

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

41st Legislative Day

May 14, 1981

Speaker Ryan: "The House will come to order. The Members will please be in their seats. The Chaplain for today is Father Wright from St. Agnes Church in Springfield. Father Wright."

Father Wright: "Let us bow our heads and pray: God of all gifts, blessings we cannot remember and blessings we sometimes hardly sense, You have made us a people and given us a place to dwell. We praise You for everything that is true and beautiful about this State of Illinois, its places and its people. Father, for our rich variety of people and for nature's abundant gifts, we give You thanks. Heavenly Father, we thank You for the many people who served and helped us along the way. We thank You for your guiding Hand, saving us from dangers, both seen and unseen. We are grateful for the happiness it has brought Your people. Grant, that as a result, we may lead better lives and be drawn closer to You, the Giver of all good gifts. This we ask through Christ, our Lord."

Speaker Ryan: "Representative Kelly will lead the Pledge."

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

Speaker Ryan: "Roll Call for attendance. Representative Kosinski."

Kosinski: "Mr. Speaker, in order to make certain business changes, it's important that some of us know for certain if we're working over the weekend. Has that been determined?"

Speaker Ryan: "Well, I announced early this week, Representative Kosinski, that everybody should probably plan on being here this weekend and I would announce what we were going to do later on. We've still got some 600 Bills on the Calendar that have not been acted on. We're going to try and put

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together a Short Debate list to move some of the Bills that are Regular Third Reading over to a Short Debate list and try that. I think if we could cut down on the explanation of vote and a lot of the chatter that goes on here, we could move some Bills. I feel an obligation to give everybody at least one chance to pass their Bill. And if Monday midnight is the deadline, then I think we should be here until we've done one or the other, either killed the Bills or passed them, but give everybody an opportunity to have their Bill called. But we'll see how it goes today. And, I think you can plan on a long day today. We'll probably be here until ten or eleven o'clock this evening. So, plan your meals around that schedule at least for today and we'll see how it goes."

Kosinski: "Thank you."

Speaker Ryan: "Page 34, under House Bills, Third...under Senate Bills, Third Reading, appears Senate Bill 871. Representative Wolf. Take the record on the Roll Call, on the attendance. 169 Members answering the Roll. A Quorum of the House is present. Representative Wolf on Senate Bill 871."

Clerk Leone: "Senate Bill 871, a Bill for an Act to provide for the appropriation of certain agencies. Third Reading of the Bill."

Speaker Ryan: "Representative Wolf."

J.J.Wolf: "I wonder if I might have leave to do 871, '72, '73 and '74 together?"

Speaker Ryan: "The Gentleman asks leave to take Senate Bills 871, 872, 873 and 874 on one Roll Call. Are there objections? Representative Madigan?"

Madigan: "Possibly the Gentleman could give us a little brief explanation of the Bills before we move to that ..."

Speaker Ryan: "I think he'll do that. He did that last night,

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but he'll be glad to do it again for you today.."

Madigan: "...Before we move to the point where we're considering all of the Bills together, maybe we could know what the Bills provide."

Speaker Ryan: "Representative Wolf will be glad to tell you what they're all about. Do you want him to hold his Motion until they've been explained?"

Madigan: "I think that would be a good idea."

Speaker Ryan: "Representative Wolf, would you give us an explanation of the Bills, please?"

J.J.Wolf: "I'd be happy to and I'm just wondering, Mr. Speaker, if somebody wanted to verify the Attendance Roll Call, if we could do that now and get it over with for today? All right. Senate Bill 871 is a supplemental appropriation of \$400,000 to the Department of Public Health from the Federal Maternal and Child Health Services Fund to offset a transfer from the GRF for paranatal services. The Bill also transfers \$1,241,100 in General Revenue Funds and \$40,000 in Maternal and Child Health Service Funds from operation line items, various grant accounts and paranatal services to laboratory personnel services and medical service grants. It...the Department estimates that the Laboratories Division will exhaust its available operations resources by tomorrow, making it difficult to meet the May 1 through 15th payroll. Concurrently the Rape Victims' Grant Account has been exhausted since about March the 1st and the Department has already accumulated about \$50,000 in bills. There is some, as you can see, some emergency. If you want people to get paid, I don't think they'll get paid tomorrow. We've delayed too much time, but certainly within the next few days. It's agreed on both sides of the aisle as far as I understand. And, the Minority Spokesman on Appropriations Committee is in agreement."

