

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

108th Legislative Day

May 12, 1982

Speaker Peters: "The hour of 9:00 having arrived, the House will come to order. The prayer this morning will be given by the Reverend Carl Coker of the Trinity United Methodist Church in Kankakee, Illinois. Reverend Coker.

Reverend Coker: "Let us pray. Eternal God, who sets the stars on their courses and our lives on their way, we believe that You govern the world in love and righteousness and that Your judgments are true and unailing. So, we pray that those who legislate for us may be of one mind, that justice may prevail, and that the well-being of all the people may be ever before them. Endow all Members of this Body with right understanding, pure purpose and sound speech. Enable them to rise above self-seeking and party zeal to the nobler concerns of public good. Bless our State of Illinois. Cleanse our life of every evil. Help those who meet in our behalf to ferret out that which is destructive and to encourage that which is creative. Make us a disciplined and a devoted people, that in serving each other in unselfish love and good will, we may serve You. Amen.

Speaker Peters: "We'll be led in the Pledge of Allegiance this morning by Representative Harry Smith. Representative Smith."

Smith, Harry: "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 Peters: "Roll Call for Attendance. Representative Darrow, for what purpose do you seek recognition?"

Darrow: "Mr. Speaker, I would ask that this be a Verified Oral Roll Call, because it's obvious we do not have a quorum, and I would like the record to show...to show that, and I

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

108th Legislative Day

May 12, 1982

would again request an Oral Verified Roll Call."

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

Meyer, Ted: "Mr. Speaker, that Motion would appear to be untimely, as you'd already...you'd already requested a Roll Call attendance."

Speaker Peters: "Representative Darrow."

Darrow: "Someone has pushed Speaker Ryan's switch. It's obvious he is not in the chamber. I would like this Roll Call verified."

Speaker Peters: "Let the record in...note also that Representative Madigan is not in the chamber, and his...is switched. Representative Oblinger?"

Oblinger: "Mr. Speaker and Members of the General Assembly, for the purpose of a introduction, the Hillsboro High School Senior World Events class is in the back balcony, represented by Representatives Kane, Smith, and by myself. I'd like you to welcome the fourteen members of the class."

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

Darrow: "Speaker, it's obvious the Majority Leaders are not here, but still, the rules provide that only a Majority Leader may make introductions. Perhaps you should pick someone to act as the Majority Leader, in the absence of your people."

Speaker Peters: "So long as this individual is in the Chair, Representative Darrow, you can expect that, from now on, the rules will be absolutely, totally, and scrupulously followed. And, I suggest, Representative, that there is no business before the House; therefore, you have no reason to inquire of the Chair, at this point. The Members will be in their seats. According to the rules, all Members will be in their seats. If they are not, they will not be on this Roll Call. That is in the rules. All Members will be in their seats. Mr. Clerk, dump this Roll Call. We will

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

108th Legislative Day

May 12, 1982

have an Oral Verified Roll Call. That is the Roll Call which will be sent to the Comptroller. Oral Verified Roll Call. Proceed, Mr. Clerk."

Clerk Leone: "Abramson. Abramson, absent."

Speaker Peters: "Pass, he's not here."

Clerk Leone: "Ackerman. Ackerman, present. Alexander."

Speaker Peters: "Alexander, absent."

Clerk Leone: "Alexander, absent. Alstat."

Speaker Peters: "Alstat, present."

Clerk Leone: "Present, Balanoff."

Speaker Peters: "Balanoff, absent."

Clerk Leone: "Barkhausen."

Speaker Peters: "Barkhausen, absent."

Clerk Leone: "Barnes."

Speaker Peters: "Barnes, absent."

Clerk Leone: "Barr."

Speaker Peters: "Barr, present."

Clerk Leone: "Press your button, Representative. Bartulis."

Speaker Peters: "Bartulis, absent."

Clerk Leone: "Beatty."

Speaker Peters: "Beatty, absent."

Clerk Leone: "Bell."

Speaker Peters: "Bell, present."

Clerk Leone: "Present. Bianco."

Speaker Peters: "Bianco, present."

Clerk Leone: "Birkinbine."

Speaker Peters: "Birkinbine, present."

Clerk Leone: "Boucek."

Speaker Peters: "Boucek, present."

Clerk Leone: "Bower."

Speaker Peters: "Bower, present."

Clerk Leone: "Bowman."

Speaker Peters: "Bowman, present."

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

108th Legislative Day

May 12, 1982

Clerk Leone: "Bradley."

Speaker Peters: "Bradley, absent."

Clerk Leone: "Braun."

Speaker Peters: "Braun, present."

Clerk Leone: "Breslin. Breslin, present."

Speaker Peters: "Breslin, present."

Clerk Leone: "Brunner."

Speaker Peters: "Brunner, absent."

Clerk Leone: "Bullock."

Speaker Peters: "Bullock, present."

Clerk Leone: "Capparelli."

Speaker Peters: "Capparelli, present."

Clerk Leone: "Carey."

Speaker Peters: "Carey. Representative Carey, present."

Clerk Leone: "Catania."

Speaker Peters: "Representative Catania, absent."

Clerk Leone: "Chapman."

Speaker Peters: "Representative Chapman, present."

Clerk Leone: "Christensen."

Speaker Peters: "Representative Christensen, present."

Clerk Leone: "Collins."

Speaker Peters: "Representative Collins, absent."

Clerk Leone: "Conti."

Speaker Peters: "Representative Conti, absent."

Clerk Leone: "Cullerton."

Speaker Peters: "Representative Cullerton, present."

Clerk Leone: "Currie."

Speaker Peters: "Representative Currie, present."

Clerk Leone: "Daniels."

Speaker Peters: "Representative Daniels, present."

Clerk Leone: "Darrow."

Speaker Peters: "Representative Darrow, present."

Clerk Leone: "Davis."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "Representative Davis, present."

Clerk Leone: "Representative Daniels is present."

Speaker Peters: "Present."

Clerk Leone: "Deuchler."

Speaker Peters: "Representative Daniels, did you seek recognition?"

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, as part of the leadership on the Republican side, I don't object to any Member of this House verifying any Roll Call, because that's the Member's right; but, because we have a Gentleman who was not here on Monday, and was caught in the switches, this Gentleman wants to bring the operation of this House to a halt on the commencement of the day. Now, it's political in nature. We all know why the Gentleman's doing it, and I would suggest that if he wants this Session to move orderly, if he wants to assist every Member on the House, Republican or Democrat, that the Gentleman reconsider his actions. But, we're here to serve you, and we're more than happy to cooperate with any request that you make, for any partisan, political reason that you may have."

Speaker Peters: "Proceed, Mr. Clerk."

Clerk Leone: "Deuchler, present."

Speaker Peters: "Deuchler, present."

Clerk Leone: "Push your button, Representative. Representative Deuchler?"

Speaker Peters: "Deuchler."

Clerk Leone: "Representative Deuchler, press...press your button, please."

Speaker Peters: "Present."

Clerk Leone: "Deuster."

Speaker Peters: "Deuster, present"

Clerk Leone: "DiPrima."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "DiPrima, present."

Clerk Leone: "Domico."

Speaker Peters: "Domico, present."

Clerk Leone: "Donovan."

Speaker Peters: "Donovan, present."

Clerk Leone: "Doyle."

Speaker Peters: "Doyle. Doyle, absent."

Clerk Leone: "Jack Dunn."

Speaker Peters: "Jack Dunn, present."

Clerk Leone: "John Dunn."

Speaker Peters: "John Dunn, absent."

Clerk Leone: "Ralph Dunn."

Speaker Peters: "Ralph Dunn, present."

Clerk Leone: "Ebbesen."

Speaker Peters: "Ebbesen, present."

Clerk Leone: "Epton."

Speaker Peters: "Epton, present."

Clerk Leone: "Ewell."

Speaker Peters: "Ewell, absent."

Clerk Leone: "Ewing."

Speaker Peters: "Ewing, present."

Clerk Leone: "Farley."

Speaker Peters: "Farley, absent."

Clerk Leone: "Fawell."

Speaker Peters: "Fawell, present."

Clerk Leone: "Findley."

Speaker Peters: "Findley, present."

Clerk Leone: "Flinn."

Speaker Peters: "Representative Flinn, present."

Clerk Leone: "Virginia Frederick."

Speaker Peters: "Representative Frederick, present."

Clerk Leone: "Dwight Friedrich."

Speaker Peters: "Dwight Friedrich, absent."

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

108th Legislative Day

May 12, 1982

Clerk Leone: "Garmisa."

Speaker Peters: "Garmisa, absent."

Clerk Leone: "Getty."

Speaker Peters: "Getty. Representative Getty."

Getty: "Mr. Speaker, in fairness to the Gentleman who requested this, and in response to the last speaker who was recognized, I would like the record to indicate that Representative Darrow had sought the Chair for recognition just after this Motion was put, and tried to withdraw it, so that the time of the House would not further be taken."

Speaker Peters: "Proceed, Mr. Clerk."

Clerk Leone: "Getty, present. Giglio."

Speaker Peters: "Giglio, absent."

Clerk Leone: "Giorgi."

Speaker Peters: "Representative Giorgi."

Giorgi: "Mr. Speaker, I think you ought to clear, for the record, that you've made a ruling that you're going to send us to the Comptroller's Office, but I don't think you can deny any Member of this House of getting on this Attendance Roll Call whenever he arrives here for today's business. I think you ought to clarify your ruling, and I'd like to hear from your ruling now, after you get your orders."

Speaker Peters: "A particular question of the Chair, Representative Giorgi?"

Giorgi: "Yes, I made it...you know, according to the Open Meeting Law, who were you talking to? According to the Open Meeting Law, who were you talking to? You were using the House phone."

Speaker Peters: "I was talking to the Mayor."

Giorgi: "The Mayor. I think you ought to converse with the Governor and the Speaker. You'd be better off. But anyway, my question is, you rule that this is going to be the Attendance Roll Call."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "Yes, Sir."

Giorgi: "I say that you can't deny any Member that joins us for today's deliberations from being on this Attendance Roll Call, and I'd like to know your ruling on that."

Speaker Peters: "The...the...Would you restate the question?"

Giorgi: "Did you go to a bilingual school, Pete?"

Speaker Peters: "Representative Giorgi?"

Giorgi: "Yes. Yes."

Speaker Peters: "If you would act in accordance..."

Giorgi: "With the rules?"

Speaker Peters: "...With the office that you hold on your side of the aisle, the Chair would respond in kind. Now, what is your question, Sir?"

Giorgi: "Pete, I don't get invited down here by you. I get elected from my district. Now, my question to you is, you made a ruling. You made a ruling."

Speaker Peters: "I...I have no comment on...on the..."

Giorgi: "On the ruling you made, right?"

Speaker Peters: "No, no, no..."

Giorgi: "That's the way to run a railroad."

Speaker Peters: "...No comment on the people in your district."

Giorgi: "Pete, you'd need immigration papers to get in my district. You'd get...you'd need immigration papers to get in my district."

Peters: "That goes...that goes beyond...it goes...it's beyond...it is beyond the competence of the Chair to question the competence of the people in your district."

Giorgi: "That's right. That's exactly right. They're all geniuses, Pete, if they select me."

Speaker Peters: "What is question, Sir? What is the question?"

Giorgi: "The question is, you said earlier, this Roll Call is going to be sent to the Comptroller's Office. I say to you, you cannot deny any Member joining us any part of this

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

108th Legislative Day

May 12, 1982

day, from being on this Attendance Roll Call; and I'd like you to clarify your ruling. Now, if you need an interpreter, I'll help you."

Speaker Peters: "Representative Giorgi, in response, this is the Attendance Roll Call. The Attendance Roll Call is the Roll Call that is sent to the Comptroller for determination as to whether an individual is present here today. This Roll Call, by a request of a Member of the House, is a Verified Roll Call; and, according to the rules of the House, a Verified Roll Call cannot be added to or changed, once that Roll Call is taken. The Chair is acting in accordance with the rules."

Giorgi: "In following...In following that...that line of reasoning, can they come in and vote after you take this Attendance Roll Call? Will we...Can they vote?"

Speaker Peters: "If...If...If...If that...It that question comes up, and this individual is in the Chair, we will answer it at that time."

Giorgi: "I'll spare you any more pain."

Speaker Peters: "Thank you. We'll get...We'll get back to you, Representative. Continue, Mr. Speaker." (sic - Clerk)

Clerk Leone: "Giorgi, present. Greiman."

Speaker Peters: "Greiman, present."

Clerk Leone: "Griffin."

Speaker Peters: "Representative Griffin, present."

Clerk Leone: "Grossi."

Speaker Peters: "Grossi, present."

Clerk Leone: "Hallock."

Speaker Peters: "Hallock, present."

Clerk Leone: "Hallstrom."

Speaker Peters: "Hallstrom, present."

Clerk Leone: "Hanahan."

Speaker Peters: "Hanahan, present."

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

108th Legislative Day

May 12, 1982

Clerk Leone: "Hannig."

Speaker Peters: "Hannig, present."

Clerk Leone: "Hastert."

Speaker Peters: "Hastert, present."

Clerk Leone: "Henry."

Speaker Peters: "Henry, absent."

Clerk Leone: "Hoffman."

Speaker Peters: "Hoffman, present."

Clerk Leone: "Hoxsey."

Speaker Peters: "Hoxsey, present."

Clerk Leone: "Hudson."

Speaker Peters: "Hudson, present. Representative Hudson,
present."

Clerk Leone: "Huff."

Speaker Peters: "Huff. Representative Huff, absent."

Clerk Leone: "Huskey."

Speaker Peters: "Representative Huskey, present."

Clerk Leone: "Jackson."

Speaker Peters: "Representative Jackson, present."

Clerk Leone: "Jaffe."

Speaker Peters: "Representative Jaffe, absent."

Clerk Leone: "Johnson."

Speaker Peters: "Representative Johnson, present."

Clerk Leone: "Jones."

Speaker Peters: "Jones, present."

Clerk Leone: "Kane."

Speaker Peters: "Representative Kane, present."

Clerk Leone: "Karpziel."

Speaker Peters: "Representative Karpziel, present."

Clerk Leone: "Katz."

Speaker Peters: "Representative Katz, absent."

Clerk Leone: "Keane."

Speaker Peters: "Representative Keane, present."

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

108th Legislative Day

May 12, 1982

Clerk Leone: "Jim Kelley."

Speaker Peters: "Representative James Kelley, present."

Clerk Leone: "Dick Kelly."

Speaker Peters: "Representative Dick Kelly, present."

Clerk Leone: "Klemm."

Speaker Peters: "Representative Klemm, present. Representative
Klemm."

Clerk Leone: "Press your button, Sir."

Speaker Peters: "Present."

Clerk Leone: "Kociolko."

Speaker Peters: "Representative Kociolko's present."

Clerk Leone: "Koehler."

Speaker Peters: "Koehler, present."

Clerk Leone: "Kornowicz."

Speaker Peters: "Representative Kornowicz is present."

Clerk Leone: "Kosinski."

Speaker Peters: "Representative Kosinski, present."

Clerk Leone: "Krska."

Speaker Peters: "Representative Krska's present, as always."

Clerk Leone: "Kucharski."

Speaker Peters: "Representative Kucharski, absent."

Clerk Leone: "Kulas."

Speaker Peters: "Representative Kulas, present."

Clerk Leone: "Kustra."

Speaker Peters: "Representative Kustra, present."

Clerk Leone: "LaHood."

Speaker Peters: "Representative LaHood, present."

Clerk Leone: "Laurino."

Speaker Peters: "Representative Laurino, absent."

Clerk Leone: "Lechowicz."

Speaker Peters: "Representative Lechowicz, absent."

Clerk Leone: "Leinenweber."

Speaker Peters: "Representative Leinenweber, present."

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

108th Legislative Day

May 12, 1982

Clerk Leone: "Leon."

Speaker Peters: "Leon, present."

Clerk Leone: "Leverenz."

Speaker Peters: "Leverenz, absent."

Clerk Leone: "Levin."

Speaker Peters: "Levin, present."

Clerk Leone: "Loftus."

Speaker Peters: "Loftus, present."

Clerk Leone: "Macdonald."

Speaker Peters: "Macdonald, present."

Clerk Leone: "Madigan."

Speaker Peters: "Representative Madigan's present."

Clerk Leone: "Margalus."

Speaker Peters: "Margalus, present."

Clerk Leone: "Martire."

Speaker Peters: "Martire, present."

Clerk Leone: "Matijevich."

Speaker Peters: "Matijevich, present."

Clerk Leone: "Mautino."

Speaker Peters: "Mautino, present. Representative Mautino.

Excuse me. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. As a Member of this General Assembly who was in attendance on Monday and on Tuesday, I'm proud to also press my own 'present' button...button on Wednesday."

Speaker Peters: "Proceed."

Clerk Leone: "Mays."

Speaker Peters: "Mays, present."

Clerk Leone: "McAuliffe."

Speaker Peters: "McAuliffe, absent."

Clerk Leone: "McBroom."

Speaker Peters: "McBroom, present."

Clerk Leone: "McClain."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "McClain, present."

Clerk Leone: "McCormick. McCormick, present."

Speaker Peters: "McCormick, present."

Clerk Leone: "McGrew."

Speaker Peters: "McGrew. McGrew, absent."

Clerk Leone: "McMaster."

Speaker Peters: "McMaster, present."

Clerk Leone: "McPike."

Speaker Peters: "McPike, present."

Clerk Leone: "Roland Meyer."

Speaker Peters: "Roland Meyer, present."

Clerk Leone: "Ted Meyer."

Speaker Peters: "Ted Meyer. present."

Clerk Leone: "Miller."

Speaker Peters: "Miller, present."

Clerk Leone: "Representative Ted Meyer, would you press your
button, Sir? Mulcahey."

Speaker Peters: "Mulcahey, present."

Clerk Leone: "Murphy."

Speaker Peters: "Murphy, present."

Clerk Leone: "Neff."

Speaker Peters: "Neff, present. Representative Darrow."

Darrow: "Mr. Speaker, it is now evident there are 89 bodies in
this chamber. There weren't when we started this morning.
I will now ask leave to withdraw my Motion for a
verification."

Speaker Peters: "The Gentleman asks leave to withdraw the Motion
for a verification. Leave is granted. Dump the Roll Call.
Roll Call for attendance. Representative Conti?"

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, a
point of inquiry. Representatives Smith and Collins and
myself were at a Commission meeting since 7:45 this
morning. We are operating under temporary rules in this

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

108th Legislative Day

May 12, 1982

House, and I know that a Committee cannot meet while we are in Session. We have left that Commission meeting not knowing whether a Commission is included as well as a Committee, and leaving that Commission without a quorum, with some very important business going on. Does a Commission also include a Committee?"

Speaker Peters: "It would be the opinion of the Chair that it does. Does the Gentleman ask leave for the Committee to meet while the House is...Commission to meet while the House is in Session?"

Conti: "No. They've adjourned because there's no quorum. We left."

Speaker Peters: "Excuse me. Representative Farley?"

Farley: "Yes, Mr. Speaker, Representative Conti asked a question and asked an opinion of the Chair. What he's referring to is; we had a breakfast meeting of the Space Needs Commission, acted on certain items, approved certain items, and, it is all important that those items be approved. And, his question and my question, as Co-Chairman of Space Needs; Is that action legal? We heard from our counsel, Mr. 'Morris', that we were operating legally, even though we were in Session, before this Roll Call."

Speaker Peters: "Well, the...the...the Chair would not render a legal opinion, Representative Farley. The rules provide, however, that no Commission or Committee can meet during the time the House is in Session, unless there is leave of the House. The Chair would suggest that, technically, the House is not in Session until an Attendance Roll Call is taken, and a quorum is determined. So, up to this point, it would be the opinion of the Chair that the House is not in Session until this Roll Call is announced."

Farley: "Thank you."

Speaker Peters: "That, however, is just my opinion."

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

108th Legislative Day

May 12, 1982

Farley: "Well, Mr. Chairman..."

Speaker Peters: "Proc...Yes, Sir?"

Farley: "If that is just your opinion, and I accept your opinion, could you cite me the rule that says, 'Commissions are, in fact, ruled under those guidelines?'"

Speaker Peters: "Rule...Rule Twenty Two, Representative Farley, on page ten of...of the rules."

Farley: "Thank you."

Speaker Peters: "...Refers to both Committees and Commissions."

Farley: "Thank you. I accept you opinion, though."

Speaker Peters: "Thank you, Sir. Take the record, Mr. Clerk. Excuse me. Representative Mautino?"

Mautino: "Yes, Mr. Speaker, my light was on when Mr. Darrow made his original request to remove the Oral Roll Call vote on the quorum call. I would like to say that I've seen a few lights go on that aren't here. I'm sure someone must have inadvertently pushed the Speaker's 'present' button, 'cause I don't see him on the floor. I'd just like to make the point."

Speaker Peters: "The Chair will make a search of the Gentleman, and report back. Take the record, Mr. Clerk. One...Representative Darrow?"

Darrow: "I have no objection if they're in the building and if they're going to come out and fill out a slip, but I don't think anybody's anointed around here, as Giorgi would say. If they're in the building, and they're coming up, that's fine, but have them sign a slip like we do, when we're not here on time."

