

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

96th Legislative Day

April 22, 1982

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

Father Cassidy: "God and Father of all, we praise You, the Source of all we have and are. Teach us to acknowledge always the many good things You have given us. Guide these Representatives, Oh God, with Fatherly care. May their deliberations enhance the dignity of all men. Give us strength and courage to have concern for all. May the Lord bless us and keep us. May His face shine upon us and be gracious to us. May He look upon us with kindness and give us His peace. May the blessing of the Almighty be with us all, always and in all ways. Amen."

Speaker Ryan: "Thank you, Father. Representative Turner will lead the Pledge."

Turner 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 Ropp, for what purpose do you seek recognition?"

Ropp: "Mr. Speaker, I rise for the purpose of an introduction. Knowing that it's contrary to the Rules and..."

Speaker Ryan: "It's against the House Rules, Representative."

Ropp: "Alright. I'd like to introduce to the House today a group of college students from Illinois Wesleyan University, located in Bloomington, Illinois, and the class is Local and State Government. It's a 300 class and their instructor is John Whim, who was a member of the Constitutional Convention here in Illinois and also currently serving on the McLean County Board. Won't you

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

96th Legislative Day

April 22, 1982

greet them warmly as they kindly stand? They're in the gallery all around. Illinois Wesleyan students, please?"

Speaker Ryan: "Welcome to the students from Illinois Wesleyan."

Ropp: "Thank you."

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

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

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

Telcser: "Representative Macdonald is absent because of illness."

Speaker Ryan: "The record will so indicate. I have an announcement concerning the schedule. Representative Kulas, I'd like to have your special attention on this. Next week the schedule that you've received says that we will be in Session at 4:00 p.m. on Monday, the 26th. That's not true. We're not going to be here on Monday, the 26th. We're going to be in at noon on Tuesday, the 27th through...but the rest of the schedule is correct and we'll be here on Friday... on Friday the 30th. So, we're going to knock out the Monday part of that schedule. That's for the benefit of most of your Members, Representative Matijevich. Take the record, Mr. Clerk. With 156 Members answering the Roll, a quorum of the House is present. Representative Kosinski, for what purpose do you seek recognition?"

Kosinski: "Yes, something for clarification in my own mind. Now, you alluded to Monday. You mean, Monday the third of May, do you?"

Speaker Ryan: "No, I said the 26th of this month, Representative."

Kosinski: "The 26th, I see."

Speaker Ryan: "Well, just a minute. Let me look at it."

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

96th Legislative Day

April 22, 1982

Kosinski: "The rest of the Mondays will stand, is that right, Sir?"

Speaker Ryan: "Monday, the 26th, is the only change. You do not come in on Monday, April the 26th. That's next Monday, you don't come unless you want to be here. Okay? We won't be in Session that day."

Kosinski: "In other words, I can sit here alone."

Speaker Ryan: "If you want to come in, it's certainly okay with me, Representative. Probably ought to come in and study the Bills so you can be prepared for Tuesday. Representative Kulas, for what purpose do you seek recognition?"

Kulas: "Thank you, Mr. Speaker. Thank you for en...enlightening us as far as the schedule for next week. But can you tell us what the schedule for the rest of today is?"

Speaker Ryan: "We're going to be in Session. Representative Conti, are you ready to go on Agreed Resolutions? I understand the Clerk would like to get those done. Would you read the Agreed Resolutions, Mr. Clerk?"

Clerk O'Brien: "House Resolution 803, Macdonald. 804, Matijevich. 805, Lechowicz - Ronan, et al. 807, Yourell. 808, Daniels. 809, Ewing. 810, Ewing. 811, Schneider. 812, McClain. 813, McClain - Ryan. 815, Younge. 816, Kane. 818, Bowman. 819, Horsey. 821, DiPrima - et al. 823, Huskey. 824, Ryan - McBroom. 825, Conti. And 826, Terzich."

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

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, House Joint Resolution 80, Lechowicz, on April 25th, Mr. and Mrs. 'Regis' will celebrate their 25th wedding anniversary. House Resolution 803, Whereas Representative Roland J. Meyers, our colleague, and his lovely wife, Jane,

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

96th Legislative Day

April 22, 1982

celebrated their 20th wedding anniversary on April 21st. House Resolution #804, Matijevich - Barkhausen - Friedrich - Pierce - Reed and Deuster, that we express our concern for the problems of alcoholism as a disease which needlessly kill many of our citizens, we join the Northern Illinois Council on Alcoholism in proclaiming the month of May as ...as Alcoholism Awareness Month in Illinois. Lechowicz - Ronan and Peters, House Resolution 805, that this House directs the Director of the Department of Revenue to consider all recommendations made by the Illinois Legislative Investigating Commission pursuant to the Commission's investigation of bingo in Illinois and be ...and be it further resolved that the Director be notified. House Resolution 807 by Yourell, Brian O'Rourke of the Boy Scout Troup 758 received the highest award to the National Council, which is the E...Eagle Scout. House Resolution 808 by Daniels, the DuPage Board of Realtors and DuPage Chief of Police are cosponsoring the fourth annual Anti-Vandalism Conference on April 21st. House Resolution 809, Ewing, the Falcons have completed a long and arduous season winning the Midwest Conference for the second straight year in compiling an outstanding record of 27 wins and only 3 losses. House Resolution 810, Ewing, we congratulate and commend the Bluebirds of Chatsworth High School, their coach, Don Gibb, and all those associated with this fine school achievement of winning 25 games in a row. House Resolution 811, Schneider, where Linda Lee of Naperville, Illinois was recently installed as State (Vice) Regent of the Eighty-Sixth Annual Conference of Daughters of the American Revolution. McClain - Madigan and Lechowicz, whereas the Quincy Notre Dame Raiders recently captured Third place in Class A, Illinois Girls High School Basketball Tournament by defeating Seneca 69 to 59. House

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

96th Legislative Day

April 22, 1982

Resolution 813, McClain - Ryan - Lechowicz - Giorgi and Jones, whereas on April 19th, 1942, Mr. and Mrs. Michael Madigan, Sr. were blessed with a clear-eyed baby boy whom they christened Michael J. Young Michael J. spent his formative years sizing up the state of the world with these clear eyes. Whereas after his graduation from St. Adrian Elementary and St. Ignatius High School in Chicago and University of Notre Dame, young Michael, instinctively understanding that what the world needed most was another lawyer, took his law degree from Loyola University. Whereas young Michael served and continues to serve his community in a variety of offices, delegate to the Sixth Illinois Constitutional Convention, Trustee of Holy Cross Hospitals and the Fernley-Harris High School for the Mentally Retarded in Chicago and Committeeman of the 13th Ward, Democratic Organization, one of the best Democratic Wards in Chicago, through his diligent application of work ethic, his insightful and encompassing brilliance, his previously mentioned clear eye and his persistent inability to share in the common affliction of the rest of mankind, namely to perspire, young Michael has been elected to the Illinois House of Representatives six times and has served in that comparatively short time as Assistant Majority Leader, Majority Leader, Minority Leader, Impartial Master of the electric cartography; Whereas young Michael has sustained and strengthened his career by loving affection of his wife, Shirley, and his three daughters, Nicole, Tiffany and Lisa; Whereas young Michael still retains a clear eye despite the onset of his 40th birthday; Therefore, be it resolved by the HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that this chamber extends to Representative Michael J. Madigan its heartiest

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

96th Legislative Day

April 22, 1982

congratulations on the occasion of his 40th birthday and that a suitable copy of this Preamble be presented to the family of Representative Michael Madigan to serve as a memento of occasion. House Resolution 815 by Younge, the School of Human Ecology received the unit award for outstanding achievement in division of academic affairs. House Resolution 816 by Kane, whereas Raymond L. Ramsey of Springfield, Illinois will be induced...inducted into the Illinois Basketball Hall of Fame. He will be honored April 24th, 1982 at a banquet at Illinois State University in Normal. House Resolution 818 by Bowman, Laurence J. Fitzsimons has lived 21 years on Lee Street in that on April 24th, 1982, Fitzsimons Park is being dedicated by the City of Evanston. House Resolution 819 by Hoxsey, on April 19th C. T. S. Knights of Sandwich, Illinois was presented with a flag and a plaque in recognition of its excellent achievement in the quality of products which it provides to the Military Services and Defense Agencies. DiPrima - Ryan - Madigan - Lechowicz - Conti and all Members of the House, House Resolution 821, that Chester Arthur and Mr. Anderson and his family and relatives gathered to celebrate their 100th..her 100th birthday on March 30, 1982. House Resolution 823 by Huskey, that Theodore and Anna Gasteyer, through the selflessness and willingness to help others that they have exhibited over the past 50 years, can be pointed to with pride of Illinoisians as examples of the spirit and character which makes our great state. House Resolution 824, Ryan and McBroom, Charles Loyd, the Honorable Mayor of the Village of Grandview and the aide to the Speaker, will be celebrating his 34th birthday on April 22, 1982. That's today. House Resolution 825 by Elmer Conti, C. T. Walas of Park Ridge will retire after 17 years with Arthur J. Rogers (Co.), the largest industrial real estate firm in suburban

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

96th Legislative Day

April 22, 1982

Cook County; and whereas for the past seven years Mr. Walas has been a source of motivation and guidance to his co-workers with sales exceeding one million dollars and during 1981 his real estate sales exceeded eight million, five hundred thousand dollars in one year. Terzich - Kornowicz - Madigan and Beatty, House Resolution 826. It has become to the attention of this House that Scott Brickman has been awarded first prize in May of 1982 Windy City Winds and Urban Gateway Music Contest, a competition in which students throughout the Chicago Metropolitan area and the collar counties were invited to submit original compositions. So we congratulate Scott Brickman upon receiving...receipt of his first prize in the 1982 Windy City Winds and Urban Gateway Music Contest. Mr. Speaker and Ladies and Gentlemen of the House, I move for the adoption of the Resolutions."

Speaker Ryan: "The Gentleman has moved for the adoption of the Agreed Resolutions. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it. And the Agreed Resolutions are adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 806, Huff-Henry, with respect to the memory of Bobby E. Wright. House Resolution 822, Peters...Peters - et al, with respect to the memory of Charles Siragusa. House Resolution 827, Huskey, with respect to the memory of Mrs. Ethel Yourell, mother of Representative Harry 'Bus' Yourell."

Speaker Ryan: "The Gentleman from Cook, Representative Conti, moves for the adoption of the Death Resolutions. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Death Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Joint Resolution 80, Kustra - et al, House Resolution 802, Zwick, House Resolution 814, Kelly -

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

96th Legislative Day

April 22, 1982

Leinenweber. House Resolution 817, Matijevich and
Stuffle. House Resolution 820, Stuffle - Matijevich -
Madigan - McPike - Giorgi."

Speaker Ryan: "Committee on Assignment. Representative Conti,
for what purpose do you seek recognition?"

Conti: "Well, it's my fault. Herb Huskey asked me to, on his
House Resolution 827, wants leave to add everybody on that
Resolution."

Speaker Ryan: "What's the number?"

Conti: "The House Resolution where it's a congratulatory
Resolution..."

Speaker Ryan: "What's the number?"

Conti: "827."

Speaker Ryan: "The Gentleman has asked leave to add all Members
to House Resolution 827. Are there any objections?"

Conti: "It's not a congratulation. It's the death of Mrs. Ethel
Yourell. I'm sorry, the death of Mrs. Ethel Yourell,
mother of our distinguished colleague and friend,
Representative Harry Yourell."

Speaker Ryan: "Hearing no objections, leave is granted. And all
Members will be added as Cosponsors. On page eleven of the
Calendar appears Constitutional Amendments, Second Reading.
HJRCA 7, Representative O'Brien. Out of the record.
HJRCA 29, Representative Findley. Out? You want it ...you
want it read? You want to move it? Mr. Clerk, HJRCA 29."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment
#29, proposes to amend Section 3 of Article IV of the State
Constitution relating to legislative redistricting. This
Resolution has been read in full a second time previously.
No Committee Amendments."

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

Clerk O'Brien: "None."

Speaker Ryan: "Third Reading. HJR...SJR 36, Representative

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

96th Legislative Day

April 22, 1982

Darrow. Read the...Read the Amendment."

Clerk O'Brien: "Senate Joint Resolution 6..Senate Joint Resolution 36, proposes to amend Section 9 of Article I of the State Constitution relating to bail and habeas corpus. Second Reading of the Bill. This Resolution has been read in full a second time previously. No Committee Amendments."

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

Clerk O'Brien: "None."

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

Madigan: "Mr. Speaker, could you tell the Members what your plan is regarding the Order of Call of the Bills? Do you have a plan for today and have you established a goal for us, Mr. Speaker?"

Speaker Ryan: "The goal is adjournment, Representative."

Madigan: "I agree. But then, in between now and adjournment there are...there are several Bills on the Calendar and the Sponsors of those Bills would like to know if you have a plan to meander through this Calendar."

Speaker Ryan: "It's the intention of the Chair to call all Bills on the Calendar that will die today when we adjourn. And those Bills are all marked by 'SC' on the Calendar."

Madigan: "Is that a secret code, Mr. Speaker? 'RC'?...Is that a secret code, 'SC'?"

Speaker Ryan: "'SC', Representative, for those of us that have been here a few years, understand. That means Spring Calendar."

Madigan: "Okay. Very good."

Speaker Ryan: "Representative Bullock, do you seek recognition? For what purpose?"

Bullock: "Well, Mr. Speaker, I think you and the Democratic Leader have answered my question, which was tangential to

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

96th Legislative Day

April 22, 1982

his inquiry, and assuming that you keep your word, I have no further comments at this point."

Speaker Ryan: "Representative Darrow, do you seek recognition?"

Darrow: "Yes, Mr. Speaker. Would it be possible to read Senate Constitutional Amendment 36 a third time and pass it out today?"

Speaker Ryan: "Yes, we'll do that in just a little bit, Representative. I think we...we just moved it to Third Reading."

Darrow: "Right. Thank you."

Speaker Ryan: "On page two of the Calendar under the Order of House Bills, Second Reading, appears House Bill 1004, Representative Kelley, Jim Kelley. Out of the record. Now, on page eleven under the Order of Constitutional Amendments...under the Order of Constitutional Amendments, Third Reading, appears HJRCA 5, Representative Wolf, J. J. Wolf. Out of the record. HJRCA 16, Representative Friedrich, Dwight Friedrich. HJRCA 16, Representative, on page eleven of the Calendar. Out of the record. HJRCA 29. Read the Resolution, Mr. Clerk."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #29, Resolved by the House of Representatives of the Eighty-Second General Assembly of the State of Illinois, the Senate concurring herein, 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 follows: Article IV, The Legislature - Section 3, Legislative Redistricting. (a) Legislative Districts shall be compact, contiguous and substantially equal in population. Legislative and Representative Districts shall be compact, contiguous and substantially equal in

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

96th Legislative Day

April 22, 1982

population. Legislative and Representative Districts shall: (1) be as reasonably compact in territorial area as is feasible; (2) contain a closely united contiguously (sic, constituency) having vital representative communication within 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 (sic, or) 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 not 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 a...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 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

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

96th Legislative Day

April 22, 1982

later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the 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 the House and Senate, which shall be initiated 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. Third Reading of the Constitutional Amendment."

Speaker Ryan: "Representative Findley? Representative Findley? Let's take that out of the record for right now, Mr. Clerk, and read the next one, SJR 36."

Clerk O'Brien: "Senate Joint Resolution Constitutional Amendment #36, Resolved by the Senate of the Eighty-Second 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 capital offenses and offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction where the proof is evident of the presumption....or the presumption great.

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

96th Legislative Day

April 22, 1982

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 Proclamation of the results of the vote. Third Reading of the Constitutional Amendment."

Speaker Ryan: "Representative Darrow?"

Darrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Joint Resolution Constitutional Amendment 36 proposes that our Constitution be amended to allow a Judge to withhold bail, not only in a capital case, but also in the case where life sentence is a possibility. This proposal came from a Committee of the Illinois State Bar Association that was chaired by Judge Robert Engli...English of the Appellate Court. You'll recall that on August 17th, 1981, the United States Attorney General's Task Force on Violent Crime, of which our Governor was Co-Chairman, proposed a recommendation #38 which read in part, 'permitting courts to deny bail to persons who are found by clear and convincing evidence to present a danger to particular persons or the community should be denied bail'. This proposal from the Attorney General's Tas...Task Force was also endorsed by President Ronald Reagan. What we are talking about is a person who is facing a life sentence, the person who has committed two Class X felonies and has now been arrested for his third Class X felony, the habitual offender. We're talking about the person who has been found guilty of murder or who has been guilty in the past and faces a possible life sentence for murdering more than one victim. We are not talking about just the simple felony X offender. Now, the issue, as to the United States Constitution, Article VIII, and

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

96th Legislative Day

April 22, 1982

whether this Amendment is constitutional or not in view of the United States Constitutional Amendment. I'd like to point out to this Body that the United States Supreme Court has not interpreted the Article VIII of the United States Constitution to apply to the states. This does not apply in this situation. Furthermore, it's our intention and it is our purpose to keep these individuals who do face life...a possible life sentence in jail, pending their trial. It's only common sense that these people have a great deal to lose and that they won't stick around for their trial. It is these people that we want to make secure in their cells so that they are not out in the community endangering other subjects. Thank you."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook and a seatmate of the Sponsor, Representative Getty."

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

Speaker Ryan: "He indicates that he will."

Getty: "Representative Darrow, first, in your explanation you used the terminology that this would allow a Judge to deny bail. As a matter of fact, if this were to be adopted and to be further adopted by the people at the election, it provides all persons shall be bail...bailable except for capital offenses and offenses for which a life imprisonment may be imposed. Now, except where in cases where the proof is not evident, or the presumption not great, it would be my understanding that it would be ...there would be no possibility of bail. Isn't that correct, Sir?"

Darrow: "That is correct. There would be no possibility of bail except where ...there would be no possibility of bail where the offense would carry the possibility of life imprisonment and where the proof is evident or the presumption great."

Getty: "All right. The second question is, again referring to

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

96th Legislative Day

April 22, 1982

the language of 'life imprisonment', are you referring when the proposed Constitutional Amendment says, 'life imprisonment', are you referring to that as contemplated in Chapter 38, Section 1005-8-1A and following Sections which refer to 'natural life imprisonment'?"

Darrow: "That is correct. We have reviewed those Sections of the Criminal Code and it is our intention that this would apply and be interpreted as a 'natural life imprisonment'."

Getty: "Thank you."

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

Stearney: "Would the Gentleman yield? Mr. Darrow, what ..what offenses are presently classified as ...in which the penalty would be life imprisonment?"

Darrow: "The possibility of a life imprisonment applies to the following: where a person is found guilty of murder who has previously been convicted of murder in any state or under Federal law; where a person is found guilty of murdering more than one victim; where a person is adjudicated an habitual offender under Section 33-B of the Illinois Criminal Code, the habitual offender provision of Section 33-B applying only to persons who have a lengthy history of murder or Class X offenses. A person is an habitual offender subject to a mandatory life sentence if he has previously been convicted twice of any of the following offenses or a combination of them: murder, rape, deviant sexual assault, armed robbery, aggravated battery, aggravated ransom for kidnapping, and stands convicted a third time for any of the aforementioned offenses."

Stearney: "Okay. And one other question. As it is now, the court...it's within the court's discretion to grant or deny bail. True?"

Darrow: "In situations other than where there's a possibility of

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

96th Legislative Day

April 22, 1982

the death penalty in capital offenses, that is a provision that we are amending in our Constitution."

Stearney: "Yes, I understand. But the court can now grant or deny bail."

Darrow: "The court..."

Stearney: "It's discretionary with the court."

Darrow: "It would be discretionary except in capital offenses where the proof is evident or the presumption is great."

Stearney: "Okay. Thank you."

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

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, I repeat, Ladies and Gentlemen of the House, recently we passed the three time loser law; whereon the third conviction for certain forceable felonies a person would serve life imprisonment. That law is to no avail if in the interim, after a second conviction, with a probability of life hanging over the person, we release him onto the streets. Not only in terms of bail jumping, but in his danger to our society. While it has been judicial discretion to determine whether a man is a danger to society, case history has proved that there are a great number of people released in that period who, in fact, are dangerous to society, dangerous to witnesses in their case, et cetera, et cetera. I would recommend very strongly that in a follow-up on our three time loser Bill, we pass this Resolution. Thank you."

Speaker Ryan: "Any further discussion? The Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "A question of the Sponsor, Mr. Speaker? Representative Darrow, you said something in there about concerning Section 8 and a ruling that was made by the United States Supreme Court concerning possible

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

96th Legislative Day

April 22, 1982

ramifications of this legislation? Is that...What was that?"

Darrow: "The United States Constitution, with regard to bail, provides that excessive bail shall not be required nor excessive fine imposed, nor cruel and unusual punishment inflicted. That Section of the United States Constitution has never been held by the United States Supreme Court to apply to the actions of the states. So therefore, we do not consider this Constitutional...proposed Constitutional Amendment to be in conflict with the United States Constitution. Furthermore, this Constitutional Amendment has been the proposal of the Illinois State Bar Association and Justice Robert English of the Appellate Court. It's further been considered by other members of the Bar Association and the Judiciary. It is on this basis that we feel that it is not in conflict with our United States Constitution."

Mulcahey: "Okay, so the determination has been made that this indeed is a reserve power, right?"

Darrow: "That's correct."

Mulcahey: "Thank you."

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

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

Speaker Ryan: "Indicates that he will."

Huff: "Now, Representative Darrow, can you explain to me just precisely what is the difference between your proposal and that which Representative Kosinski talked about with the two time loser?"

Darrow: "Representative..."

Huff: "Is it my ..Am I correct then to assume that your proposal is a little broader and a little more finite as to the

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

96th Legislative Day

April 22, 1982

classification of crimes that can suffer life imprisonment?"

Darrow: "The Representative from Cook who was the Sponsor of the three time loser legislation, the habitual offender legislation, rose to speak in favor of this Constitutional Amendment. What we are doing here is not increasing the punishment for conviction of the habitual offender provisions of our Statutes, nor are we broadening the class of crimes that are ...for which a life sentence applies. What we are saying here is, if you are facing life imprisonment under the habitual offender Statute, the Judge, where the proof is evident and the presumption great, can deny bail."

Huff: "Oh, I see. Thank you."

Speaker Ryan: "Any further discussion? The Gentleman from Rock Island, Representative Darrow, to close."

Darrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I feel that this is only common sense that a person who has a possibility of a life sentence, a life sentence, not under the old law, not under the law where we gave a person a life sentence and he was released after eleven years and eligible for parole after 20 years, but a life sentence where he's going to spend every day of his life in that jail cell, in that penitentiary, common sense tells us that that person is not going to remain around for the trial if he can avoid it. Similar, if a person is facing a possible death sentence, he's not going to stick around. It is for this reason, now that we've made a life sentence a life sentence, that we should amend our Constitution; that we should deny bail to these individuals so that we can have them stand trial so that our community can be protected. This is a delicate balance between the rights of the accused and the rights of our community. And at

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

96th Legislative Day

April 22, 1982

this time, we have to look toward the rights of our community and consider that these people should remain in prison, in jail, awaiting trial. I feel it's common sense. I feel it's logical. It's constitutional and I would ask for a favorable vote."

Speaker Ryan: "The question is, 'Shall SJR 36 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. This requires 107 votes. Have all voted who wish? Take the record, Mr. Clerk. Representative Barr, did you care to explain your vote? Since you're the only dissenting vote, do you care to explain it?"

Barr: "Well, I'd be glad to, sure. I know the House has plenty of time, Mr. Chair...Mr. Speaker, to listen to me. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In explanation of my vote, I'm afraid of what we're doing here. Obviously, this is a very popular measure and of course it's pretty clear that what we're doing is we're telling those criminals in Illinois that, by God, the Illinois General Assembly isn't going to put up with their criminal acts anymore. And, this is really a foolish way to be dealing with our Constitution. We're adding an Amendment which is of dubious constitutionality under the Federal Constitution and we're doing it to show our constituents how tough we are and how hard we're going to be on criminals. And, while those may be worthy motives in an election campaign, I don't believe that they're worthy reasons for amending the Constitution of our state which ought to be reserved for very fundamental principles of law."

Speaker Ryan: "Mr. Clerk, let the record show that Representative Turner would like to be voted 'aye'. Representative Margaret Smith, 'aye'. Representative Giglio, 'aye'. Representative McAuliffe, 'aye'. This is in spite of

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

96th Legislative Day

April 22, 1982

Representative Barr's speech. Representative Greiman? Oh, Representative Greiman would like to be voted 'present'. Representative Bowman, same. Does that mean 'present'? Bowman, 'present'. Representative Levin, pardon? 'Present', for Levin. Now what's the count? On this question there are 155 voting 'aye', 1 voting 'no' and 4 voting 'present'. And this Bill, having received a three-fifths Constitutional Majority, is hereby declared passed. Representative Peters in the Chair. Representative Collins, for what purpose do you seek recognition?"

Collins: "Mr. Speaker, Ladies and Gentlemen of the House, for purpose of an announcement. In the gallery today we have the Vocational and Industrial Clubs of America. They're here for their 18th Annual Indus...Leadership Conference in Illinois and tomorrow they are having their skill olympics. They're in the Speaker's Gallery."

Speaker Peters: "House Joint Resolution Constitutional Amendment #29, Representative Findley. Read the Amendment, Mr. Clerk."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #29, proposes to amend Section 3 of Article IV of the State Constitution relating to legislative redistricting. This Resolution has been read in full a third time previously."

Speaker Peters: "Representative Findley."

Findley: "Thank you, Mr. Speaker and Members of the House. Before you is HJRCA 29, a measure which would add a further stipulation to the Article of the Constitution with relation to reapportionment to provide that when Commissions, when Legislatures, when courts need to discuss reapportionment, that as well as compactness, contiguity and equal population, they also make the effort wherever practical, wherever feasible to follow existing boundaries

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

96th Legislative Day

April 22, 1982

of units of local government. The reason behind this is that there is no stipulation, under law that the General Assembly will address, that requires that we use the common sense in following existing lines, whether municipal lines, county lines, township lines, perhaps ward lines. It is evident to me that in past reapportionments we have not considered these factors to the degree, I think, the people of Illinois have a right to expect. So, I would propose that we add this new language to the Constitution of the State of Illinois. Now, I would expect one or two of my colleagues who may have been quite happy with the way reapportionment was done in the past year might take exception with this. And I'll be glad to answer any questions."

Speaker Peters: "Any discussion? Representative Getty?"

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

Speaker Peters: "He indicates he will."

Getty: "Representative, I wonder if you could tell me what a 'vital representative communication' means?"

Findley: "Representative Getty, the language to which you refer is, I'm told by lawyers I've consulted, is largely in conformity with Federal case law concerning reapportionment. My intent, Sir, is that communities of interest, perhaps that would have been a more descriptive term, be kept as a whole in drawing reapportionment maps. This is really a further clarification, I think, and a refinement of the existing language of the Constitution which speaks to the question of compactness."

Getty: "Well, what your real intent is, then from your answer I take it, Sir, is to preserve traditional boundary lines of local governmental units. Isn't that correct?"

Findley: "That is my principle hope, yes, Sir."

Getty: "Alright. And you think that inserting language from a

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

96th Legislative Day

April 22, 1982

Federal court case that refers to 'vital representative communication' further clarifies?"

Findley: "I don't think it obscures it, Sir."

Getty: "Is that defined somewhere in the Constitution of the State of Illinois, the phrase 'vital representative communication'?"

Findley: "I believe that it is not. Sir, in...if I could further answer your question. In amending...I'm not an attorney, as you know, Representative, and my...my feeling is that we should not have such restrictive language. I prefer to leave latitude in this Amendment because, Sir, the courts will always hold, and maybe this will be a further point of yours, that the one person, one vote doctrine, will always be principal and foremost in the minds of whoever draws legislative maps. I leave this somewhat loose because I realize that if I make such a strict construction of compactness here that my Amendment would become meaningless. I say wherever practical and feasible."

Getty: "Alright. My next question goes to the description of ..on 'natural or historic boundaries'. When you refer to 'natural or historic boundaries' does that mean that if, let's say, in the last redistricting, ten years ago, that the map was drawn so that it ran, say, along the Little Calumet River as a boundary line between one district and another, that we should do it that way again?"

Findley: "Not necessarily, Sir. Could we...Could we speak of the Illinois River? It's one I'm a little more familiar with."

Getty: "Alright. Let's talk about the Illinois River."

Findley: "Thank you, Representative. I believe it also goes through your district, or close by it. The Illinois River, Sir, in my county, Cass County, divided by the Illinois from Schuyler County, there has been a traditional division in the people on the west side of the river

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

96th Legislative Day

April 22, 1982

generally trading and having close communication with the people on that side. It has long been espoused by one newspaper in my legislative district, the Quincy Herald Whig, that legisla...legislative districts in their circulation area should have included counties that were between the Mississippi and the Illinois River, saying that that is a community of interest and that to go...of course west would be Missouri. But to the east would go to a territory that is not quite so familiar. In the case of my Illinois River, I think that that could be an historic boundary. Certainly it's a traditional one. To the Little Calumet, I can't speak."

Getty: "But you wouldn't say that merely because the last redistricting plan resulted in having a certain district cut so that it had the Illinois River as one of the boundaries, that we would have to consider again, or that that would then become an historic boundary."

Findley: "My Amendment doesn't address precedence, Sir. I can't answer whether that should be the consideration. If you and I would sit on the next Reapportionment Commission, Sir, we could discuss that."

Getty: "Alright. Thank you, Sir. Mr. Speaker, on the proposed Constitutional Amendment, I would respectfully suggest that as to these two elements, the vital representative communication, whatever that is, and you'll note that there really is no definition either in the Constitution of the State, and this would be an Amendment to the Constitution, to what that phrase means. We would have to refer maybe to some vague Federal court case in order to get any kind of definition as to what that may or may not mean. But, what is 'contains a closely united constituency having a vital representative communication with the whole of the area'? Well, I don't know what it means. I suggest it's vague."

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

96th Legislative Day

April 22, 1982

The problem with vagueness, the problem when we get into having too much language in a Constitution is that we're almost going to virtually guarantee that somebody is going to force us into the Federal court every time. You're guaranteeing that you're going to have Federal court involvement. Now, if you think it's a good idea for the people of the State of Illinois to have the Federal courts continue to dictate what Illinois residents are going to do, how Illinois boundaries are going to be drawn, then I suppose you ought to vote for this Constitutional Amendment. If you believe that the people of the State of Illinois ought to have a Constitution with as little extra verbiage as possible, that is concise and understandable and not open to vague terminologies, then I recommend that you vote "no."

Speaker Peters: "Representative Koehler."

Koehler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to refer to the comments made by the previous speaker regarding the communication aspect being included in this Constitutional Amendment. If the Representative will note the case in the Illinois Supreme Court in which I was directly involved, the 'Shrag case', the Illinois Supreme Court, for the first time in history, addressed and included in the language in that opinion the aspect of communications and that being a vital part of determining the constitutionality as due to the compactness. I think that this was a very important thing, and I think it is necessary to be included in this Constitutional Amendment the idea of communication. And, for the first time in history, the Illinois Supreme Court, in the opinion written by now Chief Justice Howard Ryan, did include the communications as a part of the compactness criteria. I think it's very important, and I think this is

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

96th Legislative Day

April 22, 1982

a fine Constitutional Amendment. I would urge an 'aye' vote by the Members of this General Assembly."

Speaker Peters: "Further discussion? Represent...Representative Slape."

Slape: "Yes, Mr. Speaker. Would the Sponsor yield please?"

Findley: "Yes, Sir."

Speaker Peters: "Indicates he will."

Slape: "Craig, it's my understanding that your intention is to add one more criteria to redistricting, right?"

Findley: "That is so, Sir."

Slape: "Okay. Is that weighted in there somehow or qualified, fits in? If everything else is working right in this, fits in, then you use it? And otherwise it...or other...in other circumstances it isn't invoked? Or, how do you...how do you weight that with the other criteria for reapportionment?"

Findley: "Representative, the courts have really done the weighting for me on this. Case law, I believe, has always held that, as I referred earlier to Mr. Getty's question, that one person, one vote, that the district with the closest, the smallest variation in population shall be the district that's most attractive to those who draw the maps. I...I'm not seeking, by making this the fourth stipulation, that it is the least important. Nor am I suggesting that it should come before compactness or contiguity. The courts will always hold that equal population is the first criteria and the most important one. I'm just saying here, Mike, that if you can draw a district that keeps population the same, contiguity I think is no problem, and if it's fairly compact, then you should try and keep Tazwell County in one Senate District or you should try and keep the City of Springfield in one Representative District. I am just saying that all things being equal then this should be a

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

96th Legislative Day

April 22, 1982

consideration. Mike, if the maps have ever been drawn fairly there would be no need to suggest what, to me, is common sense in drawing a legislative map. But historically we haven't...we've never done it fairly and we've never done it right. So I think I have to say that this should be one of the criteria."

Slape: "Yes, and that's a good point that you bring out that it's never been done right or it's never been done fairly and I just..."

Findley: "In my opinion, Sir."