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Speaker Ryan: "Representative Madigan, do you have any questions for the Sponsor? Is there any discussion?"

Madigan: "Mr. Speaker?"

Speaker Ryan: "Yes."

Madigan: "I've been told by Representative Peters that all of these Bills are simply transfers within the Departments and that they are not new appropriations. And if that is the case, then I would have no objections to considering the Bills on one Roll Call..."

Speaker Ryan: "I believe that's the way Representative Wolf just explained them..."

Madigan: "...The first Bill."

Speaker Ryan: "Per your request."

Madigan: "Yes. But then, a very courteous Member of your Leadership, Mr. Peters, came over and explained all of the Bills very quickly to me."

Speaker Ryan: "I would imagine he's available on a part-time basis for your staff."

Madigan: "He's intended to offset you in the Leadership's team."

Speaker Ryan: "Well, it's nice to know that you think..."

Madigan: "...So with all of that taken under consideration..."

Speaker Ryan: "...At least one of the Republican Leaders..."

Madigan: "I think we ought to move to consideration of these Bills on one Roll Call."

Speaker Ryan: "The Gentleman asks leave to have House...Senate Bills 871, 872, 873 and 874 heard on one Roll Call. Are there objections? Hearing none, leave is granted."

Clerk Leone: "Senate Bill 872, a Bill for an Act making appropriations for the ordinary and contingent and distributive expenses of the Department of Corrections. Senate Bill 873, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Dangerous Drugs Commission. And Senate Bill 874, a Bill for an Act

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making appropriations for the ordinary and contingent expenses of the Department of Veterans' Affairs. Third Reading of these Bills."

Speaker Ryan: "The question is, 'Shall these Bills pass?' All in favor signify by voting 'aye'; all opposed by voting 'no'. Representative Wolf."

Wolf: "Just so there is no misunderstanding. What the distinguished Minority Leader did say was correct with one exception. There is in Senate 871 a \$400,000 supplemental which is from the Federal Grant Line. There is no state money involved in that one. Other than that it is merely transfers from money that was already appropriated in last year's budget."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 134 voting 'aye', 2 voting 'no', 1 voting 'present'. And these Bills, having received the Constitutional Majority, are hereby declared passed. On page two, under House Bills, Second Reading, Short Debate Calendar, appears House Bill 1587. Is Representative Braun in the chamber? Out of the record. On page two, under the Order of House Bills Second Reading appears House Bill 228. Representative Schuneman. Representative Schuneman, do you want to move...Representative Schuneman, do you want to move your Bill?"

Schuneman: "Out of the record."

Speaker Ryan: "House Bill 326, Representative DiPrima. Read the Bill. Representative DiPrima? Do you want to move House Bill 326?"

DiPrima: "Hold it up, please."

Speaker Ryan: "You don't want it heard? Well, you....I don't know we're going to get back to that Order, Representative, so you've had your shot. House Bill 555, Representative

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Schuneman. Out of the record. House Bill 556,
Representative Schuneman. Out of the record. House Bill
627, Representative Fawell. The Lady in the chamber? Want
your Bill called? House Bill 627 on the Order of Second
Reading. Read the Bill, Mr. Clerk, House Bill 627."

Clerk Leone: "House Bill 627, a Bill for an Act to amend the
Unemployment Insurance Act. Second Reading of the Bill.
Amendment #2 was adopted previously."

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

Clerk Leone: "No Motions filed."

Speaker Ryan: "I believe there's a Motion filed, Mr. Clerk. I
understand there is. Representative Topinka, do you have a
Motion filed on 627, Amendment #2?"

Topinka: "Yes, I do. I'd like to have it reconsidered if I
could."

Speaker Ryan: "Do you have a Motion filed?"

Topinka: "Yes, it was. It was filed yesterday."

Clerk Leone: "Motion, having voted on the prevailing side by
which Amendment #2 to House Bill 627 was adopted, I move to
reconsider the vote on said Amendment. Representative
Topinka."

Speaker Ryan: "Representative Topinka on your Motion to
reconsider."