Speaker Peters: "There are 168 Members present. The House is in Session. Second Reading. Mr. Clerk, Mr. Clerk. Representative Dick Kelly inadvertently did not push his switch. Please record him as being 'present'. Representative Kelly, would you just see the Clerk here, a

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

108th Legislative Day

May 12, 1982

second? Second Readings. Page two. House Bill 958, Representative Younge. Out of the record. 960, Representative Younge. Out of the record. House Bill 1072, Representative Wolf, J. J. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1072, a Bill for an Act to create an Act in regard to reciprocal banking. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "On this question, Representative Madigan? Third Reading. Representative Madigan, for what purpose do you rise, Sir?"

Madigan: "Mr. Speaker, I believe that you inadvertently failed to ask if there were any excused absences."

Speaker Peters: "The Chair thanks you for reminding him of his duties. Any excused absences, Representative Madigan?"

Madigan: "Would the record show that Representative Margaret Smith is excused because of official business?"

Speaker Peters: "The record will so indicate. Representative Telcser, any excused absences?"

Telcser: "Would the record show that Representatives Barnes and Stearney are absent because of illness?"

Speaker Peters: "The record will so indicate."

Telcser: "Speaker, also let the record show that Representative Dwight Friedrich is absent because of a death in the family."

Speaker Peters: "The record will so indicate. House Bill 1119, Representative Preston. Out of the record. Represen...House Bill 1320, Representative McMaster. 1320. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1320, a Bill for an Act to amend an Act to revise the law in relationship to township organization.

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

108th Legislative Day

May 12, 1982

Second Reading of the Bill. Amendments #2, 4, 5, 6, and 7 were adopted previously."

Speaker Peters: "Any Motions with respect to the Amendments mentioned?"

Clerk Leone: "No Motions filed."

Speaker Peters: "Representative McMaster?"

McMaster: "Thank you, Mr. Speaker. I believe that there is...I believe Amendment #8 was tabled by Representative Steczo. I believe that he has Amendment #9..."

Speaker Peters: "Representative, we'll get to that. Any further Amendments, Mr. Clerk?"

Clerk Leone: "Amendment #8, Steczo, was withdrawn. Amendment #9, Steczo."

Speaker Peters: "Representative... Representative Steczo, Amendment #9. Representative McMaster."

McMaster: "Thank you, Mr. Speaker. I am holding this Bill to allow Mr. Steczo to get his Amendment on, if he is ready for it, and I think..."

Speaker Peters: "He is. Representative Steczo, Amendment #9."

Steczko: "Thank you, Mr. Speaker. With the adoption of Amendment #7, we believe that Amendment #9 is not in order. We have asked the Reference Bureau to draft Amendment #10, so at this time, I would like to withdraw Amendment #9 and ask the Sponsor's graciousness in holding the Bill a few more minutes on Second Reading, until Amendment #10 can be delivered to us from the Reference Bureau and distributed on the House floor."

Speaker Peters: "Representative McMaster."

McMaster: "Thank you, Mr. Speaker. I am wondering about the best posture to have this Bill in. I don't want to get it caught up in a position where we're still on Second Reading and cannot move it and vote on it the same day. Would I be better off to move it to Third..."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "Representative McMaster, the...the...the Gentleman has moved to withdraw Amendment #9. Unless there is objection, the Chair would indicate that when that Amendment is prepared, we will go back to your Bill to pick that up, so you don't lose your place, so to speak."

McMaster: "That's what I don't want to do, and I'm perfectly willing to hold it for it."

Speaker Peters: "The House gives the Chair leave to move back to that Bill at the appropriate time. Leave being granted, that's what we'll do. Out of the record. House Bill 1425, Representative Henry. 1425, Sir? Out of the record. House Bill 1463, Representative Catania. Out of the record. House Bill 1954, Representative Vinson. Out of the record. House Bill 1969, Representative Younge. Out of the record. Is Sam here? House Bill 1974, Representative Catania. Out of the record. House Bill 2079, Representative Watson. 2079, Sir. Out of the record. House Bill 2096, Representative Tate. Out of the record. House Bill 2102, Representative McAuliffe. Out of the record. House Bill 2147, Representative Ryan - Reilly. Out of the record. House Bill 2153, Representative Ralph Dunn. Representative Ralph Dunn? Out of the record. With leave of the House, the Chair will now skip over the Appropriations to pick up the Substantive Bills. Is leave granted? Leave granted. Page five, House Bill 2384, Representative Hoffman. Out of the record? Out of the record. House Bill 2448, Representative Daniels. Out of the record. House Bill 2450, Representative Daniels. Representative Daniels, on 2450? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2450, a Bill for an Act relating to narcotics racketeering. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "Before we proceed with that, an announcement from the Chair, that the Chair has given permission to the Illinois Information Service to do some filming from the floor, so that they will be both on the Democratic and Republican sides of the aisle and the front, here, for a brief period of time. Representative Daniels. Any Amendments? Any Amendments? Any...Any Motions to the Committee Amendments?"

Clerk O'Brien: "No Motions relating to Committee Amendment #1."

Speaker Ryan: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #2, Cullerton, amends House Bill 2450 as amended, and so forth."

Speaker Ryan: "Representative Cullerton, Amendment #2."

Cullerton: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. To explain this Amendment, it's...it's important to understand what the Bill does. This is an excellent Bill. It's aimed at preventing persons who've acquired funds through illegal narcotics activities from investing those funds in legitimate businesses or enterprises, either in Illinois or any place associated with Illinois. It is modeled after a federal law, and it is indeed, I think, an excellent Bill. However, in reading the Bill...By the way, this is one of the Bills that's part of the Attorney General's anti-crime package...And in reading the Bill, it...it indicates that the Attorney General shall have concurrent jurisdiction with the local State's Attorneys in the enforcement of this narcotics profits forfeiture Bill; and there are a number...and what this Amendment does is to specifically take out references to the Attorney General. Now, the reasons for this are...are pretty clear. Under present law and under this Bill, criminal and civil prosecutions under the Act are commenced in the Circuit Court, in a county with proper

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

108th Legislative Day

May 12, 1982

venue, so that there is...the nature itself, by its very nature, is...is...The action, by its very nature, is local in nature. This forfeiture phase comes after convictions, so venue and jurisdiction have...have already been established in the county in question, and the defendants, the witnesses are either in custody, or they're out on bail, or they're...they've been subpoenaed by the Circuit Court of that county. Right now, all of the pro...narcotics prosecutions in the state are conducted by State's Attorneys, and even if this Bill passed, prosecutions of... of narcotics cases would still be brought by local State's Attorneys. So, it would be natural for these State's Attorneys, with their experience and their knowledge of the cases in question, to conduct the forfeiture phase. The...the evidence, the parties, the law enforcement agencies, the courts, and most of the property to be forfeited would be much more familiar to the local State's Attorney than to some new Assistant Attorney General who is unfamiliar with these factors. The other thing that...that I find to be very troublesome with this particular aspect of the Bill, is that there's no limitation in the number of suits that can be filed. In other words, the Attorney General can file a suit, and the State's Attorney could file a suit, in...in the same county. There could be two proceedings going on at the same time. The Circuit Courts may enter orders with statewide enforceability, and the..the Court may enter judgment against the defendant and it can be enforced in all 102 counties. Another factor which I think is very important is that the present State's Attorneys and their staffs, they can handle these matters, and there will be no need to...to hire any additional State's Attorneys; but, if we're going to allow the Attorney General and the Assistant

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

108th Legislative Day

May 12, 1982

Attorney Generals to proceed with these cases, we're going to have to hire additional Assistant Attorney Generals, and we're going to have to pay... pay their travel expenses to...to all the different counties, and I don't see any...any...any reason for that. You have to understand that, in this Bill, the reason why it's such an excellent Bill, is that it has a built-in incentive for State's Attorneys to pursue forfeitures. The State's Attorneys can receive 25% of the proceeds, and the county can get 50% of the proceeds. The Attorney General has no such monetary...monetary incentive under this Bill. So, the...the Amendment in no way guts the Bill; it just... it has the effect of saying, 'This is an excellent idea. It should be conducted by the local State's Attorneys.', and there is no reason, other than the fact that it's been included in the Attorney General's crime package, and he modeled it...he may have...he may have assisted in drafting it, and we appreciate that. He may have gotten the idea from the federal government where he used to work with our Governor Thompson, and we appreciate that; but, there's no reason that I can think of why the Attorney General should be specifically named in the Bill with concurrent jurisdiction with the Assistant State's Attorney. As a matter of fact, it would cause a lot of problems, and that's the reason for the Amendment. I'll be happy to answer any questions that anyone might have."

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

Telcser: "Well, Mr. Speaker, Members of the House. If the Gentleman is correct, this is a Bill in a series of anti-crime Bills which are being offered to the Legislature. Representative Daniels, who is a Sponsor of the Bill, has been talking with me, and he reminds me that

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

108th Legislative Day

May 12, 1982

this Bill is, in its present form, is not only supported by the...an organization of the state composed of Chiefs of Police, but also supported by the State's Attorneys throughout the state; and, it seems to me, if the Bill in its present form is good enough for the State's Attorneys, then it's...I believe that we ought to keep the Bill in its present form. Now, what the Gentleman's Amendment is intended to do, is to affect the State's Attorneys who have endorsed the Bill in its present form. Now, while I know that the Gentleman is experienced in law enforcement from his own background, that he's...and that he is sincere in offering this Amendment, I would urge the Members of the House to vote 'no', simply to keep this anti-crime Bill intact the way Representative Daniels now has it; and, in doing so, to support the position of the State's Attorneys and the Chiefs of Police."

Speaker Peters: "Further discussion? Representative Robbins."

Robbins: "I rise in opposition of this Amendment, because of the fact that I am not an attorney. In our area, the defense attorneys, a lot of times, are better prepared than the local State's Attorney, who usually is a young man who has graduated out of college and hasn't had time to build a practice yet. There are many times that these local State's Attorneys need the expertise in...in trial and in planning to get a conviction, so that they're not put in the position of plea bargaining and turning people loose, or leaving a shrewd defense attorney the way to turn these people back out on the streets. It has been very... used... This intervention has been used very effectively in our area, and I feel that this could weaken the ability of our area to get as good of capable of prosecution as possible; and, if we are going to conduct trials fairly and convict people fairly, sometimes we need the expertise of

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

108th Legislative Day

May 12, 1982

the Attorney General's Office, regardless of how...whether you could class it political or not. They come down, and they do a good job. We have had at least one rape conviction and one murder conviction in our area that we wouldn't had, if we hadn't had their help."

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

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think there's a tremendous amount of confusion in the minds of many people as to what the role of the Attorney General is. The...the law right now, under the powers of the Attorney General, says that when, in his judgment, the interests of the people of the state require it, he shall attend the trial of any party accused of crime and assist in the prosecution. If you have a county in which the State's Attorney is inexperienced, or they feel that they, even though they make money under this procedure, that they can't afford it, they can ask the Attorney General for assistance, and he can provide it. He can do that right now, but what we're doing with this law is that, for some reason that some people might say is political, to put together an anti-crime package, which is very popular, we add the Attorney General in, specifically add him and give him the...the powers of bringing an action separate from the action that could be brought from the...an Assistant State's Attorney. So, it just doesn't make any sense. If the...it's a...it's a local matter in nature, the people that make the money, that have the incentive, are the local State's Attorneys. If they need help from the Attorney General, they can always ask. The only reason why the Attorney General would want this, so that he could get some more headlines in saying that he's got another Bill passed, and I don't think that's a good

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

108th Legislative Day

May 12, 1982

enough reason for us to include the Attorney General. For that reason, I would ask for you to vote 'aye' on my Amendment. Mr. Speaker?"

Speaker Peters: "Yes?"

Cullerton: "I would ask for a Roll Call, please."

Speaker Peters: "It's an anti-conservation measure. We're short on paper. You persist? The Gentleman persists. The question is, 'Shall Amendment #2 to House Bill 2450 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? On this question...Take the record, Mr. Clerk. On this question, there are 62 voting 'aye', 91 voting 'nay', and Amendment #2 fails. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 2489, Representative Kustra. Out of the record. House Bill 2501, Representative Vinson. Out of the record. House Bill 2516, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2516, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Peters: "Any Motions with respect to Amendments #1 and 2?"

Clerk O'Brien: "No Motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #3, Telcser, amends House Bill 2516 on page nine."

Speaker Peters: "Representative Telcser, Amendment #3."

Telcser: "Speaker...Mr. Speaker, I'd like to table Amendment #3 to House Bill 2516, as its provisions have been incorporated in an Amendment which will be following shortly."

Speaker Peters: "The Gentleman withdraws Amendment #3. Any other

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

108th Legislative Day

May 12, 1982

Amendments?"

Clerk O'Brien: "Floor Amendment #4, Terzich."

Speaker Peters: "Representative Terzich, Amendment #4. Representative Terzich? Representative Terzich, on Amendment #4."

Terzich: "Yes, Mr. Speaker. Amendment #4 simply allows the Chicago systems to participate under the Prudent Man Rule, under this Bill, and I would move for its adoption."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #4 be adopted?' Those in favor will signify by saying 'aye', opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it, and Amendment #4 is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Karpziel, amends House Bill 2516."

Speaker Peters: "Representative Karpziel, Amendment #5."

Karpziel: "Withdraw Amendment #5, please."

Speaker Peters: "The Lady withdraws Amendment #5. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Karpziel, amends House Bill 2516 as amended."

Speaker Peters: "Representative Karpziel, on Amendment #6."

Karpziel: "Yes, Amendment #6 now becomes the Bill. It incorporates most of the other Amendments. It broadens the investment authority of the State Pension System by defining this authority in accordance with the Prudent Person Rule, rather than a list of specific investment restrictions. The Amendment, specifically, is to strengthen the provisions of the Prudent Person Rule, and details the responsibilities of trustees and investment managers to whom investment authority is delegated; adds definitions of key terms, and also includes the IMRF under the provisions of this Bill."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "Any discussion? Representative Getty."

Getty: "Would the Sponsor yield?"

Speaker Peters: "She indicates she will."

Getty: "Would this Amendment have a substantial impact on the...the Bill?"

Karpiel: "No, no, Sir."

Getty: "It would have no fiscal impact at all, or pension impact at all?"

Karpiel: "No, Sir. All it does is clarify some terms and give definitions, it strengthens the provisions of the...of the definition of fiduciary, and their responsibilities. It includes the IMRF, underneath...under the provisions of this Bill, and that's really all it does."

Getty: "Thank you."

Speaker Peters: "Further discussion? Representative Stuffle."

Stuffle: "Yes, will the Sponsor yield?"

Speaker Peters: "The Lady indicates she will."

Stuffle: "Representative...Pardon me. Representative Karpiel, as you've said, in that it appears that the Amendment is now the Bill, what systems for funds from Chapter 108 1/2 are not included in the Amendment? Who's in and who's out?"

Karpiel: "Well, let me tell you the ones that are in it. I... And now, of course, with Amendment 4 that Representative Terzich just put on it, it includes more. It includes the... the State Universities' Retirement System, the Downstate Teachers' Retirement System, the State Board of Investment, which includes the General Assembly, and the Public Employees' Retirement System, and the Judges' Retirement System. Now, with the Amendment 6, it includes IMRF, and with Amendment 4 adopted, I believe..."

Stuffle: "I'm not so sure Amendment 4 is still in the Bill."

Karpiel: "I don't know. I was just going to say, I don't know whether 4 is still on the Bill, so that... that's all it

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

108th Legislative Day

May 12, 1982

includes, as of now."

Stuffle: "Okay, then, you don't have the downstate police, you don't have the downstate firemen."

Karpiel: "That's correct."

Stuffle: "Second question. How does this Amendment, which is now the Bill, differ from the investment authority that we generally broadened last year for these same pension systems and pension funds, in a Bill that we passed and the Governor signed in the fall, which, basically, allowed the systems that you cover here to have the authority already provided for under the Board of Investments, as opposed to separate types of investment authority in each fund?"

Karpiel: "Well, this gives them more flexibility. It takes out the whole list of restrictions, as presently in the law."

Stuffle: "Okay, then, what does it add? What does it add, with regard to book values and debt and stock limitations, that can be invested in?"

Karpiel: "It doesn't add anything. It puts in the Prudent Person Rule."

Stuffle: "Well, that's a general term. The Prudent Man Rule is very vague, very broad, and... and subject to interpretation. Now I specifically want to know, what have you added into the investment authority that's not generally already there now? Number one and number two, what is the limit on the ability to invest in common stocks and debt, in this particular Bill?"

Karpiel: "There is no specific limitations on common stock."

Stuffle: "Well, as I read the Bill, there are two limitations. One refers to a limitation on a single type of stock, and one refers to a limitation on the overall book value of the stock, and how it's carried in the portfolio of the system. I think that's most important. I think you ought to know what those limitations are, if you're going to present this

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

108th Legislative Day

May 12, 1982

type of Bill, that has some opposition, because of the fact that it has some problems, even if you want to talk about the Prudent Man Rule with the investment authority expansion that you've got. I think that's most important. I think this General Assembly ought to know what changes are in there, and specifically, every type of investment authority you've opened up; and, that's what I want to know, because I haven't had a chance to read six. I've read five, and if they're... if they're not different, I think there are several changes in this thing."

Karpiel: "Representative, I think you're referring to, from what I'm told, you're referring to last year's Bill that we passed in this House, and then, it has been incorporated into this Bill and moved to a new section; but, basically, what this Bill does, is take out all the restrictions, the same as the private funds now have, and the same as the federal government now has, under ERISA."

Stuffle: "So, you're saying..."

Karpiel: "It modernizes the whole system, and gives greater flexibility."

Stuffle: "Okay. Do me a favor, so I don't have to ask you on Third Reading. You're saying you... you've moved more towards the Prudent Man Rule, you've defined fiduciary, you've included investment managers as fiduciaries, you've expanded the powers of the boards of trustees of the pensions systems; but tell me privately, if you would, before Third Reading, what changes, if any, you've made in the investment authority of any of these pension funds, vis-a-vis that Bill that I sponsored last year, that we put on the Governor's desk and he signed, if you would, and thank you."

Karpiel: "I'd be happy to."

Speaker Peters: "Representative Greiman."

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

108th Legislative Day

May 12, 1982

Greiman: "Thank you, Mr. Speaker. Representative Karpziel, on page three of the Amendment, there is a statement that the pension fund..."

Karpziel: "What line are you referring to, Representative?"

Greiman: "Oh, from ten to fifteen. You add the words, 'Solely in the interest of the participants and beneficiaries'...solely in the interest of the participants and beneficiaries. What does that mean?"

Karpziel: "Well, what it means is, it's...it's...it's put in there for the prod...protection of the beneficiaries, and this...this wordage was inadvertently left out of the first drafting of the Bill. This is copied from federal law, from the...the definitions and the...are taken from the Federal Employee Retirement Income Security Act of 1974."

Greiman: "Well, the... the Governor has just had a Commission that has spent almost a year in developing expanded pension investment policies, of which, I believe this was the basis for this Bill. Is that right?"

Karpziel: "Yes, Sir."

Greiman: "And, that phrase, 'Solely in the interest of the beneficiaries', was not part of the report of the Governor's Commission. Isn't that right? Those words were not in there."

Karpziel: "No, this was consistent with the report, though. We thought we... we'd put this in the Bill to strengthen the Bill."

Greiman: "No, I asked if this phrase that you have put in here was in the Governor's Report. It was not, as I recall."

Karpziel: "I'm not aware if the specific phrase is used. I believe it's discussed in the report. I'm not sure if the exact wordage is there."

Greiman: "Well, okay. On the...on the Amendment, I...I support...I served on the Governor's Commission, and have

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

108th Legislative Day

May 12, 1982

had legislation that reflects some of the issues in this Amendment, but the term, 'Solely in the interest of the parti...of the beneficiaries' was not a judgment of that Commission, and I think it restricts, very seriously, the...the decision-making process of the...of the people who will make the investment decisions. For example, I think it's wholly a... a good idea that our pension systems look to as many Illinois investments as possible; that they try and keep their money, our money, in Illinois as much as possible; that at a time when our economy is floundering, that our money, if possible, and if safely, be put into Illinois investments. This expression, 'Solely in the interest of the beneficiaries', would preclude, would preclude the trustees and those people making investment decisions from even considering whether money should be invested in Illinois. They could not use that as a factor. They could not use that as something to consider, so that if 'Company A', which is a good company, but in Wisconsin, and 'Company B', which is a good company, but Illinois... in Illinois; equal companies, they could not use as a criteria, the fact that one is in Illinois, 'cause that would not be...that would not be an issue solely in the interest of the beneficiaries, except in the vaguest way, 'cause they happen to, maybe, were Illinois residents, although not all the pension recipients, of course, are Illinois residents; so that, as a matter of fact, somebody who lives in Florida gets a pension check, could say, 'I don't want that. I don't care about Illinois. That doesn't help me anymore. I live in Florida.' So, we are, unnecessarily, restricting, in a very narrow way, the consideration that people who invest this money can use in determining whether Illinois investments...I hear, on this floor, on both sides of the aisle, everybody yelling and

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

108th Legislative Day

May 12, 1982

crying about Illinois investments, Illinois money. Here, we have seven, eight billion dollars, and, by this little line, we are precluding the trustees and the managers of those funds from considering whether Illinois is a proper place for those funds to go. Maybe yes, maybe no, but we cannot use that as a factor, because of this little line that was thrown in, which was not part, not part of the Governor's Commission. I think the Lady should hold this off, should take it out of the record and should change that line. Until then, I am not going to vote for this Amendment."