Slape: "I was just wondering if you ask one...you know, if you add one more criteria to this thing, you have to realize we always say, well, the Federal courts are going to, they're going to have the final say anyway, but actually the ideal situation is when the Commission is convened that they have a set and very distinct guidelines and rules, some kind of a constraint to work within, and that they then reapportion the State of Illinois within those guidelines. I think...I don't want to misquote you, but it sounded to me like the other day...just a few moments ago when you were in discussion with Mr. Getty that you even insinuated that newspaper circulation could be an historical boundary or something of that sort. And if you start getting into those areas, you just see what you're doing, Craig. You're allowing different members of the Commission to have different avenues of argument when it...when really we should be trying to restrict their avenues of argument where they have to sit down to strict rules and come up with a map and then get it done with."

Findley: "I agree, Mike, that we need..with you, that we need less latitude because that will require, I think, fair decisions be made. Where I disagree is that I think that the language I propose does provide that greater

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

96th Legislative Day

April 22, 1982

restriction. You, as a Member of a Reapportionment Commission, will read that language, Mike, and will decide which of those criteria is most significant in drawing a fair map."

Slape: "So far I haven't insulted Leadership enough to be put on that Commission. I hope I never get that far...that far down."

Findley: "Mike, I sit a couple of rows behind you."

Speaker Peters: "Representative Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in opposition to theMr. Speaker, I rise in opposition to the Gentleman's Motion in favor of the adoption of this Resolution. The Illinois Constitution already contains language which establishes principles and guidelines for the Reapportionment Commission to follow in its work. The Sponsor is attempting to add language which would only complicate the process and, as has been pointed out by previous speakers, would simply invite more participation by the Judiciary in the question of legislative and congressional reapportionment. His Resolution refers to 'natural and historic boundaries'. And I'm sure he intends to deal with the notion or the idea of 'community of interests'. I submit to you that in today's age of the electronic and video media the notion of 'community of interest' has substantially changed from the point in time when the 1860 Constitution was adopted and even since the adoption of the 1970 Constitution. With television available it's close to impossible to say that an historic boundary, which followed a river or a township line, should constitute automatically a boundary line for a Legislative or a Congressional District. I'm sure that the Gentleman is well intentioned and he's probably feeling the pain from last summer. But this will not help solve his

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

96th Legislative Day

April 22, 1982

problem."

Findley: "Was that a question, Representative? I'll answer it."

Madigan: "Doesn't require an answer."

Speaker Peters: "Representative Kociolko."

Kociolko: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. There's a well known principle of physics, Mr. Speaker, that says for every action there is an equal and opposite reaction. Well, last year a partisan majority of the Legislative Reapportionment Commission saw fit to ride rough shod over the boundary lines of townships, counties and municipalities. And in so doing they also trampled upon the citizens and residents of those political jurisdictions. Now, we all know that tens of thousands of citizens of this state have been effectively disenfranchised by the map which our friends, the map-makers across the aisle, have presented to us. This Amendment represents an attempt to restore an important Constitutional provision to the Constitution. Now, we've been told that this will complicate the reapportionment process. Well, perhaps it may complicate the process of the political leadership of Chicago in attempting to impose its will upon the state. Now we've been asked what a 'vital legislative communication' is. Well, I will say to you, Ladies and Gentlemen, that one thing that it is not is a resident of a suburban community being forced to telephone some Ward organization office in the City of Chicago to try to find a Legislator who will have little knowledge of or interest in his so-called suburban constituents. Suburban Cook County has been trampled upon. Downstate counties and communities have been ripped apart simply to feed the political ambitions of the City of Chicago. Now, it may not be desirable to have the Federal Judiciary making this decision within a Federal court room.

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

96th Legislative Day

April 22, 1982

But it is not desirable, Ladies and Gentleman, that reapportionment should be decided in the back rooms of the city hall of the City of Chicago. Had reapportionment respected the historic rights of townships, counties and municipalities, this Amendment would not be necessary. But because of what has been done and the danger that it could be done again, and yes, it could be done in reverse because let's never forget the opportunity that perhaps the great metropolis of Chicago could be on the receiving end of this type of gerrymandering in the future, to inject a degree of fairness and proper Constitutional provision into the reapportionment process. And for the good of the people of this state, I encourage a 'yes' vote on this very important Amendment. Thank you."

Speaker Peters: "Representative Braun."

Braun: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, as most of the Members of this chamber are aware, I was recently involved...actively involved in litigating the suit of 'Crosby versus the State Board of Election', which challenged the reapportionment map on the grounds that it had willfully discriminated against Black people. The court, in the decision issued there, found that there had been purposeful discrimination and ordered some changes in the map. Now, what had happened in Chicago was segregation of districts by race. And interestingly, Ladies and Gentlemen, that segregation of districts by race was defended precisely on the grounds that it would contain a closely...or would create closely united constituencies having representative communication. In other words, it was important for the map drawers to keep light communities together and to separate communities which might have a racial difference. I think that's wrong. I think that in the 1980's and as we go into 1990 we should look forward to

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

96th Legislative Day

April 22, 1982

having an integration of interests statewide between the races, between communities, between interests. And so, I say to you that while I am dedicated to the principle of reform of reapportionment process, I must oppose this Constitutional Amendment. I think, unfortunately, it may well do just the opposite of what is intended because if we carve into statutory stone or into Constitutional stone a requirement that areas be segregated or be identified on a ..on the basis of closely united constituencies having vital representative communication, that term has no meaning at the present time. There's no way that we can really interpret that. And quite frankly, it would sound like an approval by this Body of what happened in the creation, for example, of segregated districts in the City of Chicago, in the creation of a wall on the south side and west side of the city that separates the Black community from the white community in the City of Chicago. I don't think that we should go on record as being supportive of efforts to create a wall between the races in this state ever. And I don't think that any of us would want to do anything that would further the interests of that kind of an approach to reapportionment. And again, I say that, while reform is needed, that reform should not mean bringing the courts more into the process, but rather should go the other way to bring more public input, public inspection, public comment on the process, as well as more active and real input by the Members of this Body. The fact of the matter is the public doesn't have any input into the reapportionment process and neither do we really. And we all know that. But I think that we ought to look forward to 1990 and try to construct a reformed process that will allow for that kind of input because if you take something out of the closet and you put it out for public

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

96th Legislative Day

April 22, 1982

inspection, whatever the errors are will become known and will be addressed and dealt with in a public forum. But I just, Representative Findley, I'm really sorry. I looked at this very closely and while, like I said, I am committed to reform of this process, this language in this Constitutional Amendment does precisely what the court, in that case, said ought not be done, in other words, segregation of communities based on the kind of language that you have in this Bill. And for that reason, Mr. Speaker and Ladies and Gentlemen of the House, I'm going to have to oppose this Constitutional Amendment."

Speaker Peters: "Representative Monroe Flinn."

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

Speaker Peters: "The Gentleman moves the previous question. 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 Findley to close."

Findley: "Thank you, Mr. Speaker, Members of the House. It seems that I have a misunderstood Amendment here. To Representative Braun's concerns first - I would stand chastised and very ashamed, Representative Braun, if the map that you had to challenge in the courts was a map drawn by the Republican party. It was not a map drawn by the Republican party; it was drawn by your own party. The language you refer to in the case is applicable when you have a racially segregated map drawn by a Reapportionment Commission or a court or any other body. I..I think you will also find reassurance, Representative, in the laws of our United States, in Federal law, that will always protect the interests of Blacks and other minority constituencies. Your concern, I think, is...is something of a red herring with respect to the language I propose here today. We're

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

96th Legislative Day

April 22, 1982

not speaking of a map drawn by my party; nor do I think that we should ever draw maps as were drawn this last year. I'm sure you'll reply to that...I mentioned her name in debate."

Speaker Peters: "Oh, why do we do that? Oh, okay."

Braun: "I mean, it's alright that my name is mentioned in debate. I appreciate your remarks, but I don't need to say anything."

Speaker Peters: "Okay."

Findley: "Mr. Speaker, to the question of Federal courts - First, Representative Getty said that if you want to have legislative maps always go to the Federal courts then...I'm inferring here that you should vote 'yes' on the map. If you want to have the maps decided by the people of Illinois then you ought to vote 'no'. Well, the simple fact is that we are such irresponsible map-makers that we're always going to have our maps go to Federal court. I don't care how long the description is of how a Legislative District should be. So long as there are politicians involved in the process, and I do not suggest we take them out, then we're going to have maps that will be put before the courts for challenges. In an ideal society, I do believe, that we could have eight reasonable people or 118 Representatives after the next election who could sit down as reasonable people and draw a reasonable map that would follow lines of units of local government wherever practical and feasible. But that day is not here, Sir. And I urge my colleagues in the House to support this Amendment. I think it has merit. I do not consider it specious. I do not consider it vague. I consider it consistent with good government."

Speaker Peters: "The question is, 'Shall House Joint Resolution Constitutional Amendment #29 be adopted?'. Those in favor

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

96th Legislative Day

April 22, 1982

will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. The voting is open. To explain her vote, Representative Oblinger, for one minute."

Oblinger: "Mr. Speaker and Members of the House, Springfield is not only divided in two and the county in three, which I can understand in light of what some of the people have said about immediate communication, but in our county we have 26 precincts split in two. People don't know where they go, where they have to vote. Our county clerk had to put an extra Judge in every one of those precincts so that people could either go to this wall for 99th or that wall for the 100th. Now, when you're getting down to splitting precincts I think this is a ridiculous thing and we need some reform."

Speaker Peters: "Representative Griffin to explain his vote for one minute."

Griffin: "As a member of a community that shared the same fate as Representative Kociolko's community, I thoroughly support his remarks. I'd like to ask if we're willing to get out and support the chance for people to determine their own destinies in their own communities. I think the spirit of this Bill is just that..or, this Amendment. Are we going to let direct democracy have a greater role in our state? Are we going to continue to allow power brokers to manipulate our people? I would urge everybody who supports the advance of democracy to vote green on this."

Speaker Peters: "Representative Mays to explain his vote."

Mays: "Thank you, Mr. Speaker. We've heard some of the expectable red herring arguments against this proposal. I'd just like to say that this measure simply gives the courts a little bit better guidance on this issue of utmost importance to the constituents of our district. Lord knows you go back and ask those constituents about it and they'll

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

96th Legislative Day

April 22, 1982

certainly agree that the courts do need some better guidance."

Speaker Peters: "Representative Griffin, do you seek recognition? Have all voted who wish? Representative Barkhausen to explain his vote."

Barkhausen: "Mr. Speaker and Ladies and Gentlemen of the House, I look with disappointment at the fact that we need 17 more green votes on the board. And I would again ask some of our colleagues on the other side of the aisle, particularly from the City of Chicago, if the shoe were on the other foot or had been this past season, map-making season, wouldn't...wouldn't some of our thinking be a little bit different? What if, or what if ten years from now the Republicans were to win the toss? And what if they were then to carve districts in such a way that the balance of power would lie in the suburbs, but eating away at Democratic strength in the City of Chicago such that instead of Chicago or any other political jurisdiction getting more districts than it deserves, it had fewer? All we are saying by this Bill is that ..is that political boundaries of various political jurisdictions simply should not be of interest only to geographical map-makers, but should be of interest as well to those charged with drawing legislative boundaries. It's a very simple concept. It makes...It only requires that these boundaries be taken into account as one of several factors and does not make map-making any more difficult or any more restrictive than it is already. Thank you."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 95 voting 'aye', 65 voting 'nay', 8 voting 'present'. This Bill...This Amendment, having failed to receive the three-fifths

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

96th Legislative Day

April 22, 1982

required Constitutional Majority, is hereby declared lost. Representative DiPrima for the purposes of an announcement of interest to all Members relating to the British fleet approaching the Falkland Islands."

DiPrima: "According..Thank you, Mr. Speaker. According to the information I've received the fleet, the British fleet, is proceeding cautiously toward the Falkland Islands, Falkland, whatever they are. No, now here, this is what I want to alert you fellows about. You Ladies and Gentlemen of the House, now you know the veteran organizations run annually a banquet for the benefit of the Legislators. Now, last year the VFW ran it and there were Committee meetings and what have you. Now, next Wednesday, May 5 - that's a week from this Wednesday - at the Sheridan Inn, 3900 Stevenson Drive, the combined veteran organizations are running a banquet. Now you've all been the recipient of this little invitation. Now if you haven't responded, if you will give me your name and let me know that you're going be there so I can assure them just about how many are going to attend.....Officers are also included. Yes, Lieutenant 'Histeras'. So, I'll be very grateful to any of you that are going to attend to give me your name here and I'll check you off so that I know just about how many they should make reservations for. Thank you. I'll make another announcement next Tuesday. Thank you. Forget the Committee meetings that night, May 5, Wednesday. And the fleet is proceeding cautiously."

Speaker Peters: "Representative Dunn, for what purpose do you seek recognition?"

John Dunn: "Well, Mr. Speaker, I think we could accommodate Representative DiPrima if he would open all 177 microphones so we can all tell him at once whether we'll be there or not."

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

96th Legislative Day

April 22, 1982

Speaker Peters: "Representative Dunn, for what purpose do you seek recognition, Jack Dunn?"

Jack Dunn: "Mr. Speaker, could we have some sort of assurance from the Chair that we will be available on that evening? I think we had three or four functions to go to last night that we were unable to attend and I have a real problem with that, but I think it's unfair to the Members and it's unfair to the organization if we all sign up for this fine dinner and we're unable to attend. I think we ought to have some sort of assurance."

Speaker Peters: "The Chair will note your well put statement and trust that the Speaker and the Minority Leader will take that into consideration when they determine the battle plan for that day. House Bills, Third Reading, Spring Calendar. House Bill 139, Representative Wikoff? Out of the record. House Bill 156, Representative Stearney? Out of the record. Spring Calendar Bills must be passed today or acted on today. House Bill 210, Representative Tuerk? Out of the record. 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. Third Reading of the Bill."

Speaker Peters: "Representative Pechous."

Pechous: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 429, as amended, proposes several components, changes if you will, to the Illinois General Assembly Pension Fund. Let me list them if I may. Firstly, in an outright manner it lowers the age to 50 from the present age of 55, and that is predicated upon obtaining 20 years of service credit. Point two, it lowers the age to 53 after eight years of service credit. Point three, no change occurs from the current requirement of obtainment of

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

96th Legislative Day

April 22, 1982

62 years of age after four years. Lastly, it does not change the retirement formula. That, as you recall, was on last year. Finally, it raises the Member contribution after 1982 from eight and a half percent to nine percent, which I am assured will defray the cost of the slight additional cost. To the individual Member, one half of one percent totals \$140.00 a year. I would attempt to answer any and all questions pertaining to House Bill 429 and I would ask....I know I would not benefit from this no more than any of the other Members here. The time ahead, and I'm going to just step into some of my closing remarks, following cut back, the numbers of Members who will ever achieve 20 years will be nominal, if at all any. We have an increasing number of younger Membership, younger Members here. I would hope that a Bill such as this would provide an incentive for them to launch a career in State Government. And it is with that thought in mind that I present to you for your acceptance House Bill 429 as amended."

Speaker Peters: "The Gentleman has asked use for Attendance Roll Call in passage of this legislation. Representative Ebbesen."

Ebbesen: "Yes. Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Ebbesen: "Yes, Representative Pechous, first of all, I'd like you to explain what it says here relative to the ...on your Amendment on page four, I mean line four of page two. It talks about the highest regular salary rate, as defined in Section 2-108, applicable to any participant holding the same office on the last day of employment as a Member. Is that..Is that in the Bill now or is that new?"

Pechous: "That is..That is current language. That is not new language."

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

96th Legislative Day

April 22, 1982

Ebbesen: "Okay, because I didn't know what that 2-108....Now, Representative, you say that the increase from nine to nine and a half percent will defray the cost of this? Or eight and a half to nine percent?"

Pechous: "I do not have any hard figures before me. I have asked. I have asked for a printout on the Pension impact, the cost, and I do not have that before me."

Ebbesen: "Well, I would like...Mr. Speaker, I would like to remind the Members of the House that there was legislation passed earlier last year in which we took the contribution of the...of Members of the General Assembly from ten percent to eleven and a half percent to defray the cost of those benefits which the actuaries say will in its entirety defray that cost. But, then we're talking about another one half of one percent increase which the Sponsor of this legislation said would only cost \$140.00 annually from each Legislator. I wish you would back up on the arithmetic. That would mean if we pass this legislation and the Senate did and it was signed by the Governor, that's two percent increase in a given period of time. That represents about \$560.00 increase over and above the ten percent. Now, to me, when you start talking to...especially the younger Legislators with families, you're taking that kind of money out of circulation. They need, especially for this type of a benefit which I think is completely out of line, we have...we don't know what the fiscal impact of this is. But I'd have to believe that probably the annual cost would run somewhere around \$100,000, and the unfunded accrued liability would have to go up somewhere near a half a million dollars. And I just think that it's terrible legislation and if...it ought to be defeated by 177 red votes. I think enough of this...enough is enough on these pension Bills, including

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

96th Legislative Day

April 22, 1982

this one."

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

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Would the Sponsor yield for a question please?"

Speaker Peters: "He indicates he will."

Koehler: "Representative, could you tell me whether or not the Pension Laws Commission...is it opposed or does it advocate this Bill?"

Pechous: "I'm advised that they have taken no position at this time."

Koehler: "I was under the impression that they opposed this legislation."

Pechous: "Not this Amendment, no."

Koehler: "The Amendment or the Bill?"

Pechous: "Amendment 2 and you keep in mind Amendment 1 was withdrawn and that we moved with Amendment 2."

Koehler: "Okay. The next question I had was how many Members of the Legislature does this affect?"

Pechous: "I'm advised by virtue of a memorandum before me that it's estimated at 20 Members of the General Assembly System will be eligible to retire under provisions of this Amendment."

Koehler: "Well then this Amendment and this Bill is to ...is for 20 Members of the General Assembly?"

Pechous: "That was not the aim of it. This is incorporated in a memorandum at the time that I had introduced the Bill and the Amendment thereto. My thought was directed at a future activity of the Body and that in the future any and all changes contemplated under the General Assembly Pension Fund would be subject to a very terribly difficult time of passage. And the younger Members of this Body owed, I think, we, that we're leaving, owed them a duty to see that

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

96th Legislative Day

April 22, 1982

they would have an opportunity to have a Pension System which would be compatible with many of the other statewide Pension systems, with the Police, Fire, Chicago Teachers Pension and so on like that. Many of the teacher pension funds follow similar patterns of 20 years of service. This might be over a 30 year period, having lost in office and retired and stepped....returned. Twenty years of creditable service, you'd leave at the age of 50. A person coming in as have Members here at the age of 27 and 29, in 20 years they would have the age of 49 rather than the current law of 55, and it was aimed on a futuristic basis rather than an immediate basis. I had no idea it would involve 20 Members. I don't know who they are. It surely is not our older Members because those who would have 20 years are well past 50. I'm told, moreover, that's an ultimate number and that is not an absolute."

Koehler: "Well, Sir, under the reciprocity part of this, would this not affect ...what about the transfer of credit into this pension?"

Pechous: "I'm told no. I would like to...well..."

Speaker Peters: "Are there any further questions?"

Koehler: "Well, Ladies and Gentlemen of the House, I would object to this piece of legislation. I think it is highly questionable, and I would urge a 'no' vote."

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

Fawell: "I would just call for the previous question, Sir."

Speaker Peters: "I'm sorry, Representative Fawell. I was just ordering soup."

Fawell: "Mr. Chairman (sic, Mr. Speaker), I just ordered...I just called for the previous question."

Speaker Peters: "The Lady calls for the previous question. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair the 'ayes' have it."

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

96th Legislative Day

April 22, 1982

Representative Pechous to close."

Pechous: "Very briefly, the increase in accrued liability I have from this memo...memorandum would indicate \$490,000. The annual cost, 85 thousand, increase in normal cost, 49 thousand dollars. Again, this ...this proposed legislation is here to test the will of the House whether we want a Membership herein after that will not be dependent on either family income and ...or perhaps the earnings of a spouse located elsewhere, but that will provide our Membership, young Members, an opportunity to carve out a career, legislative career and, after obtaining 20 years of service, have a retirement which will be commensurate with other programs. I ask for a favorable vote. Thank you."

Speaker Peters: "The question is, 'Shall House Bill 429 pass?'. Those in favor will signify ...Those in favor 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? Representative Birkinbine to explain his vote."

Birkinbine: "Thank you, Mr. Speaker. The Sponsor of this Bill has a kernel of a good idea but it doesn't go far enough. If we jacked it up enough so that we contributed all of our salary to our pension, we could start receiving our pension right away. We could all go home and the state would be safer."

Speaker Peters: "The Gentleman asks leave to move this back to the Order of Second for purposes of an Amendment. Representative Brummer to explain his vote."

Brummer: "Yes, very briefly. One of the previous speakers said this was highly suspect or questionable. I would like to commend the Sponsor on the straight up manner that he presented his Bill. I do object, however, to paying three thousand, three hundred and sixty dollars of my salary into

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

96th Legislative Day

April 22, 1982

the Pension Fund and I think that's an item that frequently the media doesn't pick up, the very large amount that we pay into the Pension Fund. I think we pay in enough into the Pension Fund and under this proposal we would be paying three thousand, three hundred and sixty dollars per year of our salary into the Pension Fund. I need that money for other purposes and I don't think we ought to be making additional contributions."

Speaker Peters: "Representative Matijevich to explain his vote."

Matijevich: "I only wanted to say that Bob Pechous did a better job in Committee. The Bill got more votes in Committee than it did on the floor of the House."

Speaker Peters: "Representative Van Duyne to explain his vote."

Van Duyne: "Thank you, Mr. Speaker. I also want to commend Bob. At least he's straightforward. He's up front. He's not waiting till after the November election to put this out. And I..I'm going to vote for it strictly so that I won't be hypocritical. I voted for police pension Bills where they get to 20 years and out. I voted for firemen pension Bills, 20 years and out. This is a self-funding thing. It's no cost to the taxpayers and I think that we are...we are being very, very hypocritical if we don't stand with him."

Speaker Peters: "Representative DiPrima to explain his vote."

DiPrima: "Yes. No, I just wanted to mention the fact, when Mat Rople was a Member of this Body his district was going bye-bye and he wanted to lower it to 55 and I played a big part in getting it down to 55. And that's all I have to say."

Speaker Peters: "On this question ...for an up front discussion, there are 10 voting 'aye', 137 voting 'nay'. Take the record, Mr. Clerk. Nine voting 'aye', 140 voting 'nay', 8 voting 'present'. And this Bill, having failed to receive

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

96th Legislative Day

April 22, 1982

a Constitutional Majority, is hereby declared lost. So much for truth in lending. House Bill 554, Representative Daniels? 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? Out of the record. House Bill 618, Representative Topinka? I can't see back there. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 618, a Bill for an Act to amend Sections of an Act to revise the law in relation to the election of county commissioners in Cook County. Third Reading of the Bill."

Speaker Peters: "Representative Topinka."

Topinka: "Yes, Mr. Speaker and Members of the House. All this does is just codify the fact that any type of population would be noted as far as the difference between the City of Chicago and the suburban area on the County Board and it would provide that there be a border between the two and that voting for commissioners would reflect that. And that is very simply put. I would ask for your positive vote on this."

Speaker Peters: "Any discussion? Representative Lechowicz."

Lechowicz: "Well, Mr. Speaker, will the Lady yield to a question or two?"

Speaker Peters: "She indicates she will if the people standing in front of the Lady would please move to the side."

Lechowicz: "Does this Bill require a redistricting within the City of Chicago and the suburban area of Cook County, as far as the county commissioners?"

Topinka: "It does not overlap."

Lechowicz: "So that means that the City of Chicago commissioners then would have to be divided within the city and the suburban areas within the suburban area?"

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

96th Legislative Day

April 22, 1982

Topinka: "That's correct."

Lechowicz: "Any how many districts are you creating?"

Topinka: "Basically the same number that are now there."

Lechowicz: "Can't they do this under their home rule powers?"

Topinka: "Yes, they can. This just codifies it and makes it a little more firm."

Lechowicz: "Mr. Speaker, how many votes does this Bill require?"

Speaker Peters: "The Gentleman makes a Parliamentary Inquiry, Mr. Clerk. The Chair rules that it takes 89 votes. Representative Lechowicz."

Lechowicz: "Mr. Speaker, I believe that the Bill is technically incorrect. And if you would take...ask the Parliamentarian to check the number of the...that is in the Bill, I believe it says 15 commissioners. And based on a recent court ruling there are now 16 commissioners, ten within the city and six in the suburban area, I believe. So that's one defect in the Bill. Number two, Mr. Speaker, I believe that under the home rule powers this matter was brought before the county commissioners and was rejected by the county commissioners. And now we have a Bill to provide for 15 commissioners, and the Lady was not specific whether it's...if that's the correct number and I'd like to have the breakdown between the City of Chicago and the suburban areas, if she would respond please."

Speaker Peters: "Representative Topinka."

Topinka: "This Bill would reflect the current composition of the Board. Basically to codify what we have currently going for us right now."

Lechowicz: "It does not reflect the current....There are 16 members now, ten within the city...What was that? There are seven suburban members and ten from the city. That's 17. You're two short to begin with."

Topinka: "This would reflect what was..."

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

96th Legislative Day

April 22, 1982

Lechowicz: "Nine and seven, yes, 16..."

Topinka: "This would reflect future elections as well, so that it would constantly maintain the population shifts between the city and the suburban areas, so that ultimately the city would be represented by its number per population and the suburban area would be reflected by its population."

Lechowicz: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I'm going to have to speak against the Bill, if I may..."

Speaker Peters: "Proceed, Sir."

Lechowicz: "For the third time, there are nine members from the City of Chicago, seven members from the suburban collar area of Cook County and that says 16 members. Nine and seven is 16. The Bill calls for 15. You have a reduction in the membership. You're asking that the division be made up and I, personally, believe that the county has the authority to do this presently under home rule powers and, for this reason, House Bill 618 should be defeated."

Speaker Peters: "On this question, Representative Conti."

Conti: "Mr. Speaker, will the Lady yield to a question?"

Speaker Peters: "She indicates she will."

Conti: "Representative Topinka, I introduced such legislation in the past. I had a protection clause in there that they could not cross geographic lines, the city from the suburban area. In other words, the suburban members had to be elected from the suburban area and that they couldn't cross Chicago boundaries. What I'm concerned about, and maybe you can answer my question, is, will they be able to dilute the Republican vote by what they did to us in the reapportionment fiasco of 1980 by crossing city lines into the suburbs and we might end up with maybe only four Republicans instead of the seven that we now have?"

Topinka: "It is not the intention of this Bill to allow that to happen. This just codifies the situation, and I think it

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

96th Legislative Day

April 22, 1982

would continue to keep the predilection of the areas involved as they are, as opposed to having an overlap from the City of Chicago."

Conti: "Would that be single Member districts then?"

Topinka: "No."

Conti: "That's fine. I have no problem."

Speaker Peters: "Representative Dunn? John Dunn? Representative Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to this Bill for two reasons. Number one, it violates the Illinois Constitution. The Illinois Constitution of 1970 contains specific provisions relative to the reapportionment of the County of Cook in terms of its county commissioners. The Illinois Constitution provides that reapportionment can be done either by ordinance of the County Board or by referendum of the people. There is absolutely no authority contained in the Illinois Constitution for the Illinois Legislature to perform reapportionment of the Cook County Board of Commissioners by law. Therefore, this Bill stands in violation of the Illinois Constitution. Secondly, a provision which provides that there shall be a strict demarcation of a county along a geographical boundary line clearly is in violation of the Federal Constitution requirement of one man, one vote. If you would just think through this in very practical and mathematical terms, any reapportionment must be performed according to one man, one vote principles. And to lay on top of that and in front of it a geographical requirement which creates two districts, one, the City of Chicago, the other, everything outside the City of Chicago, in practical terms would make a reapportionment which would conform to one man, one vote impossible. For those reasons, I stand in opposition to

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

96th Legislative Day

April 22, 1982

the Bill."

Speaker Peters: "Further discussion? Representative Barr."

Barr: "Mr. Speaker, Ladies and Gentlemen of the House, it's always amazing to me how the ...some of the Members of this Body, particularly those on the other side of the aisle, propose various things and then change their minds if Sponsorship comes from this side. Now, the proposal for single Member districts of the Cook County Board of Commissioners has been a proposal made by the Democratic majority on that Board many times over the years, most recently just last year when the President of the Board, then the Democratic County Chairman of Cook County, pushed very hard for single Member districts. Now all we're doing is agreeing with that principle in Representative Topinka's Bill. It's not a partisan Bill at all. What it does is take a position that has been supported by the Democratic party and some Members of the Republican party in groups such as the League of Women Voters, in attempt to put it into the Statutes of this state so that the people of Cook County can join the people of all the other counties of the...of this state and have Members of their County Board who are directly responsible to them. Her Bill also seeks to do, which most people who have supported this concept of single Member districts have long sought to do, and that is protect the integrity of the various areas of the county so that what happened in our state redistricting, where communities were torn asunder for partisan purposes, cannot happen in Cook County if we go to this single Member district proposal. This is...This is not a partisan proposal. It's good government. It's a good Bill and it deserves the support of all Members of this House."

Speaker Peters: "Representative Yourell."

Yourell: "Yes, the last Gentleman who spoke has a very poor

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

96th Legislative Day

April 22, 1982

recollection of histrionics when he refers to a political division of opinion relative to single Member districts, that as applies to the reapportionment of the County Board of Cook County. Two years ago I proposed a Bill that would do exactly what Representative Topinka is proposing today, and that Bill was defeated by the Republican side of the aisle lead by those individuals from DuPage County. They did not want their county reapportioned into single Member districts. So, the Gentleman that spoke last should review what happened in this..in this General Assembly two years ago, recall a Bill that I had introduced to do exactly what Representative Topinka is attempting to do now."

Speaker Peters: "Further discussion? Representative Wolf."

Wolf, J. J.: "Thank you, Mr. Speaker, Members of the House. I'm very supportive of this. I believe that not only it doesn't go far enough, maybe you should even reduce their number by a percentage figure, maybe 25 or a third or something like that. But probably the greatest political job, the greatest political job in the City of Chicago or Cook County is being a county commissioner. Not only do they make more money than the Members of the General Assembly - they probably meet a couple of times a month - they never have to leave home, go away, out of town overnight - but nobody knows who they are. They don't have a district. They don't have to be responsible to a constituent. They don't have to have a district office. They don't have to do anything. And in the City of Chicago, if a person has a problem, they go to see their Ward Committeeman or Alderman or maybe their State Representative or Senator and, possibly, even a Congressman, but he's far removed. But did you ever hear of anybody saying, 'We go to see my County Commissioner about this problem'. That's the greatest political job

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

96th Legislative Day

April 22, 1982

you'll ever find. As a matter of fact, you probably ought to increase the size and everybody should run for the County Board."

Speaker Peters: "Further discussion? Representative Topinka to close."

Topinka: "Yes, Mr. Chairman (sic, Mr. Speaker) and Members of the House, I really don't see this as a particularly partisan issue because it has had contributing input from Members on both sides of the aisle. Basically it has nothing to do with single Member districts at this point. It basically just codifies the law as it is now. The only thing it would do is that it respects population shifts. In the last two censuses we have had to go to Federal court to just have the increase in suburban population respected from the standpoint of suburban representation. And I think all of us here in the Democratic process ought to make sure that we are represented on a one man, one vote basis. At present, the County Board is divided ten/five. The option still exists for the County Board by ordinance to be able to add Members, but I think it behooves all of us here to respect a one man, one vote type decision and reflect those population changes. I would ask all of our colleagues here, be they Republicans or Democrats, to please come forth and support this Bill. It's good government."

Speaker Peters: "The question is, 'Shall House Bill 618 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? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 81 voting 'aye', 71 voting 'nay'. Representative Topinka?"

Topinka: "Mr. Speaker, I would like a Poll of the Absentees."

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

96th Legislative Day

April 22, 1982

Speaker Peters: "The Lady asks for a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees: Balanoff. Brummer.."

Speaker Peters: "Representative Brummer votes 'no'."

Clerk O'Brien: "Deuster. Ebbesen. Garmisa. Jackson. Johnson.
Kane. Katz. Kucharski..."

Speaker Peters: "Kucharski, 'aye'."

Clerk O'Brien: "Loftus.."

Speaker Peters: "Loftus, 'no'."

Clerk O'Brien: "Macdonald. Mautino. Murphy. Polk..."

Speaker Peters: "Polk, 'aye'."

Clerk O'Brien: "Satterthwaite. Turner. Vitek. Wikoff. And,
Younge."

Speaker Peters: "What's the count, Mr. Clerk? On this question
there are 83 voting 'aye', 73 voting 'nay', 5 voting
'present'. This Bill, having failed to receive the
Constitutional Majority, is hereby declared lost. House
Bill 665? Representative Catania? Read the Bill, Mr.
Clerk."

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

Speaker Peters: "Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. House
Bill 665 is a permissive Bill which would add to the
Marriage and Dissolution of Marriage Act the provision that
the court may award joint custody of a child when it is
determined to be in the best interest of the child and when
both parents agree to the terms of the custody. This Bill
came out of hearings with the Family Committee of the
Commission on the Status of Women on the problems of one
parent families, and the testimony indicated that
frequently, even though the parents no longer get along and
have sought a divorce, it becomes a problem for the

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

96th Legislative Day

April 22, 1982

children and the parent who does not have custody because that parent is made to feel unfit, even though he or she well may not be unfit. And it also was testified to that people don't feel any particular commitment to or reason to continue to pay child support when, in fact, they are no longer the legal custodian of the children and they have been denied the right to care for the child and to have any control over what happens to the child. So this is as I said a permissive measure. It simply adds an option to what the court may order when a custody order is issued, and I'll be happy to answer any questions."