Topinka: "Yes, I'd like to have it reconsidered because I feel
that it..we haven't given it enough thought. I know,
personally speaking in looking at it, the voting was coming
very quickly and I would like to bring it back to the floor
and bring it back down so that we could talk about it one
more time."

Speaker Ryan: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Since Amendment #2 to House
Bill 627 was my Amendment, I have no reason that I'd like

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to see that returned back. So therefore, I move that her Motion lie on the Table."

Speaker Ryan: "Let's take..Can we take this Bill out of the record and work out our differences?"

Topinka: "Very fine.."

Speaker Ryan: "Or do you want to proceed with it? Let's take it out of the record and maybe you people could get together and we won't have to spend two hours on this Bill. Out of the record. House Bill 637, Representative Vinson. Is the Gentleman on the floor? Do you want the Bill read, Representative? 637, read the Bill."

Clerk Leone: "House Bill 637, a Bill for an Act to amend the Personnel Code. Second Reading of the Bill. Amendment #1 was adopted previously."

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

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading? Third Reading. 672, Representative Schuneman. Out of the record. House Bill 829, Representative Stanley. Representative Stanley in the chamber? Out of the record. House Bill 837, Representative Oblinger. Representative Oblinger in the chamber? Out of the record. House Bill 1225. Representative Stanley. Representative Wolf, do you seek...House Bill 1225, Representative Stanley. Out of the record. House Bill 1448, Representative Schneider. Out of the record. House Bill 1661, Representative Braun. Out of the record. Representative Collins in the Chair."

Speaker Collins: "On page five of the Calendar, House Bills, Third Reading, Short Debate. House Bill 655, Representative Richmond. Representative Richmond, do you

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want that Bill called? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 655, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Collins: "The Gentleman from Jackson, Representative Richmond."

Richmond: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a very simple Bill that we had before us in the last Session which would provide for free ex-prisoner-of-war passenger car plates to former prisoners-of-war. We have already in this Session passed a Bill that would provide for 50 percent of that fee to be waived. However, this Bill would waive the entire portion of their charge for these plates. And the Department of Transportation, rather the Secretary of State's Office indicates that this ..the fiscal impact of this Bill would be \$7,266.00. I think this is a very small expenditure that would be certainly well spent because it does indicate we do have compassion for those people who served in the armed forces and then served...spent time in prisoner...as prisoners-of-war. There had been a couple of Amendments. One was a technical one and one that..."

Speaker Collins: "Representative Richmond, excuse me. The Gentleman from DuPage, Representative Hudson, for what purpose do you arise?? Apparently he was in error. Please proceed, Representative Richmond."

Richmond: "...Amended..This Bill would also allow a designation for National Guard Members on their license plates. This is an Amendment that was placed on the Bill yesterday by Representative McCormick and I think it's a very good Amendment. I would ask for your vote on this...favorable vote on this good Bill."

Speaker Collins: "Is there any discussion? One opponent for two minutes. The Gentleman from Cook, Representative Wolf."

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J.J.Wolf: "Yes, would the Sponsor yield for a question?"

Speaker Collins: "Indicates he will."

J.J.Wolf: "Now, I had trouble hearing you over there. We had a Bill that would give half..."

Speaker Collins: "Give the Gentleman a little order."

J.J.Wolf: "...Half rate for prisoners-of-war on their license plates. Now, what you're proposing in this one is that there is no fee at all?"

Richmond: "That's correct."

J.J.Wolf: "All right. Can you tell me currently what we do with the disabled war veterans? Do they get free plates or do they pay some kind of fee?"

Richmond: "It's my understanding they're free, yes."

J.J.Wolf: "Disabled veterans are also free? Okay."

Speaker Collins: "Representative Conti, this is Short Debate. You can explain your vote. Well, with leave of the House, the Gentleman would like to ask one question. Representative Richmond, is that all right with you? Representative Conti."

Richmond: "Certainly.."

Conti: "Representative Richmond, I have a problem where there's a handicapped family that has four cars and there's no restriction on how many handicapped licenses he can get. Now, if a prisoner-of-war has two or three cars in the family does that mean he's entitled to two or three or just his particular car that's....He could be...He has two cars registered to him, husband and wife. Does that mean they both get free licenses, or one per family?"