Speaker Peters: "Representative Terzich."

Terzich: "Yes. May I ask a question of the Sponsor? Was it your intention to exclude my Amendment to include the...the Chicago Pensions Systems, which was just adopted?"

Karpiel: "It was not my intention, no, Sir."

Terzich: "Well, you know that your Amendment does exclude my Amendment."

Karpiel: "I would be glad to discuss that with you, Representative."

Terzich: "Well, how...how would you plan on doing that? I mean, the Amendment strikes everything after the enacting clause, which would, you know, exclude my...my Amendment."

Karpiel: "I'm sure you're aware, Representative, that I was just given this Bill not too long ago to handle, and I have not had a chance to discuss that with you, but I'd be very glad to. It could be amended in the Senate, or I'd be glad to discuss it with you after we put it on Third, and, you know, discuss the issue with you. I couldn't..."

Terzich: "Well, Representative Karpiel, just one other question. Where did this Amendment originate? Is this from the Governor's Office?"

Karpiel: "This Amendment? Yes, Sir."

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

108th Legislative Day

May 12, 1982

Terzich: "So, it...it's from the Governor's Office that this Amendment is originating from?"

Karpiel: "I think that the...the basis, though, for the Amendment, was just to strengthen the Bill and make it a... a stronger Bill, as far as protecting the beneficiaries in describing and defining fiduciary and cofiduciary and that type of thing. I...you know, there was no other intent with the Amendment."

Terzich: "Well, I understand that, but this Bill was also presented before the Pension Laws Commission, and, you know, you were not in attendance at that meeting, and I was wondering where the Bill came from."

Karpiel: "The Bill, the original Bill? It's my understanding it came out of the Pension Laws Commission."

Terzich: "I might mention that the Bill was heard by the Pension Laws Commission. It did not originate in the Pension Laws Commission."

Karpiel: "I mean, the Governor's Commission on Pensions."

Terzich: "All right, thank you."

Speaker Peters: "Is there any further discussion? Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, I stand in support of Amendment #6, presented and offered to the House by Representative Karpiel. The purpose of Amendment #6 is to strengthen the provisions of the Prudent Person Rule approach to investment authority, by detailing the responsibilities of trustees and investment managers to whom investment authority is delegated. Amendment #6 has been worked out very carefully. All people that have approved the system and the entrance into the system have offered in support of the Amendment. Representative Terzich, one of the reasons that yours has not been included is because, two of your systems have yet to meet

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

108th Legislative Day

May 12, 1982

to approve their entry into it, and you have my assurance, as well as Representative Karpziel's assurance, that we will continue to talk with you, and would be receptive to an Amendment in the Senate, or when we have the approval from all the systems entry. But, the Amendment is very carefully worked out. It has no, and I emphasize, no fiscal impact on the State of Illinois. This merely deals with the question of investment authority. Therefore, your fiscal note, or any items under the fiscal impact, do not have any bearing on this, because the Amendment itself, and the Bill itself, does not have any fiscal impact on the State of Illinois. I request your support of this Amendment and ask for your approval of the same."

Speaker Peters: "Representative Beatty."

Beatty: "Well, Mr. Speaker, with regard to this Amendment, I have some mixed emotions. I do think, however, that the just prior speaker at least is being considerate of these pensions funds and...and is asking their approval. The one Gentleman complaining about his Amendment being taken out, did not go to these funds, and he's put an Amendment on to bind them in a certain way. They do not approve of his Amendment, and I think it's helpful that, at least, they are being asked now by the s...by the Gentleman from DuPage County, and the fact that they're not in there, and they don't care to be in there, maybe should be given some thought. Now, the one part that a previous Representative complained about that he didn't like, I do like. I think that it is fine, and I think it's one of the better things in this Amendment, although the Amendment is quite broad, and I haven't read the entire Amendment, but the fact that the investment should be limited so that the benefits...or that the Members are considered, and...and their best interest is the...really, the main thing. I think this is

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

108th Legislative Day

May 12, 1982

the primary consideration for a pension fund. People put their money in; it's held in trust. We would hope that it was in there for the best interests of those people who are ultimately going to get a pension. It's nice to have pie-in-the-sky ideas and help the State of Illinois, but the primary thing we should worry about is the person who's going to get their pension. Let's safeguard their pension. If...if a Member of the General Assembly thinks we should go into all these Illinois investments, and he wants to take money from the General Assembly Fund, and his money is in there, and all the rest of the Members of the General Assembly agree, then let them invest in whatever...whatever the Members want to; but, to impose this on every other pension system in the state, just to be a do-gooder, and let the fund go to hell because it's supposed to help the state, I think that's an erroneous thought process. Let's worry about these people in the pension systems, and let's get the Governor to fund these systems, also. So, I think that this Amendment, I...I certainly agree with parts of it, and I see where it puts quite a big burden on the fiduciaries, and makes them personally responsible when they're in default on what they should be doing, and this is probably good, too. I believe this Amendment is quite broad. I don't know whether the Pension Laws Commission has had an opportunity to study it, but...study it, but I would think, since it is so broad, perhaps it should be given for the consideration there. In any event, it's here today, and I'm going to support it, and, hopefully, the rest of the Members will. Hopefully, the provisions that there are, are all good, although I haven't seen them all. The ones I've heard discussed so far, I do agree with."

Speaker Peters: "Representative Kane."

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

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

108th Legislative Day

May 12, 1982

Speaker Peters: "She indicates she will. Representative Kane."

Kane: "Representative Karpziel, in Section 1-113, starting on page six, the Amendment lists about fourteen different kinds of investments that these pensions systems can be involved in."

Karpziel: "I'm sorry, Representative. I can't hear you."

Kane: "In Section 1-113, starting on page six, the Amendment lists about fourteen different things that the various pension systems, covered by the Bill, can invest their money in. Are any of those items different...different from the original Bill?"

Karpziel: "Are you saying, Representative, that this Amend...that the Amendment that includes this, is different than the original Bill?"

Kane: "No, I'm asking you if the provisions of...of the Amendment, in Section 1-113, are different, in any way, from the Bill as it was introduced."

Karpziel: "No."

Kane: "That Section is..."

Karpziel: "It relocates language. This is language that was incorporated in a Bill that was passed last year, and puts it in a new Section."

Kane: "But, this is not new language. Even though it's indicated as new language, here."

Karpziel: "No it's just...the reason it's underlined and and put in there is because it's been moved to a different Section, but the language is the same as that that was passed last year in House Bill 795."

Kane: "What, then, of the Amendment, is...is new language?"

Karpziel: "Well, I don't know about exactly which page and which lines, but the only new language in this Amendment is that dealing with, well, let's see...I believe, Section 109.1. Section 1-109.1."

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

108th Legislative Day

May 12, 1982

Kane: "What page is that?"

Karpiel: "I believe that's the first page, Representative."

Kane: "How about the third page?"

Karpiel: "One and..."

Kane: "Okay, that's new. What else is new in the Amendment?"

Karpiel: "Starts at the bottom of the second page. Also Section 1-109.2, on...starts on the bottom of page two. Well...And Section 1-114, and Section 1-115..."

Kane: "What...what page is that?"

Karpiel: "I don't...Are you referring to the Bill, or the Amendment?"

Kane: "No, the Amendment. We're on Amendment #6, which is now the Bill."

Karpiel: "Well, right, but we've got different Amendments, here."

Kane: "I'm just asking what's new in the Amendment."

Karpiel: "Section 1-114 and Section 1-115 are on page twelve of the Bill, or the Amendment, and Section 7 is on page fourteen...is the addition of the IMRF, who we requested to be covered by this Bill. Those are the only changes in this Bill...I mean, this Amendment, from the original Bill."

Kane: "Okay, thank you."

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

Karpiel: "Well, Ladies and Gentlemen of the House, I think Representative Daniels and Representative Beatty did a very good job of explaining this Bill...or, this Amendment, which is now the Bill. The purpose of it is...this is not a pension Bill in the sense that many of you are afraid of voting for pension Bills. This has nothing, no fiscal impact at all. What this Bill does, is to broaden the investment authority for the state pension systems by defining this authority in accordance with the Prudent

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

108th Legislative Day

May 12, 1982

Person Rule, rather than with the list of specific investment restrictions, which are taken out of this Bill. It could...gives greater flexibility for the trustees of the pension systems to invest these pension monies to have...have a greater yield. The... The Bill is based on the recommendation of the Illinois Study Commission on Public Pension Investment Policy, which was created by the Governor in March of 1981, and consisted of 28 Members, representing pension investment experts, labor, public employee unions, retired people, business, community organizations, the public, and the Legislature. At the Committee hearing, the people that have testified and were in...proponents of the Bill, the state employees, the state universities, the teachers' unions, the IMRF, the state chamber, the realtors, the homebuilders, the AFL-CIO, the IFT, the IEA, and AFSCME. And, IMRF asked specifically to be included in the provisions of this Bill. It's a good Bill, and I'd appreciate your 'aye' vote, the Amendment."

Speaker Peters: "The question is, 'Shall Amendment #6 to House Bill 2516 be adopted? Those in favor will signify by saying 'aye'. Those opposed? One more time. Those in favor will signify by saying 'aye'. Those opposed? In the opinion of the Chair, the 'ayes' have it. Request for Roll Call by Representative Levin, joined by five Members, one, two, three, four, five. The question is, 'Shall Amendment #6 be adopted?' 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 85 voting 'aye', 61 voting 'nay', 8 voting 'present'. This Amendment...received...is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "Third Reading. House Bill 20...House Bill 2519, Representative Meyer, Ted Meyer. Out of the record. House Bill 2563, Representative Collins. Out of the record. 2564, out of the record. House Bill 2569, Representative Barr. Gentleman...on the floor? Out of the record. House Bill 2622, Representative Giorgi. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2622, a Bill for an Act to repeal Sections of an Act to provide for the licensing and regulating certain games of chance. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Meyer - Giorgi."

Speaker Peters: "Representative Meyer. Is it Meyer? Who? Representative Roland Meyer, on Amendment #1."

Meyer, Roland: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #1 to Bill 2622 allows Las Vegas nights for those not-for-profit organizations that hold Bingo licenses at present time. It would restrict those organizations to twice in a calendar year. It would not allow more than five consecutive nights twice a year, or ten times, for any organization that now holds a Bingo license, or who is qualified to hold a Bingo license."

Speaker Peters: "Any discussion? Representative Ralph Dunn."

Dunn, Ralph: "Thank...thank you, Mr. Speaker and Members of the House. I...I'd like to ask the Sponsor of the Amendment a couple of questions, if I may."

Speaker Peters: "Representative Meyer, please."

Meyer, Roland: "Yes."

Dunn, Ralph: "Representative Meyer, is this legalized casino gambling for the State of Illinois, does it?"

Meyer, Roland: "This would allow, yes, casino, not...Las Vegas nights, yes, twice a year."

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

108th Legislative Day

May 12, 1982

Dunn, Ralph: "What's the difference between Las Vegas night and casino gambling, would you think?"

Meyer, Roland: "I...I didn't understand what you said, Sir."

Dunn, Ralph: "Is there a difference between casino gambling, that we talked about, and Las Vegas night? That's the same thing, I think. Isn't it?"

Meyer, Roland: "Well, I suppose there's a difference between the two. What... What technical difference you'd distinguish between the two, I can't say, Mr. Representative."

Dunn, Ralph: "I understand someone said over my shoulder that this wouldn't allow any cash to exchange. It would be for paper money, or play money. Is that right?"

Meyer, Roland: "That's my understanding. It would be play money that's being used at present time by several organizations illegally. This would legalize that, yes."

Dunn, Ralph: "And, it would allow them to use real money, if I...my...my analysis of the Bill said the maximum single bet would be two dollars. The maximum award for any one game, five hundred dollars. Those under eighteen could not play. It sounds to me like it wouldn't be play...well, it is, kind of, play money, but it's United States currency, I think. Isn't it?"

Meyer, Roland: "I don't believe so. I...I believe they would purchase the play money or Monopoly money in advance, and then cash it in at the end."

Dunn, Ralph: "Which is the same thing, like using chips at Las Vegas."

Meyer, Roland: "Very similar, yes."

Dunn, Ralph: "Okay, I...I'll....I'll not take too much time, but I just wanted to call the Members' attention to the fact that there are 1600 organizations that have licenses for Bingo. Each one of those, the Sponsor of the Amendment said, could have ten nights of Bingo...ten nights of Las

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

108th Legislative Day

May 12, 1982

Vegas nights. That would be 16,000 Las Vegas nights, which is...there are only 365 days a year, so that's 40 games in...someplace in Illinois. You're legalizing casino gambling, if you...if I read the Amendment right, and I would urge its defeat. I...I certainly want you to look at it. It would legalize roulette, blackjack, poker, faro, baccarat, whatever card games that are played in Las Vegas would be legalized in Illinois. I would urge a "no" vote on the Amendment, Mr. Speaker, and Members of the House."

Speaker Peters: "Representative Piel, on the Amendment."

Piel: "Would the Gentleman yield for a question?"

Speaker Peters: "He indicates he will."

Piel: "Roland, just one quick question. I'm not sure exactly how the Amendment states it, but if a person or an organization does not have a Bingo license, let's say like, Rotary, Optimist, Kiwanis, or something like this. Are they...Under this Amendment, are they still entitled to hold these Las Vegas nights?"

Meyer, Roland: "If they qualify for a Bingo license. They need not hold one, but if they are qualified for a Bingo license, they can apply for this special license, through the Department of Revenue."

Piel: "Fine. Thank you."

Speaker Peters: "Representative Bowman, on the Amendment."

Bowman: "Question of the Sponsor."

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

Bowman: "If...if only play money is being used, why, then, on page two in line twenty two, do you say, 'no single bet at any game may exceed two dollars'. That...that's what is says. It says, 'no single bet at any game may exceed two dollars'. That's not play money, I presume. That...that sounds like real money to me. Why...why do you...you say that, if only play money is used?"

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

108th Legislative Day

May 12, 1982

Meyer, Roland: "Well, your play money has denominations on it, the same as U. S. currency does."

Bowman: "But, Sir, if...if it's in fact play money, or Monopoly money, why should you care to limit the...the size of the bet, if...if it has no real, genuine monetary value, why bother to place a limit on the bet at all?"

Meyer, Roland: "Well, it has a monetary value to the point that, at the end of the evening, the accumulative amount of play money you have, you bid on various prizes, and those prizes cannot be in accumulative of over 500 dollars, so the more play money you have, the more prizes you can bid on."

Bowman: "I see. That...I have to...to say, Representative, that's sounds an awful lot like the way things are... are done in Las Vegas, where you go and you buy chips at the beginning of the evening, and...and then you cash them in at the...at the evening. It's a convenience there, so people don't have to carry cash around with them."

Meyer, Roland: "That's why we call it Las Vegas night, Mr. Representative."

Bowman: "Well, it sounds to me, Sir, as if... if we are opening up a can of worms, here, in that...and the events that... that I have seen that...that use play money do it, simply, just... just like that. You don't have to purchase it. The...the games are strictly for fun. The money is...the play money is given to you at the...at the door when you come in. You have a fixed amount of it. You win it...more, or you lose it, but that there...there is no gambling on...on it, and I think that's...if we...if we go this route, and begin writing into law the kinds of things that are permis...permissible and not permissible, I think pretty soon you'll find people come in with Amendments to....oh, to clarify the law, or to...to clean it up, or to make technical changes that would gradually wind up

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

108th Legislative Day

May 12, 1982

expanding this, and... and I think, right now, with the controversy over casino gambling, it would be...this would be an ill-advised time to...to approve an Amendment like this, so I would oppose it."

Speaker Peters: "Mr. Representative? Representative?"

Meyer, Roland: "The play money you do not..."

Speaker Peters: "Representative Meyer, the Gentleman did not ask a question. He was making a statement. Representative Balanoff."

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

Speaker Peters: "He indicates he will."

Balanoff: "How many times a year can a non-profit organization, such as the the Lions' Clubs, have a Las Vegas night, under this Amendment?"

Meyer, Roland: "If they qualify for a Bingo license, they can apply twice a year, and each time, not to exceed five days."

Balanoff: "Each...I'm sorry. I didn't hear the last part."

Meyer, Roland: "Each time, not to exceed five consecutive days, so they could, ten times a year or ten days, but they could only apply twice a year in a calendar year to the Department of Revenue. They could hold a Las Vegas night five consecutive evenings, each time."

Balanoff: "So, in other words, a non-profit organization could have only two Las Vegas nights per year. Is that correct?"

Meyer, Roland: "No, they could apply..."

Balanoff: "Las Vegas sessions."

Meyer, Roland: "Right. Twice a year. Not to exceed five consecutive evenings each time."

Balanoff: "Have some of these non-profit, private organizations opposed this Amendment?"

Meyer, Roland: "Not to my knowledge, and I know several that have been holding them."

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

108th Legislative Day

May 12, 1982

Balanoff: "It seems to me I got some correspondence on that."

Meyer, Roland: "I haven't, I'm sorry. I haven't received any comments on it."

Balanoff: "Thank you."

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

Meyer, Roland: "I'd merely ask for a favorable vote on this. Several organizations that are non-profit are holding such Las Vegas evenings at present time, which are illegal. The money that you pay when you come in to buy the... the 'funny money', so to speak, you cannot cash that in at the end of the evening. It must be taken out in prizes, so that would help the not-for-profit organizations. The charity money is awful tight, and I think this is a good Amendment. I'd ask for an 'aye' vote. Thank you."

Speaker Peters: "The question is, 'Shall Amendment #1 to House Bill 2622 be adopted?' Those in favor will signify by saying 'aye'. Representative Dunn requests a Roll Call. Is he joined by five Members? One, two, three, four, five. Those...The question is, 'Shall Amendment #1 to House Bill 2622 be adopted?' Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Everybody on? Have all voted who wish? Representative Bowman, for what purpose do you rise?"

Bowman: "Mr. Speaker, it appears this Amendment is going on. I would point out to the Speaker that it amends the Bill and the title, and...and should be returned to the Order of First Legislative Day."

Speaker Peters: "On... On this question, there are 90...Take the record, Mr. Clerk. On this question, there are 91 voting 'aye', 59 voting 'nay', 4 voting 'present'. Amendment #1

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

108th Legislative Day

May 12, 1982

to House Bill 2622 is adopted, in answer to your question. Mr. Clerk, can we see the Bill? Representative Steczo, while we're in a temporary temporary, as opposed to an extended lull, is there any information on your Amendment?"

Steczko: "Mr. Speaker, Amendment #10 to House Bill 1320 has been distributed on our side, and I'm prepared to...to go with it."

Speaker Peters: "All right. Thank you. Representative Bowman, would you restate your inquiry?"

Bowman: "Okay. Question of the Chair. Does this Amendment not change the title of the...the Bill? If...if it does, it should be returned to First Legislative Day. It appeared to me that it did. It...it deleted...it deletes the title and replaces infor...maybe it replaces it in the same language, I'd...that's why I'd like the Parliamentarian to check on it."

Speaker Peters: "The Chair would rule, Representative Bowman, that your point is well taken, and that...and that the Bill should be returned to the Order of Second Reading, First Legislative Day. On that point, Representative Getty."

Getty: "Well, Mr. Speaker, I thought possibly you might have seen my light, and would recognized me beforehand. I would like to, respectfully, disagree with the Chair and suggest that the original Bill provides an Act to repeal Section 11 of 'An Act to provide for licensing and regulating certain games of chance...', etcetera. This renumbered...renamed title is, 'An Act relating to games of chance and amending certain Acts herein named...'. Now, I suggest to you that the title is identical, except there is additional language in the original Bill. The title is the same as the original, except, we are deleting; that would be in the nature of surplusage, and it is becoming slightly more broad and does not re...relate only to the repeal. I

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

108th Legislative Day

May 12, 1982

suggest to you that this was a ger...clearly an Amendment that did not change the title, per se, but merely deleted part of the title, and is not the same sort of thing, which is normally considered to be that sort of thing which would require moving back to Second Reading, First Legislative Day."

Speaker Peters: "To further illuminate the Chair, Representative Bowman."

Bowman: "Yes, thank you. Well, it's...it's very rare that...that I disagree with...with my colleague on this side, and I respectfully do so, but I would point out that the Amendment provides for a new Act, a whole new Act, and...and I think, therefore, the...the changes in the title are not simply technical in nature, but must be regarded as reflecting the addition of new language, which is an entirely new Act of...for the state, and, therefore, I think the...the purpose of the...the rule which we have on this subject is to provide Members with an opportunity to prepare Amendments to radically new language; and normally, radically new language is accompanied by changing the title. Clearly, here, we are incorporating radically new language into the...the Bill, in the form of a new Act. I think the...the language change in the title reflects that, and consequently, should be returned to First Legislative Day, in order to provide Members with an opportunity to prepare other Amendments."