Speaker Peters: "Any discussion? Representative Jaffe."

Jaffe: "Yes, Mr. Speaker and Members of the House, I rise in opposition to this Bill. Well intentioned as it may be, I think it would really cause havoc with a lot of things in our society. Let me, first of all, state that there is nothing in this Bill that the courts cannot already do. Every court in this state can do it and, as far as I know, all the courts, in Cook County, do have joint custody when it's necessary to have that. But let me go on from that and say that the passage of this Bill, I think, will cause everybody to now come in and try to get joint custody. You have to understand that joint custody is a very, very sensitive think, and I do handle domestic relations matters; and, I speak from experience. You know, divorce is really most traumatic to the child. The child really has to have direction. They have to know who is the parent that they can actually go to, and what happens, in most joint custody cases, is you have situations wherein the children really are confused. They play one parent against the other. No parent really has the full direction of that child, and joint custody is really not a good thing. What you have is you have two people, generally, who can't get

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

96th Legislative Day

April 22, 1982

along, and the only area where you leave them interact and conflict is the area concerning children. That's really the one area that you should not get involved in. I think that this type of legislation really is great for divorce lawyers, because you'll have a million cases wherein the husbands will now come in and say, you know, 'Get us joint custody because that's what the law is'. But it really is traumatic to children. I think it's detrimental to children. I think the legislation is well intentioned, but I think it will create havoc; and, if you feel strongly about children, I think you're going to vote 'no' on this piece of legislation."

Speaker Peters: "Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Peters: "She indicates she will."

Brummer: "Representative Catania, is it your intention that the... these provisions regarding joint custody can be applied by the court retroactively? In other words, pursuant to a modification petition for a divorce that was granted two or five years ago."

Catania: "Representative Brummer, it would be modified in the same way that any other custody order could be modified. The second part of the Bill deals with modification and says that, after two years, there can be a request for modification, and this certainly could be one of the things that was requested, I think."

Brummer: "Well, including modifications of decrees that were entered prior to the effective date of this Bill?"

Catania: "I'd have to look at the Bill and see if it looks as if that applies. Have you read the Section on modification? Alright. The Amendment is now the Bill. It's Amendment #4 on House Bill 665, and the Section on modification, Section 6.10 in the Marriage and Dissolution of Marriage Act, is on

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

96th Legislative Day

April 22, 1982

page two of the Bill. The way it reads it certainly does not look as if this is an option in an order that has previously been issued."

Brummer: "Okay. The second question, you referred to this Bill... it was your opinion that this would assist with regard to payment of child support. Is it your... Do you have an opinion whether this would create a diminishment of the amount of child support awarded when a joint custody decision is made by the court?"

Catania: "I think it would certainly be reasonable for the court to take into consideration the resources of both parties and what each was going to contribute to the arrangement, and the court might decide that both had resources that they could contribute. It's really impossible to say whether a case that they decided last year would have had higher child support, because one parent was just out making money and not having any care for the children. But this year they would have joint custody and; therefore, one would be making a smaller contribution because he was also providing some groceries and some clothing and shoes. And it really is up to the court to decide that. That's not impossible to imagine, because they might work it out so that they would share more equally now, in what they would actually physically be providing for the children. Although, I would like to point out that it does not require, when it defines joint physical custody, that children spend time, physically, in one household with one parent and then, physically, in the other household with the other. It simply says that, in order for there to be joint physical custody, there must be a way of maintaining close, continuous contact with the other parent, and, of course, that could be by telephone or by the other parent just stopping by the household of the custodial parent.

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

96th Legislative Day

April 22, 1982

So, it really allows maximum flexibility to the court."

Brummer: "Thank you."

Speaker Peters: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I'm not certain that this Bill, from the analysis, does that much, but I would like to speak to the question of joint custody. In my own personal case, I have joint custody with my children... with my former wife of our three children. This has, in our case, been very successful, and I think that it gives me, as a father, the feeling that I still have some real input into this situation. I think it's very meaningful for whichever parent might otherwise be denied the custody. One of the former speakers talked about how this could lead to the children playing one parent against the other or the parents using the children. It's my belief that, in any divorce situation, where the parties are inclined to do that, it won't really matter whether it's joint custody, no custody or single custody. And where people and parents have that little consideration for the well being of their children, that's just what will happen. I think this is a good concept, and I think it should be included in our law; and, I think we ought to vote 'yes' on this Bill."

Speaker Peters: "Representative Getty. Representative Getty?"

Getty: "Would the Gentle... Would the Lady yield?"

Speaker Peters: "She indicates she will."

Getty: "Representative Catania, I want to refer back to the questioning by Representative Brummer just a few minutes ago. I think I understood you to say that this would not apply to cases prior to the enactment, if we would enact this, of this statute to cases that were pending prior to that. Did you say that?"

Catania: "When I looked at the Section 6.10 on modification, it

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

96th Legislative Day

April 22, 1982

looked, to me, as if it is addressing, in the new language, only cases that had started out as joint custody cases. Now, it certainly does not say that people cannot come in and petition the court for a change in their custody so that it can be changed to a joint custody order. I mean, the Bill simply does not address that. So, it's not my intent to grandfather in existing custody orders so that they have to stay the same way that they are, nor is it my intent to say that existing custody orders shall be changed. That's not what it says in this Bill. So, it's really just left to the discretion of the court. The Bill doesn't address it."

Getty: "Alright, but you would concede that, even under existing law, if there were a divorce decree in effect, minor children involved, that, for good reason, I could go in on a petition and ask to have a modification of custody. A modification of custody could include a petition, for one reason or another, that it ought to be either joint legal custody or joint physical custody or both, and that would be true under existing law. And it would not be your intent to change this, through this Act, so that if this were to become law, that this Act would not apply to pre-existing, pending divorce cases."

Catania: "That's right. This Bill, in no way, seeks to restrict the courts' power over existing custody orders."

Getty: "Thank you."

Speaker Peters: "Representative Jack Dunn."

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

Speaker Peters: "Question is, 'Shall the previous question be put?'. Those in favor will signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it. Representative Catania, to close."

Catania: "Thank you, Mr. Speaker and Members of the House. I

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

96th Legislative Day

April 22, 1982

think that the people who have spoken in favor of the Bill have made excellent points. This is a Bill that permits, does not require, but permits the court to issue a joint custody order, when both parties agree and when it is clearly in the best interests of the child or the children. It protects both parents from the damage that can be done when it is implied or perhaps even stated that either parent is unfit and is not someone who ought to have the care and concern and custody of the child, and I ask for your support."

Speaker Peters: "The question is, 'Shall House Bill 665 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Stewart, to explain her vote."

Stewart: "Mr. Speaker, I rise for the purposes of introduction, if that's proper."

Speaker Peters: "As soon as we conclude this. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 138 voting 'aye', 16 voting 'nay', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Now, Representative Stewart, for what purpose do you rise?"

Stewart: "Thank you, Mr. Speaker. I rise for the purposes of an introduction."

Speaker Peters: "Proceed."

Stewart: "I would like to introduce young people from the Jane A. 'Neal' School in my district, in the City of Chicago. They are also represented by Representatives Ray Ewell and Representative Jackson. The children from the 'Neal' School...Thank you. The 'Neal' School has won particular recognition because it's pioneered in the field of education for the physically handicapped. It includes..."

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

96th Legislative Day

April 22, 1982

It has over 200 students that are fully integrated between the physically handicapped and the children with fine... In addition to the regular classroom teachers, they are supported with a staff of psychologists and therapists, and they're a great group of young people; and, I hope that they have an enjoyable stay in Springfield. Thank you."

Speaker Peters: "House Bill 703, Representative Watson. Out of the record. House Bill 710, Representative Klemm. Representative Klemm. Out of the record. House Bill 730, Representative Pierce. Out of the record. House Bill 745, Representative Stearney. Representative Stearney. House Bill 798, Representative Hannig. Out of the record at the request of the Sponsor. House Bill 807, Representative Tuerk. Out of the record at the request of the Sponsor. House Bill 842, Representative Rigney. Out of the record. House Bill 845, Representative Grossi. Is he here? Out of the record at the request of the Sponsor. House Bill 859, Representative Karpiel. 859? Out of the record, request of the Sponsor. House Bill 944, Representative Tuerk. Out of the record, request of the Sponsor. House Bill 957, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 957, a Bill for an Act to amend Sections of the Motor Vehicle Franchise Act. Third Reading of the Bill."

Speaker Peters: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 957 amends the existing Motor Vehicle Franchise Act that this General Assembly passed a couple of years ago. This Bill clarifies some of the provisions in that legislation and in that law to give additional protection to auto dealers in Illinois against arbitrary treatment by manufacturers. It defines, as we explained last night during the discussion, the relevant market area, a concept

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

96th Legislative Day

April 22, 1982

used in the present law but not defined; and, it defines that concept so that we can avoid primary disputes over the adding of new franchises near existing franchises. The relevant market area would be defined in accordance with population. In the case of a county over 300,000 or more, it would be within ten miles, or a county smaller than that would be within fifteen miles. The Bill also goes on to close a loophole in the law, by prohibiting a manufacturers relocating one existing franchise into the relevant market area of another. I believe the Bill is well drafted in its present form. We discussed the Amendment last night, at some length, and I'd ask for your favorable vote."

Speaker Peters: "Any discussion? Representative Hastert."

Hastert: "Would the Sponsor yield?"

Speaker Peters: "He indicates he will."

Hastert: "Mr. Sponsor, just a question to clear up some questions I have in my mind. Let's say, for instance, we'll use General Motors. Okay? Had a dealer, say a Chevrolet dealer, alright? And, or let's make it... let's say a Pontiac dealer, okay? And they also have an Oldsmobile dealer with... or they wanted to ... you know, what's relative? What's the manufacturers? Is the manufacturer one company, or is it a brand name or what's the definition there?"

Daniels: "It would be by the brand name."

Hastert: "So, otherwise, Pontiac would have to be ten miles away from Pontiac or whatever. Thank you."

Speaker Peters: "Further discussion? Representative John Dunn.
Representative John Dunn."

Dunn: "I'll move the previous question."

Speaker Peters: "Further discussion? There being none,
Representative Daniels, to close."

Daniels: "I would appreciate your favorable vote for this nice

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

96th Legislative Day

April 22, 1982

piece of legislation."

Speaker Peters: "The question is, 'Shall House Bill 957 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? Switches are still open. Representative Vinson, to explain his vote."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would urge an 'aye' vote on this Bill. I would urge an 'aye' vote on this Bill for a very simple reason. Some people are concerned that this represents interference in the market place, and it does, to an extent; but, it represents that kind of... It represents that kind of interference premised on a very good purpose. When we recognize monopoly power, then it's appropriate to regulate. We have clearly a situation here where there is monopoly power present on the part of the manufacturers, and, unless you even the bargaining power across the negotiating table between the manufacturer and the dealer, there's no way you're going to have a real competitive market. You've got to provide some degree of equity across the bargaining table, in this kind of a situation, because of the presence of monopoly power. So, I would urge an 'aye' vote."

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

Daniels: "Did you take the record?"

Speaker Peters: "Do you want to turn him louder?"

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, obviously, we have some problem with the explanation of the Bill, and I think that, perhaps, what you should understand that this Bill deals with a very, very difficult area now of your new car dealers, existing auto dealers throughout Illinois. Those of you that have those dealers in your

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

96th Legislative Day

April 22, 1982

locale and in your representative district should be aware of the fact that this is a very, very important piece of legislation for them, right now. Perhaps, one of the most important pieces of legislation that they face because of the difficulties in the auto industry. This is really called fairness in manufacturing, fairness in franchising, fairness in dealing with the big guy against the little guy, and it's your dealers; those people that have supported you in the election process, those people that have worked with you that are asking for your help right now in the definition of certain market areas that has been considered before, in other legislation that you passed. And, I think, when you look at your vote and you think about your vote and you think about the dealers that are in your area, such as dealers in my district, such as Buick dealers in my district, Chevrolet dealers in my district; what they're asking for from you is assistance in protecting them against franchise violations so that they don't move another dealer. Now, how many of you know dealers that have closed? How many of you know dealers that have had to move into other areas? How many of you know dealers that are troubled right now, today, in a difficult market? That's what this legislation is all about. That's what we're trying to correct, and I'm sorry you took the record so soon, Mr. Speaker. I understand you're trying to move it along here, but I think that, if the Members of this House really understood what this is about and really considered the problems of a dealer, that they'd reconsider their vote."

Speaker Peters: "Representative Darrow, to explain his vote."

Darrow: "Thank you, Mr. Speaker. How am I recorded?"

Speaker Peters: "Gentleman's recorded as voting as 'aye'."

Darrow: "Please change that to 'no'."

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

96th Legislative Day

April 22, 1982

Speaker Peters: "Representative Darrow wishes to be changed from 'aye' to 'no'. Representative Kelly. Representative Kelly wishes to be recorded as voting as 'no'. Any other changes, additions? Representative Leverenz wishes to be recorded as voting 'aye'. Any other changes? Additions? Take the record and the count, Mr. Clerk. On this question there are 48 voting 'aye', 110 voting 'nay'. House Bill 957, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 1003, Representative Birkinbine. Out of the record, request of the Sponsor. House Bill 1103, Representative Schneider. Is the Gentleman in the chamber? Representative Schneider. Out of the record. House Bill 1154, Representative Stanley. Out of the record, request of the Sponsor. House Bill 1158, Representative McPike. Out of the record, request of the Sponsor. House Bill 1162, Representative Sam Wolf. Penny? Who's... Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1162, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

Speaker Peters: "Representative Pullen."

Pullen: "Thank you, Mr. Speaker. Representative Sam Wolf has assumed the sponsorship of this Bill today. So, I will defer to him. I'm still a Cosponsor."

Speaker Peters: "Representative Sam Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. As many of you know, several years ago the General Assembly passed legislation to provide that candidates for political offices that is nominating petitions for candidates of the Independent Party would be required to file their nominating petitions at the same time as those of established parties. Now, it was thought that, at that time, a problem had been addressed and that a problem had been solved. However, it developed later that the subject

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

96th Legislative Day

April 22, 1982

of new parties hadn't been addressed and hadn't been solved. Therefore, House Bill 1162 simply provides that candidates of new parties shall file nominating petitions at the same time as those of established parties. This Bill, hopefully, will address a problem that we have in downstate Illinois. We have a considerable problem in that, in the primary races, people run for county board offices lose the election and then turn up later in the Fall as candidates under a new party. It's discouraging. It's frustrating for people who win the primary election, and I'm talking specifically with reference to county board members, to find that, after all, you didn't win the election ... or rather the primary after all, but that you're winding up with the same opponent in the Fall. Now, I think we have something to consider here in that, in the Representative Districts, we are also now confronted with single-Member districts, and I would assume that the State Board of Election will take the same position with regard to a complete slate of candidates, with regard to Representative Districts, as they took with regard to slate of candidates, with regard to county board, in that they only require that the candidate himself, that is the candidate himself, consist of the entire slate. Therefore, all that has to happen is for the candidate himself, he or she, to file that is the slate. I would hope that, with the passage of this particular Bill, we would address that problem and eliminate the confusion that now exists, and I assume throughout the State of Illinois. I would also like to point out that this Bill doesn't have an immediate effective date; therefore, theoretically, it wouldn't apply to the elections of this year. I would like for the Parliamentarian to rule on that, at this point, if he would."

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

96th Legislative Day

April 22, 1982

Speaker Peters: "... Wolf, I am informed that would be on the province of the Chair to make any comment or ruling in regard to that particular question."

Wolf: "Well, is that because you don't have a copy of the Bill there, Mr. Speaker?"

Speaker Peters: "No, the Chair can rule to the germaneness. The Chair can rule as to whether it takes 107 vote, but the Chair does not involve itself in terms of the content and the meaning of the legislation. That is to the Sponsor and to the Assembly."

Wolf: "Thank you. There is no effective date in the Bill, as I indicated before, no immediate effective date; therefore, it wouldn't seem that this Bill would have any effect on the elections to be conducted this year. I would simply ask for your support."

Speaker Peters: "Any discussion? Representative Miller."

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

Speaker Peters: "He indicates he will."

Miller: "Representative Wolf, would this affect, in any way, an individual who might attend a political caucus for a township election, be defeated and then attempt to seek election as an Independent or a member of another slate?"

Wolf: "This would affect any candidate who would come within the purview of the ... of Chapter 46, Paragraph 10-6. If that would include those individuals within the caucus structure that you're talking about, yes."

Miller: "Is it your informed opinion that that would include such an individual or not?"

Wolf: "I don't believe I could answer that question, Representative Miller."

Miller: "Thank you."

Speaker Peters: "Further discussion? Representative Alexander."

Alexander: "Thank you, Mr. Speaker. Will the Gentleman yield for

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

96th Legislative Day

April 22, 1982

a question?"

Speaker Peters: "Indicates he will."

Alexander: "Sam, am I understanding you correctly that, in a primary election, and let me use a classic example, and I became the winner of the primary. This Bill would, in fact, preclude, in the general election coming up in the Fall, a second quasi primary election by the same individual refiling against me in the November election, causing me to run like in a second primary for the general election?"

Wolf: "If... If I understand your question correctly, it would preclude an individual who ran against you in the primary from running against you again in the Fall. That is true."

Alexander: "Okay, and this is not..."

Wolf: "Under the label... under the label of a new party."

Alexander: "Alright. Thank you. Now, this Bill would not just only affect suburbs or anything. It would be ... the general election laws would be a part of those... the general election laws of the State of Illinois. Am I correct?"

Wolf: "That's correct."

Alexander: "Alright. Thank you."

Speaker Peters: "Further discussion? Representative Ebbesen."

Ebbesen: "Yes, for the record, again, it is the legislative intent of the Sponsor, since this, as I understood you to say, it has no effective date; that, if it was to be passed and signed into law, that it shall not affect the general election this year. Is that right?"

Wolf: "Representative Ebbesen, in my opinion, the Bill, as it is at the present time, would have no effect on the elections this year."

Ebbesen: "Yes, but, I guess, for the record then, would... it is the Sponsor's intention that it shall have no effect on

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

96th Legislative Day

April 22, 1982

this general election. That is the legislative intent."

Wolf: "That would be my intent, yes."

Ebbesen: "Yes. Thank you."

Speaker Peters: "Further discussion? Representative Koehler, is your light... Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Would the Sponsor yield for a question?"

Speaker Peters: "Indicates he will."

Koehler: "Representative, does this legislation only affect candidates that have lost primaries? What about the candidate who now wants to fill a vacancy and be nominated and run again in the Fall... run in the Fall? Does it affect only people who have lost primaries and then want to run as an Independent?"

Speaker Peters: "Representative Wolf."

Wolf: "In my opinion, this would have no effect on the filling of a vacancy in a political office. If you're talking about filling a vacancy where a vacancy exists, let's say, at the present time, either on the Democrat Party, the Independent Party or the Republican Party, it would have no effect on those offices, no."

Koehler: "Well, who does it affect other than the candidate that lost a primary and then wants to run as an Independent? Does it have an effect on any other type of candidate?"

Wolf: "This applies strictly to new parties. The problem of independent parties and the problem of established parties has already been provided in the statutes."

Koehler: "Well, does this make it more difficult for a person to run for office then in the Fall? What about a person who... who just decides that they want to run now? They want to create a new party. They haven't run in the primary before, but they want to create a new party right now and run in the Fall."

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

96th Legislative Day

April 22, 1982

Wolf: "This would require them to file their nominating petitions at the same time as those of other parties."

Koehler: "Well, that... this would prevent them from doing... from running this Fall."

Wolf: "It would make it more difficult. It would make it more difficult in that they would have to determine, at an earlier date, whether or not they were going to run."

Koehler: "But this would make it more difficult then for..."

Wolf: "Yes, it would, but it's primarily aimed at preventing a person from running in the primary and losing and then coming back, at a later time in the Summer or Fall, and declaring himself a candidate, under a new party label. That's the primary purpose of the Bill."

Koehler: "Well, I realize that that might be a problem, but is this a tremendous problem, one that we..?"

Speaker Peters: "Representative Koehler, I believe we're getting into a dialogue."

Koehler: "Thank you."

Speaker Peters: "I think that the Gentleman explained that, if you lose in the primary, you cannot run as a new party. If you want to run as a new party, you've got to file at the same time as everybody else, the same number of signatures and petitions. Am I right, Representative Wolf?"

Wolf: "That is correct."

Koehler: "Yes. Thank you."

Speaker Peters: "Okay. Any further discussion? Representative Winchester."

Winchester: "I would just like to move the previous question, Mr. Speaker."

Speaker Peters: "Gentleman moves the previous question. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Representative Wolf, to close. Sam Wolf."

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

96th Legislative Day

April 22, 1982

Wolf: "Well, Mr. Speaker, I would simply... I think that the Bill has been adequately discussed and debated. I would simply request the support of the Body in the passage of this particular Bill."

Speaker Peters: "The question is, 'Shall House Bill 1162 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? Have all voted who wish? Have all voted who wish? Switches are still open. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 133 voting 'aye', 20 voting 'nay', 5 voting 'present'. House Bill 1162, having received a Constitutional Majority, is hereby declared passed. Representative Bell, for what purpose do you rise, Sir?"

Bell: "Mr. Speaker, I rise to introduce the Fulton Christian School, seventh and eighth graders, up in the gallery above the Democrat side, represented by Representative Darrow, Polk and myself."

Speaker Peters: "Welcome to Springfield. Thank you. House Bill 11... Representative Mulcahey, for what purpose do you rise, Sir?"

Mulcahey: "Mr. Speaker, that last Bill I hit the wrong button. Can I be recorded as 'no', please? True, I did. That was..."

Speaker Peters: "Gentleman have leave to be recorded as voting 'no'? Representative Mulcahey asks leave to be recorded as voting 'no' on House Bill 1162. Are there objections? There being none, the Gentleman will be so recorded. House Bill 1180, Representative Ropp. Yes? Out of the record at the Sponsor's request. House Bill 1208, Representative Macdonald. Out of the record. House Bill 1219, Representative Stearney. Out of the record. House Bill 1260, Representative Wikoff. Out of the record, request of

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

96th Legislative Day

April 22, 1982

the Sponsor. House Bill 1261, Representative Wikoff. Out of the record, request of the Sponsor. House Bill 1268, Representative McAuliffe. Representative McAuliffe. Out of the record, request of the Sponsor. 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 and damages. Third Reading of the Bill."

Speaker Peters: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, you've all heard a great deal of discussion involving this Bill and took part and participated in a lengthy debate last night. House Bill 1317 is a product liability Bill which seeks to redress the present imbalance in the law in design defect cases and failure to warn cases. In both these types of cases, the state of the case law has led to recoveries where the manufacturer really should not have been found liable or held liable. What we've attempted to do, in this Bill and have done, is to clarify existing law and to eliminate the disparity between Appellate Court districts throughout Illinois; where you'll find case law in one district being interpreted one way and case law in another district another way. Now, you heard the debate last night. You are aware of the various discrepancies that the various Appellate Court districts have found throughout the State of Illinois. And, when we discussed this last night, we discussed one of the provisions, being the alternative provisions, to prove the proposed alternative was an alternative, within the meaning of this Bill. The plaintiff... the plaintiff, in order to recover, would have to prove that the design or the alternative design would have substantially lessened the likelihood of the complaint of injury; that that design was

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

96th Legislative Day

April 22, 1982

known or should have been known or should have been known, by the manufacturer, and was technologically possible, and that design was feasible and practical. The purpose is to require that a plaintiff, to actually show that, where he alleges that the design was unreasonably dangerous in a material, that it was unreasonably dangerous when it left the manufacturer, the gist of the strict liability theory of recovery, so that he proves that there was an alternative design readily available. Moreover, all of the elements required to be proven to show the alternative was available are reasonable requirements that a plaintiff should meet reasonable requirements before they're allowed to recover. In summary, the provisions relating to alternative design, namely Section 3, clarifies existing law by making it clear that the plaintiff must prove that a feasible alternative design was available at the time the 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 manufacturers' liability and recognizes that a product's design must be analyzed under a reasonableness. And, if you look at that Section of the law, you see it set forth, very clearly, in analyzing the differences from today's law and where it's set forth in House Bill 917. There's another provision of the law which is called the failure-to-warn portion of the Bill, which addressed issues on whether there is a duty to warn, and whether the duties of the warnings are adequate and whether the alleged failure actually caused the injury. In other words, should the manufacturer, under the given circumstances, be

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

96th Legislative Day

April 22, 1982

required to set forth a warning on the product. The proposal is far less dramatic, perhaps, than you might be led to believe by some of our learned colleagues in the House; and, during the discussion that will ensue, you'll hear them come up and say, 'Well, what about this situation or that?', and, 'What about this ruling or that ruling?'. And this... Yes, many of them will confuse the issue, but what we've done, under the existing Bill before you, is we've clarified that so that it can stand out, and so that the manufacturers of our state, the small guys of our state, your friends, your neighbors, the people that supported you for office can, predictably, protect themselves against law suits that, in many cases, should not be brought. And I'm asking you to look carefully at this Bill. I'll be happy to answer whatever questions you have; but, in the cases that I'm sure that you'll see, Section 4, which is the failure to warn, deals with three aspects of a claim premising liability on an alleged failure to warn. Those three are where a duty to warn exists, of what constitutes an adequate warning and the relationship of the injury sustained to the failure to warn itself, or, more adequately set forth, refers to the proximate causation of the injury. In summary, Section 4 would change existing law in a limited fashion. It would make it clear that determinations regarding when a duty to warrant arises and whether a warning is given are to be judged using objective standards. It would require a plaintiff to prove a causation. These changes are fair and reasonable and would create predictability in this very, very important area. We're asking, yes, that you help the small manufacturers in this state; the people that have supported you and the people throughout this state that are attempting to put out a good product. This does not hurt

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

96th Legislative Day

April 22, 1982

any person. What it does is set forth the law in a clear manner. I solicit your favorable support."

Speaker Peters: "Any discussion? Representative Greiman."

Greiman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor uses a great many buzz words about small manufacturers, as if, somehow, this was a small business Bill. This is a Bill that applies to manufacturers of goods. Small people of this state, the people who elected you, are the people who will lose legs and hands and arms. He tells you that somehow the small manufacturers elected you, but the people, the small people, who will lose those arms and hands and legs, they somehow... they must be all from out of state, I guess or maybe they don't vote. It seems to me that... And then he tells us that these are claims that would not have been, otherwise, given. Well, the truth of the matter is that, statistically, in Illinois, the defendants are winning better or close to one-half of all of the products liability cases. So, the defendants are getting a good shake. This isn't a question of plaintiffs or defendants. These defendants... These plaintiffs who are winning have gone to court. They've used the traditional legal system. They've been directed with jury instructions. A jury has come and sat and listened to what their injuries were. The causation must be proved. It is not assumed in any event. It must be proved, and the juries have found that chain of causation necessary to affix liability and then has found that an award is justified. Who wants this? Who says that people in Illinois who are injured shouldn't be compensated? Who wants it? Insurance companies want it. Does Mr. Daniels come and tell us, 'Well, the insurance premiums, if you pass this, will be lowered X-dollars'? Does he tell us that, if you do this, every little

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

96th Legislative Day

April 22, 1982

businessman, like General Motors and Ford and, you know, all the little businesses; that they'll all have a big savings and the dollar amount is so much? He doesn't tell you that. He never tells you that. He carries water for insurance companies. He carries it and he splashes that water on the heads of people who are injured in Illinois. Oh, what a metaphor. What a metaphor. Yesterday, we adopted some..."

Speaker Peters: "Excuse me, Representative. For what purpose do you seek recognition, Representative Daniels?"

Daniels: "To... Only to point out to the Gentleman that, when we had a Bill to protect the little guy against the manufacturers, you were one of the votes that took on the manufacturers and said, 'I'm going to support you and I'm going to help you'. So, when you talk about that, Greiman, let's leave it to the issue right now."

Speaker Peters: "Representative... Representative Greiman."

Greiman: "Under our rules, I get ten minutes. If Mr. Daniels wants to respond, he has an opportunity to waste his time during closing and do it at that time. Certainly, not during my important ten minutes."

Speaker Peters: "Proceed, Sir."

Greiman: "Thank you. I was coming to a close, in any event. What we have done, on this statute as amended, is to provide statutory jury instructions. We, in the Legislature, are telling juries what they can and they cannot consider in a personal injury claim. There's something far beyond what we have done. We have created, in this instance, a very one-sided law. One sided for manufacturers, one sided for people who have been negligent in designing equipment, and one sided against people who are injured. It's not a bleeding heart to say, 'Let the legal processes work as they have for the last 600 years'.

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

96th Legislative Day

April 22, 1982

Let them work as they have now where defendants are winning and winning quite often. These are not easy cases to prove. They are most difficult cases, and the defense are most alert and most astute in defending them. This gives an edge far more than we should have to every defendant, and we should vote 'no' on this Bill."

Speaker Peters: "Representat... Representative Epton."

Epton: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, as I indicated last night, I have a conflict of interest; but, as always, I will vote my conscience. In all fairness, however, and I should indicate that I will vote 'no'; in all fairness, however, I certainly have to disagree with the arguments we heard across the aisle. The Sponsor of this Bill is trying to meet a problem which does exist. It certainly is a valid problem, and it has to be met one way or the other. There are other Bills that will be coming before this House, hopefully, at a later date, which may meet the problem in a better fashion. But I resent any aspersions or illusions and, of course, the Sponsor can defend himself. This is a well-meant act in an attempt to solve a problem which is a problem facing the big man, the little man and the individual woman. I suggest to you that this Bill, unfortunately, does not meet the requirements of either the insurance industry, the large corporation, the small corporation or even myself. I hope you will consider it on its merits and not worry about who is behind, for or against this Bill. Thank you."

Speaker Peters: "Representative Piel, for what purpose?"

Piel: "I know it's against the House rules, Mr. Speaker, but I would like to, at this time, introduce Thornridge High School Illinois Vocational Industrial Clubs of Illinois. Would you stand, please? It's from the 10th Legislative District, represented by Representative Grossi,

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

96th Legislative Day

April 22, 1982

Representative Getty and Rep...and myself."

Speaker Peters: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker and Members, I rise in opposition to this Bill. This Bill would really totally wipe out products liability cases completely. I think it should be said, at the very beginning, that no other state in the Union has this type of law, nor do I know of any other state in the Union that would consider this type of law. You have to understand that defendants win more than 50% of all the products liability cases in this state anyway, but, in addition to that, this particular piece of legislation puts such a burden on the plaintiff that it would make it absolutely impossible for any plaintiff to really prevail. I did this last night. I think you ought to do it again. For those who have not read this Bill, just look at all the things that the plaintiff has to actually prove up, in addition to regular negligence, in accordance with this Bill. It says, 'For the purposes of this Section, a formula or design shall not be considered an alternative formula or design unless it..', and the plaintiff has to prove all of these things. 'A) Would have prevented or substantially lessened the likelihood of the occurrence of the injury or damage alleged', and 'B) was actually known by the manufacturer or should have been known by the manufacturer, with a reasonable concern for safety', and, the third thing, 'was technologically impossible at the time the product in question was manufactured', and, the fourth thing, 'was practical and feasible in the determination of which the tryor of fact may consider but shall not be limited to the following factors', and then it goes into three different factors. 'The likelihood of any new or additional hazards which might have occurred as a result of the alternative formula or design'. The next

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

96th Legislative Day

April 22, 1982

factor, 'The effect of such alternative formula or design on the usefulness of the product in question'; and three, 'The comparative costs of producing, distributing, selling, using, maintaining the product that's formulated or designed as alternatively formulated or designed'. It's really impossible for anybody to prove up a case like this. In order to prove up a case like this, as we said last night, a person would have to be a shareholder to the corporation and know how... have all the plans on how a particular item was manufactured. He'd have to have a PHD in engineering, and he'd have to have an awful lot of money in order to prosecute a case like this. This is a very unfair Bill, and it should be defeated."

Speaker Peters: "Representative Leinenweber. Representative Reilly. He's on the phone."

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

Speaker Peters: "Gentleman moves the previous question. 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 Daniels, to close."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, yes, I do react sometime, when some of the Members of the House talk about favoring one group or another or a large manufacturer over the people, but I want to remind you about one thing; that this Bill benefits all manufacturers in the state; and, I defy any person on this floor to look at any provision in this Bill and not realize that every provision in this Bill is somewhere in the case law here in Illinois. The difficulty and the necessity for the legislation that you have in front of you is because of the confused state of the law. You know about a case that we had not too long ago where a woman, she put her cat in the

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

96th Legislative Day

April 22, 1982

microwave after washing the cat, and the cat blew up. Lo and behold. Can you imagine such a thing happening? So, what does she do? She sues the manufacturer because the manufacturer failed to warn her that, if you put a cat in your microwave, it won't blow up. That's the kind of lawsuits that we're dealing with, and that's the type of clarification that we're trying to prevent here in this legislation. It is the little guy that's your protecting here. It's the little manufacturer that you're protecting so that we can have predictability in products liability actions. So, let's address the subject straight out and help the people of the State of Illinois, and I solicit your favorable vote."