Richmond: "I would...I'm sorry I can't give you an explicit answer, but I would assume that this would include the vehicles that he owns."

Conti: "I have no other problems. Will you clean that up if it allows them to get two or three plates per family? Will

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you clean it up in the Senate, Senator..Representative?"

Richmond: "Yes, I will. I appreciate your calling my attention to it."

Speaker Collins: "The Gentleman from Jackson, Representative Richmond, to close."

Richmond: "I think everyone understands the Bill. I would just ask for its...a favorable vote."

Speaker Collins: "The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Representative Ewing, do you wish to explain your vote? Have all voted who wish? Take the record...take the record, Mr. Clerk. On this question there are 139 voting 'aye', 10 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1077, Representative Collins. Representative Winchester, would you mind handling that Bill for me?"

Clerk Leone: "House Bill 1077, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

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

Winchester: "Thank you, Mr. Speaker. It moves the primary notice requirement to Article XII, the notice Article in the Election Code. It moves the notice requirement for color, texture and size of primary balance to Article XII of the Election Code. It passed out of the Elections Committee on a 14-zero vote and I would ask for a favorable vote."

Speaker Collins: "Is there any discussion? Is there any...The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Would somebody vote..press my button? I...Thank you. Have all voted who wish? Have

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all voted who wish? Take the record, Mr. Clerk. On this question there are 146 voting 'aye', 1 voting 'no' and this Bill, having received the Constitutional Majority, is hereby declared passed. Thank you, Representative Winchester. House Bill 1137, Representative Barnes. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1037 (sic), 1137, a Bill for an Act in relationship to the compensation of injuries resulting from mandatory immunization. Third Reading of the Bill."

Speaker Collins: "The Lady from Cook, Representative Barnes."

Barnes: "Mr. Speaker, Jesse Jackson is also a Sponsor and this is the only Bill that he has so I'm going to let him handle it."

Speaker Collins: "The Gentleman from Cook, Representative Jackson, speaking from Representative Barnes' station."

Jackson: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, what this Bill does is create an Immunization Adverse Reaction Fund which will provide a transfer of funds of \$100,000.00 from the General Revenue Fund. It amends the Communicable Disease Prevention Act to provide compensation to anyone who suffers injury resulting from mandatory immunization for which no other compensation is available. I would ask for a favorable vote."

Speaker Collins: "Is there any discussion? The Gentleman from Cook, Representative Henry, are you rising in opposition to this Bill? This is Short Debate."

Henry: "Thank you, Mr. Speaker. I was just trying to find the Sponsor, or the one who was talking. I can't find him in his seat."

Speaker Collins: "He's next to the redhead."

Jackson: "I'm lost in the crowd."

Speaker Collins: "Is there any...Is there any discussion? The Gentleman from Cook, Representative Katz. Representative

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Katz, are you in opposition on this issue? This is Short Debate."

Katz: "Well, I guess it is Short Debate and I know that I can't ask a question. But, I entertain some doubt about..from what I can see from the Digest. We can't find the Bill over here. But I notice that it appears to provide compensation and that it transfers \$100,000.00 for...and what I really was wondering about is what the limits of the compensation are. That's the question that I had or whether there might be some limitation that would be unlimited in terms of the liability to people who had in fact sustained injury ...from a Communicable Disease Prevention Act. Is there any limit? I wish the Sponsor would explain that."

Speaker Collins: "He indicates he will yield."

Jackson: "The Department shall not pay no more than \$25,000.00. And they cannot get any compensation from any other source."

Speaker Collins: "The Gentleman from Cook or the Lady from Cook, Representative Jackson or Representative Barnes, to close."

Jackson: "Thank you, Mr. Speaker, Ladies and Gentlemen. I would just ask for a favorable Roll Call."

Speaker Collins: "The question is, 'Shall this Bill pass?' Those in favor will indicate by voting 'aye'; those opposed by voting 'no'. Vote me 'no'. 'No'. 'No'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 125 voting 'aye', 17 voting 'no' and 5 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Congratulations, Representative Jackson. House Bill 1175, the Gentleman from Macon, Representative John Dunn? Is the Gentleman on the floor? Out of the record. House Bill

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1367, Representative Bower. Do you want that called?
Representative Bower? House Bill 1367. Short Debate."