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

Giorgi: "Mr. Speaker, this is my Bill that repeals the Sunset Act in the original not for profit raffles and chances, but in reading the rules, I disagree with the Representative that just spoke. In Rule 34 (d), when you refer to the First Legislative Day, 'And it shall be read by Amendment title on two days.', it says..."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "Representative Giorgi, what page are you on, Sir?"

Giorgi: "I'm on page nineteen of the..."

Speaker Peters: "Page nineteen."

Giorgi: "Top of the page."

Speaker Peters: "Proceed, Sir."

Giorgi: "This Subsection does not apply to Amendments which amend the title of the Bill by adding or deleting Section numbers from the same Act that is amended by the Bill. My original Bill still stands here, today, and we're just...clear...clear up some...deleting Section 11 of the same Act; so, you're not in a new Bill, you're not creating a new... new Act."

Speaker Peters: "The Chair is... The Chair is now persuaded by the arguments made by the Sponsor of the Bill and will reverse his ruling. The point, Representative Bowman, is not well taken. The...House Bill 2622 will be on Third Reading. Third Reading. Representative Yourell, for what purpose do you seek recognition?"

Yourell: "A point of clarification, Mr. Speaker."

Speaker Peters: "Proceed, Sir."

Yourell: "On yesterday's Calendar, there appeared on page six...I'm sorry. On yesterday's Calendar, there appeared on page seven, under the order of business of House Bills Second Reading, the Bill...House Bill 2569, and it reads, 'An Act abolishing park districts, forest preserve districts, and river conservancy districts.' Amendment #1 was adopted. Today's Calendar, it shows, on page six, House Bill 2569, with no Amendments, and the title is completely changed. It appears to me, after hearing the debate yesterday, and I'll read the...what appears in the...on the Calendar, 'An Act abolishing the Chicago Park District and transferring its property, personnel, powers,

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

108th Legislative Day

May 12, 1982

and obligations to the Cook County Board of Commissioners.' That was the title of Amendment, the Amendment that was defeated. Now, why does that appear on the Calendar on page six today, with the information that refers to the Amendment that was defeated?"

Speaker Peters: "Representative Yourell, the explanation to your inquiry is as follows: House Bill 2569 was amended in Committee. By action of the House floor yesterday, Committee Amendment #1 was tabled. There was a further effort on the House Floor to amend the Bill further. Those efforts were unsuccessful. So, the original Bill stands without any Amendments, back on the Order of Second Reading."

Yourell: "Yeah, but that's not answering my question, because, in the Digest and on the Calendar of Tuesday, May 11, it shows, '2569, an Act abolishing park districts, forest preserve districts, and river conservatory (sic - conservancy) districts. Now, that's the title that appears in the Digest. On today's Calendar, on page six, under the same Bill number, 2569, the verbage, the words that refer to this Bill, refer to the Amendment, and not the Act."

Speaker Peters: "Representative Yourell, the...I am informed now, by the Clerk, that in regard to your specific question as to why it appears the way it does in the Calendar, is that when the Calendar is...is put together, Enrolling and Engrossing puts the title, including the Amendments that may have been passed in Committee, so that the action on the floor, one way or another, does not show up on the Calendar until the following day. So, as it relates to the title of the Bill, so the tabling of the initial Amendment in Committee changed the title of the Bill, which accounts for the difference. Representative Yourell."

Yourell: "Are you saying, Sir, that the wording, as it appears in

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

108th Legislative Day

May 12, 1982

today's Calendar, is wrong? I would assume that the Amendment is what we're talking about. The... The wording of the Amendment appears on the Calendar. That...that information should not be there. There was no Amendments adopted to the Bill, Mr. Speaker. Amend...Committee Amendment was tabled. Amendment #1, House Amendment...Floor Amendment #1 was defeated by one vote, and yet, the title of the Amendment appears in the Calendar, and it should go back to what appeared in the Calendar on Tuesday."

Speaker Peters: "Representative Yourell, your question specifically is to the words, 'Cook County Board of Commissioners'?"

Yourell: "No. If you get the two Calendars in front of you, Tuesday and Wednesday, you'll see on Tuesday is the correct wording of the Bill. Now, on Wednesday's Calendar, which is today, on that order of business, the title of the Amendment is printed on the Calendar, and not the title of the Bill. On page seven, on yesterday's Calendar, appears these words: 'An Act abolishing park districts, forest preserve districts, and river conservatory (sic - conservancy) districts, Amendment #1.' Now, that was yesterday."

Speaker Peters: "That's correct."

Yourell: "And, Amendment #1 was defeated. Now, on today's Calendar appears these words: 'An Act abolishing the Chicago Park District and transferring its property, personnel, powers, and obligations to the Cook County Board of Commissioners'. That has nothing to do with the Bill, because those...that Amendment dealing with those words, was defeated."

Speaker Peters: "You're...You are correct, Representative Yourell, and they will be deleted on the following day's

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

108th Legislative Day

May 12, 1982

Calendar. There's a one-day lag between the House action and the change of the title."

Yourell: "Thank you."

Speaker Peters: "For what purpose does the Gentleman from Winnebago seek Recognition, Representative Giorgi?"

Giorgi: "Mr. Speaker, my...the last Bill on the Second reading was my Bill, but I have a Bill on Third Reading that I'm preparing an Amendment for, and I'd like to have leave of the House to move that from Third to Second, for the purpose of preparing that Amendment. It's House Bill 2588."

Speaker Peters: "Representative, we are presently not on that Order. We have two pieces of business on Second Reading to conclude before we'll come back to you for that. Representative Henry, for what purpose do you seek recognition, Sir? Representative Henry. Proceed, Sir."

Henry: "Point of information. I just want to make clear what Representative Yourell was asking. I...I didn't clearly hear what you said. Would you kindly repeat that? The answer you gave to Representative Yourell."

Speaker Peters: "Representative Hen...Henry, the...well. A Bill came out of Committee with an Amendment which amended the title. That title, as amended, was reflected in the Calendar. House action, the next day, tabled that Amendment and further changed the title. There is a 24 hour, plus a few hours, lag in terms of the House action and Enrolling and Engrossing and changing the language of the title on the Calendar. That does not go to the legality or correctness of the Bill, and so forth and so on, but there is that lag; so that the change that Representative Yourell inquired of, will show up correctly on tomorrow's Calendar. Representative Henry."

Henry: "Mr. Speaker, what you are saying that...that this

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

108th Legislative Day

May 12, 1982

title...entire title will not be on tomorrow's Calendar.
Is that clear?"

Speaker Peters: "That's right."

Henry: "Thank you very much."

Speaker Peters: "Now, Representative Steczo, are we ready?
Mr...Mr. Clerk, House Bill 1320, Representative McMaster.
Read the Bill."

Clerk O'Brien: "House Bill 1320, a Bill for an Act to amend
Sections of an Act in relation to the law in relation to
township organization. Second Reading of the Bill.
Amendments #2, 4, 5, 6, and 7 were adopted previously."

Speaker Peters: "Any Motions with respect to those Amendments?"

Clerk O'Brien: "No Motions filed."

Speaker Peters: "Amendment #...further Amendments?"

Clerk O'Brien: "Floor Amendment #8 and 9 were withdrawn. Floor
Amendment #10, Steczo."

Speaker Peters: "Representative Steczo, on Amendment #10."

Steczko: "Thank you, Mr. Speaker, Members of the House. First of
all, Mr. Speaker, I'd like to thank the Sponsor of the
legislation for holding this Bill for me, so Amendment #10
could be considered. Amendment #10 deals with the altering
of township boundaries, or changing town lines, or
consolidating or creating new towns. Every Session in the
past couple, we have allowed, on a permissive basis,
townships to hold referenda to alter their township
boundaries, or to consolidate, or to create new towns, or
to divide and enlarge, etc. One of the difficulties is,
from the time that the Governor signs the legislation to
the time that the county boards have to act on that
question, is barely a few months period of time, and what
happens subsequently, is, every Session, we in the
Legislature have to come back, and we have to reintroduce
this Bill allowing townships to hold these referenda.

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

108th Legislative Day

May 12, 1982

After being the Sponsor of that legislation for the past couple Sessions, it came to my attention that what we should perhaps do is, just put a Section in the statutes that says, 'Any time townships wish to hold these referenda, they may be allowed to do so.' Additionally, I...as the Sponsor of House Bill 137 last year, I was contacted by the Governor's office, who said that they would like to have that entire Section deal with consolidation...consolidated election law, and have the provisions be in accordance with that. So, that's what Amendment #10 does, and I would ask a favorable consideration of the House on Amendment #10."

Speaker Peters: "Any discussion? Representative McMaster? There being none, the question is, 'Shall Amendment #10 to House Bill 1320 be adopted?' Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #10 to House Bill 1320 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. With leave of the House, pick up one more Bill. Same situation, House Bill 1954, Representative Vinson. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1954, a Bill for an Act to amend Sections of the Cigarette Tax Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Peters: "Any Motions with respect to Amendment #1?"

Clerk O'Brien: "No Motions filed."

Speaker Peters: "Any...Any Amendments from the floor?"

Clerk O'Brien: "No Floor Amendments."

Speaker Peters: "Has a Fiscal Note been filed?"

Clerk O'Brien: "The request for a Fiscal Note has been withdrawn."

Speaker Peters: "Request for a Fiscal Note has been withdrawn."

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

108th Legislative Day

May 12, 1982

Third Reading. House Bills Second Reading, Short Debate Calendar. House Bill 2133, Representative Steczo. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2133, a Bill for an Act extending the corporate limits of the Metropolitan Sanitary District of Greater Chicago. Second Reading of the Bill. This Bill has been read a second time previously, and Amendment #1 was adopted."

Speaker Peters: "Any Motions with respect to Amendment #1?"

Clerk O'Brien: "No Motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #2, Steczo, amends House Bill..."

Speaker Peters: "Representative Steczo, Amendment #2."

Steczko: "Mr. Speaker, due to a technical flaw in Amendment #1, I would ask that Amendment #1 be tabled."

Speaker Peters: "The Gentleman asks leave to table Amendment #1. Is leave granted? Hearing no objection, #1 is tabled. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Steczo."

Speaker Peters: "Representative Steczo, on Amendment #2."

Steczko: "Thank you, Mr. Speaker. Amendment #2 is simply a restatement of Amendment #1, with the technical errors corrected; so, I would ask for the adoption of Amendment #2."

Speaker Peters: "Any discussion? Representative Stanley? No discussion? The question is, 'Shall Amendment #2 to House Bill 2133 be adopted?' Those in favor will signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Stanley - Carey, amends House Bill 2133 as amended, by deleting..."

Speaker Peters: "Representative Stanley on Amendment #3."

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

108th Legislative Day

May 12, 1982

Third Reading. House Bills Second Reading, Short Debate
Calendar. House Bill 2133, Representative Steczo. Read
the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2133, a Bill for an Act extending the
corporate limits of the Metropolitan Sanitary District of
Greater Chicago. Second Reading of the Bill. This Bill
has been read a second time previously, and Amendment #1
was adopted."

Speaker Peters: "Any Motions with respect to Amendment #1?"

Clerk O'Brien: "No Motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #2, Steczo, amends House Bill..."

Speaker Peters: "Representative Steczo, Amendment #2."

Steczko: "Mr. Speaker, due to a technical flaw in Amendment #1, I
would ask that Amendment #1 be tabled."

Speaker Peters: "The Gentleman asks leave to table Amendment #1.
Is leave granted? Hearing no objection, #1 is tabled.
Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Steczo."

Speaker Peters: "Representative Steczo, on Amendment #2."

Steczko: "Thank you, Mr. Speaker. Amendment #2 is simply a
restatement of Amendment #1, with the technical errors
corrected; so, I would ask for the adoption of Amendment
#2."

Speaker Peters: "Any discussion? Representative Stanley? No
discussion? The question is, 'Shall Amendment #2 to House
Bill 2123 be adopted?' Those in favor will signify by
saying 'aye', opposed 'nay'. In the opinion of the Chair,
the 'ayes' have it, and the Amendment is adopted. Further
Amendments?"

Clerk O'Brien: "Floor Amendment #3, Stanley - Carey, amends House
Bill 2133 as amended, by deleting..."

Speaker Peters: "Representative Stanley on Amendment #3."

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

108th Legislative Day

May 12, 1982

Stanley: "Thank you very much. This Amendment would add 637 homes in Hoffman Estates that are currently being serviced by the Metropolitan Sanitary District. It would annex them within their boundaries. They are currently being served. It would save the home owners about \$25 a year per home, because they are currently paying 140% of the rate for not being annexed. In other words, a surcharge. The village has to administer the surcharge in the...they have administrative costs involved in that. So, the Barrington area council of government has recently passed a Resolution saying that they were no longer opposed to this annexation, and I would ask for a favorable Roll Call."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #3 to House Bill 2133 be adopted?'. Those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #3 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Representative Steczo requests that House Bill 2133 be kept on the Order of Short Debate Third Reading. The...The Gentleman have leave? Leave is granted. Short Debate Third Reading. Representative Collins."

Collins: "Mr. Speaker, I would request a Republican Conference in room 114 to commence at 11:00 o'clock, and that the House stand in recess until 1:30."

Speaker Peters: "Your request for a Republican Conference commencing at 11 o'clock to the hour of 11:30. At the hour of 11:30, the House will be recessed until the hour of 1:30. Representative Madigan, any requests, Sir? No, Republican Conference, 11:00 to 11:30. Recessed 11:30 to 1:30. Return at 1:30."

Doorkeeper: "Attention House of Representatives, Ladies and

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

108th Legislative Day

May 12, 1982

Gentlemen, this House will convene in ten minutes. All that are not entitled to this House floor, will you please retire to the gallery? Thank you."

Speaker Ryan: "...O'Brien, did you call for me? Representative Kornowicz. The House will be in order. The Members will be in their seats. Representative Darrow, for what purpose do you seek recognition?"

Darrow: "Thank you, Mr. Speaker. This morning while you were in business with the Governor, on state business I understand, and were absent from the House floor, Representative Peters was in the Chair. He took the Roll Call, and during that Roll Call, I noticed that a number of Members' switches were being pushed, and they weren't in their seats - in direct violation of Rule 51. Now, only they know who they are. You and I don't know who they are. But, in order to protect themselves from their constituents and from the press - there was quite a bit of press here this morning - I think they should either come to my desk or come up to the well. We have requests to be shown on the quorum where they can have their name deleted, and then do it in the proper means. But, I don't think other people should be hitting other peoples' switches in violation of the rules. So, I just wanted to make that point that we do have the forms available, and only they know who they are."

Speaker Ryan: "Your point is well taken, Representative Darrow. We'll see if we can get you some extra compensation for your work that you're doing as Clerk. On page six under the Order of House Bills Third Reading Short Debate Calendar appears House Bill 2430, Representative McAuliffe. Out of the record. House Bill 2577, out of the record. House Bill 560, Representative Katz. Is the Gentleman in the chamber? The Gentleman is not in the chamber. Out of the record. House Bill 668, Representative Catania. Out

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

108th Legislative Day

May 12, 1982

of the record. House Bill 955, Representative Vinson. Out of the record. House Bill 1600, Representative Keane. Out of the record. Representative Darrow, for what purpose do you seek recognition now?"

Darrow: "Mr. Speaker, it is my understanding that we should start out today on Third Readings where we left off yesterday in the Calendar, and I don't believe we're doing that. I think we left off at a Bill of a higher number."

Speaker Ryan: "Well, Representative, read the rules again, because your point is not well taken. House Bill 1733, Representative Hallock. Out of the record. House Bill 1841, Representative Karpel. Out of the record. House Bill 1882, Representative Barkhausen. Out of the record. House Bill 1883, Representative Barkhausen. Out of the record. 1894, Friedrich. Out of the record. Representative Greiman, do you seek recognition?"

Greiman: "Yes, Mr. Speaker. I wonder if we could have a Democratic Conference at about 2:00 o'clock for about 40 minutes or so?"

Speaker Ryan: "You can have it now if you want it."

Greiman: "Well, we thought you might want to do some work in the House here."

Speaker Ryan: "Well, I've tried, but obviously nobody wants to do any work. So, maybe it's a good time to go to Conference."

Greiman: "Well, you have the gavel, Mr. Speaker. I just thought we might want to wait till the Members got over."

Speaker Ryan: "Well, in conversation with Representative Madigan earlier, I told him we'd go back into Session at 1:30, and he asked if I wouldn't delay a few minutes after that to give his Members time to get in so they could be informed about the caucus. Now, how much more time do you need, Representative?"

Greiman: "Well, that's why I suggested that we do it..."

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

108th Legislative Day

May 12, 1982

Speaker Ryan: "Well, the House will stand in recess, then, for 15 minutes. Then, the..."

Greiman: "Well,..."

Speaker Ryan: "...Democrats can go into caucus."

Greiman: "Alright."

Speaker Ryan: "The Republicans will go into caucus at 2:00, and we'll be back...how much time do you need?"

Greiman: "About 40 minutes."

Speaker Ryan: "40 minutes, at 2:40. The House will stand in recess for one hour, at this point, for purposes of Republican and Democrat caucuses. What room are you in, Representative?"

Greiman: "We're in room 118. And I assume..."

Speaker Ryan: "The Republicans are in 114."

Greiman: "...You're in a large comfortable room, Mr. Speaker."

Speaker Ryan: "The House now stands in recess for one hour, till the hour of 2:45."

Speaker Peters: "The House will be in Session. So as not...Representative Karpiel, do you seek recognition of the Chair? Representative Karpiel's light is on. Will the staff adjust that? Thank you. Those not entitled to the floor will please leave. House Bills Third Reading, House Bill 1733, Representative Hallock. Representative Hallock. Out of the record. House Bill 1841, Representative Karpiel. Out of the record. The Chair, once again, announces that the Illinois Information Service has been given permission by the Speaker to film the proceedings from the Speaker's balcony and from the floor here in front. House Bill 1882, Representative Barkhausen. Out of the record? Out of the record. 1883, Representative Barkhausen. Out of the record. House Bill 1894, Representative Friedrich. Out of the record. House Bill 1913, Representative Huskey. Rep...Representative Huskey,

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

108th Legislative Day

May 12, 1982

House Bill 1913. Out of the record. House Bill 1922, Representative Winchester. Out of the record. House Bill 1925, Representative Hallock. Out of the record. House Bill 1955, Representative Levin. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1955, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Peters: "Representative Levin. Give the Gentleman your attention."

Levin: "Thank you...thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1955 is jointly sponsored by Representative Telcser, Representative Cullerton and myself. I will be opening. Representative Cullerton will be talking in the interim, and Representative Telcser will be closing. We represent the Wrigley Field area in Chicago. House Bill 1955 is aimed at making it difficult for the Chicago Cubs to put lights in Wrigley Field. By re-establishing, only in the City of Chicago, noise pollution standards which existed up through the fall of 1981 when House Bill 998 took affect and exempted professional and amateur sporting events. I realize there is some question whether the Chicago clubs (sic - Cubs) qualifies as a professional team. Night baseball would have a disastrous effect on the area surrounding Wrigley Field. Unlike Comiskey Park, Wrigley Field is surrounded on three sides by residential zoning. It is an area which is an up and coming area. There has been a lot of rehab. A lot of the young families have come...have moved into the area and are raising their children there. Night baseball would bring increased traffic, congestion, noise and crime to the area. A woman who lives a block from Wrigley Field testified in Committee that when they recently had a test at night on the sound system, she could not hear her own

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

108th Legislative Day

May 12, 1982

television set in her own house. I can personally testify to the disastrous effects of night baseball, because until recently I lived two blocks from Wrigley Field. The Bill re-establishes noise pollution standards only in cities of over 1,000,000 from professional baseball, soccer and football; and it grandfathers in existing sources, for example, day and night games at Comiskey Park, day and night games at Soldiers' Field, or day games at Wrigley Field. There currently exists in the EPA regs, standards for daytime, which are 55 decibel levels and standards for after 10 p.m. which are 45 decibel levels. We believe that this Bill, if passed, would re-establish the 45 decibel level for Wrigley Field, thus making night baseball most difficult. Ten thousand people have signed petitions opposing night baseball. This is an important Bill not only to the people living around Wrigley Field to keep their neighborhood, but also to those who support the tradition of day baseball where senior citizens, young people and somebody who just wants to take a day off of work to see a good game of baseball can go. So, I urge your support for this legislation."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker, Members of the House. I've been asked to announce, first of all, that the Cubs are now tied two to two. I rise in opposition to House Bill 1955. I think this is an attempt to...for the state to enforce land use regulations on a community that is a home rule unit. Now, the Gentleman who sponsors this Bill, together with just about everybody living in his district, detests the idea that the state would come into such a community as Chicago and tell them what they can or cannot do as far as land use is concerned. This whole idea about noise and so forth is a absolute subterfuge to put land use restrictions

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

108th Legislative Day

May 12, 1982

onto a home rule unit. I think this is a terrible idea. I think that a...a professional team like the Chicago Cubs ought to be permitted to play baseball at night if they so desire, and the score is now four to three, Braves in the sixth, I've been told. This ought to be available to everybody at night, and...or they ought to go to the City of Chicago and tell the good city fathers in Chicago that they want some kind of zoning restrictions on the north side of Chicago. They shouldn't be coming down here and asking us to take out of the hands of the local units of governments the home rule units of power to zone and the power to tell property owners how they ought to use their lands. And so I...I reject the Gentleman's arguments, and I ask the rest of you to do so also."