Speaker Peters: "The question is, 'Shall House Bill 1317 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. The voting is open. Have all... Have all voted who wish? Have all voted who wish? Representative Stearney, to explain his vote."

Stearney: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I speak in opposition to this matter. The Gentleman has used those magic talismantic words that he's going to redress the imbalance in the law by passage of this Bill. He has not disputed the fact that 50% of the cases are won by the manufacturers. If he redresses the imbalance of the law any more, that means a plaintiff would never, never win. Perhaps that's what he means by equality. He also defies anyone to get up here and speak against these particular provisions, but I submit to you the Bill will do nothing, simply because every manufacturer manufactures products which trade in interstate commerce. Therefore, they are given a national rating by the insurance industry. What we, in Illinois, are doing is not going to affect this insurance rating. It will remain the same; and, if he were

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

96th Legislative Day

April 22, 1982

to look very much more closer, he would see that the insurance industry, especially in the area of workman's comp, themselves are now admitting that they are charging in excess of 50 million dollars a year, simply because we do not have... they do not have the freedom to set rates, competitively. It is the same thing here in products liability. The insurance industry is not going to reduce any rates. They are accomplishing nothing by passage or attempting to pass this Bill. Furthermore, as Mr. Jaffe pointed out, it would be almost difficult, if not impossible, ever to prove a products liability case, no matter what, simply because the ... the criteria set forth in this Bill create insufferable obstacles. How could anyone, how could any plaintiff, be it you or a friend of yours, ever prove what the comparative cost would be to that manufacturer to produce, distribute, sell, use and maintain the product? It's an impossibility. No plaintiff can ever prove that, simply because those facts and figures are in the hands of the manufacturer, the defendant himself, and he will never reveal nor divulge those figures nor give them up even to discovery, especially if a product has not yet been created. So, this is... this here is... is a cloud, a smokescreen. They are throwing sand in your eyes telling you they're going to hope to accomplish an objective by passage. The only thing they will do is to prevent the working man from ever seeking redress in the courts, and, remember, the Constitution of the State of Illinois says that every individual has the right to go into court to seek redress for his grievances. This does not do that. It takes away any and all rights...(cut off)..."

Speaker Peters: "Conclude your remarks, Sir."

Stearney: "Thank you, Mr. Speaker. I only urge that we vote 'no'

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

96th Legislative Day

April 22, 1982

on this particular measure. Thank you."

Speaker Peters: "Representative John Dunn, to explain his vote.

The timer is on."

Dunn: "Mr. Speaker, Ladies and Gentlemen of the House, I had my light on to ask a question. I don't have that opportunity now. I'd just like to ask the Members to take into consideration and be cautious about this Bill in voting upon it, because many of us live in districts where our city bus systems have 'Grummond' buses. And the 'Grummond' buses are, including the City of Chicago, are a cause of possible litigation, at this point in time, and the question I have about this legislation is whether it will jeopardize any product liability cause of action your municipality may have on the 'Grummond' bus problem. So, I would urge at least a 'present' vote on this Bill until this serious question can be answered."

Speaker Peters: "Representative Birkinbine, to explain his vote."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The principle spokesman against this on the other side of the aisle indicated that this was nothing more than a big business Bill. Well, I suspect he wouldn't know a small business if one hit him on the head. I spent years traveling around this state calling on small companies, manufacturing firms in the quad cities, in the Peoria and the Rockford area, and most of them are just that. They're small firms, usually started up by one person or a couple. They employ fewer than 20 people, and they're putting out a range of products that covers the full spectrum of things you might find in the marketplace. And they're all... most of all of them, I should say, are trying to put out the very best product they can, because that's how they're going to make a profit and be successful. Now, if you look at something that's manufactured today, in the best way

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

96th Legislative Day

April 22, 1982

they can manufacture it, look at it 20 years from now. It might seem crude. It might even seem dangerous, but that's judging them by tomorrow's standards. It's simply not right. It's not a mat... They love to bring in the insurance companies and the big companies and wave the bloody shirt. These people can't even get insurance. The big companies can afford to self-insure. The small manufacturer can't even get insurance, and this would help them by establishing some sort of standards. I think it's a good vote. I recommend you vote 'aye'."

Speaker Peters: "Any further discussion? Have all voted who wish? Have all voted who wish? Representative Ebbesen. Representative Winchester. Representative Winchester, explain your vote?"

Winchester: "Yes. Well, first, Mr. Speaker, for the purpose of an announcement. There's a person sitting up in the gallery, Mr. Speaker, that I'd like to ... to introduce to all the Members down here on the floor. Someone that's been in the General Assembly many times in the past and someone who was a former Member of this House, Mr. Speaker, who has a tremendous reputation throughout the State of Illinois. Someone that I know that my Democrats will be happy to hear who is in Springfield today, because he is a good supporter of the Democratic Party and someone that my Democratic colleagues, I know, will all want to..."

Speaker Peters: "Proceed, Representative Winchester."

Winchester: "Well, it's someone that, when I get around to introducing, I know that they're all going to appreciate and laugh with joy and probably run up to the galleries to say hello to this person, and this person has just been so good to the Democratic Party and has been very helpful to me, too, Mr. Speaker, as a Republican."

Speaker Peters: "The Chair appreciates all the comments and has

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

96th Legislative Day

April 22, 1982

been lenient, Representative Winchester. If you would conclude..."

Winchester: "Well, I look up there and he's gone now, Mr. Speaker. So, I apologize. I apologize, Mr. Speaker, but he'll be back and then I'll introduce him again."

Speaker Peters: "Representative Stearney."

Stearney: "Well, Peter Piotrowicz, you've been much too lenient now. Let's bang the gavel and take the record."

Speaker Peters: "Have all voted... Have all voted who wish? Representative Dwight Friedrich."

Friedrich: "Mr. Speaker, I'd like to know how I'm recorded."

Speaker Peters: "How is the Gentleman recorded? We don't have the record yet, Representative Friedrich. The light on the board, however, indicates you're voting 'aye'. Have all voted who wish? Have all voted who wish? Once, twice, have all voted who wish? Take the record, Mr. Clerk. On this question there are 88 voting 'aye', 74 voting 'no'. The Gentleman asks for a Poll... Representative Daniels asks for a Poll of the Absentees. Representative Greiman asks ... preserves his right to verify should this reach 89 votes. Representative Leinenweber, for what purpose do you rise, Sir?"

Leinenweber: "Yes, now that you have taken the record. How is Representative Stearney voting?"

Speaker Peters: "Representative...Mr. Clerk, how is Representative Stearney voted?"

Clerk O'Brien: "The Gentleman is recorded as not voting."

Speaker Peters: "Representative Leinenweber, Representative Stearney is not voting. Representative Leinenweber."

Leinenweber: "Vote him 'no'."

Speaker Peters: "Representative Stearney, do you seek recognition? The Gentleman wishes to be recorded as voting 'no'. Proceed, Mr. Clerk, with a call of the absentees."

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

96th Legislative Day

April 22, 1982

Clerk O'Brien: "Poll of the Absentees. Deuster. Johnson. Katz.
Keane. Macdonald. McGrew. Murphy. Vitek and Wikoff."

Speaker Peters: "Representative Martire."

Martire: "Mr. Speaker."

Speaker Peters: "Yes, Sir."

Martire: "How am I recorded?"

Speaker Peters: "How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'no'."

Martire: "Change my vote to 'yes'."

Speaker Peters: "Change the Gentleman to 'yes'. Any further...On
this... Any further changes, additions? Take the record,
Mr. Clerk. Representative Kucharski."

Kucharski: "Change me from 'no' to 'yes'."

Speaker Peters: "Gentleman wishes to be recorded or changed from
'no' to 'aye'. Any further changes? Representative
Stanley. He's gone. Representative Stan... Take the
record, Mr. Clerk. What is the count? The count is, on
this question there are 90?... 90 'aye' and 73 voting 'no'.
Representative Greiman asks for a verification of the
affirmative vote. Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I'd like permission to be
recorded for verification purposes. Thank you."

Speaker Peters: "Representative Greiman. Permission granted.
Representative Christensen asks the same. Granted. I
better get a piece of paper. Proceed with a verification
of the affirmative, Mr. Clerk. Representatives Hoffman and
Christensen have been verified, and Representative McBroom
asks the same privilege, Representative. Granted. Read
the roll of the affirmative."

Clerk O'Brien: "Poll of the affirmative. Ackerman. Alstat.
Barkhausen. Barnes. Barr. Bartulis. Bell. Bianco.
Birkinbine. Bluthardt. Boucek. Bower. Bradley.
Christensen. Collins. Conti. Daniels. Davis. Deuchler.

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

96th Legislative Day

April 22, 1982

Jack Dunn. Ralph Dunn. Ebbesen. Ewing. Fawell.
Findley. Flinn. Virginia Frederick. Dwight Friedrich.
Griffin. Grossi. Hallock. Hallstrom. Hastert. Hoffman.
Hoxsey. Hudson. Huskey. Jones. Karpel. Jim Kelley.
Klemm. Kociolko. Koehler. Kucharski. Kustra. Leverenz.
Martire. Mautino. Mays. McAuliffe. McBroom. McCormick.
McMaster. R. J. Meyer. Miller. Mulcahey. Neff. Nelson.
Oblinger. O'Brien. O'Connell. Olson. Ozella. Peters.
Piel. Polk. Pullen. Reed. Reilly. Richmond. Rigney.
Robbins. Ropp. Schraeder. Irv Smith. E. G. Steele. C.
M. Stiehl. Swanstrom. Tate. Telcser. Terzich. Topinka.
Tuerk. Vinson. Watson. Winchester. J. J. Wolf.
Woodyard. Zwick and Mr. Speaker."

Speaker Peters: "Representative Greiman."

Greiman: "Representative Collins."

Speaker Peters: "Representative Collins is in the chamber."

Greiman: "And Representative Grossi."

Speaker Peters: "Representative Grossi is in the rear."

Greiman: "Representative McAuliffe."

Speaker Peters: "Representative McAuliffe is in the well."

Greiman: "Representative O'Brien."

Speaker Peters: "Representative O'Brien. He's here."

Greiman: "Representative Glen Bower."

Speaker Peters: "Representative Bower is here. He's in the
front."

Greiman: "Representative Polk."

Speaker Peters: "Representative Pullen?"

Greiman: "Polk."

Speaker Peters: "Representative Polk is in the rear aisle."

Greiman: "Representative Ropp... Oh, he's here. Representative
Terzich."

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

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

96th Legislative Day

April 22, 1982

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

Speaker Peters: "Remove him from the roll."

Greiman: "Representative Winchester. He may be up in the balcony."

Speaker Peters: "He's in the rear."

Greiman: "Is Representative Bianco back there? I couldn't see?"

Speaker Peters: "Representative Bianco. Gentleman is in his chair."

Greiman: "Representative Ozella."

Speaker Peters: "Representative Ozella. He's in the rear."

Greiman: "Thank you, Mr. Speaker. That's all I have."

Speaker Peters: "That all you have. What's the count, Mr. Clerk?
Representative McGrew. McGrew."

McGrew: "Record me 'no'."

Speaker Peters: "Record the Gentleman as voting 'no'. What's the count, Mr. Clerk? On this question there are 89 voting 'aye', 74 voting 'no' and 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1338, Representative O'Brien. Representative O'Brien. Out of the record. House Bill 1346, Representative McClain. At the request of the Gentleman, out of the record temporarily. House Bill 1351, Representative Winchester. Call the Bill... Read the..."

Clerk O'Brien: "House Bill 1351, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

Speaker Peters: "Representative Winchester."

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1351, as amended, would now require all political committees to file campaign disclosure documents with the State Board of Elections. It deletes the requirements that local political committees and other political committees that act as both a state political committee and a local political committee must file

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

96th Legislative Day

April 22, 1982

disclosure statements with the county clerk. It's been recommended to me by members of the State Board of Election. It would be a dollar savings to county clerks. Insead of county clerks having to send the disclosure statements to the State Board of Elections, the State Board of Elections would be dealing directly with the candidates at the local level. It would save a considerable amount of money in postage and manpower. What the advantage would be to the State of Illinois is would be equal enforcement of the public disclosure law, as all committees would be filing with the same authority. Presently, some county clerks are laxed in sending complete reports to the Board of Elections and some reports aren't received until a year after they're filed with the clerks, which makes them very difficult to verify. It came out of Committee on an eleven to one vote, and I would ask for a favorable Roll Call vote."

Speaker Peters: "Any discussion? Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Peters: "Indicates he will."

Brummer: "Did I understand you correctly to say that this would require all reports to be sent to the State Board of Elections?"

Winchester: "Campaign disclosure documents. Whenever a, let's say a candidate for sheriff decides that he wants to run for sheriff, then he would have to fill out... if his campaign coffers exceeds 1,000 dollars, then he has to file a report, statement of organization and then he, as the rest of the candidates, State Legislature, whatever, have to file reports, periodically, with ... with the State Board of Elections. Then he, instead of sending it to the county clerk, would instead send it to the State Board of Elections here in Springfield."

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

96th Legislative Day

April 22, 1982

Brummer: "And, how would...if someone was concerned about that and wanted to examine it and, after all, it is for the purpose of shedding some sunlight on campaign financing; how would they obtain a record of this? Go to Springfield?"

Winchester: "Alright. No, it would be... it would be on file with the State Board of Elections, but then the State Board of Elections are mandated to send copies of that report back to the county clerks for the purpose of anyone who wishes to view that document can go to the county clerks office and review it."

Brummer: "And would that be sent back to the county clerk automatically, or would it be done so only on request?"

Winchester: "No, it would be done automatically."

Brummer: "So, instead of the county clerks currently collecting them and sending them to the state, the state would collect them and send them to the county clerks."

Winchester: "That's correct. Now, the problem, Representative Brummer, has been that many of the county clerks have been busy, workloads. You know, they have small staffs, at the county level. It's difficult for them to get the disclosure documents to the State Board of Elections. This way the State Board is dealing direct with the... with the political committee, and then the State Board will return it to the county clerk. The county clerk is saved the mailing expense, saved the time and all the involvement that would be in the process; and, then we're making sure that they comply with the law."

Brummer: "The state would pick up the mailing expense instead of the county clerks now?"

Winchester: "That's absolutely correct."

Brummer: "Would all the reports that are periodically required to be filed be forwarded immediately or within what time

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

96th Legislative Day

April 22, 1982

reference would they be required to be forwarded to the county clerks office?"

Winchester: "Restate... Repeat that question for me again, Rich."

Brummer: "If I understand this correctly, the filing would be directly with the State Board of Elections, and the State Board of Elections would turn around and mail that to the county clerks office."

Winchester: "That's absolutely correct."

Brummer: "How soon are they required to mail that, after it is filed?"

Winchester: "Well,... Well, I don't think that's spelled out, specifically, in the Bill, but I'm sure that it would be done within a very reasonable period of time."

Brummer: "It does spell out in the Bill that they shall mail them to the county clerk?"

Winchester: "Yes, it does."

Brummer: "And the county clerk shall have them available for public inspection?"

Winchester: "Yes, it does."

Brummer: "Does it say a reasonable period of time or immediately upon receipt?"

Winchester: "I think I've just been informed that it says a reasonable length of time."

Brummer: "And what, in your opinion, is a reasonable period of time?"

Winchester: "Within 30 days."

Brummer: "Well, some of the reports, for example, if I recall the disclosure correctly, some of those reports, within the last 30 days, there is a report #1 that is due 30 before the election. Now, if that's mailed within 30 days after receipt, it's going to be received the day of or the day after the election at the local county clerks office, and I would suggest that there wouldn't be much public

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

96th Legislative Day

April 22, 1982

disclosure, at least at the local level, as a result of that. And someone sitting in Pope County is not going to be able to determine what the other local candidates have filed, unless they journeyed to Springfield to determine that. There are also some reports that are required within the last 30 days upon two days notice, as I recall. If those are not on file to the county clerks office for another 30 days after receipt, I would suggest that we are not..."

Winchester: "You've got some very valid concerns there, Representative Brummer. It may be addressed in the Bill and I'm not sure, but you do have some very valid points and I... Since this is a Spring Calendar Bill, and I've got to get it out of here, if you'll let... You know, I'll be happy to work with you. We'll work out an Amendment. We'll ask the Sponsor of the Bill in the Senate to address that problem for us, if it's not already addressed in the Bill. But you do raise some good points."

Brummer: "Are you agreeable to a requirement that those be mailed within the following business day by the..."

Winchester: "I don't see any reason why they can't, because we're only... we're dealing with 102, and I don't see any reason why the minute that it comes in that it cannot be photocopied and a very clear photocopy put back in the mail back to the county clerk. I don't see any reason why that can't be done at all."

Brummer: "Thank you."

Speaker Peters: "Any further discussion? There being none, Representative Winchester, to close. Representative Winchester, to close."

Winchester: "Well, I think... Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think we've... I think, between Representative Brummer and I, we pretty well got

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

96th Legislative Day

April 22, 1982

into depth in the Bill. It will save county clerks money. It will speed things up and make things more on a... a parity or equitable basis for all candidates running, and I think some of the issues that Representative Brummer brought up are good issues. I think we can address that in the Committee or perhaps in the rule-making process, if the legislation becomes law. So, I would just ask for a favorable vote, Mr. Speaker."

Speaker Peters: "The question is, 'Shall House Bill 1351 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Switches are still open. Kulas 'aye'. Representative Mautino. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 154 voting 'aye', 8 voting 'nay', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1502, Representative Abramson. Gentleman in the chamber? Out of the record. House Bill 1520, Representative Rea. Out of the record, Gentleman's request. 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 property taxes. Third Reading of the Bill."

Speaker Peters: "Representative Miller."

Miller: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1527 originated as a bipartisan effort with Representative Woodyard and Bradley and Schraeder and myself sitting down trying to put together the best thoughts on property tax limitations that have occurred in the last few years. There were Subcommittee hearings, full Committee hearings, and it was debated on the floor here

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

96th Legislative Day

April 22, 1982

last Spring at great length. Subsequently, an Amendment added by Representative Pierce was adopted, and last night we modified that slightly so that it would apply to 1982 extensions as opposed to 1981. We also took out the home-rule limitation, since a lot of home rules feel they shouldn't be so restricted. That Bill is now in the basic form recommended by the Democratic Task Force, and it's been suggested by some people that this would hurt schools, would hurt local government, and I can't believe, for a moment, that the Democratic Task Force and its members would have spoke... proposed the terms of this if they would have been of such a mind. What it does is it puts a cap on the increase in an extension from '81 to '82. It does not freeze them. It does not cut them. It simply keeps the increase from going up a certain amount, recognizing that rate limitation, which they now operate under, are no longer effective if you have rising property values. The increase is limited by the five-year average increase in Illinois' personal income, a statistic provided by the United States Government. The last figure, to my knowledge, is 9.8%. In addition, the Bill has numerous exceptions which would not be capped. It does not put a cap on any increase approved by voters. So this would allow voters to express whether or not, in fact, they were in support of their municipal government or their county government or their school district increasing the spending. It would not increase or hold down increases in the building commission levy, in a levy for the principal and interest on indebtedness or anticipation notes. It would not limit levies for pension plans and the money to finance them. It would not limit any levies based upon an increase in a district's assessed valuation, due to new improvements, constructions and annexations and on many

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

96th Legislative Day

April 22, 1982

capital improvement projects. I think it's a good Bill. I think it's reasonable. I'd be happy to entertain any questions."

Speaker Peters: "Any discussion? Representative Bluthardt."

Bluthardt: "Yes, Mr. Speaker and Members of the House, I rise in opposition to this Bill. It's another one of those anti-local government Bills. You know, a few things that have struck me as characteristic of this Session, one is that it's very pro-labor and; two, it's just as much, maybe more so, anti-local government. Why in the world we should put a cap or freeze on the taxing ability of local governments, especially the non-home rule local government, beats me. The taxing governments, those that may be accused of abusing their taxing powers, are those who have no limitations, no rate limitations; those are the home rule units of local government. They're the ones who even invented new ways of raising taxes and imposing taxes on the taxpayer. But non-home rule units of local government, especially the cities and the villages, already have limitations on their taxing powers. The corporate tax is limited. The police tax is limited. The tax allowed for fire protection is limited. The tax for garbage is limited. The tax for streets and alleys and so forth are limited. The only taxes not limited are those on police and fire pensions. They're not limited. In fact, it's mandated that local government levy whatever is necessary to fund those pension funds, regardless of the effect it has on the tax rate. This Bill would continue to allow that to go on; that the pension funds shall have no limitations. There is really no need at all to impose this cap on non-home rule units of local government. You've heard it said many times that there is a referendum in local government. Every two years you elect new aldermen

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

96th Legislative Day

April 22, 1982

or new trustees to that board, and, if the people of that community don't like how the board is treating them, don't like the amount of taxes being imposed upon them, they throw them out of office, throw the Mayor out of office. I have managed to be a president of a small town of 12,000 population going on my 22nd year, and I attribute it to the fact that we have never abused our power of taxation with the people or on the people. And I'm sure that that's how people remain in office for long terms. My point is that you're really not accomplishing a great deal, because most non-home rule communities already have reached their limits placed by this General Assembly upon them. I don't know why now we should go ahead and say we're going to limit anything for the next year or two. It just seems to me that those who sponsor this type are looking for a campaign issue more than anything else. They don't seem to understand how local government operates. They're either.. either they don't understand or they're being hypocritical with the type of legislation they propose here. It can't do much good. It certainly can do a lot of harm. We've done enough harm to local government already, and I would urge you to vote 'no' on this Bill."

Speaker Peters: "Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, I, reluctantly, hate to break in on such a Bill, a controversial Bill which I would like to speak on, but a bus is leaving for back home, and, in the gallery, we have students of the sixth grade of Lake Forest Country Day School with the teachers, Tom 'Kroft', Mrs. Karen 'Janis', and the room mothers are Mrs. 'Kristopherson' and Mrs. 'Saragoosa', and the daughter of one of our former colleagues, Senator John Co... Connelly, is up there. They are represented by Dave Barkhausen, John Matijevich and

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

96th Legislative Day

April 22, 1982

Virginia Frederick. They're up on my right. Will you please welcome them to Springfield?"

Speaker Peters: "Welcome to Springfield. Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, I used to represent Lake Forest, too. The Gentleman has the seed of a good idea here in this Bill, but I'm reminded today of how much this House is going to miss the previous speaker. I don't mean the Gentleman from Elmwood Park. I mean the Gentleman from Schiller Park. I read in the paper he's going to retire in another week. We're going to miss his knowledge of local government, especially of non-home-rule units and of the smaller suburban communities in the Chicago Metropolitan Area and Leyden Township; although, we do have another Leyden Township Mayor still with us. We'll miss Representative Bluthardt because he points out to this House that there are municipalities and local governments other than Chicago that we should be concerned with. In fact, the need for tax limitations, to the extent that it exists, is by home-rule units, and I include Chicago, my own town of Highland Park, which is a very high-taxed community, Cook County and other home-rule units throughout the state. Tax limitation would make sense for those that are unlimited, those who the members of the Constitutional Convention, including the Minority Leader, gave the home-rule power to tax us. Those units might be able to use some tax limitation, but last night the Sponsor of this Bill took out of this Bill, by his own voluntary act, any restriction on home-rule units. So, who's he restricting by this Bill today? The school boards are at their maximum without referendum. The parks... Park boards are already at their maximum rate. Is he restricting mosquito abatement districts? Who's he restricting? No one, because most of the taxing districts of this state are at

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

96th Legislative Day

April 22, 1982

their maximum already, unless... maximum rate already, unless they present a referendum to the voters. The one group that probably needs some restraint, home-rule units, he took out by his voluntary act. Where is he from? Danville. I understand Danville is a home-rule unit, and I understand many, many people in his district live in the City of Danville. Do the people of the City of Danville know that they will not be helped in any way on their municipal rate by this Bill, as it now stands? So, the Bill, unlike the Democrat Task Force Bill, which limited home-rule units in a reasonable manner, no longer does. It's a meaningless show. We're wasting our time on Thursday afternoon debating it, and I think it should be brought to our attention that the taxpayers, just like with the Thompson... so-called Thompson referendum, were taken to the cleaners and fooled. They're being fooled again by House Bill 1527, as amended, by the Sponsor."

Speaker Peters: "Representative Bradley."

Bradley: "Mr. Speaker and Ladies and Gentlemen of the House, there's nobody I respect more on the House floor than Representative Bluthardt, and I, too, am sorrowed to hear that he's going to be leaving us. I do have to oppose him, though, on this piece of legislation and the Democratic spokesman for the Revenue Committee. He well knows we were unable to pry the Democratic Task Force Bill out of that Committee and move it along, and this was an attempt by Representative Miller to put together a Bill that we could agree to. The reason I'm going to vote 'aye' on the Bill, if nothing else, is to send a message to local government that we, in Illinois, are concerned, and I think many of us on the floor of this House probably, at some time during the campaign, said that we were for some kind of tax reform on property tax. I don't think any of us would be here

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

96th Legislative Day

April 22, 1982

today if we hadn't had... if we were in favor of increasing property taxes. I'd like to give you just two examples, I think. One, in the County of McLean, the county board has a four million dollar surplus, a four million dollar surplus that they don't know what to do with, and it was generated, not with any increase in the tax rate, but it was generated because of inflation and the assessments keep going up higher and higher and higher making it not necessary for that board to come in and ask for an increase in the tax rate. They just take the higher assessment and multiply it times the same rate, and they've generated a four million dollar surplus. Now, people in McLean County are concerned about that surplus and they're overtaxed. They were taxed by the board to the point that they don't know what to do with the money that they've got. The second point I would like to make, insofar as school boards, and this would happen with other taxing units; the Bloomington school board, for instance, made a great to-do last year in announcing they reduced the rate ten cents. They reduced the tax rate ten cents. They didn't go ahead and tell that, even with that reduction, with the high increase in assessments, that they generated a million and a half more dollars for that school board than they had generated the year before. Now, maybe they need it. I'm not saying one way or the other. I'm just pointing out that the only way that we could do something about the property tax was we had to limit the levy. It's the only way, after looking at this for four or five years, that I saw any rationale at all or any possible way of limiting the property tax. The only thing, I think, that the property tax owners have going for them today is a possible reduction in assessment. Now, then, if that happens, then the reverse is going to happen as to what I've been telling

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

96th Legislative Day

April 22, 1982

you today is happening now. What I mean by that is, if the assessments start coming down because property value has come down, then you might have a problem with local government; but, with those two instances that I have related to you, those two cases where a school board, next year, that school board, without any increase in rate,... Pardon me. They could take that ten cents I was referring to and they reduce it. They could put the rate back up to their maximum of ten cents, and they would generate another million and a half dollars without anything being done. So, there... we have to address this problem of property taxes, and I think that this may not be everything that we would like to have, but at least it's a first step. And maybe the message will go back to local government that we, in the General Assembly, are concerned about what property taxpayers are paying. And I know I hear from those taxpayers and you hear from those taxpayers, and they say to us, if the county board doesn't care, if the school board doesn't care; and, I tell them, when they call me about the school board. I say, 'Hey, call the school board member. They're elected. Complain to them'. They say, 'Well, we don't get any satisfaction from them'. But we've got to start someplace with this problem. As I say, this is not the total answer at all. I agree with Representative Pierce in that respect, but we've campaigned on this issue. I've campaigned on it, and I think we ought to give it a try; and, I certainly think we ought to support Representative Miller with this piece of legislation. Thank you."

Speaker Peters: "In response to an inquiry, we have approximately 66 more pieces of legislation on the Calendar, if we are to conclude the Spring Calendar. With that in mind, Representative Jack Dunn and then Representative Conti."

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

96th Legislative Day

April 22, 1982

Dunn: "Mr. Speaker, Ladies and Gentlemen of the House, I think that the scenario created by the previous speaker is probably unusual. I don't think that's happening in many places in the state. We're not all that fortunate. And, with all due respect to the Sponsor and his good intentions, I think this is a bad Bill. I like to see taxes controlled, too, but I think you control it through the politicians, through their elected officials and not statutory limitations. These vary from community to community. They have different priorities. They have a different ability to pay. Some communities want first-class service and are willing to pay for it. In my town of Tinley Park, we placed our own tax freeze on about 12 years ago. I think significant that I kept getting re-elected every year after... every four years after that, until I came down here. I could have stayed another term if I'd wanted to. I received letters and calls from every unit of local government and each of them... from.... I heard from the City of Zion like, perhaps, some of you people did in places out my way; some very affluent communities who are willing to pay to have eight squad cars on the street all night, all over their small towns. But they feel that they want that kind of service. They're willing to pay for it. Heard from two communities like that out my way, and there's just a whole spectrum of services that people want and expect. As long as they're willing to pay for it, I don't think we should restrict their desire, as long as that's what they want. We're talking about serving the people, and I think it's improper. Let them place their own tax freeze on. Let them control their own spending through the officials that they elect. Thank you."

Speaker Peters: "Representative Conti."

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

96th Legislative Day

April 22, 1982

Conti: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I don't know what the previous speaker's experience has been in government of the Sponsor of this Bill, but there are some 6000 taxing bodies in the State of Illinois; and, I could very well vote for this piece of legislation because I am home rule. But, invariably, I will go to civic and fraternal organizations and make speeches and I'll ask the people in the audience, 50 or 100 people in attendance, if they can name me their Congressman, if they can name me their State Representative or State Senators, and I'll probably see a half a dozen hands go up and say that they can. As Representative Bluthardt and Pierce and the rest of them have indicated, that we do have elections every two years. They know us by our first name. It's Elmer, Tom, Pete, Joe and Mike, and, if they don't like what we're doing, they can throw us out of office every two years. All of a sudden we get a bunch of Pat Quinn's and we get a bunch of Legislators who probably never served on the local board, doesn't know anything about local government and we're going to have to send them a message. Those people back home, they have the message. They know their local people. They don't know us down here. Here's where the problem lies. We keep putting mandates on them. We keep telling them what they could do, what they can't do, and we turn right around and we just might as well abolish every governmental agency there is and just let the General Assembly run the State of Illinois. This is a bad Bill. We can... We can elect the people every two years. I'm finishing up my 36th year in office, and I'm proud to say that I've had one year, just one year where I had deficit financing. And, if we didn't keep control over our taxes, if we didn't restrict the taxation in our town, they had a chance every two years to throw us out of office."

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

96th Legislative Day

April 22, 1982

Speaker Peters: "Mayor Ebbesen."

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

Speaker Peters: "Question is, 'Shall the previous question be put?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Representative Miller, to close."

Miller: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As usual, we're had a very extensive discussion on this Bill and I appreciate it. Certainly, I would not wish for a Roll Call on this to be a referendum of the value of Mayors Bluthardt, Conti and Dunn to their communities and the wonderful jobs I'm sure that they've done. As a former village president myself, as a former Chairman of a Finance Committee of a county board, I can assure that I've been to those same fires and I think that I, too, have tried to act responsibly with the electorate. Unfortunately, not all of our brethren of such a like mind, and they give us a very unfair name when they act with imprudence. I've heard a few comments in the discussion. The first is that this Bill does nothing, and then the second one is that it does too much, and it's going to hurt everybody. They can't have it both ways. They can't do both at the same time. As far as whether home rule should be in, I very much agree. Fortunately, my home rule community of Danville has held its tax levy, not just its rates, its levies for the last couple of years and I'm sure it will continue to do so. I pledge to any of you who are concerned that, if and when the Senate puts in home rules, I will be the first to move to concur, in their Amendment, to do so. This is not a piecemeal approach to property taxes. This is not just for the farmers. It's not just for senior citizens. It's not just for young families. It's not just for business people. It's fair for all the property taxpayers. The

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

96th Legislative Day

April 22, 1982

average increase, for most communities in Illinois in the last five to ten years, have been around seven percent. Obviously, the communities that Representatives Dunn and Conti and Bluthardt and other reasonable local officials represent will not be adversely affected. Only those who the first thing they do every tax season is call up the Supervisor of Assessments and say, 'How much is my valuation gone up so I can figure my tax levy?'. Those are the ones we're trying to get to. The lobbyists have been busy since last night's Amendment went on and that's fine. That's their job. They're suppose to represent they're people and I wouldn't expect them to do anything less, and they've scared a lot of the local folks back home that they're not going to be able to continue their services. Well, I think it's just not true. If I thought it was going to do that to local government, I certainly wouldn't be sponsoring it here today. What we need to do is start listening to what the public has to say, though; and, if we don't, we're only going to fuel Pat Quinn's initiative anymore than what we already have. The terms in 1527 are reasonable. It's the Democratic Task Force Bill. I'm sure they would not have hurt local governments and school districts by proposing it, and I would recommend a 'no' vote, if you want unlimited property taxes. Otherwise, I recommend a 'yes' vote. Thank you, very much."

Speaker Peters: "The question is, 'Shall House Bill 1527 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? ... would you go to my switch, please? Would you go to my seat please? Thank you. Have all voted who wish? Have all voted who wish? Representative Ewing, to explain your vote? One minute. Timer's on."

