Second Reading of the Bill. Floor Amendment #1, Hannig - Ted Meyer - McClain, amends Senate Bill 1086 on page 3 by deleting line one and so forth."

Speaker Peters: "Amendment #1, Representative Hannig."

Hannig: "Mr. Speaker, I'd like to withdraw Amendments 1 and 2."

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Speaker Peters: "The Gentleman withdraws Amendment #1. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #2."

Speaker Peters: "Floor Amendment #2. The Gentleman asks...withdraws Amendment #2. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, McClain - Hannig."

Speaker Peters: "Amendment #3, Representative McClain. McClain - Hannig. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. House...or Amendment #3 to Senate Bill 1086 provides that any waste which is deemed to be improperly buried and which must be...dug up and moved would be...have to be moved to a distance of more than 100 miles from the site of...of the existing illegal site. The purpose of this is to do away with the law or the language that basically said it would have to be moved to another state, and which we believe is probably unconstitutional and would nullify any effects of the Bill. We're trying to get it into more of a constitutional form. I move for the adoption of this Amendment."

Speaker Peters: "On the Amendment, Representative Schneider."

Schneider: "Does it have...does it have any...less than 100 miles, Hannig?"

Hannig: "More than 100 miles."

Schneider: "It's got to be at least 100 miles away from the site at which it was buried?"

Hannig: "That's correct."

Schneider: "Why? I mean, what's the point?"

Hannig: "If it's been deemed by the court to be unlawful..."

Schneider: "Why is it 100? Why is it..."

Hannig: "...To have been unlawfully buried, and as far as we know, there's only been one, and that has been in my district. The feeling that I have, and our Senator has, is

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that we do not want the hazardous waste buriers to simply just pick that waste up and move it a block down the street, and to redeposit it. We feel that if we put some type of...of mileage figure in there, that, in that in that case, they will have to look at sites from varying distances and, hopefully, in that case, we can get a fair shake."

Schneider: "When we look at the Amendment, I think it says...if you'll hold on for a second, while I get my glasses here. I think it's the Amendment on line 7 it says 'in another waste disposal site located within 100 miles', not beyond."

Hannig: "The staff informs me that the language prior to this says, 'Shall not be', so, in effect, we're...if you put the language together in the Bill, the effect is that it has to be more than 100 miles."

Schneider: "You're not...you're not referring to Amendments #1 and #2 that you tabled, right, 'Neil'?"

Hannig: "No, just..."

Schneider: "I don't want to prolong this, because I'm as hungry as anybody else. How did you decide on this thing about 100 miles...or, I mean...you didn't want it to go to another state, right?"

Hannig: "Well, we felt that the language, that it would have to go to another state, would make the Bill unconstitutional, and quite frankly, would be an exercise in futility."

Schneider: "I understand that. Is the language...last question, then I'll quit and we can go to dinner. Is the language based on a court case, that it has to be 100 miles from the site that it had been, quote, unquote, 'dug up'?"

Hannig: "We have a hazardous waste dump in our district."

Schneider: "I know that one, yeah. Now what?"

Hannig: "Okay. It's been deemed by a Circuit Court and upheld at the State Supreme Court level to have been improperly

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buried in that district, and the case now is at the stage where they will digging the waste up and taking it to a new site."

Schneider: "I just...as long as you move it 100 miles south, I guess I don't mind."

Speaker Peters: "Further discussion? Representative Vinson."

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

Speaker Peters: "He indicates, reluctantly, he will."

Vinson: "Mr. Sponsor, would...would that 100 mile requirement apply if we moved it across the river into Missouri?"

Hannig: "I suppose that it would."

Vinson: "So, you would put the Illinois Legislature in a rather anomalous position of dictating where hazardous waste could be located in the State of Missouri?"

Hannig: "If they would put it into...If they would put it into the Missouri land site, it would have to come under the laws, the regulations of the State of Missouri, and really, we would not have jurisdiction at that point. We're simply saying that 100 miles within the state limits of Illinois where we, in the General Assembly, have the right to legislate and to set laws."

Vinson: "No further questions."

Speaker Peters: "Further discussion? There being none, the question is, 'Shall Amendment #3 to Senate Bill 1086 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it, and Amendment #3 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Hannig."

Speaker Peters: "Amendment #4, Representative Hannig."

Hannig: "Thank you, Mr. Speaker. Amendment #4 is simply a clean-up Bill that we have from Senate Bills 171 and 172, that were passed last year, and I don't know of any opposition to them and would move for their adoption."

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Speaker Peters: "The Gentleman moves for the adoption of Amendment #4. Any discussion? Being none, the question is, 'Shall Amendment #4 to Senate Bill 1086 pass?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #4 is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Hannig."