Speaker Peters: "Representative Conti."

Conti: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I can't agree more with the previous speaker that...it seems as though everytime something gets too hot to handle, someone from Chicago doesn't have the intestinal fortitude to stand up and do what they have to do themselves, and they come down to Springfield and let us take the heat off for them. You've got the Soldiers' Field which is just about three, four miles northeast, southeast of there. You've got Sox Park which is eight miles south of there, but here we're picking out and spot zoning for the City of Chicago down here in the General Assembly. I think that's absolutely ludicrous, and I think that...let them stand up and be counted, and let them have the intestinal fortitude to do what is right for the City of Chicago. They wanted home rule. They got home rule. Let them exercise their home rule power. I'm not going to do their dirty work for them."

Speaker Peters: "Representative Ewell."

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

108th Legislative Day

May 12, 1982

Ewell: "Mr. Speaker, Ladies and Gentlemen, I have...I am forced to rise in opposition to this Bill. I think it represents a myopic view, a view that is shared by only a few. In other words, people in a particular district are saying, for political reasons, they would like to sponsor a Bill without consideration of the ramifications of the City of Chicago, as a whole, or the State of Illinois. The Cubs are, in one sense, a state property. The Cubs are, in a sense, a property of the City of Chicago. It is a myopic view to try to forestall any progress in the City of Chicago, any progress toward making the Cubs a true, first division team, a true contender by restricting them to nothing but day games as they have in the past. I think the City of Chicago, in its forward looking tradition, has accepted the changes and has adapted itself to it. I suggest that if we do not adapt and do not allow the Cubs to make the necessary changes, we will find that we will become a one club city, perhaps only the Sox. I suggest to you...I suggest to you there were quaint towns in New England that said they didn't want a seaport, because they were dirty, and they would bring congestion and the smell of fish. And, these quaint towns are now starving...on the verge of starvation, with nothing but their brooks, no tax base, and woeful and inadequate funds for the citizens of the state, and now they cry. I suggest to you, there were cities at one time that said that they didn't want the iron horse because it was dirty, and it was noisy, and it would cause congestion and confusion. Those cities are almost extinct. They are listed very minutely on the atlases in every city and state. I think those cities and towns that have adapted to change, that have had the forward looking prospect, have always prospered. And, I think a Bill of this kind will simply do more harm to the state, more harm

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

108th Legislative Day

May 12, 1982

to the City of Chicago, and in the final analysis, will not endear but a very few people who happen to be within a block or two of Comiskey Park. You have to remember, Comis...not Comiskey Park, but Cubs Park. You must remember that Cubs Park was there when almost all of the people moved in. It was a condition to moving in. They accepted it then, and they must accept it now. So, I think we must take the larger version, the larger view and think of the Cubs as a property of the City and the state, and we can no longer accept the philosophy, myopic as it might be, that will send the Cubs out to a new stadium. Perhaps the horizon would extend their points of view, and then we, in Chicago, again would be deprived of revenue. We would again find ourselves the losing and failing proposition. For these reasons, Ladies and Gentlemen, I suggest that we reject the efforts of our colleagues and friends and vote for the best interests of the people of the state and the City and reject this particular legislation. Thank you."

Speaker Peters: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There are some of you who are operating under a misapprehension concerning what this Bill does. Up until two years ago, we had noise pollution standards that did apply to Wrigley Field, which said that they couldn't play night games. There was a Bill passed by Representative Bartulis that exempted out stock car race tracks and inadvertently also exempted out Wrigley Field. All this Bill says is that we should go back to where the law was before. We are not having any special land use zoning here. We are simply saying that the noise pollution standards, as set down by the state, should apply, as they did before, that Wrigley Field shouldn't be picked out as an exception. That is what the Bill does. To answer some

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

108th Legislative Day

May 12, 1982

of the points made by the last speaker. He talked about a very few people who live within a block of the ball park. There are 55,000 people who live within four blocks of Wrigley Field. That is not a very few people. That is a tremendous number of people. I happen to live two blocks from Wrigley Field right now. You have to consider what would happen if we had night baseball. The litter that goes on now, the crime that goes on now, the parking problems that we have now, the noise that we have now, the traffic safety problems that we have now, would all be magnified 100 times when people could do it at night, when people could litter at night, when they can rob people at night, when they can...park their cars as other people are coming home from work at night. That would be absolutely disastrous. We are not saying that Wrigley Field should be exempted and singled out. We're saying that they shouldn't be singled out, that they should be like every other place within the state, that noise pollution standards should apply. It is true that Wrigley Field is the only ball park that doesn't have lights. It is the only ball park that shouldn't have lights. It is the only ball park in the United States that's set right in the middle of a residential neighborhood. New ball parks now are built with parking surrounding them. Even the old parks, the Fen Way Park and Yankee Stadium are in locations where homes have been torn down for parking. Wrigley Field, right across the street, 25 feet away from the ball park is...there are homes, and it is a very, very nice neighborhood. When people moved there, they had a pledge from P. K. Wrigley that they would not have night games. That is one of the reasons why they did move there, I am sure. If they had known that night games would be allowed, they, perhaps, wouldn't have moved there. This will have a

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

108th Legislative Day

May 12, 1982

tremendous...tremendously bad effect on the homeowners in that area. It...so it is not just a frivolous idea that we have. It is a very important concept. This Bill passed 13 to nothing in the Committee that it went to, when citizens came down and opened the eyes of some of the Legislators who had legitimate questions and who wanted to know what this Bill really did. We have gone around and explained it to each and every one of you. The people who have spoken against it are under a misapprehension. It does nothing more than to restore the law where it was two years ago, and it is very important that we should get this treatment. It's...all we're asking for is equal treatment, and it is something which is certainly, obviously affects three Legislators from the same district who are all, 100% in unison on this issue. I would ask for an 'aye' vote."

Speaker Peters: "Representative Conti."

Conti: "I apologize to the House, but there is some third grade students from the Lincoln School from Quincy that will be joining tomorrow's championship basketball team. They are up in the balcony. Let's welcome them to Springfield. They are represented by McClain, Mays and Findley. Lincoln School."

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

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

Speaker Peters: "Indicates he will."

Ropp: "You mentioned in your discussion that the noise level would be greater at night. Why would that be so?"

Levin: "The...the current...the daytime standard is 55 decibel levels. The post-ten o'clock standard is 45 decibel levels. In conversation with an employee of the State EPA in Chicago, it is his view that the noise factor from Wrigley Field exceeds the 45 decibel level."

Ropp: "In other words, the noise really would be the same; it is

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

108th Legislative Day

May 12, 1982

just that the regulations after dark or later at night are lesser which would mean that, in fact, they would be higher, but the noise would be the same really."

Levin: "The level is more stringent after ten o'clock. That is correct."

Ropp: "Yeah, but it is the same kind of noise, same amount and all of that. Okay, let me state..."

Levin: "But, Representative, the people are home in the evening. They are not necessarily home during the day. They are trying to watch television. They, you know, they are trying to be with their families and put their kids to bed. And the reason why there is a differential in the standard is because, you know, people are trying to do different things at night than they are during the day."

Ropp: "Okay, let me say, first of all, that we have attempted for a number of years to stimulate, somewhat, business in the State of Illinois. And, I have understood that the management of the ball park would certainly feel that this would stimulate their business, and hopefully it would provide for a better entertainment, should they be able to play at night. I have also heard that they said they do not expect the team to ever win a pennant by solely playing in the daytime. And, I don't know whether the people of Illinois want that kind of attitude to prevail. And also, I think it is a very bad precedence for this Body to state that for business...to dictate to them as to what they should or should not be able to do. We have, on many occasions, attempted to do that in some areas and have always fallen short because of government's example to show leadership and good business is not one to be patterned after. So, I certainly don't think that we ought to direct any management decisions of this manner. You mentioned that a number of other parks are totally far and apart from

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

108th Legislative Day

May 12, 1982

people who live within that area, and I think that is probably true. What many of those people have done, actually, is to provide for adequate parking facilities, provided for zone facilities where people are in a position to see a good quality of a sporting event; and I think maybe the people in your area ought to think about that to not only stimulate business, but also to provide for that kind of security as is being done in other parts around this country."

Speaker Peters: "Representative Robbins."

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

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

Robbins: "I was wondering, would the lights and the noise affect the ivy around Wrigley Field?"

Levin: "Representative, it might very well. I had a conversation with one downstate Legislator from around here...from this area where they put lights in a...in a baseball field at night, and it did make it, you know, much harder for people in the surrounding area to go to sleep, because the spotlights were shining in. And, I think it is also affected the ivy that people had, too."

Robbins: "Would...would the lights make it more dangerous for people to climb on their rooftops and watch the ball games?"

Levin: "Could you repeat that? I didn't hear your question."

Robbins: "Would the lights make it more dangerous for people to climb on their rooftops and watch the ball games?"

Levin: "I'd hate to be a judge of that, Representative."

Robbins: "I...I had a young lady come by showing me a picture of Wrigley Field and the people on their rooftops watching the ball game. I consider that a serious question."

Levin: "Sure it would. Sure it would."

Robbins: "Okay. Did I understand Representative Cullerton right

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

108th Legislative Day

May 12, 1982

that there is 55,000 people live within four blocks of Wrigley Field? Is that statistic correct?"

Levin: "That is correct, Representative."

Robbins: "How many people attended the last home game?"

Levin: "25,000."

Robbins: "25,000? What...what day did they have 25...you mean they've had 25,000 watch a game this year at Wrigley Field?"

Levin: "Last Saturday."

Robbins: "Good, I am glad to hear that. You see, I am a misplaced Cub fan from down in Southern Illinois. I really think that we should vote in favor of this Bill, because most people agree they couldn't play after dark."

Speaker Peters: "Representative Pierce."

Pierce: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I take umbrage with the speaker on the other side of the aisle, not the previous one, but the one before that - he's on the telephone now - who said the Cubs couldn't win without playing night games. He's got a short history as a young man. If he was old as Representative Conti, myself, Collins and a few others, he'd remember the 1945 Chicago Cubs - and this Bill should be House Bill 1945 - when in the closing days of the season, beat out the St. Louis Cardinals, of all teams with the immortal Claude 'Passaw' pitching. Paul Derringer was in with the Cubs, and Phil Cavaretta, from Lane Tech High School, right down the street on Addison. And if you're as old as I am - I don't think Conti remembers - you remember the 1938 Cubs that won the pennant; beat out the Pittsburg Pirates in the closing days with Stan Hack at third, Billy 'Jergiss' at short, and Billy Herman at second, Rick Collins at first and Gabby Hartnett catching, and Big Bill Lee pitching, Clay Bryant pitching and Larry French pitching. So, those Cub teams of

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

108th Legislative Day

May 12, 1982

old, even in 1932 and '35, which I can't remember but Elmer Conti can remember, the Cubs won the pennant. One of those years Joe McCarthy was their manager, way back in 1932 when they won over the Yankees. Now, Jolly Charlie Grimm won the pennant in the daytime. He didn't need any night games. We can win the...we can win the pennant in the daytime. Remember 1945. You've got a misnomer on the Board there, Mr. Clerk. We should call this House Bill 1945, the year the Cubs beat out the Cardinals in the closing days of the season. If we won it in the past in the daytime, we can win it in the future in the daytime. There is a chance of crime in night games, Representative Levin tells me. In some night games in some cities, there is crime around the ball park. They steal second base, sometimes they even steal third base. The Cubs don't do that too often, but maybe they will in the future. It is a new beginning, as the Chicago Tribune says, and I am for the Bill."

Speaker Peters: "Representative John Dunn."

Dunn: "Just in case anybody is curious, in 1955 the Brooklyn Dodgers won the National League pennant, and for the first time ever, won the World Series."

Speaker Peters: "Representative Wolf."

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

Speaker Peters: "The 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 Levin to close."

Levin: "Can I yield to Representative Telcser to close?"

Speaker Peters: "Representative Telcser to close."

Telcser: "Well, Mr. Speaker and Members of the House, obviously I rise to support House Bill 1955. And in closing, I would just like to review some of the things that were discussed

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

108th Legislative Day

May 12, 1982

during debate. In the first instance, all we are simply asking is for compliance with the state's noise pollution standards, so that if games are played later in the day, there is some reasonable assurance that those people who live near the ball park can have some degree of quiet and rest. Now, Mr. Speaker and Members of the House, I say to you that this is indeed a very serious matter to some 50,000 citizens of Illinois who have come to us for relief. The neighborhood around the ball park is a fine Chicago neighborhood. It is a neighborhood consisting of community minded people who have put a great deal into that neighborhood, a great deal of their sweat equity, a great deal of their investments into their homes, with the hopes of staying in Chicago to raise their families and to maintain the City's tax base. Mr. Speaker and Members of the House, it is my understanding that the Mayor of the City has come out in support of our position. So those of you who think it is some sort of interference with the City, it is my opinion that you're in error. I simply want to say to each and every one of you that Representative Levin, Cullerton and myself are coming to this Assembly to help out 55,000 some odd constituents who sincerely and truly have a grievance. These people, many of whom have invested their life savings, are entitled to have the protection of knowing that they are going to have some peace and quiet, at least in the evenings. When they bought these homes, when they remodeled these homes, they knew there would be daytime baseball, but they were assured that there would not be the nighttime disturbances that may come with nighttime baseball. If night baseball is played prior to ten o'clock, and it complies with the pollution standards, then fine. But certainly we ought not turn our backs on this many people and deny them the right for quiet

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

108th Legislative Day

May 12, 1982

enjoyment. I can't tell you how many Bills I have heard over the years in this Assembly talking about the City, talking about saving the City, keeping people in Chicago, maintaining our tax base. And I say to you, Mr. Speaker and Members of the House, that supporting this Bill will support the segment of our population that has decided to tough it out in the City and to remain and keep the City a viable entity. I think we owe them that support, and I sincerely hope and urge every Member of this Assembly to vote 'yes' on House Bill 1955."

Speaker Peters: "The question is, 'Shall House Bill 1955 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Representative Kustra to explain his vote."

Kustra: "Mr. Speaker, a question of the Chair. Is this a preemption of home rule and how many votes does this require?"

Speaker Peters: "I thought I lived a good, clean life. The Chair rules that this is not a preemption of home rule right, but is a classic piece of legislation under Rule...under the Constitution 6H, or something like that. Any discussion? Somebody else have his light on? No. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take...Representative Huskey to explain his vote? No? Take the record, Mr. Clerk. On this question there are 100 voting 'aye', 53 voting 'nay', and nine voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1971, Representative Davis. Out of the record. House Bill 2002, Representative McClain. Out of the record. House Bill 2008, Representative Macdonald. Out of the record. House Bill 2013, Representative Henry. Out of the record. House Bill 2039, Representative Huskey. Read the Bill, Mr. Clerk."

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

108th Legislative Day

May 12, 1982

Clerk O'Brien: "House Bill 2039, a Bill for an Act in relation to public aid recipients and the enforcement of support obligations. Third Reading of the Bill."

Speaker Peters: "Representative Yourell. Sorry, Representative Huskey. I jumped the gun, Herb. Representative Huskey."

Huskey: "Ladies..."

Speaker Peters: "The Gentleman's name was mentioned inadvertently by the Chair. Representative Yourell."

Yourell: "Thank you, Mr. Speaker, for this opportunity to speak to this excellent piece of legislation. I say it is excellent because there is a good Sponsor on the Bill, Representative O'Brien, and certainly he has watched the progress of this Bill, and he knows it's alright or his name wouldn't be on it."

Speaker Peters: "Representative Huskey to the Bill."

Huskey: "Well, at that beautiful speech, I'll just ask for a Roll Call, Mr. Speaker. House Bill 2039 is a child support Bill. It is a...we started out some seven years ago House Bill 24, then it was House Bill 77 and different numbers. It's come down now till it's House Bill 2039. The Department of Public Aid in the County of Cook has been implementing this Bill for several years, but since the first of January of 1981, and they have ran into some problems in various ways. And, this is more or less a...a clean up Bill to take care of the various problems that they've encountered. In most cases, on an agreed to Bill. It is agreed to by the Department of Public Aid, by the State's Attorney's office in Cook County, the county...the Morgan Findley's office and etcetera. So, I would ask for a favorable vote."

Speaker Peters: "Any discussion? Representative Jaffe."

Jaffe: "Yeah, Herb, I thought, you know, our staff was looking at the Amendments that were put on on the Bill, and as you

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

108th Legislative Day

May 12, 1982

know, it was our thought that some of those Amendments were rather substantial and changed the law in a number of different ways. I thought that you were going to give us time to actually take a look at those Amendments and have it run through the staff."

Huskey: "Well, Mr...do you want an answer to that? Actually..."

Jaffe: "Yeah, I think I...you know, we talked as early as this morning and this afternoon, and I told you our staff was looking at the Amendments which had about five different portions to it. You know, it was put on by Amendments and really rather substantial. I don't know whether or not we have any objections to them or not, but they do change the law rather considerably. Knowing that, I think that, you know, by and large what I would ask you to do is take it out of the record for now. I'm talking specifically about Amendment #3 which talks about custodial parents, you know, cooperating with the Department of Public Aid, that snitch provision. There is four other provisions here which I think we would have a lot of problems with. So, what I would ask you to do is take it out of the record for now so we could look it over."

Huskey: "Well, Aaron, we really haven't changed any laws anywhere. The only thing we have done is clarify the laws and then following, in many cases, the public aid...following the public mandate, and there is no place that we have really written new law."

Jaffe: "Well, Mr. Speaker, then I would have to oppose the Bill. I would just tell the Assembly that if...that Amendment #3 has five substantive changes in the laws themselves. I'm going to just run through them very quickly. Number one says that, 'If the supporting parent is delinquent in providing child support, the custodial parent must cooperate with the Department of Public Aid, law

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

108th Legislative Day

May 12, 1982

enforcement authorities and the courts in identifying, locating and providing financial information concerning the supporting parent'. A problem that some of us have with that is that the snitch provision, that really goes contrary to the law at the present time. It makes a wife inform on a husband, a husband inform on a wife - really doesn't make for a good family cooperation. Second point, it creates an assumption that a custodial parent, who is an AFDC recipient, has assigned all rights to support payments to the Department of Public Aid. You know, part of the problems that we have with that is that there could be a woman on public aid who goes off of public aid all of a sudden, and because of that, is supposed to get some money. But, all of a sudden now, all that money is going to the Department of Public Aid, and nothing is going to her and her child even though she needs it at that particular time that she is no longer on public aid. Another provision provides that the obligation of supporting relatives, other than the father, can make court ordered child support payments extends beyond the day at which the AFDC benefits terminate. The present law provides that the liability of such supporting relatives shall attach only in respect to the period of time in which financial aid is granted. So, I think that that really is a substantial change. Number four provides that at the option of the Department of Public Aid, may waive its administrative enforcement mechanism and go directly to the courts to seek enforcement of child support obligations. I don't know if that...I don't think I'd have any objections to that particular portion, but I do to some of these others. And five establishes a priority for the application of support payments received by the clerk of the courts. Payments are to be credited first to present support obligations, second

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

108th Legislative Day

May 12, 1982

to past obligations, and third to future obligations. The thing that bothers me again is, there again, you may have a woman who goes off of ADC and all of a sudden the priority is to the past obligation, and it has to be paid off to ADC before she can take care of her children when she is trying to get off of ADC at the present time. So, I think that these are basically substantial changes. I asked our staff to look at them, and I thought that Representative Huskey was going to hold this Bill. But, since he doesn't want to hold it, I think that we ought to understand that we are changing the law substantially, and I am going to vote 'no' at the present time."

Speaker Peters: "Further discussion? Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I...I reluctantly rise in opposition to this Bill. I had formerly, with Representative Huskey, cosponsored the child support collection procedures, but there is some language in a couple of the parts of this Amendment, Amendment #3, that frankly, to me - now, I may be in error - but, to me, are just so unclear that one might not know at all, for example, what the obligation of a supporting relative other than the father might be if this Bill passes. As long as those kinds of questions exist, at least in my mind - they existed for Representative Jaffe - and I'm sure if anyone else were to take a look at the Bill and read it, I think they might want to raise the same kinds of questions. As long as that exists, Mr. Speaker, Ladies and Gentlemen of the House, I have to rise in opposition to this Bill, and I would ask the Sponsor if he would do us the courtesy of taking this out of the record until later. I would be delighted, as I am sure Representative Jaffe would be, to support this notable...this noteworthy effort on his behalf if we had

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

108th Legislative Day

May 12, 1982

these problems cleared up."

Speaker Peters: "Representative Huskey."