Ewing: "Mr. Speaker and Ladies and Gentlemen of the House, I

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

96th Legislative Day

April 22, 1982

think all of us know what our constituents want. They have spoken clearly on the issue of tax limitation. This is probably your last chance to do it this Session. I certainly would encourage more green votes up there on this good Bill. There's been bipartisan input into this Bill. It addresses the problem. Let's give it a try. Let's do what our voters want."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. Representative McAuliffe. Representative McAuliffe wishes to be recorded as voting 'aye'. Any other requests of the Chair? Take the record, Mr. Clerk. On this question there are 71 voting 'aye', 86 voting 'nay', 3 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 1551, Representative Stearney. Out of the record. House Bill 1590, Representative Donovan. Out of the record. House Bill 1621, Representative Topinka. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1621, a Bill for an Act creating the Suburban Task Force, Third Reading of the Bill."

Speaker Peters: "Representative Topinka."

Topinka: "Yes, Mr. Chairman, Members of the House, I think we can see by previous votes taken today that the suburbs are rather not well taken care of on a...not on. Did you shut me off? A lot of people try that."

Speaker Peters: "You're on."

Topinka: "Thank you. But, anyway, I think you can see that it is very difficult to...to have people take an interest in, or watch over, or do the best job that they can of representing the suburbs. Then our problem, by virtue of the way of how we have fallen in redistricting and in other areas. This Bill seeks to create a Suburban Task Force in order to bring forth the problems which we do face, which

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

96th Legislative Day

April 22, 1982

are unique from all other areas, that make us different in the part from all other areas. And we are, probably, the single biggest city, in quotes, outside of Chicago, in the whole State of Illinois, in just sheer numbers. Our problems with zoning with sewers, and you know how I feel about sewers, with suburban sprawl, with shopping centers versus retail centers; the things that we face out there are extremely unique. And I think it is about time we started addressing these problems directly. And I would ask for a...the concurrence here of the House."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 16...Representative Bullock."

Bullock: "Yes, Mr. Speaker, one question of the Sponsor. Would she yield?"

Speaker Peters: "She indicates she will."

Bullock: "Representative Topinka, are citizens of Chicago permitted to serve on this Task Force?"

Topinka: "No, I don't see why they should be. I am sure they would have some impact. They seem to have some impact in all other areas, so I...I don't think they should be the preponderating people on this Commission, but I...I can see a few of them on there to maybe add...or certainly could be there as consultants, or ex officio or...it's open."

Bullock: "So there is no prohibition against Chicagoans serving under your Task Force."

Topinka: "No, no, no."

Bullock: "Thank you."

Speaker Peters: "Representative Bradley."

Bradley: "I just wondered if there was an appropriation that goes along with the Bill. Is there an...what is the cost going to be? Is there an appropriation Bill or is there a cost...?"

Topinka: "Yes, there is."

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

96th Legislative Day

April 22, 1982

Bradley: "How much is that?"

Topinka: "\$75,000."

Bradley: "Thank you."

Speaker Peters: "Further discussion? Representative Schneider."

Schneider: "I guess I...thank you, Mr. Speaker. I guess I can't understand why in the world we need a thing like this to begin with. I am a suburbanite in DuPage County. I don't know if that qualifies me. Is that right? Am I qualified to speak?"

Topinka: "Well, we realize the uniqueness of DuPage County, but you would qualify under this."

Schneider: "I would or would not?"

Topinka: "You would."

Schneider: "Well, I might need a Task Force. I don't know. I don't understand why we need this. We do a lot of research that is more related to categories of interest like education or transportation and things of that sort. I have joined along with Don Totten, on some occasions, and even Representatives Wolf and, I think, Peters - if I speak wrong, you can correct me - in trying to figure out why we have so many commissions. I...I serve on a couple of standing commissions, but mostly I share a point of view that says that committees ought to function in respect to these kinds of questions. Those commissions that exist probably should be sustained. But when we address, quote, unquote, suburban issues; I don't think you can isolate them and categorize them so easily. And I think we're going to waste \$75,000. And I believe, being the fiscal conservative that I am, I believe we should oppose the proposition."

Speaker Peters: "Any further discussion? There being none, Representative Topinka to close."

Topinka: "Well, I would still have to disagree with the last

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

96th Legislative Day

April 22, 1982

comments made. I do feel we are a very unique area and very rarely addressed, in fact, outright overlooked. Since we do not preclude Chicago, since we now have numerous overlapping districts from the City of Chicago, we have certain unique problems, again, that have come up. I really feel there is a need for someone to take care of suburban...our suburban area. And this commission directs its attention to that. I would encourage a pass vote."

Speaker Peters: "The question is, 'Shall House Bill 1621 pass?'. Those in favor will signify by saying 'aye', those opposed...by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Representative McAuliffe to explain his vote."

McAuliffe: "Mr. Speaker, Ladies and Gentlemen, I would like to explain my vote. I am voting 'aye' for this, because my district is about 60% in Chicago and about 40% in the suburbs. Many of the Chicago districts now overlap the suburbs, and I would like to ask some more of my Chicago colleagues to help pass this commission. I think it would do a lot to help solve the problems of the suburbs, transportation, housing, medical care. It would do a lot to help the people in the suburbs. And I just wish that some of our Chicago people would give us a vote on this."

Speaker Peters: "Any further discussion? Representative Zito...to explain his vote."

Zito: "Thank you, Mr. Speaker and Ladies...thank you, Mr. Speaker, Ladies and Gentlemen of the House. We introduced this measure last year. I think the purpose for the Bill is not necessarily, as Representative Schneider has indicated, to establish another commission or another task force. We have been called upon in the suburban area; and I represent a district that is entirely in the suburban

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

96th Legislative Day

April 22, 1982

area; to make very, very important decisions on such issues as transportation, as the RTA, the CTA, many, many issues that are decided in either downstate or the City of Chicago. Need suburban help. Need suburban input. And now when we're asking for an opportunity to have input and to create a task force that we can determine and understand their own problems, we're being denied that opportunity. I wish the people that were voting red would reconsider this. Give the suburbanites a chance to reestablish these priorities and form issues of our own. I would appreciate affirmative votes."

Speaker Peters: "Have all voted who wish? Have all vot...Have all voted who wish? Take the record, Mr. Clerk. On this question there are 62 voting 'aye', 90...92 voting 'no', none voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Pardon? House Bill 1624, Representative Pierce. Out of the record at the request of the Sponsor. That finishes...Mr...let me just run by one quick here. On the Order of House Bills Third Reading there were several Bills that were passed because the Sponsors were not here. The Chair will now go to those Bills for the last time. On House Bills Third Reading, House Bill 710, Representative Klemm. Out of the record, request of the Sponsor. House Bill 714, Representative Klemm. Out of the record, request of the Sponsor. House Bill 745, Representative Stearney. Out of the record. House Bill 1108, Representative Schneider. Representative Schneider, House Bill 1108. You want it? Read...read the Bill."

Clerk O'Brien: "House Bill 1108, a Bill for an Act to amend Sections of the Illinois Pension Code, Third Reading of the Bill."

Speaker Peters: "Representative Schneider."

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

96th Legislative Day

April 22, 1982

Schneider: "Thank you, Mr. Speaker. Just let me get my notes for a second. 1108 is a slight change in the pension provisions for the Pension Code. It allows a teacher...or rather, permits an employee who is under the old system for service employees who, by upgrading or by certification, becomes eligible to move into another system, to do so, as a consequence of that upgrading. It has very minimal impact financially and basically brings the upgraded person into a category that allows him to participate in that pension system. That would include, I think, business managers for school districts and nurses who become certified after they had been, for a while, under the old IMRF non-certified employees. And I would ask for its adoption."

Speaker Peters: "Any discussion? Representative Lechowicz. Representative Lechowicz."

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

Speaker Peters: "He indicates he would."

Lechowicz: "Which employees are covered under this Bill?"

Schneider: "...Ted, I think this one deals with like a person who has been an uncertified nurse, in the Service Employees Retirement System, becomes certified. And by that certification, moves into a different category like the TRS, because nurses are now required to be certified. Also, like a business manager in a school district. If they before were not certified by up...you know, standards that we have imposed since the pension system, become qualified by law; then they can be...they can transfer...let me get the transfer in...transfer their time in for temporary disability benefits. It is a small change. It only means that persons who have upgraded their standards are now eligible to move into that fund. But it

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

96th Legislative Day

April 22, 1982

is not for retirement. It is for temporary disability benefits. The cost overall is like \$15,000."

Lechowicz: "Overall cost is \$15,000?"

Schneider: "\$15,000."

Lechowicz: "For all state employees?"

Schneider: "Every...well, whichever ones are affected. The Downstate Teachers' Retirement and those persons certified are required to be certified by that standard."

Lechowicz: "Thank you."

Speaker Peters: "Any further discussion? There being none, Representative Schneider to close."

Schneider: "I think it is a very routine Bill, Mr. Speaker and Members, and it just clarifies, I think, some language on the retirement and the temporary disabilities. I would ask for your approval."

Speaker Peters: "The question is, 'Shall House Bill 1108 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? Have all voted who wish? Representative Olson to explain his vote. One minute."

Olson: "Mr. Speaker, Ladies and Gentlemen of the House, because of a conflict of interest, I must find myself voting 'present'."

Speaker Peters: "Any further discussion? Have all voted who wish? Going, going. Have all voted who wish? Take the record. On this question there are 89 voting...Record Representative Conti as 'no'. Representative Darrow from 'no' to 'aye'. Representative Schneider, can we take another Roll Call? I've got about seven people here looking to change? Pardon? Yeah, can we dump this? Is that alright with you? Dump this Roll Call. Okay, are we clean, Mr. Clerk? The ques...the question is, 'Shall House Bill 1108 pass?'. Those in favor will vote 'aye', those

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

96th Legislative Day

April 22, 1982

opposed will vote 'nay'. Representative Stuffle to explain his vote."

Stuffle: "Yes, Mr. Speaker and Members, I think there is a great deal of confusion about the Bill. It has laid around here for so long, we've not looked at what it actually does. The original Bill, which was a reduction in early retirement deductions, has been stricken from the Bill. The first Amendment to the Bill was stricken from the Bill. All the Bill does is provide uniformity with the...regard to the ability of people in local and state service to purchase service credits and the Teacher Retirement System that would qualify under the early retirement provisions we passed here several years ago under my sponsorship. They have to pay for those credits. They have to pay for the interest in the same way they would in any other system. That is all the Bill does now. It doesn't have some of the things others have said it does in it. It ought to get an 'aye' vote on that basis. It only brings up the snuff, you might say, a disability to purchase credit as it is in virtually every other pension system in the state."

Speaker Peters: "Representative Jack Dunn to explain his vote. One minute. Timer's on."

Dunn: "I would just point out, Mr. Speaker, Ladies and Gentlemen of the House, if you look at the accrued liability, I think it is about \$118,000,000, somewhere down the line. And I just wonder if we can afford to spend those kinds of dollars at this time with the money crunch that we're having."

Speaker Peters: "Representative Olson to ex...to explain his vote."

Olson: "Yes, Mr. Speaker, again I have a conflict of interest. That is why I vote 'present'."

Speaker Peters: "Representative O'Connell to explain his vote."

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

96th Legislative Day

April 22, 1982

One minute. The timer's on."

O'Connell: "Mr. Speaker, I suppose it is in the way of explaining my vote, but I am a little confused now. The mention earlier in the debate was that there would be no expenditures over \$15,000. And one of the previous Members who explained his vote just threw out the figure of \$180,000,000. I think it needs further explanation."

Speaker Peters: "Representative Schneider to explain his vote. One minute."

Schneider: "I think Representative Dunn was looking at a number that I am not familiar with, but basically what you're addressing, as Stuffle points out, is that the original Bill had a lot...dealt with extending the early opt out provisions for the teachers under the Teachers' Retirement System. That was a law we passed a year ago which was a five year provision. Then the Bill, in its original form, was to extend it to ten years. That was all knocked out, and all we deal with now is, as I described it, for the temporary disability. It has nothing to do with increased pension benefits or anything of that nature."

Speaker Peters: "Have all voted who wish? Representative Van Duyne. One minute."

Van Duyne: "Thank you. I just find it rather humorous a couple of hours ago Representative Pechous' vote...pension Bill got nine votes, and it is...I just think it is a laughing matter that we can be so...such masochist and vote for something like this even though I am supporting it."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 106 voting 'aye', 40 voting 'nay', three voting 'present'. This Bill, having received the Const...House Bill 1108, having received the Constitutional Majority, is hereby declared passed. This concludes the call on House Bills Third Reading. Speaker

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

96th Legislative Day

April 22, 1982

Ryan in the Chair."

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

McClain: "Thank you, Mr. Speaker. I think there was one more Bill on that call, House Bill 1346."

Speaker Ryan: "It is on the Calendar, Representative."

McClain: "Yes, Sir."

Speaker Ryan: "What's your..."

McClain: "I would like to hear it if that is..."

Speaker Ryan: "Oh, you want...you want to hear House Bill 1346? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1346, a Bill for an Act to amend the Illinois Vehicle Code, Third Reading of the Bill."

Speaker Ryan: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1346, as before you with...without the Amendment, deals solely with the issue of...if you're a used car dealer, and you rent or lease your cars, and you sell that car to another lease or rental firm, presently under the statute you have to pay sales tax for that event. It is a double taxation. In no way would this affect any kind of a sale from a rental or lease purchase agreement to an individual. That person would still be required to pay sales tax. This House Bill 1346, first unamended, all it does is protect the double taxation situation. It is sponsored by the new and used car dealers, and I know of no opposition. House Amendment #3, which Representative Leroy Van Dwyne put on the Bill, is a provision which requires a person applying for exemption or a charitable vehicle license plates, that that person, religious group, or governmental entity must show their federal income tax statement to the Secretary of State to show proof that they are exempted under the federal tax laws. So, I think the

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

96th Legislative Day

April 22, 1982

Bill is pretty non-controversial, and I would urge an 'aye' vote."

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

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

Speaker Ryan: "He indicates he will."

Barr: "Yes, Representative McClain, what...last Session we passed a new tax statute that amends the sales and use tax provisions as they apply to rental car businesses. What is the effect of that new statute if it provided a...a use tax, as I recall it, on rental cars - a new tax in Illinois - and replaced, as I understand it, the...the sales tax on sales of cars to rental car agencies? Now, given the fact that that new statute was enacted last year, what is the effect of that statute on your Bill?"

McClain: "Representative Barr, there are three categories there. One is if you sell a vehicle to a...a lease rental agency, you pay a sales tax on that. If the rental agency sells to an individual that used car, then you pay a sales tax on that to an individual person. All this is directed to is if that rental lease company sells the vehicle to another rental lease company, that they would not pay a sales tax on that sale. So it is only from company to company. If it is company to individual, you would pay a use tax. So it has nothing to do with that part. It just...it protects a double taxation within company to company."

Barr: "No, no, I understand what you're trying to do. My question was whether or not your Bill is necessary, given the change that we made in the law last year with regard to the use tax on...on the car rental...on the business of renting automobiles for a period of one year or less, whether this Bill of yours, which was introduced before

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

96th Legislative Day

April 22, 1982

that law was passed and went into effect, is still necessary."

McClain: "Well, according to the lawyers for the New Car Dealers and Used Car Dealers Association, this would clarify an ambiguity in the law to make clear what our intentions were last year."

Barr: "Thank you, Mr. Speaker."

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

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

Speaker Ryan: "Indicates he will."

Lechowicz: "Do I understand his Bill correctly that this Bill would provide the leasing company that has bought cars, new cars, has used them and now is going to sell the cars to another leasing company; they would not have to pay an Illinois State sales tax. Is that correct?"

McClain: "The bottom line is yes. But, the difference is, Mr. Lechowicz, is that that sale has not really been...the Department of Revenue has not really gone into those used or leased car dealerships and demanded the sales tax yet. It has been an ambiguity in the law since...since we have passed the previous law a couple of years ago."

Lechowicz: "Well, maybe they should have gone in there, and then they could have taken it to court and questioned the legality of the law in court. What is the possible revenue loss of this...to the state on this Bill?"

McClain: "There is...there is none, because it has not been enforced or has not been brought before the courts."

Lechowicz: "Well, what maybe we should do is to have the General Assembly ask the Department of Revenue to start collecting those taxes. Maybe that is why we're having a shortfall in revenue in this state. I strongly recommend that the Membership look at this Bill and vote accordingly."

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

96th Legislative Day

April 22, 1982

Speaker Ryan: "There any further discussion? The Gentleman from Adams, Representative McClain, to close."

McClain: "Thank you very much. It is obvious the previous speaker did not quite understand the Bill. The issue is an issue of double taxation, and that is all we're trying to do and also clear up an ambiguity in the law. Mr. Van Dwyne's Bill...or Amendment is a good Amendment. All it does is prove up that a charitable organization must show that they have federal income tax exemption status in order to receive the charitable vehicle license plate. And I'd urge an 'aye' vote. Thank you."

Speaker Ryan: "The question is, 'Shall House Bill 1346 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Piel, one minute to explain your vote."

Piel: "Thank you, Mr. Speaker. Seeing as this Bill was on the Spring Calendar, and he was talking about something that happened two years ago; we passed a Bill last year to where we waived the sales tax on rental vehicles when they were buying cars for rental purposes. He is saying that this is a double taxation. It is not a double taxation, because they are not being taxed at the present time. And so, you know, we're thinking it is a double taxation. It's not. This Bill here is over a year old, and it's...the present law has already taken care of this. And that is the reason I am voting 'no'."

Speaker Ryan: "Is there any further explanations? Have all voted who wish? Representative Van Dwyne, one minute to explain your vote."

Van Dwyne: "Yes, thank you, Mr. Speaker. I think the argument here really is quite irrelevant because there is no...no action on this tax in the first place. If Lech...Representative Lechowicz wants to attack this or

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

96th Legislative Day

April 22, 1982

address himself to it, he should do it in some more specific legislation. I am as...interested in this because of the CV plates. As you well know, I put this Amendment on here yesterday, and it does clear up the problem we're having with the CV plates. The charitable institutions where these fly-by-night organizations are getting by with the cost of license plates, \$8 every two years. They have to address themselves to it now by going through the IRS exemption, and so I think it makes the Bill important or a lot better Bill at least. So I think...I wish that people would, at least, pay attention to that aspect of it if nothing, because the part that Representative Lechowicz was addressing himself to really isn't addressed in this Bill."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 63 voting 'aye', 62 voting 'no', 18 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Is there anybody else that has a House Bill on Third Reading that they would like to have called? This is your last chance. On the Calendar on page seven under the Order of Senate Bills Third Reading appears Senate Bill 88, Representative Getty. Out of the record at the Sponsor's request. Senate Bill 89, Representative Zito. Out of the record at the Sponsor's request. Senate Bill 170, Representative Getty. Representative Greiman, for what purpose do you seek recognition?"

Greiman: "For the purpose of a short introduction of the students from the Hagen Elementary School in Chicago in the 15th Legislative District sitting over...up there represented by Representative Laurino, Representative Peters, and myself. They are up there in the Republican side."

Speaker Ryan: "Senate Bill 191, Representative Hallock. Out of the record at the Sponsor's request. Senate Bill 250,

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

96th Legislative Day

April 22, 1982

Representative Jack Dunn. Read the Bill."

Clerk O'Brien: "Senate Bill 250, a Bill for an Act to amend Sections of the Illinois Emergency Services and Disaster Agency Act, Third Reading of the Bill."

Speaker Ryan: "Representative Dunn on Senate Bill 250."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The ESDA has asked that this change in the law be passed to correct an oversight in the present law. The Bill simply adds to the present language, which provides for a natural line of succession of local officials in the event of war. The Bill now adds a natural disaster. Apparently when the Bill was originally drawn, they were thinking in terms of local officials being done in a holocaust somehow. That threat isn't as great now as it seemed at that time, and they are adding...they are changing the definition of disaster. It is a simple Bill, and I'd answer any questions you might have on it."

Speaker Ryan: "Is there any discussion? Is there any discussion? The question is, 'Shall Senate Bill 250 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 160 voting 'aye', 1 voting 'no', and none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House (sic - Senate) Bill 294, Representative Hinchester. 294. Representative Vinson, 294. Want the Bill heard, Representative? Read the Bill."

Clerk O'Brien: "Senate Bill 294, a Bill for an Act to amend Sections of an Act concerning public utilities, Third Reading of the Bill."

Speaker Ryan: "Representative Vinson on Senate Bill 294."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Relatively simple Bill. The statute that creates

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

96th Legislative Day

April 22, 1982

the Commerce Commission currently requires the Commerce Commission to investigate the grade crossings that railroads have with highways to determine what the appropriate degree of crossing protection is, and then to require the railroads to install whatever kind of crossing protection is necessary. The cost is approx...is allocated between the railroad and whatever particular authority operates the highway that crosses the railroad; local government, township, county, state, whatever. As I say, the decision is ordered by the Commerce Commission, and the railroad, of course, must comply with the decision of the Commerce Commission. What this Bill basically says is that after the railroad has complied with the order of the Commerce Commission to install luminous, flashing signals or crossing gate devices, whichever it may be, that, then those are deemed as adequate protective devices for the railroad crossing. I would urge an 'aye' vote for the Bill and be glad to answer any questions."

Speaker Ryan: "Before we go any further, the Clerk tells me he's got to reload the voting machine or something. He's got to take a quick vote. So...now, is there any discussion on Representative Vinson's Bill? Representative Cullerton on Senate Bill 294."

Cullerton: "Will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Cullerton: "Sam, will this have the effect of limiting railroads' liability?"

Vinson: "Yes, it would have the...that effect in...in this respect: You could not have a finding to the effect that the crossing guards that were ordered installed by the Commerce Commission represented failure of du...reasonable care for that crossing."

Cullerton: "Okay, thank you."

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

96th Legislative Day

April 22, 1982

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

Conti: "Mr. Speaker, will he yield?"

Speaker Ryan: "Indicates he will."

Conti: "This wouldn't adjudicate any pending litigation now, would it? ...Answered. He said no."

Speaker Ryan: "Are you finished asking questions?"

Conti: "Yes. He answered my question. Thank you."

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

Bowman: "Will the Gentleman yield for a question?"

Speaker Ryan: "He indicates he will."

Bowman: "Representative Vinson, could you explain to us what the present situation might be if an accident occurred at a railroad grade crossing, and the plaintiffs...and the people who were injured sued the railroad and alleged that the signals were not working properly or that somehow the railroad was at fault...I mean, would the question whether the signals were working properly be a matter that might be raised by the plaintiffs?"

Vinson: "Yeah, this Bill would have no impact on that situation. If a plaintiff makes the allegation that the signals were working improperly and that because of the signals working improperly, the railroad has failed to exercise reasonable care in protecting the crossing and the managing of signals, that...that is a thoroughly cognizable action under this. The jury...the court and the jury could find that the...the railroad had not exercised its responsibility of due care, and the railroad could be held liable in that event. This is simply...goes simply to the question that after the Commerce Commission has made an order that a particular kind of signal protection be installed. We're removing from the litigation the question as to whether that was the appropriate kind of signal

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

96th Legislative Day

April 22, 1982

protection."

Bowman: "It seems to me...reading the language here, it says the...the underlined language says, 'Luminous flashing signals and/or crossing gate devices installed at grade crossings, which have been approved by the Commission under this Section, shall be deemed adequate and appropriate.' And that is all it says. It seems to place no additional requirements on the...the railroad that they be main...maintained properly. What I am concerned about is the situation where the Commerce Commission might order a railroad to install a particular kind of signal at a particular grade crossing in order to improve the safety there, and then ten years later, perhaps through a poor manage...a poor maintenance, the signal fails to function; someone is injured at the crossing, perhaps killed. They seek relief in the courts, and the defense is rea...said, 'Well, the...the Commerce Commission ordered that signal to be put in there. It is, by law, adequate and appropriate, and that is that'. And the court throws out the case."

Vinson: "Representative, the...both the status of the law and the intent of this Bill would be, in the case that you're describing, that the railroad be held liable for negligently maintaining the crossing. It did not discharge its duty of due care, in the case you're describing. They would not be exculpated under this legislation, and they ought not be."

Bowman: "Well, Mr. Speaker, with all due respect to the Sponsor, I would just as soon not take the chance that someone would find their defense destroyed in a court of law because of an action we might take here today. And so I intend to vote 'no' on this."

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

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

96th Legislative Day

April 22, 1982

McPike: "Will the Sponsor yield?"

Speaker Ryan: "He indicates he will."

McPike: "What if the flashing lights are...are working correctly, but the...the train is going over the speed limit for the tracks. Is the...let's say that the Commerce Commission has ruled that in a given area that the maximum speed is 50, and the train is going 75, and someone is killed. But the flashing lights are working adequately. Is the...does the railroad have a proper defense?"

Vinson: "The railroad has no defense against negligently operating the train...recklessly operating the train. And they would be liable in the situation you described there."

Bowman: "Well then, what is the...I don't follow the purpose of the Bill then."

Vinson: "The purpose of the..."

Bowman: "...Beings the lights aren't working and..."

Vinson: "The purpose of the Bill is simply to say that after the Commerce Commission has investigated and ordered the installation of a particular kind of signal, then...that that is conclusive on what kind of signal ought be installed at that crossing. The railroad can install no other signal, by law, because of the order of the Commerce Commission. It is subject to the Commerce Commission. And the sole purpose of the legislation is to say that that is the conclusive...that...that on that particular question, what kind of signals should be installed, that that is the conclusive determination - the order of the Commerce Commission."

Bowman: "Thank you."

Speaker Ryan: "Any further discussion? The Gentleman from Sangamon, Representative Kane."

Kane: "Would the Gentleman yield?"

Speaker Ryan: "Indicates he will."

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

96th Legislative Day

April 22, 1982

Kane: "What kinds of signals does this Bill apply to?"

Vinson: "What...what this Bill applies...what kind of signals that this Bill applies to are luminous, flashing signals and/or crossing gate devices."

Kane: "What other kinds of signals are there that could be installed?"

Vinson: "Well, the most common kind of signal that...that's installed anywhere is a simply white sign, cross-hashed in black, that says railroad crossing. That is...that is the kind of signal that is most prevalent throughout the state."

Kane: "Okay, and this does not apply to that signal."

Vinson: "No, it doesn't apply to that signal because normally what would happen...that signal is the most prevalent one. It...it is guarding crossings that have not really been investigated by the Commerce Commission. And, unless there is a clear determination by the Commerce Commission that there should be luminous, flashing signals or crossing gates, then there is no exculpation."

Kane: "So really what this applies to is to the case where the Commerce Commission orders a luminous, flashing signal, and someone would come along and say there really should be crossing gates."

Vinson: "Yeah, it would apply...it would apply to that case. Yes."

Kane: "Is that the only case it would apply to?"

Vinson: "Well, I think that it could also apply to...to the case where the Commerce Commission said that there should be the...the crossing gates, and the plaintiff in the subsequent trial said that there were some higher form of gate protection device other than...than a crossing signal...I mean, other than the...the crossing gate. And..."

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

96th Legislative Day

April 22, 1982

Kane: "That, in fact, is not the case though, is it? There is no higher form than a crossing gate."

Vinson: "There is none that I am aware of at this point. But you can always have a plaintiff come in and allege something else, Representative."

Kane: "So basically, all this does is apply to the case where the Commerce Commission says that a flashing signal is okay, and a plaintiff would come along later and allege that there should be a crossing gate...practically."

Vinson: "That is...in point of the numerousness of suits, I am sure it would be, by far, the most prevalent case."

Kane: "Is there a time limit in the Bill so that if the Commerce Commission said six years ago that flashing signals are okay, and since then, the...say the street has been improved, and it is now a four-lane instead of a two-lane. And the Commerce Commission has not been back. Does that absolve the railroad from taking the extra precaution of putting in a gate?"

Vinson: "There is no time limit in the Bill."

Kane: "So, in that case, it would protect the railroad from that particular situation."

Vinson: "Yes, it would protect the railroad in that situation."

Kane: "So the railroad, when the crossing is upgraded, this would absolve the railroad from upgrading the protection."

Vinson: "In the case you just...you described, the railroad would be absolved."

Kane: "In that situation, Ladies and Gentlemen of the House, I would urge a 'no' vote."

Speaker Ryan: "Now is there any further discussion? The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Vinson: "Sure."

Speaker Ryan: "He indicates that he will."

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

96th Legislative Day

April 22, 1982

Brunner: "I think current law requires that the railroad maintain a right-of-way free of brush, and trees, and shrubbery for 500 feet from either direction of the grade crossing. Is that correct?"

Vinson: "I'm not familiar with that aspect of the law, Representative. This only deals with the crossing guards."

Brunner: "Well, it is in the Bill itself on page six on lines 11 through 15."

Vinson: "I don't...I think it is in the existing statute."

Brunner: "Yeah, right. And it is repeated in your Bill. I was trying to reference you to the existing law unless you delete that someplace else in the subsequent Amendment."

Vinson: "No, it is not deleted, and there are no subsequent Amendments."

Brunner: "Okay, now the railroad, then, would be absolved of liability if it had adequate crossing gates, even though it did not keep the brush, and shrubbery and trees cut within 500 feet of either direction of the grade crossing under this Bill."

Vinson: "No, because it would be violating another provision of the statute."

Brunner: "Well, the...the...the Bill says specifically that, 'Luminous flashing signals or...and/or crossing gate devices installed at grade crossings, which have been approved by the Commission, shall be deemed adequate and appropriate.'"

Vinson: "For their purpose. But not...there are a variety of other elements that can come into a railroad accident at an interchange. Now what...the one you're describing is another element. And the fact that they're absolved on one element does not mean that they are absolved in a second element."

Brunner: "Okay, so it is your clear legislative intent that

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

96th Legislative Day

April 22, 1982

provided for failure to blow a whistle or a horn or keep the trees and shrubbery cut, would still give rise to cause of action potentially."

Vinson: "You're absolutely right. That is the intent of the Bill. That is the way the law should be, and that...the Bill will not change that."

Brunner: "Thank you."

Speaker Ryan: "Any further discussion? The Gentleman from DeWitt, Representative Vinson, to close."

Vinson: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think this is a non-controversial Bill. I didn't realize the people would be quite so interested in the details of railroad crossings; but I'm glad to find that, because I find railroads to be a fascinating subject. Now, what this Bill will do is simply to say that after a state agency comes in and says you have to do something, that you're required to do it; that you can't, then, be held guilty in a court of law that you shouldn't have done that. That is all the Bill does. It is supported by the railroad industry. It is supported by the United Transportation Union. It is supported by the Brotherhood of Maintenance-of-Way people. It is supported by the Department of Transportation. It is a good Bill, and I certainly urge an 'aye' vote on it."

Speaker Ryan: "The question is, 'Shall Senate Bill 294 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Winchester to explain his vote."

Winchester: "Thank you, Mr. Speaker. I...in all the dialogue that was going on, I was getting concerned that a lot of people were misunderstanding what the real intent of the Bill is. The Bill did pass the Senate on a 57 to zero vote, and it got a nine to one vote in the Public Utilities

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

96th Legislative Day

April 22, 1982

Committee. The Bill was introduced on behalf of the Illinois Commerce Commission and the railroads to resolve a legal question over who has responsibilities regarding safety protection devices at the railroad highway grade crossings. The Bill clearly states that the Illinois Commerce Commission can, upon its own motion, require the installation of adequate protection devices at the railroad highway grade crossings. The Bill also lists the different types of safety devices which they can order installed. The Bill makes no major changes in the existing law, but simply clarifies...clarifies the existing authority of the Commerce Commission and responsibility of the railroads. It is a good Bill. The Senate passed it 57 to nothing. I would...Thank you, Mr. Speaker. I would ask for a favorable vote."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 129 voting 'aye', 17 voting 'no', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 350, Representative Greiman. Representative Bowman, for what purpose do you seek recognition?"

Bowman: "Representative Greiman was called from the floor and asked me to let you know that he requests this to be taken out of the record."

Speaker Ryan: "Out of the record at Representative Bowman's request...per the Sponsor. House Bill...or Senate Bill 484, Representative Ronan. Out of the record. The Gentleman is not on the floor. House Bill 542, Representative Getty. Representative Getty on House...or Senate Bill 542. Out of the record. The Gentleman's not on the floor. Senate Bill 623, Representative Grossi. Want to hear the Bill, Representative? Read the Bill."

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

96th Legislative Day

April 22, 1982

Clerk O'Brien: "Senate Bill 623, a Bill for an Act to amend Sections of the Juvenile Court Act, Third Reading of the Bill."

Speaker Ryan: "Representative Grossi."

Grossi: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 623 was called last June. And in the closing minutes of the deadline, the Bill was taken out of the record due to some confusion as to what the Bill contained. Basically, the Bill has one simple idea. That idea is that children, who have not broken any laws, should not be treated in the same fashion as children that have. Basically, the Bill provides that those individual children who have problems adjusting to their home environment, who have problems attending school; in other words, children that have not broken any laws will not be treated in juvenile court but rather, they will be referred directly and immediately to social service agencies. The Bill does provide for protective limited custody in certain situations. It does provide for crisis intervention centers in certain situations. The Bill does contain certain technical problems. The...there are certain groups that have indicated a desire to change some of the contents of this Bill. It is the Senate Sponsor's intention that this Bill will go into a Conference Committee to take care of the technical problems and some of the concerns of some of the groups that have expressed concerns on this Bill. I would be happy to entertain any questions."