Speaker Peters: "Representative Hannig, Amendment #5."

Hannig: "Thank you, Mr. Speaker and Members of the House. Under the present law, the EPA has the ability to prescribe the fees for inspections. Permit fees are now set by the EPA. This Amendment would simply leave the powers to set the fees in the hands of the General Assembly. I believe that we're a responsive Body, and simply stated, that we can handle this as well as the EPA. I would move for the adoption of Amendment #5."

Speaker Peters: "Any...any discussion? On that question, Representative Kane."

Kane: "What...what fees are you setting? You say the General Assembly's going to set the fees. What fees are you setting?"

Hannig: "It would...it would eliminate the EPA's ability...authority to set the permit fees for hazardous waste sites. Those fees would then be set by the General Assembly, by us. We would have that authority."

Kane: "Well, why don't you have those fees set in here?"

Hannig: "The present law says that the EPA sets the fees, and they can set any fees."

Kane: "Right, I understand that. What fees are you setting here, or asking the General Assembly to set?"

Hannig: "We're not setting any fees. We're simply saying that the General Assembly will now have the authority to set those fees."

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Kane: "So, if this Amendment goes on, there won't be any fees."

Hannig: "Well, we will have to have legislation, follow-up legislation to actually set those fees."

Kane: "Why didn't you put them in this Amendment?"

Hannig: "At this point, the...the reasonable fees have not been agreed to. We have not necessarily discussed a fee rate at this time, and that's something that certainly can be negotiated at a later date."

Speaker Peters: "Further discussion? Representative Meyer...Ted Meyer."

Meyer: "Question of the Sponsor."

Speaker Peters: "He indicates he will respond."

Meyer: "Presently, what fees does the EPA charge?"

Hannig: "Mr. Speaker, it's my authority that at this point, they are not specifying any fees."

Meyer: "What fees are they intending to charge?"

Hannig: "They have submitted proposals at this time for...for air pollution fees and certain other fees."

Meyer: "What special interests don't want to pay the fees?"

Hannig: "I really have no idea who would not want to pay the fees. I would assume..."

Meyer: "Well, wouldn't they in...wouldn't they be companies...corporate, steel mills, foundries, manufacturing plants, Caterpillar, the employers of the State of Illinois."

Hannig: "It's simply my position that the General Assembly should set these fees if they're going to have any that are set by law, and that's the purpose for offering the Amendment."

Meyer: "Well, it appears to me that you're...you're...you're fronting for some sort of special interest, Sir, and I think this is a bad Amendment and should be defeated."

Speaker Peters: "Any discussion? There being none, Representative Hannig, to close."

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Hannig: "Mr. Speaker, over the last three years that I have been in the General Assembly, I don't think that I have ever been accused of fronting for any business organization. In fact, my record generally is very dismal in this area. It's my opinion that the General Assembly should set fees that are going to be used, and if the EPA feels that it is...that it is necessary that we impose some fees, then we, in the General Assembly, should have the right and the obligation to set those fees. That is the purpose for this Amendment, and I would move for the Amendment of...the adoption of House...Senate...House Amendment #5."

Speaker Peters: "The question is, 'Shall Amendment #5 to Senate Bill 1086 be adopted?' Those in favor will signify by saying 'aye', those opposed, 'no'. In the opinion of the Chair, it's close. The 'no's have it, and the Amendment is lost. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Mautino."

Speaker Peters: "Ah-hah. Now you see, Representative Mautino, how everything comes to those who just wait? Amendment #6, Representative Mautino. Representative Daniels, you have..."

Daniels: "Is this the one we've been waiting for?"

Speaker Peters: "Amendment #6, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I guess you're right. All good things come to those who wait, as long as you don't go to dinner early."

Speaker Peters: "In...In fairness, too."

Mautino: "Yes, Sir, in fairness. Amendment #6 is identical to the Amendment I presented for...on Representative Meyer's Bill. Basically, I think you know what's in it. It gives the control to the hazardous waste sites to the local governments. It gives it to the county boards. It sets the fees at the county level for the inspection, and it

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does all those good things that the Governor took out of the Bill last time. It's a most comprehensive Amendment on that subject. It was probably opposed by almost every special interest group in the State of Illinois. The Gentleman who left from the top of the Speaker's gallery would like nothing better than to see this Amendment and the Bill, in its original form, defeated. You know why? Because it's a people's vote. It's those people who have an issue in their counties, and I'd ask for an 'aye' vote on Amendment #6."

Speaker Peters: "Any discussion?"