Huskey: "Well, Mr. Speaker and Ladies and Gentlemen of the House, the part that the Lady refers to in the...in the Amendment is...or in the Bill is the law now. It isn't making any changes in that whatsoever. The changes are made, more or less, to clarify, in some cases, on the reciprocal agreement where people...where the supporting spouse is in other states, or the other states can go after him, collect the money, and some of those things that are clarifying the law. But, it isn't changing any law. It is an existing law, and what you're talking about, Representative Braun, is in the Amendment, is the present law now. We're not changing any of that. And, as far as...it is a requested Bill by two Departments. It has been scrutinized by the Department of Public Aid. It's been scrutinized by the county clerk's office and then Cook County. And I didn't expect all these problems with the Bill. We have consistently called your staff, I understand three times, to see if they did have any existing problems so we could clarify it before we called the Bill. And we've done that already. And we can't call each individual Member, but we did call your staff. And this Bill was on the floor here Monday."

Speaker Peters: "Representative Braun. Let us...the Chair would caution the Members not to get in a dialogue. The Lady asks a question. The Gentleman responded. He will not, presently, take it out of the record. Representative Braun."

Braun: "Thank you, Mr. Speaker. To the Sponsor. This Bill was taken up on Monday when the world, by now, knows only 82 of us were here. I was one of the loyal 82, Representative Huskey, as you remember. But the fact is that this Bill

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

108th Legislative Day

May 12, 1982

has a lot of problems with it. I recognize that, in large part, it is a matter of clarifying existing law, but it does add five new Sections, Representative Huskey."

Speaker Peters: "Representative Huskey."

Huskey: "Take...take the Bill out of the record."

Speaker Peters: "Out of the record. House Bill 2041, Representative Epton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2041, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Peters: "Representative Epton."

Epton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill which covers an unfortunate loophole in the law relative to the field of arson. It simply adds the important transfer of the intent provision to the arson law. Under this Bill, an individual who intends to commit some sort of felony mischief is guilty of arson when, in the course of a felony, an unexpected fire causes damage to a property. This, actually, is the result of the Illinois Insurance Study Commission. I'll be happy to answer any questions; otherwise, I would appreciate a favorable vote."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 2041 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? Mr. Clerk, take the record. On this question there are 164 voting 'aye', none voting 'nay', one voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2076, Representative McMaster. Out of the record. House Bill 2077, Representative Bartulis. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2077, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Third Reading of

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

108th Legislative Day

May 12, 1982

the Bill."

Speaker Peters: "Representative Bartulis."

Bartulis: "Thank you, Mr. Speaker and Members of the House. House Bill 2077 amends the Vehicle Code, and all it does is when you have a speeding ticket from 55 mile an hour to 70 mile and hour, you pay the fine if you're guilty, but there would be no record of travel violation with your...with the Secretary of State's Office. Now, at the present time if you have three violations in a year, your license is revoked. Then your insurance company...your insurance company picks - that is if you have insurance - picks it up from the Secretary of State's Office, and automatically you are cancelled and put in a high risk rate. Now, our speed limit used to be 70 mile an hour until we've had this energy situation. We cut it down to 55 mile an hour. Well, going between 55 and 70 does not mean you are an unsafe driver with the roads we have today. Twelve states now have laws such as my proposal here today. If there is any questions, I would be glad to answer them."

Speaker Peters: "Any discussion? Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Brummer: "Does this apply only to tollways and interstate highways, or does it apply to any...any streets or highways that are not otherwise restricted?"

Bartulis: "It applies to all roads, if it is a moving violation."

Brummer: "Thank you."

Bartulis: "Further discussion? Representative Harry Smith."

Smith: "Mr. Speaker, I would like to rise in favor of this Bill. As a matter of practicality, when people are going to court today, since this Assembly saw fit to allow the Judges to enter a finding of supervision, there is no longer too many guilty findings being placed against the defendants when

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

108th Legislative Day

May 12, 1982

they do appear in court. By passing this Bill, we would also relieve the court dockets."

Speaker Peters: "Further discussion? Representative Robbins."

Robbins: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of this piece of legislation. With the increased quotas that are being given to the State Troopers, and the penalties that are being placed on them because they do not write tickets, and the fact that they are now writing tickets at 56 mile an hour - we have one Gentleman in an adjoining county that has two such tickets. He was clocked at the outrageous speeds of 56 mile an hour. If he happens to drive over 55 again, he will...he could get another one of these tickets and lose his license. I think this is a good Bill, and I urge everyone to support it. Thank you."

Speaker Peters: "Representative Yourell."

Yourell: "Yes, would the Gentleman yield for a question?"

Speaker Peters: "He indicates he will."

Yourell: "Representative Bartulis, I had an experience...one of my constituents had an experience lately or recently, and I think in Macoupin County...Montgomery County, I guess, if that is where Hillsboro is. And, the individual got a ticket. He was going 57 miles an hour in a, of course, in a 55, and the trooper wrote the ticket for the court appearance on Good Friday. The Gentleman lives in the north in Oak Lawn. He drove all the way down to Hillsboro on Good Friday and found the court was closed, and he had to drive back. So, he talked to the Judge, and the Judge says, 'Well, come on back down, and we'll give you supervision, and you'll lose your fine of \$50 which was posted cash bond'. and then the Judge charged him another 50 bucks plus court costs. So, the total ticket for going two miles over the limit was \$137.50 plus 800 miles of

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

108th Legislative Day

May 12, 1982

travel. Will this Bill correct some of that nonsense? Do you know why the Judge would charge him another 50 bucks for the supervision?"

Bartulis: "No, I wouldn't know this. This is something to correct what is going on today of people who travel the highways quite a bit, such as to and from work or like salesmen and truck drivers who are on the road for a living. And, they get three moving violations, and automatically their license are revoked. They have to take a test again and go to school again, and then they are on a high risk with their insurance companies. And, this is the main reason for the Bill. As far as the fines go, Representative Yourell, it is still the same. We don't take away the fines, because some people are going for the areas used in this for fun, really. I didn't want to say that, but it is true."

Yourell: "Thank you."

Speaker Peters: "Further discussion? Representative O'Connell."

O'Connell: "Question of the Sponsor please?"

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

O'Connell: "Representative, will this have any effect on the federal funds that are allocated to the State of Illinois?"

Bartulis: "Representative, no it will not. We had this passed by the way, in the Transportation ten to one, and we had a few of the people over there who were opponents to this. It is the same old bureaucracy thing. They say, 'It is going to take away our funding'. But, I did check that now, and it does not take away your funding. The only reason the Feds got this, if you...if you control your speed. You know, I mean if you have your law enforcement officers on the highway and everything and doing the job, then your federal funds are not in jeopardy, and I have yet to see one of these states - and I've got 12 listed here, and I can name

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

108th Legislative Day

May 12, 1982

them for you - and nothing has ever happened to them yet."

O'Connell: "Mr. Speaker, to the Bill. I would reluctantly, while I appreciate the intent of the Sponsor and sympathize with the issue at hand in the short run, I think in the long run, we could have a problem with the federal funds in that if more than 50% of the motorists are exceeding the 55 mile an hour speed limit, then we would indeed be jeopardizing our federal funds. The Representative has suggested that if the state's patrolmen or the state and village officers were to patrol the highways, then we would not be placed in that posture. I would suggest that we're leaving that up to the fate of the ability of our various officers to patrol the highways, and I think there is a significant amount of funds that could be jeopardized if they fail to perform their jobs. For that reason, I would reluctantly oppose this Bill."

Speaker Peters: "Further discussion? Representative Dwight Friedrich."

Friedrich: "Will the Sponsor yield please?"

Speaker Peters: "He indicates he will."

Friedrich: "Do you know of any state that's lost any federal funding because they have passed a law such as this?"

Bartulis: "No, there is 12 states now, and there is none that have lost their funding yet."

Friedrich: "And none of them lost it. Another question, would this preclude the State Police or any other traffic officer for arresting someone for driving too fast for conditions: ice, heavy traffic, wet pavement and so on?"

Bartulis: "No, they would still be...they would still be arrested and fined."

Friedrich: "But the fine, in that case, would...could apply against your driver's license if you were driving too fast for conditions and so on or in an unsafe manner."

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

108th Legislative Day

May 12, 1982

Bartulis: "That's right."

Friedrich: "Thank you."

Speaker Peters: "Representative Jaffe."

Jaffe: "Yeah, would the Gentleman yield for a question?
Representative Bartulis..."

Speaker Peters: "Excuse me. Will the Gentleman in front of
Representative Jaffe...thank you. Proceed, Sir."

Jaffe: "Representative Bartulis, this only applies to places
where it is 55 miles an hour and over. Is that correct?"

Bartulis: "That is correct."

Jaffe: "So you're saying to us that if we are driving along on a
city street, and the speed limit is 30 miles an hour, and
we go 32 miles an hour, that is a moving violation. Is
that correct?"

Bartulis: "That is correct."

Jaffe: "Well, if we're driving 15 miles an hour over on a highway
that is 55 miles an hour, then we're not guilty of the
third violation. Is that correct?"

Bartulis: "The way I have this Bill drafted, it is between 55 and
70 mile an hour, and that would be on our state highways."

Jaffe: "Well, anyway, I am going to rise to oppose the Bill. I
think that a third moving violation is a third moving
violation. In addition to what Representative O'Connell
has said about federal funds, I think he is probably
correct that we probably would lose federal funds on this.
And, it makes no sense for us to say, 'Okay, that on a
highway you can go 70 miles an hour, when on a public
street you can't go 32 miles an hour'. It just doesn't
make any sense at all. You leave all the other moving
violations in tact. If you go through a stop sign, no
matter how insignificant that may be, you're still going to
be guilty of a violation. However, if you go 15 miles over
the speed limit, you're not going to go...be guilty of a

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

108th Legislative Day

May 12, 1982

violation. I think it is a bad concept. I think it...it does not do us well to start playing around with the three violations and making exceptions from those three violations, because pretty soon we'll have 90 million Bills that have all sorts of exceptions to the three moving violations, and nobody will know what the traffic laws are. In addition to that, I think we might very well lose federal funds, and I would urge a 'no' vote on this Bill."

Speaker Peters: "Representative Winchester."

Winchester: "Well, Mr. Speaker, maybe I can clarify some of the arguments that Representative Jaffe and Representative O'Connell made as far as losing federal monies. That's not really clear as to whether we would lose any federal monies. If there is a 50% increase in excessive speeding, then it could jeopardize ten percent of the \$300,000,000 in federal highway monies that we currently receive in Illinois, which would be \$30,000,000. But this is a very controversial subject that, I think, affects hundreds of thousands of people in the State of Illinois. I think it is a very popular concept that the Legislator has proposed here, and I think, if nothing else, we ought to pass it. And, perhaps if there is any other alternatives, or compromises or suggestions, perhaps between now and the time that it would be scheduled to come out of the Senate, those compromises could be made. I think it is time that we really consider this type of legislation to give some type of relief to our...the citizens or motorists who drive the highways who find it necessary, in many instances, to have to exceed the 55 mile an hour limit. So, I think that, while I've always - at least on one previous Bill - I spoke in opposition for fear that it would jeopardize the total loss of \$300,000,000 in federal highway monies. This Bill, if it shows any significant increases in...in

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

108th Legislative Day

May 12, 1982

speeding, then it could jeopardize \$30,000,000. But, I think it is worth us taking a try on it. We can always come back, and we can change it later on if it turns out to be a serious problem, and I would ask for a favorable Roll Call vote."

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

Bartulis: "Mr. Speaker, Members of the House, House Bill 2077 is like we said, but if you did get picked up and enforcement is there, you're not going to lose your federal funding. And, I mean, this is the difficult thing that the bureaucrats use day in and day out, and I'm just tired of hearing this bureaucracy talk even on this floor. And I hope for a favorable Roll Call."

Speaker Peters: "The question is, 'Shall House Bill 2077 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 Conti to explain his vote."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, this is twice it's been mentioned, something about losing the federal grants. He is not changing the speed laws. You're still going to get a ticket if you exceed the 55 mile an hour speed limit. The only thing that is going to happen is that you're not going to be considered a moving violation. Now, there was 36,000 revocations last year, 36,000...481,000 revocations out of 7,200,000 drivers' license issued in the same year. He is not changing the speed law. You will still get a ticket if you're going 70, 72 miles an hour, but it would not be considered a moving violation. Therefore, you will not be held to that tight restriction of three moving violations in one year. There is absolutely nothing wrong with this Bill...I'll shut up."

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

108th Legislative Day

May 12, 1982

I see you got 104 votes."

Speaker Peters: "Representative Leverenz to explain his vote. Have all voted who wish? Take the record, Mr. Clerk. On...hold on. Representative Alexander. You alright? Now take the record, Mr. Clerk. On this question, there are 109 voting 'aye', 58 voting 'nay', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. For the information of the Members, it is the intention of the Chair to go through the Third Readings as far as we can, with the exception of appropriation Bills, until a relatively reasonable hour. There are...there are a number of Bills on the Calendar that are housekeeping Bills and relatively non-controversial Bills. It certainly would be helpful if the Members would call those. House Bill 2081, Representative Topinka. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2081, a Bill for an Act to amend Sections of the Illinois Insurance Code. Third Reading of the Bill."

Speaker Peters: "Representative Topinka."

Topinka: "Mr. Chairman and Ladies and Gentlemen of the House, I'd like leave now, if I might, to take 2081 down to Second Reading, please, for a technical Amendment."

Speaker Peters: "The Lady asks leave to return House Bill 2081 to the Order of Second Reading for the purpose of an Amendment. Is there objection? Being none, leave is granted. Second Reading."

Topinka: "Thank you, Mr. Chair..."

Speaker Peters: "Are there any Amendments?"

Clerk O'Brien: "Amendment #3, Terzich, amends House Bill 2081 as amended and so forth."

Speaker Peters: "Representative Terzich."

Terzich: "Mr. Speaker, when Amendment #2 was adopted with regard

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

108th Legislative Day

May 12, 1982

to the uninsured motorist coverage, a Section was left out of the Illinois Insurance Code as amended. And this is simply a technical Amendment correcting the wording, and I would move for its adoption."

Speaker Peters: "Any discussion? Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to tell Representative Terzich that this is...I don't know what his Amendment does. I know that this may be only a technical Amendment, but I want you to know that this is an absolutely horrendous Bill that you have chosen to put your Amendment on. And that, I think that you should just be aware of the fact that I am going to do everything I can to try to defeat the Bill, and that...if there is another vehicle for you to use, I think it would be a very good idea, because this is a horrible Bill that is an insult to us as Members of the General Assembly. And, I think that it might be wise for you to find another vehicle. Thank you."

Terzich: "I would move for its adoption."

Speaker Peters: "Representative Laurino on the Amendment."

Laurino: "Representative, this repealer that...is this Bill still repeal the provision that requires the insurance companies from reducing their rates?"

Terzich: "This is not the...this is still the Bill. All I'm talking about is I'm adjusting the Amendment with regard to uninsured and underinsured motorists coverage, which we did adopt, and I just have a technical Amendment, because we forgot to include, for Enrolling and Engrossing, Section 1...Section 143 A of the Illinois Insurance Code. This is simply a technical Amendment clearing up Amendment #2."

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

Terzich: "Again, Mr. Speaker, all this is, you know, to clean up

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

108th Legislative Day

May 12, 1982

Amendment #2 for Enrolling and Engrossing, and I would move for its adoption."

Speaker Peters: "The question is, 'Shall Amendment #3 to House Bill 2081 be adopted?'. Those in favor signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #3 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 2088, Representative Epton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2088, a Bill for an Act to amend the..."

Speaker Peters: "Excuse me. Yes, Representative."

Epton: "Mr. Speaker, may I...may I have leave of the House to return this Bill to Second Reading for the purpose of Amendment?"

Speaker Peters: "The Gentleman asks leave to return House Bill 2088 to the Order of Second Reading for purpose of Amendment. Is there objection? There being none, leave is granted. House Bill 2088, Second Reading."

Clerk O'Brien: "Amendment #1, Epton, amends House Bill 2088 on page one..."

Speaker Peters: "Representative Epton."

Epton: "Mr. Speaker, if I may digress for just a moment. I will be doing this two or three Bills succeeding, and I want to apologize to the House for the necessity. These are the Bills that were not heard in my Committee through my inept handling of the matter, and these Amendments should have gone on in Committee. In any event, on this particular Bill, House Bill 2088, Amendment #1 simply provides certain grounds for the Secretary of State to refuse to issue certificates of title for valid reasons; reasons such as fraudulent statements, stolen cars, matters which, in

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

108th Legislative Day

May 12, 1982

themselves on their face, would prevent the issuance of proper certificate of title. And I would appreciate approval of the Amendment #1."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #1 to House Bill 2088 pass?'. Those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Representative Epton."

Epton: "Mr. Speaker, may I ask leave of the House for unanimous consent to waive the proper rule to proceed to Third?"

Speaker Peters: "The Gentleman asks leave of the House to waive the appropriate rule so that the Bill may be voted on at this time. Is there objection? There being none, leave is granted. Representative Epton. Mr. Clerk, Third Reading."

Clerk O'Brien: "House Bill 2088, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Peters: "Representative Epton."

Epton: "Thank you, Mr. Speaker and Ladies and Gentlemen, for your courtesy. I appreciate it. This is a Bill which was studied by the Illinois Insurance Study Commission. We must give due credit to Representative Bartulis who, and the Secretary of State, called to our attention the fact that the amount of insurance for medical transport vehicles and taxi cabs was at an absolute minimum. As a matter of fact, the Bill...the limits had not been raised for several years, and they were presently at a bond requirement of \$50,000 for certain vehicles and \$100,000 for medical transport vehicles. This Bill raises, with the Amendment, raises the limits to \$300,000 for liability and \$50,000 for property damage. I should add that Senator Vadalabene had

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

108th Legislative Day

May 12, 1982

a curious...this is correcting a situation in the...one of our previous statutes. Previously the coverage had to be all in one Bill. Senator Vadalabene had, in his own district, a hospital...an ambulance situation where they had more than the...they had half of a million and a million dollar coverage, but only \$25,000 property damage, which was in the same Bill...in the same insurance policy. And, the Secretary of State was unable to accept that, because they were not...it did not meet the minimum of the \$50,000. This effectively separates the property damage liability and the physical damage liability and increases the limits, as I indicated, to \$300,000 for the liability and \$50,000 for the property damage. And I might add that the taxi drivers, the ambulance drivers, and all of those who transport, medical transport vehicles who testified, all were very much in favor of this Bill. I would appreciate a favorable vote."

Speaker Peters: "Any further...any discussion? There being none, the question is, 'Shall House Bill 2088 pass?'. Those in favor signify by voting 'aye', those opposed by voting 'nay'. 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 163 voting 'aye', none voting 'nay', none...1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2091, Representative Frederick. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2091, a Bill for an Act to amend Sections of the Code of Criminal Procedures. Third Reading of the Bill."

Speaker Peters: "Representative Frederick."

Frederick: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2091 simply provides that in prosecuting a criminal

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

108th Legislative Day

May 12, 1982

offense where the victim of the offense is a minor child under 13 years of age, the court may exclude from the courtroom, while the child is testifying, all persons not directly involved in the case except the media. I ask for your support of this bill."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 2091 pass?'. Those in favor 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 164 voting 'aye', none voting 'nay' 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2095, Representative Epton."

Epton: "Again, Mr. Speaker, I would ask your indulgence to return this to Second Reading for the purpose..."

Speaker Peters: "The Gentleman asks leave to bring House Bill 2095 back to the Order of Second Reading for purpose of Amendment. Is there objection? There being none, leave is granted. Mr. Clerk."

Clerk O'Brien: "Amendment #1, Terzich, amends House Bill 2095 on page one and line one and five by deleting Section..."

Speaker Peters: "Representative Terzich, Amendment #1."

Terzich: "Yes, Mr. Speaker, 2095, Amendment #1 is that better Bill that Representative Cullerton mentioned. What it does is it stipulates that under the uninsured motorist coverage, that underinsurance motorist coverage would be one and the same, and that you would be covered up to the liability coverages that you purchased under the uninsured motorists insurance."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #1 be adopted?'. Those in favor signify by saying 'aye', those opposed 'nay'. In the

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

108th Legislative Day

May 12, 1982

opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Epton..."

Speaker Peters: "Representative Epton, Amendment #2."

Epton: "Amendment #2 simply clarifies a part of the law that we previously passed. It simply indicates that the failure on the part of an insured to pay a policy premium on a short-term policy will be treated as a voluntary non-renewal, thus will avoid duplicate paperwork, unnecessary paperwork and affects only a short-term policy, not policies on the budget payment plan. I move the adoption."

Speaker Peters: "The Gentleman moves the adoption of Amendment #2. Any discussion? Being none, the question is, 'Shall Amendment #2 be adopted?'. Those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. The Gentleman now asks leave of the House to consider House Bill 2095 on Third Reading. Representative Getty. Representative Getty objects. The Bill will remain on Third Reading. Representative."

Getty: "I'd like to speak with the Sponsor before he goes ahead with this."

Speaker Peters: "The Bill will remain on Third Reading, Representative. House Bill 2116, Representative Kosinski. Representative Kosinski, 2116. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2116, a Bill for an Act to amend Sections of the Criminal Procedure of 1963. Third Reading of the Bill."