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

Leinenweber: "Will the Gentleman yield?"

Speaker Ryan: "He indicates he will."

Leinenweber: "I think most of us...or many of us got a letter from a Judge from Champaign County which...whose opinion I

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

96th Legislative Day

April 22, 1982

happen to respect a great deal in many areas, who seems to think this is one of the worst Bills that the Reference Bureau ever put on paper at the request of a Sponsor. Is...is Judge 'Stagman's' concerns to be taken care of in the Conference Committee or are they going to be ignored? Is that whose concerns you're talking about?"

Grossi: "Most of the...the groups that have had input into this Bill have been satisfied by some of the...the proposed changes that we have placed on in the Conference. As to Judge 'Stagman' and also to Judge 'Hornsby', there will be conferences with those people within the next couple of days. We have been talking to them at the present time."

Leinenweber: "So, in other words, there is intended to be an accommodation with the...these Judges who have so vehemently objected to the Bill in the present form."

Grossi: "We are trying to reach a...an agreement with them."

Leinenweber: "Alright, let me ask you this. Is it...the definite intention of the Senate Sponsor that he will not just concur in the House Amendment and send this to the Governor?"

Grossi: "He has indicated to me that this Bill will be going into a conference."

Leinenweber: "Thank you."

Speaker Ryan: "Is there any further discussion? Representative Mautino."

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

Speaker Ryan: "Indicates he will."

Mautino: "Representative Grossi, this legislation still embodies the initial proposal that was presented last year. Is that correct?"

Grossi: "Yes, it does."

Mautino: "And that eliminated from the judicial discretion the

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

96th Legislative Day

April 22, 1982

truancy...the truant youth, the parental control and the runaways?"

Grossi: "Yes."

Mautino: "And it now addresses only those youth involved with drugs. Is that correct?"

Grossi: "Or crime."

Mautino: "Or crime. If that is the case, I would like to point for the record that Judge 'Hornsby', who happens to be the juvenile justice...the president of the juvenile justice system in north-central Illinois, has quite a few reservations, as do I, where we do not have the services that are offered in the metropolitan areas that are addressed in this Bill. For example, in the center part...the central part of the State of Illinois, we do not have many of those youth services bureaus nor those associations that can become the beneficiaries of this particular program and put them into effect. Where we don't have those programs, how does this legislation tend to address that question in a conference...in a Conference Committee?"

Grossi: "The second Amendment that went on in this Body provided that in the event that social service facilities were not available, that the present system would remain. That is, the court would still have jurisdiction over these individuals."

Mautino: "Thank you very much. Well, in that regard...I agree with the prior speaker, Representative Leinenweber, that this legislation, as presented, is certainly not beneficial for those of us in the central part of the state. And I do believe that the discretion of the judiciary should not be removed. I am certain that your response concerning the Conference Committee is acceptable to most Members of this House. But because of the fact we don't have those

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

96th Legislative Day

April 22, 1982

facilities, and I have to go along with the discretion of those that are involved in the system on a daily basis. I'll be opposing, once again, Senate Bill 623."

Speaker Ryan: "Is there any further discussion? Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As a member of the Illinois Commission on Children for 15 years, and that Commission was opposed to this legislation last year. I talked to the President of the Commission...or the Chairman yesterday, and certainly if anyone would be concerned about what happened to these youngsters, it would be the members of that Commission. And they are now in a position where they feel favorable towards this legislation, and they do trust that the Conference Committee will take care of the problem. I would urge you to vote for it. The Bill is good. It is a much better situation for youngsters than to be putting them into the judicial system when they don't need to be. I am a member of the Board of Crisis Homes. And this kind of a situation is exactly what we do. We do have youngsters come there who are runaways who do need help. But they do not need to be thrown into the judicial system. I do understand the problem that was last year's problem, but I also know now that they are trying to rectify it. And I would ask you please to give them a chance to get this straightened out in the Conference Committee. Thank you."

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

Grossi: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think some of the salient points of this Bill have been pointed out to you. And basically, we do admit there are problems with the Bill. And in the future in the

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

96th Legislative Day

April 22, 1982

Conference, we intend to try to work those problems out and bring it back to you for your approval. Thank you."

Speaker Ryan: "The question is, 'Shall Senate Bill 623 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 140 voting 'aye', 12 voting 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 647, Representative Stuffle. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 647, a Bill for an Act to amend Sections of the School Code, Third Reading of the Bill."

Speaker Ryan: "Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members. Senate Bill 647 has been amended by an Amendment placed on this Bill some months ago by Representative Nelson on the other side of the aisle. What it simply does is provide that where a school nurse is certificated, that that school nurse in a school district shall be, as other certificated teachers are, on the salary schedule of that district consistent with the minimum salary schedule established in the School Code of the State of Illinois. When the Bill was on Second Reading, there was a request for a fiscal note. I want to be frank upfront. The Office of Education, at that time, did not have data to indicate what the cost of the Bill would be statewide. An estimate was made at the time that would be around \$100,000. Since then we have done some studying in looking at school districts, salary schedules, and the number of certificated nurses who would be affected. It appears that there would be roughly 200 people in this state affected by the Bill at an average of \$400. So roughly \$80,000 costs to cover those 200 nurses who are not now on the minimum salary schedule of school districts in

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

96th Legislative Day

April 22, 1982

the State of Illinois. These are people who have, within the scope of their education, more training and more education than others who are already on the schedule who are teachers. It covers, with Representative Nelson's Amendment I agreed to, only certificated school nurses not now on the minimum salary schedule. Now, we passed this same piece of legislation last year in the wee hours of the Session at the end of June with 89 votes. But at that time it would have taken 107 due to the fact that...we passed June, in fact. We were passed the constitutional deadline. I would appreciate again your 89 votes today on this Bill, which has a minimal cost impact, to cover some low paid nurses who have a great deal of training and provide service to students in school districts throughout the State of Illinois. Without saying it, obviously, these are the lowest of the low paid people who have Bachelor's Degrees as well as a number of hours of service and training as school nurses. I would appreciate a green vote. Thank you."

Speaker Ryan: "Is there any discussion? The Lady from Cook, Representative Nelson."

Nelson: "Thank you, Mr. Speaker and Members of the House. What Representative Stuffle says is absolutely correct. I was opposed to this concept originally when it came through Committee, because it seemed too broad. But the Bill, as presented, and has...it has been amended and is coming over from the Senate, does only affect 200 downstate nurses. And for that reason, I think it is a reasonable concept, and I do support this Bill. Thank you."

Speaker Ryan: "Further discussion? The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Will the Sponsor yield to a question?"

Speaker Ryan: "Indicates he will."

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

96th Legislative Day

April 22, 1982

Hoffman: "Is the State Mandates Act applicable here, Representative?"

Stuffle: "That question was not raised. The only question raised was the question raised as it has been in every Bill. The agency involved indicated that it might be. There is no request for an answer on that question. There was a request for a fiscal note. It was filed, as I indicated. The Office of Education said they didn't have the data at the time. I subsequently got it."

Hoffman: "And that number was \$800,000."

Stuffle: "80, \$80,000."

Hoffman: "\$80...\$80,000. Ladies and Gentlemen of the House, I don't think there is any...there can be any question in the minds of those of you who understand the intent and the purpose of the State Mandate Act that this...the State Mandate Act would apply in this situation in the sense that we are, by this legislation, moving additional costs onto the...onto local...local school districts. In regards to the Amendment which limited the program, I think that...that that clarified some of the situations about who we were...who we were talking about. I think, however, that when teacher salary schedules were developed, they were developed on the basis of people who had gone through a particular training program to provide a particular service to...to a community. And they built in those lanes for...for training, and education. And steps, for years, predicated on a particular pattern of training for people who are going to provide a particular kind of service. I would suggest to you that those programs were not set up and established to include people other than those people who held education degrees and were certified to teach, not necessarily to do...nurse, but to teach in the public schools of the State of Illinois. And for those two

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

96th Legislative Day

April 22, 1982

reasons, Mr. Speaker, I have some serious reservations about this Bill. And therefore, will indicate those reservations when I vote."

Speaker Ryan: "Is there any further discussion? Representative Huskey. Representative...no, he don't want anything Any further discussion? Representative Stuffle to close. Representative Conti in the Chair."

Stuffle: "Yes, Mr. Speaker and Members, I would simply close by asking you to recall what I said in opening, the minimal cost of the Bill and to answer the statement...the well intended statement of Representative Hoffman who, I believe, voted for the public policy of this state in Article 21-25 of the School Code which provided, several years ago as public policy, that school nurses who were certificated were entitled to all the same rights and privileges as holders of certificates otherwise in the school districts which meant teachers. All this Bill does is extend that public policy to this area. And for that reason, I would ask an 'aye' vote."

Speaker Conti: "The question is, 'Shall Senate Bill 647 pass?'. All in favor signify by saying 'aye',...voting 'aye', all opposed vote... Have all those voted who wish? Have all voted who wish? Have all those voted who wish? This Bill receiving...take the record please. On this Bill there are 141 voting 'yes', 17 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared...declared passed. Senate Bill 723. Read the Bill. Read the Bill, Senate...Representative Stuffle."

Clerk O'Brien: "Senate Bill 723, a Bill for an Act to amend Sections of the School Code..."

Speaker Conti: "Clerk...Turn on Stuffle."

Stuffle: "Mr. Speaker, I'll save you some time. Teachers have done well here. Table the Bill."

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

96th Legislative Day

April 22, 1982

Speaker Conti: "The Gentleman asks leave to table Senate Bill 723. Does the Gentleman have leave? Hearing no objections, the Bill is tabled. Senate Bill 730, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 730, a Bill for an Act to amend Sections of the Purchasing Act for the Metropolitan Sanitary District of Greater Chicago, Third Reading of the Bill."

Speaker Conti: "Representative Terzich on the Bill."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 730 makes a number of Amendments to the Metropolitan Sanitary District. It provides that the Metropolitan Sanitary District may not do business for a period of five years with any person involved or convicted of bribery, bid rigging, price fixing or fraud in connection with public contracts. It permits the personnel director to substitute eligible registers of excellent, well-qualified; through categories instead of numerical ratings. It also deletes the current statutory fee charged for civil service examinations which is \$3, and it authorizes the Sanitary District to increase its working cash fund to 90%, currently at 40% of its maximum corporate tax levy and personal property replacement tax. I am sure that many of you have received a letter from the president of the sanitary district as well as the...news article from the Tribune which states that this is a good government Bill. The Bill would raise from 40 to 90% the amount of its levy that the district can put into its working cash fund. This would allow it to minimize borrowing through note sales and reduce interest costs which, of course, bore...which is bore by the taxpayers. These are not Chicago Bills. They would benefit all of Illinois government units that come under the law. These are good

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

96th Legislative Day

April 22, 1982

Bills, and I would appreciate your support."

Speaker Conti: "Is there any discussion? Representative Balanoff."

Balanoff: "Will...will the Sponsor yield to a question?"

Speaker Conti: "She indicates he will."

Terzich: "Yes."

Balanoff: "Representative Terzich, under this Bill, is it possible to change civil service ratings of candidates for jobs?"

Terzich: "No, it is not. It does not change the civil service statute."

Balanoff: "Is Amendment #1 to Senate Bill 730 effective yet? I mean..."

Terzich: "No, what it does...it's just simply on the selection category which was approved by the...I've got it right here. One second."

Speaker Conti: "Any further discussion?"

Terzich: "No, it...it does not change it. This was approved by the National Civil Service League, and all it does is change the selection which is currently the same way as the State Civil Service Commission."

Balanoff: "Well, doesn't it permit the...the...the changing of categories under numerical ratings to another type of category?"

Terzich: "It changes the..."

Balanoff: "Such as job location, department, et cetera."

Terzich: "It changes it to the same category as the present State Personnel Code."

Balanoff: "As the present what? I'm sorry."

Terzich: "State...the State Personnel Code which was excellent, well-qualified and qualified."

Balanoff: "So it does change the numerical rating."

Terzich: "Yes, the selection."

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

96th Legislative Day

April 22, 1982

sent by certified mail and not by registered mail. The Bill has been amended in the House with three separate Amendments. Amendment #4...six...I'm sorry, four Amendments: Amendment #4, 6, 17 and 24. Essentially, Amendment #4 is a basic Amendment which deals with the right of teachers to bargain collectively in the State of Illinois. Several days ago we sent out of this House a similar Bill on a vote with 106 'aye' votes. I hope that we will repeat that performance here today. Essentially the Bill, as most of you know, will establish the Illinois Education Labor Relations Board, three members appointed by the Governor. Employees will have the right to join labor organizations. Management rights are in the Bill. The impasse procedures are...are spelled out. If within 30 days of an expiration of a collective bargain agreement of a dispute occurs, either party may petition the Board to initiate man...mediation and fact finding. The Board then appoints three fact finders from its roster, one from minor dispute; and these fact finders shall convene hearings and within 20 days make recommendations to the parties. We do have fact finder provisions to mediate the disputes. On strike policy, obviously no employee may withhold services until 30 days after the employee organization has requested fact finding and...and mediation. Also, this Bill has been amended with an Amendment #6, which was offered by Representative Birkinbine, which amended the provisions of the collective bargain Amendment #4 mandating collective bargaining and says in that Amendment that the collective bargain agreement apply only to full-time educational employees. Amendment #17 to this Bill, Representative Karpel, in fact, said that no...that no more than two members of the Board shall be of the same political party, and no member of the Board shall engage in political

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

96th Legislative Day

April 22, 1982

activity at a time that they are holding office. And finally, Amendment #24 to this Bill deals with the subject of tenure termination. And it, in effect, says that a tenured teacher may resign only with the concurrence of the school board or by serving a 30 day notice...written notice to the board. Presently, as you know, a tenured teacher may not terminate their services during the school year nor during the 60 day period prior to the beginning of the school year except by agreement of the board and the teacher. I think most of you know that this Amendment is...is needed for many reasons because of the mobility of our population today and the problems that occurred many, many years ago when this Amendment obviously was not offered, are not prevalent today. And I think that most of you will agree that there is no great shortage of teachers to fill vacant positions during this time. Mr. Speaker and Ladies and Gentlemen of the House, I offer, for your consideration, Senate Bill 733 as amended, and would request an affirmative vote, and would be glad to answer any questions that you may have."

Speaker Conti: "The Gentleman from DuPage, Representative Hudson."

Hudson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I will, with your permission, Sir, address myself directly to the Bill as amended. And it seems to me that what we're witnessing here today is yet another nail in the coffin of fiscal responsibility and local control in the State of Illinois. We have seen House Bill 1345 pass. We have seen 17...1873 pass. And we now have Senate Bill 733 before us which does, in some ways, essentially the same thing that the other two have. So there is no hope really, as I see it, of stopping this nonsense. We seem to be determined here in the House to yield to the pressures of

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

96th Legislative Day

April 22, 1982

the union forces and continue to see our fiscal responsibility and solvency, when these are implemented, go down the drain along with our local control. In this particular case, I will say the setting up of this board and providing for statewide collective bargaining for the teachers is going to represent a loss of freedom for the teacher in the long run, particularly those teachers who, for whatever reason, may not choose to join a union. But with 30% of the people...of the personnel voting, they can select an exclusive bargaining agent, and they will be locked in whether they wish to do so or not. There are no provisions in this measure that I know of for those who do not choose to join. So, it seems to me, in this day of recognition of the rights of our citizens and the freedom of our people, it seems to me to be a paradox that we are saying to a certain section of our employees in the State of Illinois that they must and that they are going to be forced, as a condition of employment, to join a union. I consider this, yes, as was said the other day, to be a loss of freedom Bill. That is what it is. It is a loss of freedom Bill for those teachers. It also represents a loss of sovereignty at the local level. Keep in mind that when local governments are established, they are established to do certain things as is state government. They are established, my colleagues, to provide certain services to the people, and education is one. But when we bring in...and I am going to make this point, and I make it sincerely, and I make it from the bottom of my heart. I know some of you are tired of listening to it. But I am going to repeat it. When we bring in something we call an exclusive bargaining agent, i.e., a union, and make it a coequal with that...that unit of local government, your school board, state government, township government,

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

96th Legislative Day

April 22, 1982

whatever level of government we're talking about, we are, in effect, surrendering some of the prerogatives that we...responsibilities that that local government, be it school board, be it township, be it county; that local unit of government is surrendering its rightful responsibilities to another entity which it has really no business doing. But that is what we're doing. And in so doing...take, for example, your school boards. In so doing, we are freezing out thousands of taxpaying citizens from this process who have every bit as much of right as the union has to have a say in salaries, wages, management pol...policies, et cetera, in our schools as does the union. So we're violating a principle here of representative government, in my opinion. And I think this is a serious thing we're doing when we make this mandatory statewide. It is wrong in principle. It is abrogating freedoms of certain...certain class of people, namely our teachers, and I am going now to address myself to this fact. This Bill, as amended, was never properly heard in the House or the Senate. This is our Committee hearing right here today on the House floor, as far as this measure is concerned, with its statewide implications. And I would think if we have not given careful consideration to the Bills that preceded this, we would certainly do so with this one. And we would think long and hard before we vote 'yes' on this particular measure. There is another thing about this Bill. There is nothing in the Bill to allow employers to seek injunction when it feels that a strike might harm the school district. And if we think the costs of education in the State of Illinois are high now, and we can't meet those costs, and we can't properly educate our children because of those costs; we simply ain't seen nothing yet. Wait until this becomes implemented. Wait until these

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

96th Legislative Day

April 22, 1982

bargaining...collective bargaining process seeds being to take place all over the state. Watch the costs of education mount. See what happens then. What taxes are we going to raise to pay...to pay these astronomical costs as they come up? And they will, because there will be strikes. You all know that where this collective bargaining process mandatory statewide enters into the picture, history shows this. The history in other states shows us that the number of strikes increase. And with those strikes come tremendous costs to the state and to the local units of government. Where are we going to get the money? Furthermore, this Bill would exempt the state from the State Mandates Act. What are our local school districts going to do when, as I said before, we...we enter into the collective bargaining process and if no bargaining...no bargain is reached? Then surely the right to strike is here, and those strikes will take place. You know that as well as I. And yet, this Bill...this Bill exempts the state from the State Mandates Act which simply means that those local units of government have to...may have to foot the Bill. If they don't, the state will. But in any event, it is the taxpayers of the State of Illinois that are going to pay, and pay, and pay. I say again this is probably the third huge spike, huge nail in the coffin of fiscal responsibility that we've seen here in the past three days; also, the third nail in the coffin of local control. I urge you, my colleagues, with all the conviction I have, and I will feel that I have done my duty to sound at least a warning. Because history is going to prove that these past couple of days here have been disastrous. I think disastrous. So, I urge you to think long and hard, and I urge you to vote "no" on these Bills that I assure you in the days to come, and in the months

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

96th Legislative Day

April 22, 1982

ahead and in the years ahead, we are going to regret.

Thank you."

Speaker Conti: "Representative Hoffman from DuPage."

Hoffman: "Thank you very much, Mr. Speaker. I have a few questions I'd like to ask the Sponsor if..."

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

Hoffman: "On page two of Amendment #4...it indicates the...the description of an educational employer or employee...or educational employee or employer. Am I interpreting this definition correctly to indicate that this would cover all employers in the state whose basic function is directly or indirectly related to the providing of public education services?"

Bullock: "Representative Hoffman, cite the page number again that you read from. I didn't have it..."

Hoffman: "Page two. Page two of the Amendment."

Bullock: "Page two of the Amendment."

Hoffman: "Line nine through 14."

Bullock: "Educational employer. Now, what is your question, Representative?"

Hoffman: "The question is, by this definition, is this inclusive of all providers of public education and their related agencies?"

Bullock: "My reading, Representative, of the Amendment is that it would apply."

Hoffman: "In other words, is there anyone involved in the public education business that would not be covered by this Amendment from the Board of Higher Education down to the smallest of our public schools?"

Bullock: "No."

Hoffman: "No."

Bullock: "No, there's not, Representative, and I think upon reading line 12 through 14, and it cites, 'Any state agency

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

96th Legislative Day

April 22, 1982

whose major function...major function is providing educational services to the public schools of Illinois'.

And, obviously, that does not cover everyone."

Hoffman: "How does that not...who does that not cover?"

Bullock: "Well, as you know, the Department of Correction provides educational services. Perhaps the Department of Conservation or Department of Public Health. I am sure you know we don't intend for it to apply in that instance."

Hoffman: "Let me ask you some more specific questions, then. Does it include the Board of Higher Education?"

Bullock: "It certainly does include colleges and universities."

Hoffman: "That...those are defined ahead of that where it says, 'Community colleges, colleges or universities'."

Bullock: "Right."

Hoffman: "Then it says, 'Governing boards'. Does that include the Board of Higher Education?"

Bullock: "Does the Board of Higher Education...is its major function providing education?"

Hoffman: "That is my question to you."

Bullock: "No, your question was, 'Is it covered?'. And I say rhetorically, is it's major function...obviously it is a rhetorical question. If its major function is not providing education, it is not included."

Hoffman: "Then, you're not sure if that is covered."

Bullock: "No, I am quite certain, because I don't think its major function, and I don't think you would argue with..."

Hoffman: "You don't think the major function of the Board of Higher Education is providing educational services to the public colleges and universities in this state?"

Bullock: "If your question is...and perhaps I need to clarify it because you're not clarifying it for me. If its major function, and if it is a governing agency, and I question whether or not it is a governing agency, Representative."

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

96th Legislative Day

April 22, 1982

Hoffman: "Would it include the State Board of Education?"

Bullock: "If it is a governing agent, and if its major function is to provide educational services, then, Representative, it would be covered."

Hoffman: "Representative Bullock, you obviously are not answering my question with rhetorical questions. So, I must assume, on the basis of that, that that question may not be clear. It seems to me that the preposition to the public schools of Illinois leaves you little...little choice. But, if you are unwilling in debate to define that, that is...that is fine. Let's move onto the next issue. Educational employees..."

Bullock: "Let me just say, Representative, on the first question, I have repeated it three times. And perhaps if you want me to give you a yes or no answer, I would only say to you that the State Board, in my estimation, already is covered by collective bargaining; and certainly I don't think they would object. And, of course, it would be covered."

Hoffman: "That is a little better. Thank you, Sir. Let's move onto the next item on educational employee. Now, this includes all employees of that board with the exception of management, or does it include management? Because it says it means, 'Any individual employed by an educational employer.' Would that mean that principals in a school district could organize and would be required to be recognized?"

Bullock: "Are you assuming that they are full-time employees?"

Hoffman: "Yes, I am."

Bullock: "All full-time employees would be covered, and it is not compulsory, obviously, that they join. But if they desire to be covered, they would be covered."

Hoffman: "Your...your...your explanation would imply that there would be one employee organization for each employer

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

96th Legislative Day

April 22, 1982

regardless of the kinds of services they provided whether they were a janitor, or a teacher, or a principal...I'm sorry, a custodian. We don't have any janitors anymore. Would they all be in one?"

Bullock: "Representative Hoffman, I certainly think that you know and I know that this is not a compulsory method. I am certain that you know and I know that anyone is free to join. And the hypothetical issue that you project here, obviously, is exactly that, hypothetical. And with that in mind, you said that. I didn't say it. Now, if you asked me..."

Speaker Conti: "Gentlemen, it appears to me that you are engaging in a personal dialogue. Will you please confine your remarks to the questions and answers?"

Bullock: "Mr. Speaker, if he is specific with his questions...hypothetical questions require hypothetical answers."

Hoffman: "Does this Bill...or would this Bill permit principals, in a large school district, to organize...for bargaining purposes?"

Bullock: "You...Yes, Sir, it would...if they chose to do so."

Hoffman: "I understand. I understand that. Would it be possible, under this Bill, for a group of employees to define the membership of the bargaining unit in such a way that people who objected or groups of people who objected to be included would, in fact, be forced to be included?"

Bullock: "My understanding is that it would not."

Hoffman: "My understanding is that that is a definite possibility. How would this...the passage of this Bill affect existing contracts?"

Bullock: "It would have no effect at all."

Hoffman: "Is there an agency shop provision in this Bill?"

Bullock: "Only if the members agree, and the employer agrees

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

96th Legislative Day

April 22, 1982

would that agency shop exist."

Hoffman: "Would you run that by me again, Representative?"

Bullock: "Only if the membership agree, and the employer agrees."

Hoffman: "Only if the representative of the..."

Bullock: "No, Sir, the membership."

Hoffman: "The membership, not the representatives of the membership."

Bullock: "Both sides would be bound by the contract. If it's not in the contract, you know and I know it wouldn't exist. It can't get in the contract until the membership instructs the unit to do so."

Hoffman: "Alright, so there is permissive agency shop provision in this Bill?"

Bullock: "Yes."

Hoffman: "Is there a fair share provision in here? Is that how it is defined as dues or as a portion of the cost for representation?"

Bullock: "Yes, there is a permissive fair share provision. An employee who chose not to contribute, instead prefers it go to charity, that would be permitted."

Hoffman: "Would...would you point that out to me in the Bill, Sir?"

Bullock: "...Find it for you. If we...if you have another question, we'll take that one while we look that up in the Amendment."

Hoffman: "Alright. On page four you talk about the salary and relate it to the Circuit Court of Cook County and say that the annual salary of two of the members shall be \$2,000 less and the salary of the Chairman \$3,000 more than the Judges of the Circuit Court. I have two questions. One, why was this particular technique chosen for determining the salary, and what would that amount to at the present...excuse me, at the present time?"

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

96th Legislative Day

April 22, 1982

Bullock: "It is my understanding, and I am not a Judge, I don't know the Judges' salary. I think that in...if you're a full circuit, it is \$50,000. And I think if you're an associate it is 48. And I think if you deduct two from that you would come up with 48 and 46. I think that is a respectable salary for people with this level of responsibility. And, obviously, the Chairman would be spending more time in the executive capacity working with the chief operating officer, and I think it is a reasonable request."

Hoffman: "How was this method chosen?"

Bullock: "Well, I think considering that they would have jurisdiction statewide, that...and would be serving in some adjudicatory capacity; that it felt that since they, too, would be referees in determining policies that that was a reasonable salary. I'm glad they didn't use the legislative salary."

Hoffman: "It might have made more sense. On page nine, Section 7-1 on Representatives Selected by Educational Employees. Now, as I read Section...or Subsection 1 of Section 7 on page nine, it would appear to me that if an individual teacher had a grievance...that they could not present those grievances without... even if they wished to not have present the representative of the bargaining unit. Is that a correct reading of that Subsection?"

Bullock: "Well, Dr. Hoffman, I am sure you read the Section as I have read it, and the language gives him an option. And it says, 'provided'. And if he wants to have him, he is allowed to have him. And if he or she desires not to have him or her, they would not be present during that grievance proceeding. That is my reading of the language."

Hoffman: "If you look at the last sentence or fraction of the sentence it says, 'And provided further that the bargaining

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

96th Legislative Day

April 22, 1982

representative has been given an opportunity to be present at such adjustment'. That would say, to me, that if the bargaining representative wanted to be present, and the teacher or teachers did not want him to be present, that he could be there."

Speaker Conti: "Excuse me, Representative Hoffman. What purpose does the Gentleman from Springfield rise?"

Kane: "Point of order. I think if he wants to address the Bill, he should address the Bill...all of this dialogue back and forth. I think questions should be limited."

Speaker Conti: "Your point is well taken. Proceed, Representative Hoffman."

Hoffman: "Mr. Speaker, I am asking specific questions about the Bill. I am not attempting to participate in a dialogue."

Speaker Conti: "Proceed."

Bullock: "Representative Hoffman, that's Section. And it reads, 'And provided further that the bargaining representative has been given an opportunity to be present at such adjustment'. My reading of that just says that he just shall have been notified, and it provides him the opportunity to be present. That he would be given the opportunity to be present. That is my reading, Doc."

Hoffman: "So he would...I would...fine. Thank you very much. I, again, am reading that differently than you. Let me...let me make one other...well, did you get back to that...that fair share pos...point."

Bullock: "Yeah, Representative Hoffman, I must admit to you that the wording is not concise and specific in the Amendment, but I can assure you the intent would be that...as part of the bargaining agreement, that that would occur."

Hoffman: "Pardon me."

Bullock: "The language of the Amendment does not specifically spec...does not specify that it would occur. But it is

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

96th Legislative Day

April 22, 1982

certainly the intent, and we would expect that in a good faith bargaining arrangement that it would occur."

Hoffman: "Thank you very much, Representative Bullock and those around you. I appreciate your participation in this discussion. Ladies and Gentlemen of the House, as you, hopefully, were able to tell from the inquiries which I made of the Sponsor, that this is a very complex, a very far-reaching, and very wide-ranging Bill. I come to this Bill as a participant in the...in the classroom as a teacher. And I, for one, am very concerned about some of the answers that I received, particularly in relation to the whole question of what is the relationship to be between the employee and the unit that is chosen to represent the employees. It seems to me that that is not clearly defined and not carefully defined. And where it is defined, I think it works to the detriment of the best interest of education. If there, in fact, is any meaning in the question of...or in the issue of academic freedom, it seems to me that part of that is in it the relationship between people who have been identified as management and people who have been identified as labor. That is an unfortunate designation in education. This particular Bill would affect all of education. In my judgment, it would also affect all of the governing boards and all of the governing agents and would put all public em...all employees in these agencies into possibly the same bargaining unit. And therefore, Mr. Speaker, Ladies and Gentlemen of the House, I must...I must rise in opposition to this particular piece of legislation."

Speaker Conti: "The Lady from Cook, Representative Braun."

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

Speaker Conti: "The moved...the Lady has moved the previous question. All those in favor signify by saying 'aye',

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

96th Legislative Day

April 22, 1982

opposed. The 'ayes' have it. Representative Bullock to close."

Bullock: "Mr. Speaker, I yield to hyphenated Sponsor, Representative Stuffle, to close."

Speaker Conti: "Representative Stuffle."

Stuffle: "Yes, very briefly on the Bill to address two points.

First of all, some people have asked, 'Isn't this is the same Bill we passed in House Bill 1345. Essentially it is the same Bill. I would point out to this Body that this is a Senate Bill that need not go back through the whole process of Senate action. If this Bill goes back to the Senate out of this chamber, it need only be concurred in. I point that out for a very good reason. We all know that this is the Bill, if you want to put that in quotes, with regard to teacher collective bargaining. If you're for it, this is the important one. You're voting on the same concept and issues as you did in House Bill 1345. This is the way to get there. If you really believe in collective bargaining, as many of the people have demonstrated they do, a clear majority, this is the Bill to give to give first class citizenship to these people. Now, with regard to the remarks of my distinguished colleague from DuPage County, Dr. Hoffman - I mention by name - I know and he knows what is in this Bill, so do the Members of this General Assembly. I know that he is very cognizant of what is in here, and so am I. He is very eloquent and very articulate, and we all know that agency shop can be bargained in any collective bargaining agreement. We know the scope of the Bill, and we know where we stand. So I don't think we need to embellish what is in the Bill. Simply reiterating, this Bill can be put on the Governor's desk with the passage here today and concurrence in the Senate. This is the most important collective bargaining

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

96th Legislative Day

April 22, 1982

Bill this House has considered this far along the line, that I know of, in its history. I urge an 'aye' vote for the same reasons you voted for House Bill 1345. And more so, because this Body has rejected the arguments of right-to-work on this floor. I ask for a green vote."

Speaker Conti: "The Gent...the Gentleman from...The question is, 'Shall Senate Bill 733 pass?'. All those in favor vote 'aye', opposed vote 'no'. Representative Davis, from Will, to explain his vote. The timer's on."

Davis: "Well, thank you...thank you, Mr. Speaker. Representative Hoffman did a good job of pointing out the glaring and gross deficiencies of the Bill. Unfortunately debate was...I was closed off before he had an opportunity to discuss even further ones. I had an important question, and I think you had better pay very close attention to this. It differs from 1345 a great deal. During the amendatory process on this Bill, there were two Amendments being considered: #4 and #5. When #4 was adopted to this Bill, #5 was...was withdrawn. They were almost identical, but I can tell you that in the definition Section of Amendment #4 to this Bill, this Bill can be and will be interpreted as covering collective bargaining units in every school district in the State of Illinois including Catholic, Lutheran, private universities and every other non-state supported school district in this state. It is a backdoor attempt to provide a collective bargaining vehicle for every educational institution in this state. Now, the Sponsors didn't have time to respond to that, and they may respond in the negative to you. But, I can tell you the language was there. It was not there or different in Amendment #5 which was withdrawn after Amendment #4 was adopted. Because, if Amendment #4 had fallen that day when this was not pointed out in that process, then Amendment #5

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

96th Legislative Day

April 22, 1982

would have been adopted. This is a private school as well as a public school collective bargaining Act, and it differs a great deal from 1345."

Speaker Conti: "The Gentleman from Peoria to explain his vote. The timer's on. Tuerk."

Tuerk: "Mr. Speaker and Members of the House, in explaining my vote, the Gentleman from DuPage did ask very incisive questions. He raised a number of viewpoints in this Bill that should be in the minds and raise a lot of doubts in the minds of every Member of this Body. And the one thing that I consider as a personal affront to the legislative process, as I understand it, this important Bill of magnitude of this kind, did not get a hearing in the House in any Committee nor did it get a hearing in the Senate. And I think that is an atrocity. I think that that is on...reason enough to defeat the Bill notwithstanding the glaring loopholes that are in this Bill."