Mautino: "And, I would like to have a Roll Call, Mr. Speaker, if, in fact it is...okay, if not, if it..."

Speaker Peters: "Let's take one thing at a time."

Mautino: "One thing at a time."

Speaker Peters: "Representative Hannig. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. With all due respect to the Sponsor, who, I believe, is trying to address a problem, a legitimate problem in his district, I might note that I supported Senate Bill 171 and 172 last year. However, I'm trying to pass legislation here which will address some specific problems in my district, and I feel that, by attaching this Amendment to my Bill, will probably put it in the posture where it will be opposed by the administration and perhaps killed on Third Reading. As I said, for that reason alone, I would ask that you would vote 'no' on this Amendment and provide me with the opportunity to have this Bill on Third Reading in the form that I believe it can pass and can benefit my district. So I would urge a 'no' vote."

Speaker Peters: "The question is, 'Shall Amendment #6 to Senate Bill 1086 pass?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the



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'ayes' have it, and Amendment 6 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Representative Levin? Just a second. Before I recognize you, I want to know what you're going to ask."

Levin: "I would ask leave to bring Senate Bill 1182 back to Second Reading for purposes of an Amendment."

Speaker Peters: "There's objection. The Gentleman asks leave to bring back Senate Bill to the Order of Second Reading. Is there objection? There is objection. Representative Wolf. Jake Wolf."

Wolf: "Yes, your Eminence. I would move that the House change the Order of Business pursuant to Rule 10B, and immediately take up the Motion pertaining to Senate Bill 702 on page 15 of the Calendar. Now that...Now that there's been objection, we need a vote. We need 107 votes, right?"

Speaker Peters: "The Gentleman asks leave and use of the Attendance Roll Call in order to suspend the appropriate rules to hear Senate Bill 702. There is objection to that Motion. Representative O'Connell objects. Representative Wolf now moves that the appropriate rule be suspended to allow the hearing of Senate Bill 702, and on...on that Motion, which will take 107 votes, Representative Conti."

Conti: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I know the hour is late and I know that this is quite a few Bills that we've been passing, but let me tell you what the Bill does. It's a top...topical ocular diagnostic pharmaceutical agents under this Section. Now there are 35 states that do have this, and it has been known that there's many discomforts and allergies that these patients had lasting effects and had to be referred to a doctor. Now, I have received a lot of mail on this, and I have the

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Roll Call in front of me, of which House Bill 1317 passed, which was a Verified Roll Call, and if it's going to take 107 votes, there was 40 votes absent then, and it does have advantages of sitting on the aisle here. I've had at least 20 people say good night to me since that Bill was called. So I just want to save the time of the House, that I know there's not 107 votes here."

Speaker Peters: "The Gentleman voices his objection and indicates that he will verify the Roll Call, should it receive 107, to which Representative O'Connell wishes to make a statement. Representative O'Connell?"

O'Connell: "Only to the Motion, Mr. Speaker. I would...would request that the...if...if we're going to get into the substantive matter of the Bill, it would be out of order."

Speaker Peters: "The...the Gentleman's Motion is to suspend the appropriate rule so that the House may immediately consider Senate Bill 702. It will take 107 votes. Those in favor of that Motion will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Would someone vote Representative Darrow 'aye'? Mr. Clerk, will you make sure that Representative Darrow is voted 'aye'? 'Aye'. Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 49 voting 'aye', 25 voting 'nay'. The Gentleman asks for a Poll of the Absentees? No, he does not. This Motion...this Motion fails. Mr. Parliamentarian, do we have anything else to do here? Representative Robbins, to what end...for an announcement, Sir?"

Robbins: "Yes."

Speaker Peters: "Please, proceed."

Robbins: "Due to the absence of Chairman Macdonald of the Conservation Committee, I ask that we suspend the

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appropriate posting rule so that House Bills 2408 and 2409 may be heard in Conservation Committee next week."

Speaker Peters: "You've heard the Gentleman's Motion. Does the Gentleman have leave to suspend? Representative Getty."

Getty: "You know, it is customary to..."

Speaker Peters: "It is."

Getty: "...Discuss that beforehand. I don't know what the Gentleman's..."

Speaker Peters: "Who...who is the...is the Minority Spokesman on the Committee on Conservation? Representative Monroe Flinn? Well, I think they need a posting. They need an extra day, or something. Don't they? Do they? Can we do this tomorrow? Can we do that tomorrow? There's been objection, Representative Robbins. We'll do it tomorrow, okay? Anything else for the good of the order? The Clerk will be given proper time to...introduction of Bills, Committee Reports, and sufficient time in the perfunct for the reading of the Constitutional Amendments, and the Chair now recognizes Representative Telcser."