Clerk Leone: "House Bill 1367, a Bill for an Act to amend the
Illinois Food, Drug and Cosmetic Act and Pharmacy Practice
Act. Third Reading of the Bill."

Speaker Collins: "The Gentleman from Effingham, Representative
Bower."

Bower: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. This Bill amends the Pharmacy Act in terms of the
licensing requirements for pharmacists who graduate from a
foreign pharmacy school. Under current practice, Illinois
law is silent on the licensing requirements for graduates
of foreign pharmacy schools. But the Department, for a
number of years, has been doing this by regulation. We
feel that this is a matter that should be set forth in
state law and that is exactly what this legislation does.
And I would urge your support."

Speaker Collins: "Is there any discussion? Is there any
discussion? The question...I beg your pardon. The
Gentleman from Cook, Representative O'Connell."

O'Connell: "Mr. Speaker, just a clarification. Is this on an
Amendment?"

Speaker Collins: "We are on the Order of Third Reading, Short
Debate."

O'Connell: "Well, if there could be an explanation, because my
analysis does not address the question of foreign students.
It addresses the question of generic drugs."

Speaker Collins: "You can direct your question to the Sponsor.
I'm sure he'll answer."

Bower: "I will gladly answer that. The Bill, as originally
introduced, was completely gutted and the Amendment became
the Bill. It has nothing to do with generic drugs. This
Bill is supported by the Illinois Pharmacists Association."

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Speaker Collins: "The Gentleman from Effingham, Representative Bower, to close."

Bower: "Thank you, Mr. Speaker. Again, this Bill is to merely put in statutory form the requirements for the licensing of foreign pharmacy graduates."

Speaker Collins: "The question is, 'Shall this Bill pass?' Those in favor will indicate by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 134 voting 'aye', 3 voting 'no', 10 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1391, Representative Beatty. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1391, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

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

Beatty: "Mr. Speaker, the caption on this Bill on today's Calendar is incorrect. It is...This has nothing to do with the Election Code. This is a 'merely' Bill and it amends the Chicago Sanitary District Act to allow military reservists from the United States Armed Forces to apply their military training credits as time spent on weekend military duties. At the Sanitary District the reservists are allowed 30 days a year on the reserve time, but up till this time, if a man's scheduled to work on Saturday and Sunday they have not been giving them part of that 30 days on a Saturday and Sunday and some of the men spend their reserve time on Saturday and Sunday. I have discussed it with the Sanitary District. They have no objection. It doesn't cost any money. It's part of their 30 day allowance already. I'd ask a favorable vote."

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Speaker Collins: "Is there any discussion? The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye'; opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 145 voting 'aye', none voting 'no', 5 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1412, Representative Bluthardt. The Gentleman from Champaign, Representative Wikoff. Oh, read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1412, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Collins: "Representative Wikoff, you're handling this Bill for Representative Bluthardt. Proceed."

Wikoff: "Thank you, Mr. Speaker. I'm one of the Cosponsors of this. This Bill was heard in Cities and Villages. It passed out of there with a unanimous decision and was placed on Consent Calendar and somebody did question it. I know of no opposition. Basically what it does, it provides that a tax objector file a copy of their protest with the clerk of the city, village or town, wherever their property is located. And, of course, any taxpayer can appeal his assessment or anything. And presently, they have to present this to the collector or treasurer and basically this just says they have to file a copy with the municipality. What it will do is give the city clerk a rough idea of the taxes that are being protested so they can plan accordingly."

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

Brummer: "Yes. First of all, my Calendar indicates that Representative Bluthardt is the Sponsor of this. How is Representative Wikoff handling this?"

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Speaker Collins: "Representative Bluthardt asked Representative Wikoff to handle it for him."

Brummer: "But do the rules provide for that?"

Speaker Collins: "Yes. It's permissible."

Brummer: "What Rule?"

Speaker Collins: "Just a moment. Representative Brummer, Rule 9.1-E provides for the Chief Sponsor or a proponent to propound a Bill. Representative Brummer?"

Brummer: "Yes. Could I ask some questions concerning this?"

Speaker Collins: "You wish to question the Sponsor?"