Speaker Conti: "Representative Bullock to explain his vote."

Bullock: "Thank you, Mr. Speaker. It's very seldom that I disagree with a colleague that I have great respect for. Representative Jack Davis is one such individual. But, Representative Davis, you're absolutely wrong. The language in the legislation in Section 2 in Subsection 1, and it talks about educational employer and...employer. And it says, 'Any school district, combination of school districts, state supported school, community college, college or university, governing boards, and any state agency whose major function is providing educational services to the public schools of Illinois'. I mean, the language is right here in the Amendment, and I am sure Representative Davis read it and probably just forgot it. But the fact of the matter is clear. It does indeed apply only to public schools. I urge an 'aye' vote. As the

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

96th Legislative Day

April 22, 1982

Sponsor, Representative Stuffle, said earlier, this is the Bill that will go to the Governor's desk in the most expeditious manner if we send it out of here today. The other Bills, as you know, will have to go to Senate Rules and might not clear that deck. I certainly think that you've expressed yourselves once, and I urge you to express yourselves one more time in giving an affirmative vote to remove teachers from second class citizenship, to remove them from periods of indentured servitude and to give them the respectability that you want and that I want by casting an 'aye' vote."

Speaker Conti: "Representative Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, just to explain my vote. You know, I come out of 18 years of teaching, and there are some very, very serious doubts in this Bill. One, you know, teachers...it takes away a choice if you're going to be a member or you're not going to be a member, an inherent right that has been the freedom of choice in education. Number two, you know, this Bill drastically changes the tenure la...laws in the State of Illinois. It means that it does not respect the set calendars of education in schools, that somebody can quit in the middle of the classroom in the middle of the year. It...it drastically changes the permanency in education. Thirdly, I wonder, and there is a question...I wish we could have asked this question in debate, but where does negotiation stop? I think this Bill will come right in and start to negotiate what is taught in the classroom. It will start to negotiate what is curriculum. And I think that is a serious infraction upon the rights and freedoms of education. And I would ask anybody who is voting in favor of this Bill to strongly consider what they are doing."

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

96th Legislative Day

April 22, 1982

Speaker Conti: "The Gentleman from Madison, McPike, to explain his vote. The timer's on."

McPike: "Thank you, Mr. Speaker. To answer Representative Davis, we passed House Bill 1345 yesterday or the day before. I have it right in my hand. The definition Section that I have in 1345 is identical with the definition Section in this Senate Bill 733. I understand that people are against this Bill. But I don't think it is right to raise red herrings and say that the definitions have been changed from one Bill to the other. They are identical, word for word, comma for comma, period for period. It applies, as...as the Sponsor of this Bill said, it applies to the public schools of Illinois, not to the Catholic schools or Lutheran schools. It is collective bargaining for teachers and employees of the public school system, and no one else. This is a basic right that public school employees should have. I think the people that are against this Bill would have been against the Wagoner Act in 1935. I think they would have been in favor of the labor disharmony that existed in this country in the 1870's, the 1880's and the 1890's. When we have collective bargaining, when we lay down rights, responsibilities in law, then we leave...then we have labor harmony and not disharmony. It is not true that we have the same type of labor riots that we had in the 1900...in the 1910's, the 1920's. Those are gone. This is 1982. It is time that we gave public employees the same rights that were given to private sector employees 50 years ago."

Speaker Conti: "The Lady from...DuPage, Representative Karpziel."

Karpziel: "Yes, I just want to repeat what one of the other members mentioned, and that is that this Bill never went to the Senate Committee. It did not go through the full Senate process. It came from the Senate as an entirely

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

96th Legislative Day

April 22, 1982

different Bill, was amended here in the House on the floor. It has never been through the Committee system at all either in the Senate or the House. We just passed a Bill which the previous speaker said was the exact same Bill. I don't see any reason for passing this Bill and hurrying it up to get it back to the Senate for concurrence. We've got a Bill that we did pass. It's the exact same Bill. Let that one go through the proper committee system in the Senate. I think this Bill should either be defeated, sent back to Committee, and I don't...certainly don't think we should be passing a Bill out of here that has never had any real scrutiny in either the Senate Committee or the House Committee."

Speaker Conti: "Representative Daniels in the Chair."

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

Piel: "Thank you, Mr. Speaker. As we...as the votes have been going up on the Board, I have been sitting here and watching people running around hitting everybody else's vote...everybody else's button. If this should reach 89, I want to verify it."

Speaker Daniels: "The Gentleman from DuPage, Representative Hudson. You spoke in debate, Sir?"

Hudson: "Well, I was just going to ask for a verification, Mr. Speaker."

Speaker Daniels: "Alright, you'll be recognized for that purpose. The Gentleman from McLean, Representative Ropp, to explain his vote. The timer's on, Sir."

Ropp: "Yeah, thank you, Mr. Speaker and Members of the House. I would just like to bring to you a recent election that happened in our school district in which, unfortunately, the issue did not deal with how to improve the educational programs for those young people. It boiled down as to whether or not community should permit collective

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

96th Legislative Day

April 22, 1982

bargaining. And there were two candidates that supported collective bargaining, and three that did not. Those three (sic -two) that supported it were soundly defeated. I hope that you consider what the wishes and the desires of the people you represent are thinking rather than to totally listen to the people in halls that are lobbying for you to vote green on this particular issue."

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 87 'ayes', 66 'no' and three voting 'present'. The Gentleman from Cook, Representative Bullock, requests a Poll of the Absentees, and Representative Piel requests a verification of the Affirmative Roll in the event that it gets over 89."

Clerk O'Brien: "Poll of the Absentees. Abramson. Bartulis. Bell. Catania. Deuster. Ralph Dunn. Ebbesen. Epton. Flinn. Getty. Hanahan. Johnson. Katz. Keane. Macdonald. Murphy. O'Brien. Polk. Schraeder. Vitek and Wikoff."

Speaker Daniels: "That's a Poll of the Absentees. This Bill, having received 87 'aye', 66 'no', 3 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Senate Bill 740, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 740, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Daniels: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, I'd like to have leave to bring back Senate Bill 740 back to Second Reading for an Amendment."

Speaker Daniels: "Gentleman asks leave to return Senate Bill 740 to the Order of Second Reading for purpose of an Amendment. Are there any objections? Hearing no objections, the

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

96th Legislative Day

April 22, 1982

Gentleman has leave. Leave is granted. Senate Bill 740, Second Reading. Are there any Amendments?"

Clerk O'Brien: "Ame...Floor Amendment #2, McAuliffe, amends Senate Bill 740..."

Speaker Daniels: "Representative McAuliffe, Amendment #2."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment #2 to Senate Bill 740 would allow a Member of the General Assembly who is no longer serving, to buy in time that he neglected to buy in when he was a Member."

Speaker Daniels: "Representative McAuliffe moves for the adoption of Amendment #2. Any discussion? Being none, all those in favor signify by saying 'aye', opposed 'no'. The...The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. Senate Bill...Gentleman, Representative Terzich, asks leave to suspend the appropriate rule to have Senate Bill 740 heard immediately. Are there any objections? Leave is granted, unanimous subj...unanimous leave is granted. Read the Bill."

Clerk O'Brien: "Senate Bill 740, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Daniels: "Representative Terzich, Senate Bill 740."

Terzich: "Yes, Mr. Speaker, what...what the Bill does, it amends the Chicago Fire Department Pension Code, and it allows Chicago firemen, who have retired prior to September 1, 1959, which is 22 years ago, it allows them one dollar for each year of credible service. The annuities will amount to approximately to 20 to 30 dollars per individual. There's currently 500 retired employees, and it will simply keep on diminishing. The cost of the program is less than 10,000 dollars. And I would appreciate your support of

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

96th Legislative Day

April 22, 1982

House Bill 740...or Senate Bill 740."

Speaker Daniels: "Any discussion? Minority Leader,
Representative Madigan."

Madigan: "Question of the Sponsor."

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

Madigan: "Mr. Terzich, is this provision, is it a provision of
this Bill part of the collective bargaining negotiations
between the City of Chicago and the Firefighters Union in
Chicago?"

Terzich: "I wouldn't know, Representative Madigan."

Madigan: "Could you step outside the door and ask those people
from the Union if they know? Go right outside that door
there."

Terzich: "Who's out there? The an...The answer is no. No,
that...that..."

Speaker Daniels: "Representative Madigan."

Madigan: "Well, Mr. Speaker, speaking to the Bill, my concern is
that, in recent years, both the Chicago Firefighters Union
and the associations representing the policemen in Chicago
have, simultaneously, negotiated with the City for a
pension adjustments, and, at the same time, offered
legislation in the Legislature, so that... In one
particular instance, the Legislature was nothing more than
a pawn in a leverage game, back and forth between
Springfield and Chicago. And I suspect that the
information given of Mr. Terzich will be subject to
impeachment at a later date, which is not your fault."

Terzich: "Well, like I say, this affects 500 retired employees,
who retired prior to 1959, and it costs 10,000 dollars.
And, yesterday, we passed a Bill that cost 9,200,000
dollars annually and over 100,000,000 dollars in the end
funded liability. And this fund is presently funded at 50
percent. And, certainly, these people, they might not live

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

96th Legislative Day

April 22, 1982

collect the 20 or 30 dollars under this Bill, and I would appreciate your support."

Speaker Daniels: "Representative Madigan. Further dis..."

Terzich: "He already spoke, Mr. Speaker."

Speaker Daniels: "Well, I was wondering if he wanted to deliver a blistering attack."

Madigan: "Later."

Speaker Daniels: "Later. Okay. Further discussion? Being none, Representative Terzich to close."

Terzich: "Yes, I would appreciate your support on this Bill. Thank you."

Speaker Daniels: "Gentleman, Representative Terzich, moves for the passage of Senate Bill 740. 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? The Clerk will take the record. On this question there are 97 'aye', 39 'no', 10 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1028, Representative Hoxsey. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1028, a Bill for an Act to amend the State Property Control Act. Third Reading of the Bill."

Speaker Daniels: "Representative Hoxsey."

Hoxsey: "Yes, Mr....Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1028 would enable the Department of Administrative Services to grant easements in state land to utility services and for utility purposes only. This new statute would be placed within the State Property Control Act. Additionally, Senate Bill 1028 makes technical revisions in the Property Control Act, and the only substantive change is the elimination of an inventory responsibility, which has been conducted by the Department

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

96th Legislative Day

April 22, 1982

of Administrative Services. This inventory function duplicates the work of a number of other state agencies. The change is supported by the Governor's Cost Control Task Force, and the Legislative Audit Commission, and the Auditor General's Office. Amendment #1 eliminated that inventory responsibility, and Amendment #2 earmarked money received from the Sailors and Soldiers Childrens Home in Normal for use by the CDB for conversion of the former St. Mary's Hospital in LaSalle, into a veterans nursing care facility. This being only an authorization, and an appropriation would be necessary at the time. I would ask your favorable support."

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

Brummer: "Yes, our...will the Sponsor yield?"

Speaker Daniels: "She indicated she will."

Brummer: "Our analysis indicates that this give the Director of the Department of Administrative Services authority to grant easements to public utility companies, with or without consideration. Who has...Is that provision still in the Bill?"

Hoxsey: "I'm sorry, Representative, I couldn't hear you."

Brummer: "Our analysis indicates that this Bill gives the Director of the Department of Administrative Services authority to grant easements to public utility companies, with or without consideration. Is that provision still in the Bill?"

Hoxsey: "Just a minute, Representative. Without consideration, did you say?"

Brummer: "Yes, without any financial consideration."

Hoxsey: "We're looking it up here to see if it's still in there. Yes, Representative, it is. It's still in there."

Brummer: "Who curren...Who currently has that authority in the

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

96th Legislative Day

April 22, 1982

state law?"

Hoxsey: "Just a minute. Well, Department of Transportation and Department of Conservation would have the same authority as this would give Administrative Services. It's the same...the same authorization."

Brunner: "The Department of Transportation and the Department of Conservation currently have that authority?"

Hoxsey: "Yes, they do."

Brunner: "Does this take that authority away from them?"

Hoxsey: "No, it does not."

Brunner: "It also gives the authority, in addition..."

Hoxsey: "In addition, and for the purpose of...of saving money and time, actually, when...when it comes to public utilities, so that they don't have to come to the Legislature to provide that au...that easement."

Brunner: "Are...Are you saying currently an easement cannot be granted to a public utility without legislative action?"

Hoxsey: "For Administrative Services, that's correct."

Brunner: "Currently, the Department of Transportation has the authority, if I understand you correctly, to grant an easement to a public utility without legislative action."

Hoxsey: "That...That's correct, and also Conservation."

Brunner: "Okay. When...When would the Department of Administrative Services, then, grant...grant an easement?"

Hoxsey: "Well, that would be for...for example, a city and a sewer system, for example, something like this."

Brunner: "But the Department of Transportation could grant the easement. Is that correct? I...I'm trying to understand how this Bill is going to change the law."

Hoxsey: "Just...Just...Just for their own...Just for their own land, Representative, Con...Transportation."

Brunner: "Okay, so, you're saying, then, this would give the Department of Administrative Services authority to grant

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

96th Legislative Day

April 22, 1982

easement over property over which they had jurisdiction,
and not DOT or Department of Conservation."

Hoxsey: "That's correct, Representative."

Brunner: "Would this also give the authority to Department of
Administrative Services to grant an easement over...over
land under the jurisdiction of the Department of
Transportation or Department of Conservation?"

Hoxsey: "Not without their consent. Not without their consent."

Brunner: "...Reference in here to removing some type of appeal
board?"

Hoxsey: "I still didn't hear you, Representative."

Brunner: "Is there a reference to removing an appeal board that
currently exists?"

Hoxsey: "Well, that would be in the property control part of it."

Brunner: "And what is the effect of that?"

Hoxsey: "What is the effect of it, did you say?"

Brunner: "Yes."

Hoxsey: "Just a minute. That has not been used. Just a minute.
There's a division on that here somewhere, if I can find
it, Representative. Okay. Board of Review, is that what
you're talking about? That's not been used for a goodly
number of years, and they feel it isn't...it's unwarranted.
And..."

Brunner: "Okay. I guess I don't understand the Bill. You had
indicated that the Legislative Audit Commission was in
support. There have been numerous Amendments on here, at
least several Amendments. Is the Legislative Audit
Commission in support of the original Bill and the
Amendments?"

Hoxsey: "Amendment 1, I would assume. Amendment 2 was put on by
myself, in the House."

Brunner: "Is the Legislative Audit..."

Hoxsey: "That doesn't...That doesn't have anything to do with the

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

96th Legislative Day

April 22, 1982

property easement part of the Bill. But the..."

Brummer: "So, those items dealing with easements, are you saying that everything in here is supported by the Auditor General and the Legislative Audit Commission except Amendment #2?"

Hoxsey: "That's correct. And I don't...I haven't checked with that. But, as far as Senate Bill 1028, that's supported by the Legislative Audit Commission, the Auditor Generals Office and the Governor's Cost Control Task Force. They...They make recommendations."

Brummer: "Okay. And what is the effect of Amendment #2, then?"

Hoxsey: "Then, effective...Amendment #2 simply is an authorization that I put on this Bill, which allows for the money that might be received for the Soldiers and Sailors Home to be used for a nursing home, veterans nursing home, conversion."

Speaker Daniels: "Excuse me, I wonder if the Gentleman could bring his line of questioning to a close."

Brummer: "Do we have any precedent for earmarking money from the sale of state property?"

Hoxsey: "I don't whether we do or not. Basically, it would have to be appropriated anyway, Representative. It's just simply an...a...well..."

Brummer: "But if it weren't appropriated, it couldn't be used for any purpose, if this Bill became law."

Hoxsey: "That's correct. That's correct."

Speaker Daniels: "Further discussion? Lady from LaSalle, Representative Breslin."

Breslin: "Sp...Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Speaking in particular to Amendment #2, I would like the Membership to know that this is a project that all area Legislators from our area, from three or four districts, have worked on for some time and are in complete support of. And we'd appreciate your help, and it is a

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

96th Legislative Day

April 22, 1982

very worthy project. Thank you."

Speaker Daniels: "Further discussion? Representative Hoxsey to close."

Hoxsey: "Yes, Members of the House, I would just appreciate a favorable Roll Call."

Speaker Daniels: "Lady has moved for the passage of Senate Bill 1028. The question is, 'Shall Senate Bill 1028 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? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 137 'aye', 4 'nay', and none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Gentleman from Marion, Representative Dwight Friedrich."

Friedrich: "Mr. Speaker, I would like to ask for unanimous consent to suspend the rules that the Rules Committee could meet in the Speaker's Office in ten minutes, because of the time element. First, I'd like to ask that unanimous consent. I have talked to Representative Madigan and the Speaker."

Speaker Daniels: "Gentleman asks unanimous leave that the Rules Committee meet during Session. Are there any objections? Hearing none, the Gentleman has unanimous leave for the Rules Committee to meet during Session. Representative Friedrich."

Friedrich: "Now, Mr. Speaker, I would also ask unanimous consent to waive the posting rule on Senate Bill 1247 and 20...1248, House Bills 2635 and 2531."

Speaker Daniels: "Gentleman asks unanimous leave to waive the posting rules in regards to the Bills enumerated. Does he have leave? Hearing...Are you objecting, Representative Hoffman? Representative Hoffman."

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

96th Legislative Day

April 22, 1982

Hoffman: "Thank you, Mr. Speaker. Question of Representative Friedrich. What is going to be the posture of those Bills that move out of Rules that have to be heard next week?"

Friedrich: "Well, I think..."

Speaker Daniels: "Excuse me...excuse me, Sir. Let us handle his Motion first, then we will go to your question. Does the Gentleman have unanimous leave for those Bills to be posted and the posting requirements be waived. Hearing no objections, the Gentleman has unanimous leave. Did you get those Bills, Mr. Clerk. Would you repeat those Bills again, Sir?"

Friedrich: "Senate Bill 1247 and 1248, House Bills 6...2635 and 2531. In answer to Representative Hoffman's question, obviously, we're running into a time problem because of the deadline for Bills. Those Bills that get out of Rules Committee today are going to have problems, and you're going to have to ask your Chairman to suspend the posting rule so they can be heard next week. We're going to be on that kind of a schedule. And for those next week, they're going to have to be pretty much of an emergency because you may have to, at least, ask to have them put on Second Reading without reference. I don't know if you'll get it done, but... Because if we don't change the deadline, it looks to me like that's the posture."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Thank you. I'm...I'm understanding the...the Chairman of the Rules Committee saying that it is the responsibility of each of those of us who have sponsored legisla...Bills that get out of Rules, to contact the appropriate committee chairman for suspension of that rule for posting. Thank you."

Speaker Daniels: "Representative Robbins."

Robbins: "Mr....Mr. Speaker, I'd like to ask permission to

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

96th Legislative Day

April 22, 1982

suspend the appropriate rules so the Conservation
can...Committee can hear House Bill 2408 and 2409 next
week."

Speaker Daniels: "Have you discussed that with Representative
Madigan? Representative Robbins? Representative Madigan,
is that all right? All right. The Gentleman has asked for
leave to suspend the posting requirement for...the Bills,
Sir, again were...Bill numbers?"

Robbins: "2408 and 2409."

Speaker Daniels: "2408, 2409 for Conservation."

Robbins: "For Conservation, yes."

Speaker Daniels: "Conservation Committee. Are there any
objections? Hearing no objections, Gentleman has unanimous
leave. Representative Braun."

Braun: "Mr...Thank you, Mr. Speaker. I'd like unanimous consent
to...to have...or suspension of the appropriate rule to
hear House Bills 1093 and 1264. It's on the Consideration
Postponed Calendar, so I'm making a Motion as to those two
Bills."

Speaker Daniels: "Have you discussed that with the Speaker?"

Braun: "Earlier. Earlier I did. He said I had to make the
Motion. I figured this was as good a time as any."

Speaker Daniels: "Why don't you hold that Motion for a second."

Braun: "All right, I'll hold the Motion."

Speaker Daniels: "All right. All right. Senate Bill 1029,
Representative Woodyard. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1029, a Bill for an Act to amend
Sections of the Illinois Health Facilities Planning Act.
Third Reading of the Bill."

Speaker Daniels: "Representative Woodyard."

Woodyard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. Senate Bill 1029 was introduced last year in the
Senate, as a request by the Department of Public Health to

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

96th Legislative Day

April 22, 1982

put the State of Illinois in compliance with new federal rules and regulations regarding certificates of need. This Bill came back over to the House and, by the way, it did pass unanimously in the Senate. It came back to the House and, we felt at that time, that the federal law would be repealed and that there would be no need for this Bill. That proved to be incorrect, and that there is very definitely a need for this Bill now. Since it does involve...no, since it does involve a tremendous amount of money in reimbursement to various certificate of need programs and also community mental health centers and agencies of that type. As a matter of fact, due to the fact we are in...in non-compliance, now, with the Federal Government, we stand to lose 465 million dollars over the next four years if this Bill is not passed. It was amended in the House to do two more things. We added a repealer to this Bill; in case the Federal law is repealed, this Bill will also become inactive and be repealed. We also increased the threshold level of this from 150,000 up...up to 600,000 for certificates of need. Amendment #3, that was adopted, also took care of a problem that did arise with the community living facilities. Whereby, when the Act was established, I believe in 1978, inadvertently, there were five or six community living facilities were not grandfathered in. And this Bill...the Senate Amen...the House Amendment also takes care of that, of the grandfathering of licensure on those particular facilities. That's what the Bill does."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves...whoops, excuse me. Representative Pullen."

Pullen: "I'd like to ask the Gentleman a question, please."

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

Pullen: "Does this Bill include, for the first time, physicians

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

96th Legislative Day

April 22, 1982

as having to come under the certificate of need law?"

Woodyard: "Yes."

Pullen: "So, this would impose State Health Planning regulations on physicians, not just hospitals, correct?"

Woodyard: "I'm told certain physicians. This is...is only in compliance with the federal policy and guidelines that we have now."

Pullen: "Here we go for socialism, Ladies and Gentlemen. I urge a 'no' vote."

Speaker Daniels: "Further discussion? Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Gentleman yield for a question?"

Speaker Daniels: "He indicates he will."

Vinson: "Did I hear your answer to that...Representative Pullen's question correctly? Under this Bill, you would...the Health Facilities Planning Board would draw into its jurisdiction the physician's office?"

Woodyard: "Would the physicians draw their jurisdiction from Health Facilities Planning Board. Is that your question?"

Vinson: "I'm saying would the Health Facilities Planning Board now have under its jurisdiction the physician's office?"

Woodyard: "No. No. No."

Vinson: "Would...Could you explain to me what...what your answer to Representative Pullen was, then?"

Woodyard: "On...On major medical equipment."

Vinson: "What kind of major medical equipment? What's the threshold or whatever?"

Woodyard: "Anything in the medical equipment line that costs over 400,000 dollars. A CATscan would be a good example of that."

Vinson: "To the Bill, Mr. Speaker."

Speaker Daniels: "Proceed, Sir."

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

96th Legislative Day

April 22, 1982

Vinson: "I have, I don't believe, ever opposed a Bill that this Sponsor sponsored in the House, and I do it with grave regret. I'm very sorry. But this Bill's terrible. What this Bill would have a state government agency do is set in judgement on what kind of equipment physicians ought to buy for the doctor's office. Now, we've seen the disaster that's occurred when that state...when those state government agencies sit in judgment on what kind of equipment should be purchased in hospitals, now we're taking it down to the local doctor's office. I think that's a question that is uniquely between the patient and the doctor; and how much the patient's willing to pay the doctor; and how the doctor wants to treat the patient. So, I would strongly urge a 'no' vote to this Bill. This is just taking planning, bureaucracy and control too far."

Speaker Daniels: "Further discussion? Being none, Gentleman, Representative Woodyard, to close."

Woodyard: "Thank you, Mr. Speaker. I, quite frankly, don't need the help on this side of the aisle that I'm getting at the present time. But in add...in closing on this Bill, I think the most important point to be made is it's not whether you do or do not like health facilities planning boards and health systems agencies and those kinds of things. They are in existence, at the present time. This Bill merely puts us in consistency and compliance with federal rules and regulations. I think the biggest point is that if we don't have this Bill, we will stand to lose 465 million dollars over the next four years. And I don't think any of us want to go back to our nursing homes, hospitals, community mental health centers and tell them that we voted against something like that."

Speaker Daniels: "Question is, 'Shall Senate Bill 1029 pass?'. All those in favor will signify by voting 'aye', opposed by

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

96th Legislative Day

April 22, 1982

voting 'no'. The voting's open. Have all voted who wish? 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 question, there are 114 'aye', 14 'nay', 5 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. ... Bill 1077, Representative Peters. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1077, a Bill for an Act to amend Sections of the Code of Criminal Procedure. Third Reading of the Bill."

Speaker Daniels: "Representative Peters."

Peters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a piece of legislation which resulted from a study by the Illinois Legislative Investigating Commission, mandated by this House. It is legislation that passed the Senate by a vote of 57 to nothing, and has a bipartisan sponsorship and sponsorship of both attorney and non-attorneys. And, what it does deal with, it is the protection of a child, and the ability of that child to comment on the fact that that child has complained of a sexual assault. And that can be used by the court, in consideration of the case. And it would also allow testimony by an individual who heard that child make that complaint promptly. The safeguards, in regard to properly qualifying the child as to capacity, understanding the necessity of truthfulness, and so forth and so on are still in the Bill. And it did receive the approval of our Judiciary II Committee, which you well know is a...is a tough committee in these kinds of matters. And I would ask the approval of the House in...on this legislation, which is directed towards the protection of children under the age of 12, in cases of sexual exploitation and

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

96th Legislative Day

April 22, 1982

molestation."

Speaker Daniels: "Gentleman has moved for the passage of Senate Bill 1077. Any discussion? Gentleman from Macon, Representative John Dunn. Your light's on, Sir. Further discussion? Being none, Representative Peters moves for the passage of Senate Bill 1077. 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 question there are 138 'aye', none voting 'no', and none voting 'present'. Senate Bill 1077, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1086, Representative Hannig. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1086, a Bill for an Act to amend Sections of the Environmental Protection Act. Third Reading of the Bill."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Last night we amended this Bill and changed it in several ways. This Bill, as amended, would provide that, in those cases where a court has deemed that hazardous waste has been improperly buried, that if that waste is dug up and removed, that it would have to be moved more than 100 miles from the original site. That is basically the Bill, as I proposed it. It also was amended by Representative Hautino to make several other provisions on the siting of hazardous waste. Basically, it changes the criteria that the county and local board would use, and makes it more favorable to the local community. It could...It would allow the local community board to impose a fee of up to 100,000 dollars for the siting of a hazardous waste dump. And it also expands the number of people who can be involved in the

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

96th Legislative Day

April 22, 1982

siting process and who can appeal in the case of what they consider to be an improper decision. This is basically the situation, the Bill, as it is amended. If this were a perfect world, and we had no need for Legislators and no need for laws, certainly none of us would be here. But, obviously, we're all here with certain priorities and with certain problems that we have in our districts. I, for one, have a hazardous waste dump that's in a community which I represent; a community which has been fighting the hazardous waste dump for years and years; and which has been successful in the court system in the last year. We have won at the Circuit Court level, the Appellate Court level, and now at the Supreme Court level. And we are in the process of removing that hazardous waste dump, and we simply want to insure that the people in our area are not faced with a situation similar to that in the very near future. I would ask for your 'yes' vote on this important piece of legislation."

Speaker Daniels: "Any discussion? Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Gentleman yield for a question? Or for several questions? Does this Bill still include your 100 mile Amendment or not?"

Hannig: "That's correct."

Vinson: "Now would you explain how that hundred mile Amendment worked?"

Hannig: "Basically, the Bill would say that, in those cases where a court has ruled that waste has been improperly buried and, consequently, ordered that that waste be removed, and as far as I know, the only case to that extent is in my district. In those cases, the waste would have to be moved to a site more than 100 miles from the original site."

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

96th Legislative Day

April 22, 1982

Vinson: "And, in effect, you're attempting to legislate for Missouri, because you might...that 100 mile zone might extend into Missouri. Is that right?"

Hannig: "Well the...the laws of the State of Illinois will only extend to the state line. If those people were to take that hazardous waste and move it across the state line, for example, to Il...to St. Louis, they would have to comply with the laws in the State of Missouri, and consequently, this law would no longer be applicable, nor would any of the siting provisions of any of Illinois law be applicable. We cannot legislate for any of the other 49 states in the union."

Vinson: "What is the...What, Sir, is the maximum geographical extent of your legislative district? Is it about 100 miles?"

Hannig: "Roughly, 100 miles."

Vinson: "I thought it might be. Now, is there a new fee put in here for hazardous waste permits?"

Hannig: "An Amendment that was adopted last night, which I opposed but, nevertheless, was adopted, would provide that a fee of up to 100,000 dollars could be assessed to a hazardous waste...as a hazardous waste site. That is correct."

Vinson: "How much was that again?"

Hannig: "Well, it's small feed for some of the big companies, but 100,000 dollars is the correct amount."

Vinson: "100,000 dollars?"

Hannig: "Maximum."

Vinson: "Now, is that for the hazardous waste site or is that for the application?"

Hannig: "That is for the fee."

Vinson: "That's for the application, right?"

Hannig: "That's correct."

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

96th Legislative Day

April 22, 1982

Vinson: "And you may never even get...You may never even get approved, but you still got to pay 100,000 dollars to apply. Is that right?"

Hannig: "Mr. Speaker, this Amendment was basically that of Mr. Mautino. I think, at this point, it might be appropriate if he would try to be more specific and answer Mr. Vinson's question."

Speaker Daniels: "Representative Mautino, can you be more specific?"

Mautino: "I'd be more than happy to Mr. Speaker. Thank you. Yes, you're exactly right. That's an application fee for a hazardous waste site, under Amendment nu...that was on Amendment #...what was it? Ten, that was adopted last evening."

Vinson: "You think that might have a chilling effect on applications?"

Mautino: "Not really, because there has been two counties in the State of Illinois that have already adopted a similar provision. In Lee County, the application fee is 50,000 dollars. In Bureau County, it is 100,000 dollars. In respect to your original question, the only other applicable site in the State of Illinois, now in operation, since Wilsonville is closed, is a site in Sheffield, Illinois, which is certainly more than 100 miles from Mr. Hannig's district. If, in fact...If, in fact, that does occur and, since there are no objections by those people who are in that particular business to the amount of the fee, I have...if you would like to have it raised I would be most happy to submit an Amendment in the Senate to raise that fee from 100,000 to whatever you'd like to have it. I, personally, think that's a little small, too."

Vinson: "How many applications have been submitted in Bureau and Lee since this new fee went into effect."

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

96th Legislative Day

April 22, 1982

Mautino: "There has been none in Lee, but that was a very important factor on the ZYX corporation and their application for a permit. In Bureau County, there has been no fee assessed because there is an existing facility there that was put in before there was even any consideration of application fees."

Vinson: "But, no applications since the 50,000 dollar fee?"

Mautino: "Pardon."

Vinson: "There has been no application since the 50,000 dollar application fee was enacted."

Mautino: "No, because it...of an existing site there now, at this time. There has been no application for new fees at all. I would like to point out that the existing law, though, addresses the question of new facilities. And so, in that regard, the fee application was implemented."

Vinson: "Now, am I right in thinking that somewhere in this Bill there is language that says that there has to be a determination...in order to site one of these things in a particular place, that there has to be a determination that the facility is necessary for the public convenience at that particular location?"

Mautino: "That's exactly correct. That was also in the original piece of legislation that the Governor amendatorily vetoed out."

Vinson: "To the Bill, Mr. Speaker, Members of the House."

Speaker Daniels: "Proceed."

Vinson: "I would opposed the Bill for a variety of reasons. There is no basis for drawing up a hundred mile zone and saying when you take hazardous waste from a site that was a bad site, it was a wrong site locate them at, that you're going to move them a hundred miles. Perhaps there's a much better site, a proper site, ten miles away; perhaps it's a thousand miles away. But there is no basis, in fact, cited

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

96th Legislative Day

April 22, 1982

for saying that it should be moved a hundred miles away. The 100,000 dollar fee I find to be particularly outrageous. It's 100,000 dollar fee to file an application to get a site. It's not 100,000 dollar fee to operate the site or anything like that. The cost of the fee is, in no way, related to the cost of the filings, to the cost of the review that's necessary. Now, if somebody wants to impose a cost for operating the site, that's related to the cost of operating the site, that...I think that would be reasonable. But not what this Bill proports to do. Finally, when you say in a Bill that that facility...that there has to be a judicial determination that the facility is necessary for the public convenience at that location, what you, in effect, realize is that you can never have the approval of any facility; because the whole purpose for these things is to dispose of hazardous wastes. If there is disposal...a disposal site available anyplace else in the world, anywhere else in the State of Illinois, anywhere that you could move those materials to, then you can't have a determination that the facility is absolutely necessary at that location. And, yet, the conundrum that you put...you put...put us in is that if you deny the right to locate these things anywhere, what are people going to do? They're going to dump these wastes down the sewers; they're going to throw them in the rivers; they're going to just illegally dump them in a way that does totally violate public health and endangers the environment. I, for a long period of time, have favored some local involvement in the siting decision. I think it's entirely appropriate, and I understand what Dick is concerned about, and I understand the outrage some of his people have felt. But, if we go too far in this, completely aside from any question of constitutionality or anything like that, if we go too far

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

96th Legislative Day

April 22, 1982

in this, then all we're going to do is make the environment worse and have this thing...this stuff spilled down the drain in our own backyards. I'd urge a 'no' vote on the Bill, and I'd request a verification if it gets 89 or 127."