Telcser: "Mr. Speaker, I now move the House stand adjourned until Thursday, April 22, allowing the Clerk enough time, at the hour of 11:00 a.m."

Speaker Peters: "You've heard the Gentleman's Motion. Those in favor will signify by saying 'aye'. 'Nay'? In the opinion of the Chair, the 'ayes' have it. The House stands adjourned until the hour of 11:00 a.m. on the morrow."

Clerk O'Brien: "Committee reports: Representative Ewing, Chairman of the Committee on Revenue to which the following Bills were referred, action taken April 21, 1982, reported the same back with the following recommendations: 'Do pass' House Bill 2273; 'do pass as amended' House Bills 2285 and 2310. Representative Leinenweber, Chairman of the Committee on Judiciary I to which the following Bills were

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referred, action taken April 21, 1982, reported the same back with the following recommendations: 'Do pass' House Bill 2039. No further. Introduction and First Reading of House Bills. House Bill 2626, R. J. Meyer, a Bill for an Act in relation to Las Vegas Night games. First Reading of the Bill. House Bill 2627, Pierce, a Bill for an Act providing for the assessment of the Inheritance and Transfer Tax by the Attorney General. First Reading of the Bill. House Bill 2628, Ted Meyer, a Bill for an Act regarding evidence seized in violation of certain State and Federal Constitutional Provisions. First Reading of the Bill. House Bill 2630, Bowman, a Bill for an Act to amend Sections of the Illinois Income Tax Act. First Reading of the Bill. House Bill 2631, McClain, a Bill for an Act to amend Sections of an Act in relation to audits of the accounts of certain governmental units. First Reading of the Bill. House Bill 2632, Stearney - White - Jones, a Bill for an Act making appropriations to the Department of Corrections for the Unified Delinquency Intervention Service Program. First Reading of the Bill. House Bill 2633, Ropp, a Bill for an Act in relation to contracts with municipalities. First Reading of the Bill. House Bill 2634, Ropp, a Bill for an Act in relation to contracts with municipalities. First Reading of the Bill. House Joint Resolution Constitutional Amendments, Second Reading. House Joint Resolution Constitutional Amendment #29. Resolved by the House of Representatives of the 82nd General Assembly of the State of Illinois, the Senate concurring therein, that 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 3 of Article IV of the Constitution to read as

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follows: Article IV, The Legislature. Section 3, Legislative Redistricting. A) Legislative Districts shall be compact, contiguous, and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population. Legislative and Representative Districts shall; (1) be as reasonably compact in territorial area as is feasible, (2) contain as closely united contiguency, having vital representative communication with the whole of its area and, (3) maintain the integrity of traditional boundary lines of units of local governments, where possible, and of natural and historic boundaries where feasible. B) In the year following each federal decennial census year, the General Assembly, by law, shall redistrict the Legislative Districts and the Representative Districts. If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted no later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party. The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission, one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission, one Senator and one person who is not a Member of the General Assembly. The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice-Chairman shall be chosen by a majority of all members of the Commission. Not later than August 10, the Commission shall file with the Secretary of State, a redistricting plan approved by at

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least five members. If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons not of the same political party to the Secretary of State not later than September 1. Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of two persons to serve as a ninth member of the Commission. Not later than October 5, the Commission shall file with the Secretary of State, a redistricting plan approved by at least five members. An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law, and shall be published promptly by the Secretary of State. The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting of the House and Senate and shall be initiated in the same...in the name of the people of the state by the Attorney General. Schedule: this Amendment to Section 3 of Article IV of the Constitution takes effect on the January 1 next occurring after its approval by the electors of this state, Second Reading of the Constitutional Amendment. The Amendment is taken out of the record and held on Second Reading. Senate Joint Resolution Constitutional Amendment #36. Resolved by the Senate of the 82nd General Assembly of the State of Illinois, the House of Representatives 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 9 of Article I of the Constitution to read as follows: Article I, Bill of Rights. Section 9, Bail and Habeas Corpus. All persons shall be bailable by sufficient sureties, except for capitol offenses and offenses for which a sentence of life

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imprisonment may be imposed as a consequence of conviction. Where the proof is evident or the presumption great, the privilege of the Writ of Habeas Corpus shall not be suspended except in cases of rebellion or invasion when the public safety may require it. Schedule: If approved by the electors, this Amendment to the Illinois Constitution shall take effect the next day following the proclamation of the result of the vote, Second Reading of the Constitutional Amendment. The Amendment is taken out of the record and held on Second Reading. No further business. The House now stands adjourned."

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