Brummer: "Yes."

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

Brummer: "Why is this ..Why are these objectionsCurrently they are filed with the Treasurer's Office when the taxes are paid, in the County Treasurer's Office, at least in downstate Illinois. The protests are frequently with regard to many units of government, the School District, the Fire Protection District, the Park District, the county government, the township government, some city, village, community college. As I understand your explanation, this Bill would provide that the individual taxpayer who may be protesting a few dollars' worth of tax would have to file that tax protest not only with the County Treasurer's Office, but with the clerk of the village or city?"

Wikoff: "Just to file a copy of what he files with the collector with the clerks of the cities so they can get a handle on what their potential tax assessment..."

Brummer: "Well, why does the Bill not provide that they also file with the School District, the community college, the Fire Protection District, the Sanitary district, the Drainage District, the Park District, the other units of government, the township who are all affected by this?"

Wikoff: "Because this came out of the Cities and Villages

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Municipal Problems Commission and nobody else seemed to be concerned with it. The cities were. That's the reason. I have no objection to that happening. But this was the result of the Municipal Problems Commission Bill and in answer to your first question of the Sponsor, myself and Representative Richmond are all on these..are Sponsors from the Municipal Problems Commission."

Brunner: "Well, very briefly, if I might speak in opposition, Mr. Speaker?"

Speaker Collins: "Yes, Representative Brunner, if you'll hold it up for a moment. Representative Conti, the Gentleman from Cook."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, this is an innocuous Bill, but it's rather vague. And I would like to ask four or five people to join me in taking this off of Short Debate so it can be fully explained instead of going down the drain."

Speaker Collins: "The Gentleman asks that this be taken off of Short Debate. Is he joined by ten Members? It's obvious he is. We'll take it off of Short Debate. This Bill is now on full debate. Representative Brunner."

Brunner: "Well, yes. I'm not sure that I understand completely the background with regard to this. I understand the desirability of municipalities being able to do financial planning and budgeting and wanting to know how much taxes are paid under protest. They can obtain that in one central location by simply going to the County Collector and the County Collector will advise them of how much taxes are paid under protest. Excuse me. This seems to be very much of an anti-taxpayer Bill by greatly increasing the burden upon the individual taxpayer who is paying the taxes under protest. This would require not only that the protest be filed with the County Collector at the time of

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the paying of the taxes which is a place that the individual taxpayer is present anyway, is paying the taxes and simply files a protest. This would require additionally that the taxpayer would have to go to City Hall or wherever, or at least provide a duplicate of the tax protest statement. I would remind everyone that when taxes are paid under protest, they are usually paid under protest with regard to many units of government, be it a Park District, be it a township, a county, a Drainage District, a Sanitary District, a community college, a School District. There may be two School Districts involved in the event of dual Districts and each of those governmental bodies has the same concern about doing financial planning as a city or village or incorporated town. I would suggest that if it is the...if this is a desirable practice, that the Bill ought to provide that each of those six or eight or ten units of government each receive a payment under protest. I just think this is an undue burden on the taxpayer who feels that his real estate taxes may be too high. The whole protest mechanism is cumbersome as it is. This makes it additionally more cumbersome it seems to me. And, this information can be obtained from the County Collector's Office by the individual units of government involved in the first place under the existing law. So I just...unless there's some further explanation, it just seems to me unnecessary burden on the taxpayer, a further roadblock in the..in the way of the taxpayer who feels that, for one reason or another, his taxes are too high and are protesting a portion of it."

Speaker Collins: "Yes. Further discussion? The Gentleman from Cook, Representative Conti."

Conti: "Well, Mr. Speaker and Ladies and Gentlemen, I'm almost sure the intent of this Bill is a very simple reason is

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that possibly where you downstaters are ...have a county of four to seven to ten thousand population and there's no problem with this Bill at all. It probably would create a little undue hardship. But in Cook County where you have miles and miles of railroad, you have many institutions that are off the payrolls and there are small municipalities within Cook County that have absolutely no idea of how much...how many protests have been filed and don't know just exactly how to budget or how many tax anticipation warrants to sell because they don't know just how much the County Clerk is going to hold back. All this is doing is asking to file a few additional copies and let the local clerks know or have a pretty good idea just about how much protest is going to be filed and how much money is going to be held back. In a small municipality of 30,000 population, of 30,000 population, mind you, it could be possible that 100, to a \$150,000 might be held up for maybe two or three years because of the railroads running through that municipality that file an objection automatically every year. And sometimes it takes two or three years for that litigation to be cleared up. And it makes it rather difficult for the local County Clerks or the local clerks to know just how much is being protested. And that's the only purpose of this Bill."