Speaker Daniels: "Gentleman, Representative Mautino."

Mautino: "I did want to make a correction. In my earlier remarks, I mis...misnamed the Amendment. It was Amendment #6 to Senate Bill 1086, so there was no misunderstanding in the record. I would like to respond to a couple of the statements made by Rep...Representative Vinson. First and foremost, the 100,000 dollar fee is a drop in the bucket for anyone who has any idea of what it costs just to go out and to prepare the necessary surveys, geological, hydrological, et cetera. The 100,000 dollar fee is minimal. But, most importantly, at least the local government, the county board or the municipality, will know how serious a company is if, in fact, they have to pay an application fee which is refundable to them if, in fact, the site is not that particular site that is selected. Also, at the same time, I see nothing wrong with the State of Illinois implementing, already, what county boards in two counties in the State of Illinois have adopted. Most importantly, I think it's folly, Representative Vinson, to have you think that this is not the most important issue in the State of Illinois, for a couple of reasons. There has to be a site. The only available site happens to be in central Illinois. Now if, in fact, Mr. Hannig is correct, and that is moved somewhere, I think that it's incumbent upon this General Assembly to offer some protections for site selections to the areas that are going to be considered. I'm sure that there is not a Member of this General Assembly that will, with open arms, welcome the site selection for hazardous wastes. And if you nod your

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

96th Legislative Day

April 22, 1982

head yes to that, I think you're mistaken totally about this General Assembly and the people of the State of Illinois. What we're asking for is protections; protections that there is the opportunity to cross-examine, in the application and site selection process, those people who are knowledgeable in the field; the opportunity for local input. And so, I do take issue with your statements that the 100,000 dollars is...is certainly too high. I think, probably, double that would not even cover the initial sinc...sincerity of the company that's...that's considering a specific site. I also would like to mention that I think it's about time that this General Assembly stood up. Now, there are no special interests, whether it be industry, manufacturing, or hospitals, or those involved in hazardous wastes from the manufacturing point of view, that are in favor of this particular Amendment, and I told you that last evening. Mainly, because the only people it protects are those people who have that product buried in their soil or about to have it buried in their soil. If this General Assembly does not do something within this next year and a half, you'll not only look at the problem with hazardous in chemical waste, you'll be looking at where you going to put a low level nuclear waste site under the multi...multi-state compact that the Senate is addressing now. And if, in fact, we continue to take those provisions away from local government, we're doing ourselves a disservices...a disservice and certainly those that we represent. And I disagree with your remarks on the Bill, 'Senator' Vinson."

Speaker Daniels: "Further discussion? The Gentleman from Whiteside, Representative Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to concur in this Bill. I fully support

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

96th Legislative Day

April 22, 1982

Representative Mautino's statements, and urge an affirmative vote. Thank you very much."

Speaker Daniels: "Further discussion? The Lady from Marshall, Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to condenn...commend the Sponsor and Representative Mautino for their very fine and laudable intentions in this legislation. I, myself, realize the very serious problem, and, Representative Mautino, I do think that this is one of the most volatile issues that we have here in the State of Illinois, right now. I, myself, in my district, have either in my district or surrounding the area, three waste sites that are, right now, being proposed or in the process of having hearings. In fact, in Tazwell County, we are having some of the first hearings under Senate Bill 172. We are finding that there are problems with Senate Bill 172 that definitely need to be clarified, need to be worked on. That is why I would hesitate, at this time, to support legislation that would address the matter in a more ser...in a patchwork matter, rather than going through a series of public hearings and trying to work out a comprehensive plan for the State of Illinois to, not only address the problem of hazardous waste and the burial of other wastes, and also the fee structure. I think it is important that the State of Illinois address this. However, I hate to do this in a haphazard manner, by a serie...by a Bill that has been amended to address this problem. I would like to see a series of hearings that would deal with a thorough research and thorough investigation into this matter. Therefore, I would, hesitatingly, oppose this Bill."

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

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

96th Legislative Day

April 22, 1982

Terzich: "I move the previous question."

Speaker Daniels: "I don't think there's anybody left, so we'll go straight over to Representative Hannig to close."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. In closing, I would simply point out that the 100 mile limitation is for hazardous waste which is found to be illegally buried. We're not talking about waste which has been sited properly and which has been deemed to be in a proper location. We're talking about waste that has been improperly buried; and waste which...and waste which a court has deemed to be improperly buried; and waste which the Supreme Court of this state has deemed to be improperly buried. Now, the people of my district have been fighting a hazardous waste site for about ten years now, waste that has been improperly buried in my district. We simply feel that we have a right to expect that that waste will be removed and will not be put somewhere nearby the same people who had to put up with it for the last ten years. Now, some of the other provision of the Bill, such as Representative Mautino's Bill, already were passed by this House last year, and Senate Bill 171 and 172. Most of us have already voted for those provisions, at least once. They simply attempt to allow local government the opportunity to deny or allow a hazardous waste site to be put in their community. I don't think that anything is wrong with that. That's decentralized government, and it's best. And I think that it's a good procedure. Now, this Bill is a Senate Bill. It is been amended and, quite frankly, will have to go to a Conference Committee, if approved by this House. So, there is still room for further compromise if you feel that some of the provisions are not perfect. Certainly myself and Senator Demuzio feel that we can work with all the factions that are interested

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

96th Legislative Day

April 22, 1982

in this Bill, and we would welcome your thoughts on it. But, I do feel it is very important. I would ask that you would help me keep this Bill alive in the legislative process, and I would ask for your favorable vote."

Speaker Daniels: "The Gentleman, Representative Hannig, has moved for the passage of Senate Bill 1086. The question is, 'Shall Senate Bill 10...1086 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? Representative Mautino to explain his vote."

Mautino: "I guess the easiest way to explain this vote is that, eventually, I don't think that Gary Hannig and I will be the only persons involved in this particular issue. I think it will come home to roost throughout the State of Illinois. And I think that this Amendment and this Bill are proper; and I think they're right. I also would like to make one other statement, that in the four counties that this basically affects, at least, the local county boards have gone in and hired a full-time hazard...hazardous waste environmental attorney to work on this question. Because most of the counties involved that have to go do it on their own because there is no state provision, have spent an awful lot of money, in the hundreds of thousands of dollars, in the case of LaSalle County, approximately 65 thousand in the case of Bureau. I don't know how much in Lee, Henry or Putnam, but it's going to come home to roost for many of us. I think that you either have to take the stand now, and maybe put this Bill into a Conference Committee so maybe one or two of those objections can be addressed; and I have no problem with that. But it is a Senate Bill, and I'm assuming that's where it will go. I certainly would appreciate the opportunity to do that. I know that Gary Hannig would, as well. There are other

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

96th Legislative Day

April 22, 1982

people who are...are not in this room at this time, but I'm sure have the same concerns. And I would hope that you would allow us to do that, just as you allowed Representative Grossi to pass a Bill that wasn't agreeable with everybody in this House, so that it can be worked out in a Conference Committee in the Senate. I would so ask that."

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

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The people who are voting green up there better think one moment about that hundred mile limit. The one thing that guarantees is that someone who has a problem in their district, in this case the Sponsor of the Bill, is going to get it moved to somebody else's district. That's the one thing it guarantees and that could be in any of our districts. There could be an ideal siting location 23 miles away from where he has a problem, but he's going to make sure he gets it out of his district. And I wish people would stop running around pushing buttons, because that's just going to waste time. I'm not even sure there are 89 people on the floor right now."

Speaker Daniels: "Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. I think you should remember that much of this Bill and this Amendment really restores what House...what Senate Bill 172 did in the first place. It tightens up the criteria that the Governor changed in his amendatory veto which, in my view, was a serious disservice to the public. There may be some things that you disagree with. I suggest that a Conference Committee could eliminate those things and do some real service to the public on this issue."

Speaker Daniels: "Have all voted who wish? Have all voted who

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

96th Legislative Day

April 22, 1982

wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 78 'aye', 48 'no', 6 voting 'present'. The Gentleman, Representative Hannig, requests a Poll of the Absentees; and, the Gentleman, Representative Vinson, requests a verification of the affirmative roll if it gets over 127. No, over 89?"

Clerk O'Brien: "Poll of the Absentees. Abramson. Ackerman. Barkhausen. Barnes. Beatty. Bluthardt. Capparelli. Deuster. Domico. Jack Dunn. Ebbesen. Epton. Ewell. Getty. Jackson. Johnson. Karpziel. Katz. Keane. Dick Kelly. Klemm. Krska. Lechowicz. Macdonald. Martire. Mays. McAuliffe. McMaster. Murphy. O'Brien. Ozella. Polk. Ronan. Ropp. Schraeder. Stanley. Stearney. E. G. Steele. C. M. Stiehl. Tuerk. Vitek. Wikoff. Winchester. J. J. Wolf and Woodyard."

Speaker Daniels: "Additions? Being none, this question, having received 78 'aye', 48 'no', and 6 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Representative Ewing."

Ewing: "Mr. Speaker, I would like to ask leave of the House for a supplementary posting of Revenue Bills for next Wednesday. This has been cleared with the Minority Leader. The House Bills are 2238, 2489, 2578, 2579, 2580, 2581 and 2582."

Speaker Daniels: "The Gentleman, Representative Ewing, has asked leave for suspension of the posting requirements on House Bills 2238, 2489, 2578, 2579, 2580, 2581 and 2582. Does he have unanimous leave? Hearing no objections, leave is granted. The posting requirements are waived as to those House Bills so they may be heard in the Revenue Committee. Senate Bill 1177, Representative Levin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1177..."

Speaker Daniels: "Excuse me, out of the record. 1179. Read the

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

96th Legislative Day

April 22, 1982

Bill."

Clerk O'Brien: "Senate Bill 1179, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Levin."

Levin: "Thank you, Mr. Speaker. First of all, by way of background, two of the Bills in this package have engendered some controversy. I am not going to call these Bills; that is 1177, that we've already taken out of the record, and 1187. And one Bill has, in effect, become law; but we'll come back to that one, 1182. Representative Yourell has some Amendments on a different subject on that. The other Bills I am going to call, and they are all supported by the Chicago School Finance Authority, the Chicago Board of Education, and the Chicago Teachers' Union. And what they basically do is to put Chicago in the same posture, in terms of technical finance procedures, as the other school districts in the state, but still subject to all of the limitations of the School Finance Authority Act. The first Bill, Senate Bill 1179, simply expands public participation in the Chicago Board of Education's Budget Process by increasing the notice period before hearings from 10 to 15 days; increasing the number of public hearings from one to two; and also requiring that, within 30 days of approval of the budget, that it be published. If there are questions, I'll be happy to ask (sic - answer) them. It's a fairly simple Bill; otherwise, I'd ask for your support."

Speaker Daniels: "Senate Bill 1179. Any discussion? Being none, the Gentleman, Representative Levin, moves for the passage of Senate Bill 1179. 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 Bradley, you're

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

96th Legislative Day

April 22, 1982

waving."

Bradley: "Yes, not on the Bill, Mr. Speaker, but a suggestion.

I've read these Bills that he's...to explain, then, why don't we take them all on the same Roll Call. They all pertain to the Chicago School System, and are technical in nature. I don't think there's any opposition to them. We could save some time."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Take the record. There are 135 'aye', none voting 'no', none voting 'present'. Senate Bill 1179, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1180. Read the Bill."

Clerk O'Brien: "Senate Bill 1180, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Senate Bill 1180, Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill, again, only affects Chicago; and it allows the Chicago Board of Education to adopt amended budgets, at any point, subject to the same procedures and public hearings as on the initial budget. The rest of the state boards are able to do this. This would simply put Chicago in the same posture."

Speaker Daniels: "Gentleman moves for the passage of Senate Bill 1180. Any discussion? Being none, the question is, 'Shall Senate Bill 1180 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, Mr. Clerk. On this Bill, there are 134 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1181, Representative Levin. Read the Bill, Mr. Clerk."

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

96th Legislative Day

April 22, 1982

Clerk O'Brien: "Senate Bill 1181, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Again, this puts Chicago...Chicago Board in the same posture as the rest of the school boards by allowing it to adopt a supplemental budget when there's any new source of revenue."

Speaker Daniels: "Any discussion? I would if the machine was fast enough. Gentleman moves for the passage of Senate Bill 1181. The question is, 'Shall Senate Bill 1181 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? The Clerk will take the record. On this Bill there are 137 'aye', 1 'nay', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1182, Representative Levin."

Levin: "Mr. Speaker, could we pass this Bill for the moment, and come back to it after we do 1186 because Representative Yourell's going to offer an Amendment?"

Speaker Daniels: "Are you sure we're going to get back to it?"

Levin: "If you'll allow us to."

Speaker Daniels: "Okay. I'll think about it. 1183. Senate Bill 1183."

Clerk O'Brien: "Senate Bill 1183, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Levin."

Levin: "Again, this simply puts the Chicago Board in the same posture as the other boards in the state. It clarifies the timetable in which the Chicago Board may adopt a supplemental budget, based on an increase in the value of taxable property in the school district, and provides that

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

96th Legislative Day

April 22, 1982

that shall be within 60 days of becoming aware of the revenue."

Speaker Daniels: "Representative Vinson."

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

Speaker Daniels: "He indicates he will."

Vinson: "Am I right in thinking that one of these Bills, somewhere in this package, includes an...an increase in the maximum permissible tax rate for the Board?"

Levin: "No. There is no tax increase, of any kind, in any of these Bills. What the Bills simply do is to make it possible, if there...there is a new source of revenue, in order to be able to implement that as quickly as possible."

Vinson: "None of them include a tax increase."

Levin: "There is no tax increase, of any kind, in any of these Bills."

Vinson: "Thank you."

Speaker Daniels: "Further discussion? Being none, the Gentleman, Representative Levin, moves for the passage of Senate Bill 1183. 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 question there are 135 'aye', none voting 'no', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1184, Representative Levin."

Clerk O'Brien: "Senate Bill 1184, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Levin."

Levin: "Mr. Speaker, this is the tag-end of 1183. Once the...there has been a levy by the Chicago Board of Education it has to be approved by the...the City Council of Chicago. And this simply provides for the same time table as 1183."

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

96th Legislative Day

April 22, 1982

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for passage of Senate Bill 1184. 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? Take the record. On this Bill there are 136 'aye', 2 voting 'no', and none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1186."

Clerk O'Brien: "Senate Bill 1186, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Levin."

Levin: "Thank you, Mr. Speaker. Unlike the other Bills, this Bill does have a statewide effect. The Amendment offered by 'Senator' Deuster, Amendment #7, is, in effect, the Bill. And what it does is to clarify the provisions in the School Code that provide that...for an automatic forfeiture of office upon a violation of the budget provisions, by providing that the forfeiture shall occur upon a finding of guilty of said business offense. Up to this point, it's been unclear whether or not you needed a court decision or what. This simply clarifies that. There have been situations that have come up in the past that have raised this question."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the passage of Senate Bill 1186. 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 question there are 136 'aye', 1 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1187. Read the Bill, Mr. Clerk. Representative Levin, you want to table that Bill?"

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

96th Legislative Day

April 22, 1982

Levin: "I'd like to table that and request that we can go back to 1182, and if I could yield to Representative Yourell."

Speaker Daniels: "State one thing at a time. Senate Bill 1187 is tabled. Leave of the House. Hearing no objection, 1187 is tabled. Senate Bill 1182. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1182, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Yourell."

Yourell: "Speaker, I'd...I ask leave to move Senate Bill 1182 back to Second Reading for purpose of an Amendment."

Speaker Daniels: "Gentleman asks leave to move Senate Bill 1182 back to Second Reading for purpose of an Amendment. Any objections? Hearing none, unanimous leave is granted. Senate Bill 1182, Second Reading. Any Amendments?"

Clerk O'Brien: "Amendment #2, Yourell, amends Senate Bill 1182..."

Speaker Daniels: "Representative Yourell, Amendment #2."

Yourell: "Thank you, Mr. Speaker. Amendment #2 changes one word in the Bill that we sent over to the House, the original House Bill, and it came back with Senate Bill 1182. They're identical Bills. The Amendment deals with the date of the active...ac...activity of the levy. The law presently reads that, 'any tax that's levied for special ed on September 16, 1981', and we want to change that to, 'after September 17, 1981. The purpose...That's the Amendment, Mr. Speaker."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the adoption of Amendment #2. All those in favor will signify by saying 'aye', opposed 'no'. All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

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

96th Legislative Day

April 22, 1982

Speaker Daniels: "Third Reading. Representative Yourell."

Yourell: "Now, Mr. Speaker, I'd like to ask leave to suspend the appropriate re...rule to have Senate Bill 1182 heard on Third Reading."

Speaker Daniels: "Gentleman asks for unanimous leave to have Senate Bill 1182 heard immediately. Are there any objections? There are objections, Sir."

Yourell: "Mr. Speaker, I now move to suspend the appropriate rule to hear Senate Bill 1182 on Third Reading."

Speaker Daniels: "Gentleman moves to suspend the appropriate rule to hear Senate Bill 1182 on Third Reading. It take 107 votes. All those in favor signify by voting 'aye', opposed by voting 'no'. This is on the Gentleman's Motion to suspend the rules to have the Bill heard immediately. Yourell."

Yourell: "Thank you, Mr. Speaker, explaining my vote. What this Bill attempts to do, because of the passage of federal legislation requiring that all school children in the State of Illinois be given a proper education, irregardless of their handicap. You know, for many years, we have a special education levy in the State of Illinois in those districts that are under 500,000. But, those...that levy, that two cent levy could only be used for building purposes. What this Bill does, and the Bill that we passed out of the House accomplished, was to let them use that levy for any other purpose, still related to...to...to mental health and certainly not for any other purpose except that. Special ed kids, you know, are a special breed of children, and if we restrict the school districts from using that money except for just building fund purposes, we're not letting them use the funds in their proper perspective. And they're just going to have to levy more money to do this. And this is an area where there is

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

96th Legislative Day

April 22, 1982

money available to them, and I think we ought to give them the opportunity to use funds that are available instead of having them levy additional taxes. I think it's good legislation. It's what school districts want for special ed kids, and I would appreciate a few more green votes."

Speaker Daniels: "Have all voted who wish? Representative Piel, Gentleman from Cook."

Piel: "What we're, basically, voting on is to call it right now. But you're talking about a tax levy. Is this correct?"

Yourell: "There already is a levy, Representative."

Piel: "Yes, but with this Amendment we just adopted, I'm talking about."

Yourell: "There always has been a levy, a two cent levy for special ed, but only for building purposes. What this Amendment does is change the date on which that can become effective."

Piel: "Thank you."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. Yourell."

Yourell: "Yes...Yes, I'll accept this Roll Call."

Speaker Daniels: "The Gentleman's Motion for immediate consideration fails. 1193, Representative Meyer. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1193, a Bill for an Act to amend Sections of the Environmental Protection Act. Third Reading of the Bill."

Speaker Daniels: "Representative Meyer."

Meyer, Ted: "Thank you, Mr. Speaker. Senate Bill 1193 deals with the problem that was created by the passage of 70...Senate Bill 172, which dealt extensively with landfill siting. The problem created deals, in this Bill only, deals with air and water pollution control permits. It does nothing,

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

96th Legislative Day

April 22, 1982

doesn't change any of the statutory language, in regards to solid waste permits. It deals only with air and water pollution control permits. The agency determined that proof of zoning must be...must be furnished with each application for the many hundreds and thousands of air and water pollution control permits that are annually issued by the State of Illinois. This says that no longer does the proof of zoning need to be req...be req...be submitted, but there must be zoning. But the certificate of compliance, the proof of certification issued by the municipalities wou...would be no longer required. This is supported by the Illinois Municipal League, the Illinois State Chamber of Commerce and the Illinois Manufacturers Association."

Speaker Daniels: "Gentleman moves for the passage of Senate Bill 1193. Any discussion? Being none, the question is, 'Shall Senate Bill 1193 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Representative Robbins."

Robbins: "On...On this Bill, I can't see any reason why they shouldn't have to have this certification on file before a lot of this other work is done. It looks like that this would be a savings of money on some of these pollution projects if they knew they could get the site from the local area. And if they can't supply the compliance, or can't supply to the E...Illinois EPA the fact that they do have this local siting, then I think that we should take a good close look at this Bill. I see it flying out of here. I hope you, especially those that you are voting that are not here, can explain to them when they have problems with this later on, why they voted this way."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Take the record. On this question there are 130 'aye', 3 voting 'no', 1 voting 'present'. This Bill,

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

96th Legislative Day

April 22, 1982

having received a Constitutional Majority, is hereby declared passed. Introduction of Bills."

Clerk O'Brien: "House Bill 2635, Telcser, a Bill for an Act in relation to the establishment and operation of multi-county statewide grand jury. First Reading of the Bill. House Bill 2636, Kornowicz, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 2637, Stuffle - Rea, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 2638, Stanley, a Bill for an Act to provide for election of members of the Illinois Commerce Commission. First Reading of the Bill."

Speaker Daniels: "Representative Braun."

Braun: "Thank you, Mr. Speaker. I...I move to suspend the appropriate rule so that House Bill 1093 and 1264 can be heard."

Speaker Daniels: "The Lady asks to suspend the appropriate rule so that House Bill 1093 can be heard immediately. Are there any objections? Gentleman from Cook, Representative Madigan."

Madigan: "Where are the Bills now?"

Speaker Daniels: "Page ten."

Madigan: "...The first number?"

Speaker Daniels: "House Bill 1093."

Madigan: "I have no objection to that."

Speaker Daniels: "Any objections? There are objections."

Madigan: "What's the next number?"

Speaker Daniels: "1264."

Madigan: "I have no objection to that."

Speaker Daniels: "There are objections to that. Representative Braun."

Braun: "Thank you for your kindness."

Speaker Daniels: "You're welcome. You're a very bright Lady."

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

96th Legislative Day

April 22, 1982

...Madigan, for what purpose do you arise, Sir?"

Madigan: "A...A question of the Clerk."

Speaker Daniels: "Of the Clerk?"

Madigan: "Yes. You are not the Clerk."

Speaker Daniels: "What's your question, Sir?"

Madigan: "Mr. Clerk, did you just read some Bills into the record on First Reading?"

Clerk O'Brien: "Yes, Sir."

Madigan: "Could you repeat the first Bill?"

Clerk O'Brien: "House Bill 2635, I think, was on the subject of statewide grand juries."

Madigan: "Now, Mr. Clerk, is it true that that Bill has already been sent to the Senate?"

Speaker Daniels: "That's correct."

Madigan: "Mr. Clerk, you read that into the record, for the first time, less than five minutes ago. Is that correct?"

Clerk O'Brien: "That's correct."

Madigan: "Thank you."

Speaker Daniels: "Representative Greiman, for what purpose do you arise, Sir?"

Greiman: "Yes, Mr. Speaker. I rise because I...I have voted today on a Bill that...in a committee that, apparently, had not had a First Reading. House Bill 2635 was vot...presented in...in the Rules Committee shortly...a short time ago. And I voted 'present' on it, as is my customary posture in the Rules Committee. However, several Republicans voted 'aye' for a Bill which, apparently, had not had a number and had not been filed, to my knowledge. It had not had a First Reading."

Speaker Daniels: "We'll check into that. Representative Vinson."

Vinson: "Mr. Speaker, I think Mr. Greiman has now, finally at long last, found out what an immaculate conception is."

Speaker Daniels: "Representative Madigan."

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

96th Legislative Day

April 22, 1982

Madigan: "Mr. Speaker, I would like to compliment Mr. Telcser and Speaker Ryan for this ingenious way of showing us just why we need a statewide grand jury."

Speaker Daniels: "Agreed Resolutions."

Clerk O'Brien: "Senate Joint Resolution 83 and House Resolution 829, McBroom - Ryan. 830, Swanstrom - Rigney. 831, Stanley - McAuliffe. 832, Conti - Zito. And 833, Fawell - Hoffman."

Speaker Daniels: "Representative Conti. Agreed Resolutions."

Conti: "Outs...I don't have 832. I wish somebody would supply me with that. Senate Joint Resolution 83, Lemke - et al, Senate and House Sponsors. May 1st, the weekend will be marked by numerous patriotic ceremonies throughout the State of Illinois, including Loyalty Day Parade sponsored by several districts of the Department of Illinois Veterans of Foreign Wars. That May...The first day of May is designated as Loyalty Day. In other words, it's a proclamation. House Resolution 829 by McBroom - Ryan, where March 25 was designated as Zero Defects Day. That day, having marked the opening of the company's quality season, Mr. Ernie 'Mr. Cub' Banks threw out the first pitch as the featured speaker in a program commencing the campaign. House Resolution 830, Swanstrom - Rigney, it has come to the attention of this House that the Berean Baptist Chapel, located on the corner of Badger and Broad Streets in Shannon, Illinois, is celebrating its 20th anniversary on Sunday, May 2nd. 831, it has come to the attention of this House that Joseph and Tricia Schlosser will celebrate their second wedding anniversary on April 25th, 1982. House Resolution 832 is that one of the commissions, the House Committee on Medical Assistance Program, changes the date to report back because its late in getting started, from April 1, 1982 to January 12. House Resolution 831,

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

96th Legislative Day

April 22, 1982

Stanley - McAuliffe - Topinka - Bower, we congratulate Joseph and Tricia Schlosser on their second wedding anniversary. We read that one. I'm sorry. House Resolution 833, Fawell - Hoffman - Karpziel - Nelson - Hudson, we celebrated...on tax day, we celebrated the birthday of Lee Daniels, on April 15th, 1982. Roll Call on that last Resolution? Mr. Speaker and Ladies and Gentlemen of the House, I move for adoption."

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

Speaker Ryan: "Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, excluding 2635, I'd like to move to suspend the posting notice for the Bills that were just voted out of Rules. I said excluding 2635 because that will be posted tomorrow pursuant to the rules for the six and a half days. I move that we suspend the rules in connection with the posting requirements for the Bills just voted out of the Rules Committee so that they may be posted to be heard in Committee next week."

Speaker Ryan: "Representative Madigan."

Madigan: "Mr. Speaker, I wish to do two things. Number one, I wish to object to the Gentleman's Motion to suspend the posting requirements because I have not had an opportunity to see any of those Bills. Secondly, I wish, at this time, to register a point of order and my objection to any further consideration by the House of Representatives in this Session of House Bill 2635 on the grounds that this Bill was improperly considered by the Rules Committee this afternoon. It was improperly considered because it did not even exist at the time that the Rules Committee deemed this matter to be exempt under the rules for this Spring

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

96th Legislative Day

April 22, 1982

Session. The Committee met. The Committee Members were presented with a print-out of House Bill 2635. Subsequent to Rules Committee consideration of that Bill, the Bill was then introduced before the House of Representatives. A Bill does not exist until it has been introduced and read a first time by the Clerk. And the record and the transcript of the record will clearly show that the Bill was read at a point in time subsequent to meeting of the Rules Committee. So I register on the record my objection to any further consideration of that Bill."

Speaker Ryan: "Representative Breslin, did you want to enter into this discussion or do you have another point? Representative Madigan. Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, certainly the Gentleman has a right to have his objections journalized, as he so indicates. Let me simply say, the Bill had an LRB number. It was properly filed with the Clerk and assigned a number. I'm not aware of any rules which we have that mandate that a Bill must be read a first time prior to it being heard in a Committee such as Rules. If there is such a rule, I'd like to have somebody refer me to it. I simply say, for the record, it will, of course, appear in the journal; the Bill was properly filed, sent up by the Reference Bureau with an LRB number, the Clerk assigned it a number and it was heard in the Rules Committee with a number of other Bills in the same position. And I might add, that the House granted the Rules Committee the permission to hear the Bills with a Mot...by adopting a Motion which, I believe, Representative Friedrich made just prior to the Rules Committee meeting convening. The Bills were read by number, and the Members of the House granted leave to have those Bills heard. So, on all of those points, Mr. Speaker and Members, I think that the Minority

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

96th Legislative Day

April 22, 1982

Leader's point is not well taken, although certainly it will appear as he wishes."

Speaker Ryan: "Representative Madigan."

Madigan: "Mr. Speaker, in...in response to the Majority Leader, the people of Illinois have been told for several weeks, through the television, that Illinois needs a grand jury system because we need law and order in Illinois. Law and order means respect for rules and respect for the normal process and conduct of the House of Representatives. That's what law and order means. And the Attorney General and the Majority Leader have told us, for weeks and months, we need a grand jury system so that we can bring more law and order and more respect for law and order to the State of Illinois. At this very time, the Majority Party is completely flaunting the rules of this House of Representatives and the rule, the 'Roberts' rule of order. And for the Majority Leader to stand there and say that a Bill is a Bill, even though it hasn't been introduced and read a first time, flies in the face of reason. I can understand. He wants to stand there and try and justify what has happened. But you can't justify two years of mismanagement of this House, two years of flaunting the rules of this House, two years of flaunting just the rules of decency of conduct."

Speaker Ryan: "Representative Telcser for the Adjournment Resolution."

Telcser: "Has the Clerk read the Adjournment Res..."

Speaker Ryan: "Oh, Message from the Senate. Message from the Senate."

Clerk O'Brien: "A Message from the Senate, by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate has adopted the following Senate Joint Resolution, the adoption of which I

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

96th Legislative Day

April 22, 1982

am instructed to ask concurrence of the House of Representatives to wit: Senate Joint Resolution #84, resolved by the Senate of the 82nd General Assembly of the State of Illinois, the House of Representative concurring herein, that when the two Houses adjourn on Thursday, April 22, 1982, they stand adjourned until Tuesday, April 27, 1982 at 12:00 noon."

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

Cullerton: "Thank you, Mr. Speaker. This is Representative Cullerton here. I'm using Representative Getty's... I just wanted to read Rule 31. They asked what rule..."

Speaker Ryan: "Well, it's not timely right now, Representative. Do you seek recognition, Representative Breslin?"

Breslin: "Yes, Mr. Speaker. As...As Chief Sponsor of House Bill 1920, I would like permission to table that Bill."

Speaker Ryan: "Where is that Bill now, Representative?"

Breslin: "It's in committee."

Speaker Ryan: "Pardon."

Breslin: "It's in committee."

Speaker Ryan: "Which committee? House Bill 1920, you want it tabled? You are the Chief Sponsor?"

Breslin: "Correct."

Speaker Ryan: "The Lady asks leave to table House Bill 1920. Are there any objections? Hearing none, leave is granted. The Bill is tabled. Representative Telcser on the Adjournment Resolution."

Telcser: "Mr. Speaker and Members of the House, I now offer and move the adoption of Senate Joint Resolution 84."

Speaker Ryan: "What...Will you hold that a minute, Representative? Representative Wolf, did you have an announcement?"

Wolf, J. J.: "Yes, Mr. Speaker. I ask leave to suspend rule 18B so that the Education Subcommittee of the House

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

96th Legislative Day

April 22, 1982

Appropriations Committee can have a hearing in Dixon Springs on Monday. The posting notice was filed late on Wednesday and is not within the six and a half day notice requirement. This has been cleared with the Minority Spokesman."

Speaker Ryan: "Does the Gentleman have leave? Are there objections? Hearing none, leave is granted. Representative Telcser."

Telcser: "Speaker I offer and move the adoption of Senate Joint Resolution 84."

Speaker Ryan: "We need one minute or two minutes perfunctory time for Committee Reports. You heard the Gentleman's Motion. ...Moves that the House stand adjourned until noon Tuesday, April 27. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the House now stands adjourned."

Clerk O'Brien: "Committee Reports. Representative Stearney, Chairman of the Committee on Judiciary II to which the following Bills were referred, action taken April 22, 1982, reported the same back with the following recommendations: 'do pass as amended' House Bills 1889, 2091 and 2126; 'tabled by Sponsor' House Bill 1183. Representative Sandquist, Chairman of the Committee on Registration and Regulation to which the following Bills were referred, action taken April 22, 1982, reported the same back with the following recommendations: 'do pass' House Bill 2044; 'do pass as amended' House Bill 1839 and 1434. Representative McMaster, Chairman of the Committee on Counties and Townships to which the following Bills were referred, action taken April 21, 1982, reported the same back with the following recommendations: 'do pass' House Bills 1924, 1986, 1992, 2056 and 2277; 'do pass as amended' House Bill 2153 and 2175. Representative McBroom, Chairman

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

96th Legislative Day

April 22, 1982

of the Committee on Financial Institutions to which the following Bills were referred, action taken April 22, 1982, reported the same back with the following recommendations: 'do pass' House Bill 1072; 'do pass as amended Consent Calendar' House Bill 1651 and 2278. Representative Pullen, Chairman of the Committee on Executive to which the following Bills and Resolutions were referred, action taken April 22, 1982, reported the same back with the following recommendations: 'do pass' House Bill 2304 and 2005; 'do pass as amended' House Bills 2262 and 2261; 'be adopted as amended' House Resolution 742. No further business. The House now stands adjourned."