Speaker Peters: "Representative Kosinski."

Kosinski: "Mr. Speaker, Ladies and Gentlemen of the House, this

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

108th Legislative Day

May 12, 1982

Bill, cosponsored by Representative Kosinski, Representative McAuliffe, and recommend... Representative Jones indicates that it will permit the State's Attorney to appeal the bail status or a change in the bail status of any individual if his behavior or the severity of the offense is not properly reflected. It would be effective immediately, and I ask for your vote."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 2116 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Getty to explain his vote."

Getty: "Mr. Speaker, I rise to explain my 'present' vote. The idea may be a good one in concept. The problem is the Supreme Court has spoken, in People versus Wagner, they have the exclusive right to regulate when an appeal may be taken. It is quite clear that under the Constitution and the Supreme Court rules that we cannot do what we're doing today. Accordingly, I vote 'present'."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Brummer to explain his vote."

Brummer: "Assuming that that which Representative Getty said is correct, and I have no doubts...no question...no reason to doubt that, if that is correct, what will happen is the Law Revisions Commission, alias, Harry Fins, will come in next year with a clean up law revisions Bill to repeal this because the Supreme Court has acted in the area and is not valid, and we'll have another Bill for Representative Terzich to sponsor for the Law Revisions Commission to repeal this. So, I would suggest a 'present' vote."

Speaker Peters: "Representative Smith to explain his vote. Harry Smith."

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

108th Legislative Day

May 12, 1982

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have voted 'no' on this measure, because I think it is silly for us to engage and adopt laws that are patently unconstitutional."

Speaker Peters: "Have all voted? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 126 voting 'aye', 8 voting 'nay', 35 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. The problem being settled, with leave of the House, we'll return to House Bill 2095. Representative Epton asks leave of the House to consider House Bill 2095 on Third Reading. Is there objection? There being none, leave is granted. Mr. Clerk."

Clerk O'Brien: "House Bill 2095, a Bill for an Act to amend Sections of the Illinois Insurance Code. Third Reading of the Bill."

Speaker Peters: "Representative Epton."

Epton: "Again, Mr. Chairman and Ladies and Gentlemen of the House, I want to thank you for your indulgence, and particularly Mr. Getty, Representative Getty for the misunderstanding that we had. It had nothing to do with my Bill. It had, rather, to do with the Amendment by Representative across the aisle, and hopefully we'll try and correct that at a later date. In any event, the purpose of this Bill is simply to clarify the conditions under which a notice of cancellation is required to be given. I should state at this time that I have a conflict of interest. The matter was first brought to my attention by an insurance company that my firm represents. Thereafter, it was also called to the attention of the Department of Insurance by other companies and the Insurance Study Commission, and I should add that neither I

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

108th Legislative Day

May 12, 1982

nor my firm is being paid for the passage or the presentation of this Bill. Specifically the legislation limits the requirement that a notice of cancellation must be given to a policyholder in those situations where the insurance company unilaterally terminates coverage before the expiration of the policy term or refuses to renew a policy. An example would be that notice must be given to a policyholder when a company cancels for not payment of premium. That notice must still go out. When a policyholder fails to pay an installment payment during the term of the policy, however, where the policy expires on a specific date, and the policyholder fails to pay the next renewal premium, this proposal relieves the insurer from furnishing notice of cancellation. This was in the previous Bill that we passed; however, it had an ambiguity that the Department of Insurance recognized, and they asked that this be presented to the House and the statute clarified. I would appreciate a favorable vote."

Speaker Peters: "There any discussion? Being none...Representative Leinenweber."

Leinenweber: "Representative Epton, I...a couple of questions. I'm not sure whether I understand the Bill. Where the...does this affect the time limits that a person has to reinstate a policy in the event of non-payment of premium?"

Epton: "No, he will still have his grace period."

Leinenweber: "Alright, would you go over once more what...where the time limit...where the notice is not required?"

Epton: "Well, the notice is required in all events. However, if the insured fails to pay on the next renewal premium, the...the insurance company does not have to notify him again to...that his policy will be cancelled. He does have the grace period to reinstate it. But, it saves the duplication. This applies, particularly, to those policies

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

108th Legislative Day

May 12, 1982

having the term of less than six months and really was the intent of the original legislation which we passed last year."

Leinenweber: "Thank you."

Speaker Peters: "Hold on. Hold on. Further discussion? Fine, now Representative Greiman."

Greiman: "Thank you, Mr. Speaker. I wonder if the Gentleman would yield for some questions. I'm not sure I understand enough about the Bill to ask questions that make sense. At this point, what are the provisions...what are the requirements that are being changed. In other words, what is the law now and what is...what will be the law after the Bill?"

Epton: "Alright, the law presently...presently, a notice of cancellation must be given to a policyholder when a company cancels a policy for non-payment of premium, or when a policyholder fails to pay an installment payment during the term of the policy. This is the present law, and this does not change that. However, in the case when a policy expires on a specific date and the policyholder is advised that his renewal payment is due, if he fails to pay the renewal premium, then the company does not have to, again, send him another notice saying that he failed to pay the premium, and his policy is cancelled. All it does is it eliminates additional paperwork, reduces mailing costs. It, in no way, affects the..."

Greiman: "Was the first notice that he was going to get sent by certified or registered mail, or what was that by?"

Epton: "In full compli...It is by certified mail."

Greiman: "So that it might come to his place, and somebody might sign it for it other than he. Right? The purpose is, we're taking away a notice provision is what we're doing."

Epton: "No, no, we're not doing that at all, Sir."

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

108th Legislative Day

May 12, 1982

Greiman: "Second...now we take away the second notice."

Epton: "No, what we're doing is...there is a distinction. This was never intended to cover the case where a policyholder failed to pay his premium. You're talking about notice, in original bill where a policy is being cancelled or being non-renewed. Here the company says, 'Fine, Representative, we're happy to renew your policy. Your premium for X dollars is due in 30 days'. If he ignores the 30 days and doesn't pay, then no additional notice has to be sent. He does have, however, the grace period to reinstate under the..."

Greiman: "Well, okay, on the...on the Bill, if I may. I think we generally often weigh the importance of one aspect of some action with the impact that it may have on people's lives. Now, the impact of being uninsured is a terrible thing in our society. If you are uninsured, even for a day, and in that particular little day you get into an accident, your whole lifetime savings may be wiped out. So what I am hearing is the insurance company would like to give you a notice that you have a renewal, please send the money. And then at that point if the money isn't forthcoming, they won't have to send a renewal. Well, firstly there's...we should have some date, some time where they say, 'Not having paid your money, you are, as of this date, without insurance. And that...I don't know that we try. You hear a lot of things about the mail. Personally, I get most of my mail, sometimes too much of it, but I hear a lot of Americans say they don't get their mail, even people with certified. If it is a large building...excuse me. I'm not disturbing you, am I? Thank you. If it is a large building, you know, rooming house of some sort, people may, in fact, sign for others. So very often, even if it is certified, you don't get it. It is another notice that

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

108th Legislative Day

May 12, 1982

people get, another assurance that people will have, another push for them that is going to tickle them and remind them to pay that premium. The other side, by the way, is not just the person who doesn't pay the premium. It's the person who is hit by a car that has no insurance. That is a lot more serious, because that person is an innocent person. I think when I weigh the equities and say on the one hand, another notice the insurance company has to send out, against the possibility of me being hit by an uninsured motorist because they didn't send out the notice, or me not having insurance because I was in Springfield, and I forgot when the 30 days were up because I was down here, and I said well, I'll get to that, and I never quite got to it because of the 30 day period and because I was working hard in Springfield; I think that between weighing those, I would have to come down and vote against this Bill. I think it is just as...it couldn't be so onerous to send out another thing. It is all done by computers. Let them send out that final notice so the people know that, by God, today I'm cut off of insurance. I am going to vote 'no' on this Bill."

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

Epton: "I certainly recognize the Gentleman's decision and reason for voting 'no'. However, as he indicated earlier, he really doesn't understand the Bill. This is presently the law in the land, and we're trying to clarify the rights of the policyholder rather than take away from them. For example, this proposal was intended to clarify and establish that a policy having a term of less than six months will not be considered a six month policy - excuse me - when the insured fails to pay a renewal premium, but will be deemed a six month policy for non-renewal notice

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

108th Legislative Day

May 12, 1982

purposes. So, in effect, in this Bill we are asking, in that situation, that a notice be sent. However, the Department presently is following the situation I described before. Very simply, it recognizes the basic distinction between the cancellation of a policy by a company before the coverage terminates or the company's refusal to renew coverage, as against the automatic expiration of the policy at the end of the term. It is taking no rights away from the insured. He has the right to pay within the 30 day grace period, and all it does, it implements a policy presently in effect by the Department of Insurance. And I would appreciate a favorable vote."

Speaker Peters: "The question is, 'Shall House Bill 2095 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? Have all voted who wish? Mr. Clerk, take... Representative Dunn to explain his vote. Take the record, Mr. Clerk. On this question there are 114 voting 'aye', 43 voting 'nay', 6 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2134, Representative Brummer. Out of the record. House Bill 2135, Representative Levin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2135, a Bill for an Act to change the dates of the Chicago mayoral election and certain other elections whenever they conflict with the celebration of Passover. Third Reading of the Bill."

Speaker Peters: "Representative Levin." Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In 1983, the election taking place the first Tuesday in April will conflict with the religious holiday of Passover which enjoys the same status in the Jewish religion as Easter."

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

108th Legislative Day

May 12, 1982

This Bill provides that in 1983 that election would take place on the second Tuesday in April and establishes a similar formula for any future conflicts. It was reported out of Elections by a 15 to nothing vote, and I urge your support of this measure."

Speaker Peters: "Any discussion? There being none, the question is...I'm sorry, Representative Yourell."

Yourell: "Yes, will the Gentleman yield for questions?"

Speaker Peters: "He indicates he will."

Yourell: "You are changing the consolidated election which is normally held on the first Tuesday in April. Is that correct?"

Speaker Peters: "Representative Levin."

Levin: "We are changing it only in those years where there is a conflict with the holiday of Passover. The last time this occurred was in 1939, and then it occurs again in 1983."

Yourell: "Well, you know, Mr. Speaker, I...I don't have any objections to the religious aspects of this Bill, but I want to suggest to the Members of this House that the Consolidation of Elections which established the consolidated election in April was, in fact, something that was debated for over seven years. Now, we're talking about uniformity in the Election Code, and I cannot see why this change is necessary at this time, because we will destroy the uniformity, because no longer will we have the consolidation election on a specific date, but rather we'll have it changing from year to year, or every two years or every three years. Now, that's confusing to the voters. The very purpose of the Consolidation of Elections was to fix a time certain for each election so that the electorate would be used to going to the polls on that day. I don't know what the position of the county clerks are, who are now the election authority under the Consolidation of

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

108th Legislative Day

May 12, 1982

Elections, but I suggest that they have to be opposed to this legislation. And I think that we have to maintain uniformity. We cannot change that dates from year to year for any of the five election dates that are held under the new Consolidation of Elections. We haven't had an opportunity to really see how this consolidation is going to work, and I know that there is a impressive array of Sponsors and Cosponsors on this legislation, but I think the Constitution calls for uniformity of elections in Illinois, and this will certainly destroy that concept. And I would suggest a 'no' vote on this Bill."

Speaker Peters: "Further discussion? Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. If the..if this Bill is not passed, the practical effect is simply that Jewish voters will not be able to vote in that mayoral election, and if that is the will of the House, so be it. But they will not come out and vote on the...on Passover, so..."

Speaker Peters: "Further discussion? Representative Barr."

Barr: "Yes, Mr. Speaker, would the Sponsor yield for a question?"

Speaker Peters: "He indicates he will."

Barr: "Is, Representative Levin...first of all, do I understand that your Bill would apply to the 1983 election throughout the State of Illinois and not just in the City of Chicago."

Levin: "Representative, there is a need for...there is a requirement in the Constitution for uniformity, and so that is correct."

Barr: "So that...so this would apply to the regularly scheduled municipal elections in other municipalities as well as Chicago, and it's for this year only. Is that correct?"

Levin: "In 1983, and the Committee requested an Amendment, so that we would not have to come back and do this again, to provide for an automatic formula. The last time this

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

108th Legislative Day

May 12, 1982

occurred was 1939. The next time it will occur in the City of Chicago will be 1999, so it is a fairly rare occurrence."

Barr: "No, I understand that. I just wanted to...I just wanted to clarify this. These are, I intended, to be friendly questions, Representative Levin, but I just...another question. As I understand the law as it stands now, there is a provision in the Election Code dealing...it is the part that deals with absentee voting. That permits a voter who is prevented from going to the polls on election day for religious reasons. It permits such a voter to vote by absentee ballot. Is that correct?"

Levin: "I'm not familiar with that provision."

Barr: "Well, I guess if you're not familiar with it, you couldn't answer my question. But I gather that for the sake of discussion, at least, assuming there is such a provision - I believe there is, Representative Levin - that that would not be sufficient to cure the problem that you're seeking to cure by your Bill. Is that your feeling?"

Levin: "That is...that is correct, that as far as people participating in the process, be it as volunteers out in the precincts or just, you know, having the opportunity to participate in the electoral process; voting absentee is certainly not a substitute for full participation."

Barr: "Mr. Speaker, to the Bill for a moment, if I may."

Speaker Peters: "Proceed, Sir."

Barr: "Mr. Speaker, Ladies and Gentlemen of the House, I believe this is good legislation that we should support. I think the remarks of Representative Yourell as to the necessity of preserving the consolidated election schedule are good, but on the other hand, when we have a situation such as this where a group of our citizens is prevented from full participation in the electoral process for religious

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

108th Legislative Day

May 12, 1982

reasons, I think it is incumbent upon us in keeping with the very basic tenets of our state and of our country, to change the law to accommodate these citizens so that they can and will be permitted and will be able to participate fully in the Democratic process, and I strongly support the passage of this Bill."

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

Levin: "I would simply ask for a favorable Roll Call."

Speaker Peters: "The question is, 'Shall House Bill 2135 pass?'."

Those in favor 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 151 voting 'aye', 4 voting 'nay', 8 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2139, Representative Pullen. Out of the record. House Bill 2146, Representative Ewing. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2146, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2146 would allow for small high schools, who are no longer economical or who are having a hard time meeting their financial obligations, to deactivate...to deactivate that high school and to send those students to neighboring schools. The important thing about this legislation is that, I think it would help the education of the children in some of our small schools, and yet it would allow those districts to maintain control over their grade schools. No other unit of...high school unit would be required to take these students. This is a matter that would have to be

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

108th Legislative Day

May 12, 1982

worked out between the school districts, the one wanting to deactivate and the one who would be the recipient school. There is another protection in here that no school board could deactivate their school without a vote of the people in their district. If at a later time there was an increase in the growth of the population...the school population in that district, then the school board could, again, reactivate that school. This is very similar to legislation that we allowed whereby junior college districts were able to contract for services without the need of putting up mortar and brick buildings. It is a savings, I think, to taxpayers, a good way to serve our students, and I would ask for a favorable vote."

Speaker Peters: "Any discussion? Representative Ropp."

Ropp: "Mr. Speaker and Members of the House, I'd just like to add to this that I think this is a good proposal for areas of our state that are certainly short, in terms of number, and it will provide for those students who are in those low enrollment areas to have a broader, higher quality education just because they'll have more experiences in a broader area. This is a step towards getting people together who, heretofore, may have felt that, because their high school got beat by some basketball team, that they just don't get along. I think this is a good Bill, and I urge your support."

Speaker Peters: "Representative Getty."

Getty: "I'll yield to Representative Dunn."

Speaker Peters: "I'm sorry, Sir. Representative Dunn. Do you wish to speak to this, Representative Dunn? Representative Bower."

Bower: "Mr. Speaker, will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Bower: "Representative Ewing, we have now, I believe, a mechanism

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

108th Legislative Day

May 12, 1982

by which school districts can be eliminated altogether and can be consolidated with other districts. Why is such a procedure as this necessary?"

Speaker Peters: "Give the Gentleman your attention."

Ewing: "This...this has no effect on the statute as far as consolidation. Units are perfectly free to continue to consolidate as they see fit. I think what it does for rural districts, so often we run into this where they...they would like to eliminate the high school, but they want very much to keep control over their grade school. They don't want their young people being transported 20 and 30 miles to grade school. They want to continue to have that grade school locally, and when they consolidate, they lose control not only of the high school, but of the grade school."

Bower: "In other words, this would allow the district to remain in place, but they could contract out for those services that they want with other districts."

Ewing: "For the high school, correct. It's a good Bill, and it is one that they can do it now for a year, but this would allow them to do it on a permanent basis. And, I think you'll find that it's a very popular Bill in the rural areas where it would be effective."

Bower: "Thank you."

Speaker Peters: "Representative Deuster."

Deuster: "If the Sponsor would yield for a question,..."

Speaker Peters: "He indicates he will."

Deuster: "...My question is, would this enable the superintendent or the administrative staff to just keep on drawing their salaries even though the school is not functioning?"

Ewing: "I would think that...I would think that any board that would continue to carry a staff and not run a high school would either find themselves in court or out of office."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "Representative Bres...Representative Deuster."

Deuster: "Would the board continue in office?"

Ewing: "Yes, it would continue to be a board."

Deuster: "Thank you."

Speaker Peters: "Representative Breslin."

Ewing: "They would get the same salary, too."

Speaker Peters: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker. A question of the Sponsor."

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

Breslin: "Representative, why is your Bill limited only to high school facilities again?"

Ewing: "Representative, would you speak up? You have such a nice, small voice I can't hear you."

Breslin: "Why is House Bill 2146 limited only to high school facilities?"

Ewing: "Well, I think that is where the need is right now. If your grade school is too small to operate, generally they are consolidating with other grade school units. But...this could be extended to grade schools, but this Bill only addresses high schools who want to deactivate."

Breslin: "Well, that's the reason the question comes to mind is. If it is just as easy and efficient to consolidate on a grade school level, it surely ought to be reasonable to consolidate on the high school level, too. I don't see a reason for the distinction between the two."

Ewing: "Well, I understand that high schools are required, currently, to continue to operate, while grade schools are not. I don't know the distinction there, Representative."

Breslin: "Next question is what happens to the teachers of the deactivated high school and the administrators?"

Ewing: "There...if the jobs were eliminated, I would say that the teachers would have to find other positions, the same as if they were consolidated."

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

108th Legislative Day

May 12, 1982

Breslin: "Okay, and after this Bill...or under this Bill, a high school is allowed to reactivate, isn't that correct, within a year or whenever they see fit?"

Ewing: "Pardon."

Breslin: "A high school once deactivated..."

Speaker Peters: "Excuse me, Representative. Ladies and Gentlemen, please...please give the Lady your attention. Proceed, Ma'am."

Breslin: "A high school once deactivated is allowed to reactivate later...at some future date. Is that correct?"

Ewing: "That is correct, after a referendum of the residents of that district."

Breslin: "Is there any provision that those same teachers be rehired?"

Ewing: "No, there isn't."

Breslin: "Is it possible that a school board might wish to move for deactivation only to fire all of their...their teachers so that they can rehire new people? Is that a possibility?"

Ewing: "Representative Breslin, that is certainly a possibility. But, you and I both know, coming from rural areas, that you don't fool our district people; and they have to vote to deactivate, and they have to vote to reactivate. And, we've been around long enough to know that I can't imagine any situation so bad that the voters would come out and vote to deactivate to get rid of teachers. I think that is ludicrous."

Breslin: "I'm sorry. I would agree. Last question. Could, under this Bill, could the sending school district incur higher costs, or wouldn't they incur higher costs if the receiving district costs were higher?"

Ewing: "Well, that's right. That would be a decision the board would have to make, whether their costs were higher. I

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

108th Legislative Day

May 12, 1982

think, though, if you take a small school with 50 students, and this is really...the schools that want this have a very limited enrollment. They can't possibly maintain a program, a quality program and a building for what they can pay tuition. There just isn't any way."

Breslin: "I can..."

Ewing: "And it probably would benefit the receiving district."

Breslin: "Yes, I tend to agree with you. My only hesitation is that it seems to me that the proper move, at that time, is consolidation. And this new hybrid form just seems very unusual to me."

Ewing: "Well, I think if you would check with some of your small districts that want to maintain their grade schools and find out what happens a year or two down the road after those units are promised, 'Oh yes, we'll...we'll keep a grade school out here'. And then the crunch comes, and that is the first grade school that's closed, and they want to transfer them all to town. It's very disconcerting to those people."

Speaker Peters: "Representative Hastert."

Hastert: "Would the Sponsor yield? Couple of questions."

Speaker Peters: "He indicates he'll yield to the specific questions asked."

Hastert: "Yes, Sir, thank you. First of all, if a school deactivates its high school - and as I say, it is a unit district - and they send their students to this...do they have to send them to any one school, or could they borrow them out to two or three different high schools, or is there a provision there?"

Ewing: "That...that would be a decision the board would make. They could send them to one school or to more than one school."

Hastert: "You know in a lot of small districts that is possible."

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

108th Legislative Day

May 12, 1982

Okay, in this Bill, okay, dollarwise, would the school still levy, and then tax, and then contract out? I'm not sure how they can do that. How would they perform a budget, on the contractual services?"

Ewing: "The school...this does not address the district's power to tax."

Hastert: "But yet they would have to tax, wouldn't they?"

Ewing: "They would have to levy a tax, at least sufficient to cover their costs for tuition."

Hastert: "Thank you."

Speaker Peters: "Representative Hoffman."

Hoffman: "Thank you."

Speaker Peters: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I only want to make one observation, which has been made to a certain extent by the Sponsor, and that is that presently the State of Illinois has 1,011 school districts. Between California, Nebraska, and Texas and Illinois; these four states combined, lead the nation in the number of school districts. New York with a tremendous population, different than ours, has a lot fewer districts, as does Michigan and Ohio. What this Bill does, as the Sponsor indicates, keeps the districts where they are, keeps the number of the districts the same, and doesn't address a basic question which we eventually are going to have to address in this state of consolidation if, for no other reason, than the reason he indicated, and that is you can't afford to run a school when you have a low density. So, you have to take a position on this Bill on whether you think that this is economically feasible or not."

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

Ewing: "Ladies and Gentlemen of the House, this is not a Bill

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

108th Legislative Day

May 12, 1982

which will affect Representative Hoffman in DuPage County. This is a rural Bill. This is a Bill that will affect small school districts. In fact, I can envision down the line that this Bill would, in fact, encourage consolidation. If your students have been going to the neighboring community for several years, and it becomes economically feasible to consolidate those districts, there will be a community of interest. And, unless you've lived in a rural area and know the competition that exists between small towns, you can't understand why these people are so reluctant to do it. This Bill is permissive. It doesn't require a school district to do anything. It provides them another option. I don't think that this Bill will even hurt the number of teachers' positions available. Because if a school can't afford to stay in business, there aren't going to be teachers' positions anyway. I think it is a good legislation. I think it will help our schools. It will provide another option, and I would encourage a 'yes' vote."

Speaker Peters: "The question is, 'Shall House Bill 2146 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 102 voting 'aye', 52 voting 'nay', 6 voting 'present'. This Bill, having received the Constitutional Majority is hereby declared passed. House Bill 2149, Representative Sandquist. Out of the record? Out of the record. House Bill 2164, Peters. The... Representative Peters asks leave of the House for Representative Reilly to handle the Bill. Is there objection? There being none, leave is granted. Representative Reilly. Read the Bill, Mr. Clerk."

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

108th Legislative Day

May 12, 1982

Clerk O'Brien: "House Bill 2164, a Bill for an Act relating to planning and other powers and duties of certain state agencies in connection with health. Third Reading of the Bill."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. House Bill 2164 is a technical Bill that simply compares or brings together the Acts. It creates the various social service depart...code...Departments together with the 6 - 12 planning process that is already in place in the statute. Be glad to answer any questions. Otherwise, I'd ask for a favorable Roll Call."

Speaker Peters: "Is there any discussion? There being none, the question is, 'Shall House Bill 2164 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? Take the record. Mr. Clerk. On this question, there are 166 voting 'aye', none voting 'nay', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2167, Representative Ronan. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2167, a Bill for an Act to amend Sections on an act concerning cities, villages and incorporated towns. Third Reading of the Bill."

Speaker Peters: "Representative Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. As everyone aware...is aware, this is a non-controversial Bill. But what we do want to do is amend it, so I am asking the Bill be brought back to Second Reading so Representative McAuliffe can amend it."

Speaker Peters: "The Gentleman asks leave to bring back House Bill 2167 for the purposes of an Amendment. Is there

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

108th Legislative Day

May 12, 1982

objection? Is there objection? There being none, leave is granted. Hold on a second now. Objection has been withdrawn. Read it, Mr. Clerk."

Clerk O'Brien: "Amendment #2, McAuliffe - Ronan, amends House Bill 2167 as amended by...and so forth."

Speaker Peters: "Leave has been granted. House Bill 2167 is now on the Order of Second Reading for the purpose of an Amendment, Amendment #2, being offered by Representative McAuliffe. Representative McAuliffe."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, let me assure you that Amendment #2 completely guts the original intent of the Bill. So there will be no...it won't affect the Election Code at all. Amendment #2, in essence, is a Bill that was given to me by the Superintendent of Police for the City of Chicago. And what it does, it allows the City of Chicago to pay punitive damages when punitive damages are awarded against police officers. Currently the law says they cannot pay punitive damages. In cases where the Police Department has found a police officer innocent of any wrongdoing, many times the police officer is sued in Federal Court. And recently, there have been three cases where the police officer has been found innocent of any wrongdoing by the Police Department, but jury awards have been made in Federal Court, and the City of Chicago is prohibited from paying these punitive damages awards. In effect, what will happen is the police officers become aware of these punitive damages awards being made against them, and they realize that they must pay these punitive damages themselves; you're going to have 14,000 police officers in Chicago riding around with their windows rolled up tight and looking straight ahead because they will be afraid to take any action. The Bill simply states that the City of

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

108th Legislative Day

May 12, 1982

Chicago may - it doesn't say shall - it says may...that's it's deemed appropriate to pay punitive...damages awards against Chicago police officers. And I'd be happy to answer any questions. The Bill was heard in the Judiciary Committee. It got...it was reported out 13 to nothing, but due to a technical error, it hadn't been assigned there by the Rules Committee. So, the Bill has been through the Judiciary Committee, too."

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

Kane: "Would the Sponsor yield?"

Speaker Peters: "He indicates he will."

Kane: "Does this apply to any city other than the City of Chicago?"

McAuliffe: "It applies to any municipality of 500,000 or more."

Kane: "Could the city choose which punitive damages it would pay and which it wouldn't, or would it have to adopt a policy that would be common to every situation?"

McAuliffe: "Well, I believe the city would only pay punitive damages when they were absolutely certain the police officer acted in good faith. I know they would not pay punitive damages if the police officer was guilty of a crime or if the Police Department itself did not clear the officer of any wrongdoing."

Kane: "Thank you."

Speaker Peters: "Further discussion? There being none, the question is, 'Shall Amendment #2 to House Bill 2167 be adopted?'. Those in favor signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. The Gentleman, Representative Ronan. Do you wish this Bill heard now? The Gentleman now

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

108th Legislative Day

May 12, 1982

asks..."

Ronan: "I'd ask leave for the Bill to be heard."

Speaker Peters: "The Gentleman now asks leave of the House that House Bill 2167, which is now on the Order of Third Reading, be heard. Is there leave? Is there objection? There being no objection, leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2167, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Peters: "Representative Ronan."

Ronan: "Thank you, Mr. Speaker. Representative McAuliffe is ably presented what the Bill does. It is a very simple piece of legislation that should have come out of the Judiciary Committee, but because of a technical problem, it was not able to. It is a good chance for everyone to show that they support the Chicago Police Department in their fine efforts to protect the citizenry of Chicago. It is a non-partisan measure, and all I can say is that I learned my lesson when I saw the outpouring of vehemence from both sides of the aisle. I realized that I made a mistake, and now I am happy to see that, rather than being concerned with election reform, we're worrying about the Police Department. So, I urge everyone on both sides of the aisle to vote for this fine piece of legislation, and we'll worry about election reform at some other time."

Speaker Peters: "Any discussion? Representative Younge."

Younge: "Inquiry of the Chair. How many votes would this take to pass?"

Speaker Peters: "89, Representative Younge. It is a 'may'. Representative Barr."

Barr: "Yeah, Mr. Speaker, would the Sponsor yield for a question?"

Speaker Peters: "He indicates he will?"

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

108th Legislative Day

May 12, 1982

Barr: "Yeah, Representative Ronan, I just would like you to tell us, because this Amendment which was...the House has just adopted, I haven't seen it. I don't know that, in fact, it was printed and distributed. And, I certainly didn't object to my good friend, Representative McAuliffe, putting it on. But, I would like you to tell us now if it is true, in fact, that the Bill, as it stands before us at this moment as amended by the Amendment just adopted, in fact, says nothing whatsoever about signature requirements on any petitions for any office."

Speaker Peters: "Representative Ronan."

Ronan: "In deference to...to my good friend from the other side of the aisle, Representative McAuliffe's Amendment absolutely gutted the Bill, and this is not an election Bill, but it does affect the same Chapter. So that that is why we're using this Bill as an opportunity to help our good friends, the police officers in the City of Chicago. And this Bill will not...does not and will not have anything to do with election matters."

Speaker Peters: "Further discussion?"

Barr: "Thank you, Representative."

Speaker Peters: "There being none, the question is, 'Shall House Bill 2167 pass?'. Those in favor 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 160 voting 'aye', three voting 'nay', five voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2168, Representative Pullen. Out of the record. House Bill 2171, Representative Smith. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2171, a Bill for an Act in relation to

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

108th Legislative Day

May 12, 1982

the office of county auditors. Third Reading of the Bill."

Speaker Peters: "Representative Smith."

Smith: "Thank you, Speaker. The Bill...Ladies and Gentlemen of the House, House Bill 2171 amends an Act in relation to county auditors. It expands the powers and duties of the office of county auditor. It requires every county auditor to be commissioned by the Governor and provides that the county auditor, rather than the county board, shall procure equipment and services for the office. It replaces the masculine pronouns with gender neutral words."

Speaker Peters: "Discussion? Representative Yourell."

Yourell: "Yes, would the Gentleman yield?"

Speaker Peters: "He indicates he will."

Yourell: "Does this include Cook County, Representative Smith?"

Smith: "No, no, it doesn't. It is for counties under 275,000."

Yourell: "Thank you very much."

Speaker Peters: "Further discussion? Representative Madigan."

Madigan: "Question of the Sponsor."

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

Madigan: "How are these people appointed today?"

Smith: "They are elected at this time. There are only 17 in the state, Representative Madigan."

Madigan: "Elected by the people?"

Smith: "Yes."

Madigan: "And what reason is offered for changing over to an appointment system by the Governor?"

Smith: "No, no, they are not being appointed. You misunderstood. The Governor commissions them. He would commission them as he commissions other county officials. That is simply with the certificate that...that is given to them."

Madigan: "Would they still be elected?"

Smith: "Yes."

Madigan: "Okay, thank you."

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

108th Legislative Day

May 12, 1982

Speaker Peters: "Representative John Dunn."

Dunn: "Question of the Sponsor."

Speaker Peters: "Proceed."

Dunn: "Are all the elected county auditors downstate in support of this legislation?"

Smith: "I'm sorry, I didn't hear."

Dunn: "Are the elected county auditors in downstate Illinois in support of this legislation?"

Smith: "Yes, they are. As a matter of fact, I was carrying this for the county auditors. The Cook County Auditor, who is appointed, also supports this."

Dunn: "Do the county boards generally support this legislation also, or do you know?"

Smith: "Yes, they do."

Dunn: "Thank you very much."

Speaker Peters: "Further discussion? There being none, Representative Irv Smith to close. I'm sorry, Representative O'Brien."

O'Brien: "I just wanted to support the Bill."

Speaker Peters: "Representative Smith to close."

Smith: "Thank you. I ask for your favorable vote."

Speaker Peters: "The question is, 'Shall House Bill 2171 pass?'

Those in favor 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? Mr. Clerk, take the record. On this question there are 160 voting 'aye', 1 voting 'nay', 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Domico asks leave to be recorded as voting 'aye'. Is there objection? Leave being granted. Add Representative Domico and Representative... Representative Koehler asks leave to be recorded as voting 'no'. Is there objection?

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

108th Legislative Day

May 12, 1982

Representative Sam Wolf."

Wolf: "Mr. Speaker, would you change my vote to 'present'."

Speaker Peters: "Alright, hold on. Hold on. Representative Koehler asks leave to be recorded as voting 'no'. Is there objection? There being none, she'll be so recorded. Representative Sam Wolf asks that his vote be changed from 'present'...from 'aye' to 'present'. Does the Gentleman have leave? Leave is granted. Representative Yourell."

Yourell: "Yes, Mr. Speaker, I think that you shouldn't tell these people that they are going to be recorded a certain way, because that's not true. You might check with the Clerk."

Speaker Peters: "The procedure would be for you to fill out a form is what Representative Yourell, I believe, is referring to, and that would be the proper procedure. The Chair was intending to accommodate the Members, but the rules do require, what they require, as pointed out by Representative Yourell. Representative."

Yourell: "That's not what I was referring to, Mr. Speaker."

Speaker Peters: "Proceed, Sir."

Yourell: "There is a Motion filed with the Clerk every day relative to matter."

Speaker Peters: "Yes. Yes. You have to file a form, and then that Motion has to be adopted at the end of the day, so file a form. Okay? Where were we? Representative Vinson, House Bill 2181. Representative Vinson. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2181, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Third Reading of the Bill."

Speaker Peters: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. When the Consumer Fraud Act was enacted by the General Assembly, no one intended or thought that it

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

108th Legislative Day

May 12, 1982

applied to in-state sales of real estate. Real estate sales were to be continued to be regulated by the common law fraud. The reason for that...the purpose for that was that, under common law fraud, there is a requirement that you prove scienter, as the lawyers call it; an action of willfulness, a deliberate intent to defraud or steal money, on the part of the defendant who is charged with the fraud. It was felt that, by the original Sponsors of the Consumer Fraud Act, that that was important in real estate transactions because of the number of expert advisors on...available to both parties on either side of the transaction, that both parties had the availability of expert advice from lawyers, from the financial institutions, from the title companies, and so forth; and that, therefore, you didn't have the same kind of transaction and nature that you have when you deal with an encyclopedia salesman going door to door, that sort of thing. Last year, an Illinois Appellate Court, in the case of Beard versus Gress, however, did make the determination that the Consumer Fraud Act would apply to in-state realty sales. The immediate effect of that was that a real estate broker selling a parcel of real estate, was held liable for an innocent misrepresentation, and I would underline the words 'innocent misrepresentation', regarding the sale. Now, the long-term effect, that finding, that holding, if we do not do something to rectify it, is that you will, in effect, have higher costs for the...higher exchange costs from the exchange of realty. You'll have less information available in the real estate market, as you have a chilling effect apply. House Bill 2181 corrects that effect by returning the Consumer Fraud Act to its original statutory and legislative intent prior to that court decision. And, in effect, what it does is to exempt in-state real estate

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

108th Legislative Day

May 12, 1982

sales from the Consumer Fraud Act. So, I would move for the passage of 2181."

Speaker Peters: "Any discussion? Representative Leinenweber."

Leinenweber: "Would the Gentleman yield for a question?"

Speaker Peters: "He indicates he will."

Leinenweber: "How many different modes or causes of action would possible under...how many theories of recovery are there currently, including Beard versus Gress, that one could go against a real estate salesman or broker?"

Vinson: "My understanding, Representative, is that you would have the Beard versus Gress theory of action under the Consumer Fraud Act. You would have a common law fraud theory of action, like we've always had, and you would also have a theory of action under the Real Estate Broker Licensure Act, in that respect."

Leinenweber: "So, what your Bill does, as I understand it, it just eliminates the recovery...or the cause of action...possible cause of action under the Consumer Fraud Act. Is that correct?"

Vinson: "That is correct, Representative."

Leinenweber: "Do you recall who the Sponsors...the drafters of the Consumer Fraud Act were?"

Vinson: "Representative, I don't want to get into that, because I don't recall. Representative Stuffle is familiar with that in detail, and I would yield to him."

Leinenweber: "Well, it's my understanding that the Sponsor of that Act did state that it was not...real estate transactions were not intended to be covered. Isn't that correct?"

Vinson: "I believe that is the case. I would like to yield to Representative Stuffle in reference to that, because he is, in depth, familiar with the subject in that respect."

Leinenweber: "Well, I would ask that question to Representative

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

108th Legislative Day

May 12, 1982

Stuffle, then."

Speaker Peters: "I'm sure there's a rule that covers it someplace. Representative Stuffle."

Stuffle: "Well, I'm sure there is a rule that covers yielding, as long as we have a break in the speakers. I'm glad we're following the rules today. In any case, your question is who were the Sponsors? The Sponsors were Senator Gottschalk in the Senate, Representative George Burditt in the House. And in closing on this Bill, which I am going to do as a hyphenated Sponsor, I would like to quote and put into the record their comments on this Bill to satisfy your question."

Leinenweber: "Well, see, I understand...I recall your making those comments in Committee, and I...in other words, the point made, I think, is that Beard versus Gress was sort of an aberration, as far as what people expected from the coverage of that Act."

Stuffle: "That is absolutely true, and as I said, I would read some of those remarks from the Senator into the record in closing on this Bill."

Leinenweber: "Well, Mr. Speaker, very briefly on the Bill, I was in the Executive Committee that heard this Bill. It does attempt to correct a...a problem which arose by an interpretation of the Consumer Fraud Act. It would really wreck havoc in the real estate business. Again, we must realize who we're dealing with here, and what type of occupation a real estate broker is. He would find it very difficult to list and show a house without being absolutely certain of every single answer to a certainty, because he might have potential liability if he negligently or innocently misstated some minor fact. So, I think it is a good Bill. It certainly does not disallow recovery in those cases where there is actual fraud, and I urge the

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

108th Legislative Day

May 12, 1982

support of this Bill."

Speaker Peters: "Representative Bowman."

Bowman: "Representative, I have a question of the Sponsor."

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

Bowman: "Amendment #1 deleted, in its entirety, Section...the added material in Section 10D."

Vinson: "Yes, Sir."

Bowman: "Well, that is...that is a relief. I think people ought to know that...the effect of that. That does eliminate language which had included or had exempted other kinds of transactions than real estate transactions. My personal feeling, however, is that we probably should have had the real estate transactions in there in the first place. But, I thank you for clearing up that question, because that was a...without that Amendment, I think the Bill would have gone way...much further beyond your intention."

Speaker Peters: "Further discussion? Representative Yourell. Your light is on Sir. Representative Vitek."

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

Speaker Peters: "The Gentleman moves the previous question. Those in favor signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it. Representative Vinson to close. Or Representative Stuffle to close."

Stuffle: "Yes, Mr. Speaker and Members, let me simply restate, as Representative Vinson has done so well today, that this Bill is intended only to clarify the situation with regard to the application of this particular Act concerning in-state real estate transactions in Illinois and quote for you, briefly for the record, for posterity of the fact that I am in possession of a letter from the Senate Sponsor of the Consumer Fraud Act, Senator Gottschalk, in referring to his actions on the original Bill wherein I quote. He said, 'It is clear that Senate Bill #25', that was the Consumer

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

108th Legislative Day

May 12, 1982

Fraud Act, 'as originally introduced, included real estate whether situated within or without the State of Illinois'. As amended, the coverage of the Act was intended only to apply to real estate situated outside the State of Illinois. He goes on, 'For the above reasons, I can say, categorically, that it was my intent, as the Chief Legislative Sponsor, to protect the public against such practices as the sale within Illinois of submerged Florida land and the like while excluding intra-state real estate sales from coverage'; end of quote. As Representative Vinson has submitted, there are still three avenues, in fact, there are three avenues of recovery still: one is federal law, one is common law, one is the application of the licensing statute under which and for which, in the Sawyer Case, the courts have recently, in this year, provided a recovery fund where suit with intent to defraud can be brought. In the case that Representative Vinson cited, the Gress Case, the issue was clearly one where the real estate broker acted innocently in misquoting and misstating an interest rate. Clearly the court recognized he acted innocently, but still held him to be liable under the Act that we attempt to clarify today. For those reasons, and with regard to the intent of the original Sponsor, Senator Gottschalk, I ask for a Roll Call and affirmative vote on this Bill."

Speaker Peters: "The question is, 'Shall House Bill 2181 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Representative Conti to explain his vote."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, I have a conflict of interest, and I am going to vote my conscience."

Speaker Peters: "Representative Balanoff to explain her vote."

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

108th Legislative Day

May 12, 1982

Balanoff: "I am voting 'no' on this Bill, because it takes away a remedy of the consumer. It takes out of the Consumer Fraud Act the responsibility of real estate brokers who sell real estate. As one speaker, who supports the Bill, stated, it relieves the broker of liability when he negligently misstates a fact to the consumer. This is reducing the rights of the consumer in the sale of real estate, and that is why I am opposed to this Bill."

Speaker Peters: "Take...take the record, Mr. Clerk. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 142 voting 'aye', 20 voting 'nay', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Collins."

Collins: "Mr. Speaker, allowing the Clerk ample time for perfunctory business, I now move that the House stand adjourned until tomorrow, May 13th, at the hour of 11:00 a.m."

Speaker Peters: "You've heard the Gentleman's Motion. Those in favor will signify by saying 'aye', opposed 'nay'. The House stands adjourned until the hour of 11:00 a.m."

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 refused to concur with the House in the adoption of their Amendments to Bills, the following title to wit: Senate Bill 1193 together with House Amendments #3, 4 and 9; action taken by the Senate May 12, 1982'. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate has adopted the following Senate Joint Resolution, the adoption of which I am instructed to ask concurrence of the House of Representatives to wit:

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

108th Legislative Day

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Senate Joint Resolution 91; adopted by the Senate May 11, 1982'. Kenneth Wright, Secretary. No further business, the House now stands adjourned."