Speaker Collins: "Is there further discussion? Could we have some order please? The Gentleman from Cook, Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker. Perhaps Representative Conti might be able to speak to the question easier than Representative Wikoff. On our analysis of the Bill on the comments on the bottom it says, '...This Bill should probably have its application limited to counties whose population is less ...is one million or more because all

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taxing districts in counties with lesser populations are already required by Statute to receive notification of tax protests from the County Clerk...'. Now, if it's already law for them to do it in one hundred and one, then should this not be limited strictly to Cook County? Isn't that what we're really doing?"

Speaker Collins: "The Gentleman...Representative Conti."

Conti: "Representative Leverenz, I always agreed with what's good for the State is good for Cook County and I can't agree with you more. But for some reason or another people seem to be..want to disassociate themselves with Cook County at all times. I have no qualms of just including Cook County in this. But we always seem to run into trouble when we say, 'population of counties over 500,000..'. And it kind of raises a red flag and everybody gets excited in this chamber and that's the reason why we had this Bill drafted the way it was and there was no problem in Committee on it. That question was not raised at all and I'm sure that the Sponsor of the Bill and the intent of the Bill wouldn't have any objections at all in making it just Cook County."

Leverenz: "All right. For the sake of just....Why would we end up wanting them to duplicate something that's already been done and the municipalities should be able to have access to that information? Secondly, what's the penalty if you don't?"

Conti: "There's no penalty on it. It's just a fact of notifying the local clerks so that we know just how much is going to be held back. And as I said, in a municipality of 30,000 I had as much as \$130,000 held back and when you've got a two and a half million or a three million dollar budget, that's a considerable amount of money to wait for for two and three years to decide what the courts are going to do with these railroads and these big institutions that are taken

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off the payrolls like your big...your College Districts, your School Districts and it just makes it almost impossible for us to know what ...how many tax anticipation warrants to sell or how much of a working cash fund is going to be depleted."

Leverenz: "One last question. Could a tax protest be thrown out based on this as not being properly filed?"

Conti: "It does not change the system at all now. It still has to go before the County Court (sic) and the local clerk would not have any jurisdiction over that at all."

Leverenz: "Thank you very much. To the Bill, Mr. Speaker, and for my colleague, Mayor and Representative Bluthardt, I would certainly support the ability of a mayor to come down here and change the law like this so that he can see all the tax protests filed. I ask an 'aye' vote."

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

Sandquist: "Yes, Mr. Speaker. I rise in opposition of this Bill. It seems to me with the hundreds of thousands of protests that are filed in Cook County to require the taxpayers to file one of these notices with every one of the taxing bodies, I think is an erroneous..I mean a burdensome burden on the taxpayer. The local people, they know from year to year how many of these are filed. They can estimate it on this. And I think it's just too much paperwork and we should not subject our taxpayers to this. And I think we should vote 'no'."

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

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

Speaker Collins: "The Gentleman moves the previous question. And the question is, 'Shall the main question be put?' All those in favor will say 'aye'; opposed 'no'. The 'ayes'

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have it. The Gentleman from Champaign, Representative Wikoff, to close."

Wikoff: "Thank you, Mr. Speaker. I think the questions..I think Representative Conti answered most of the questions that are on there. In regard to Representative Leverenz's request, as one of the Cosponsors, I would have no..absolutely no objection to, if this is desired, to placing an Amendment like he talked about on in the Senate. I don't think it's necessary, but would be happy to do so and in response to the last person who raised an objection, this is...The notification only has to be sent to the clerk of the municipality in which that property is located and does not require separate ones being sent to all..all of the taxing districts. It's done to ...the provision..The idea of this Bill is to make it a little simpler for those in city government to determine what their potential tax receipts might be and there's no penalty on it. It's ..Requiring it is a matter of courtesy which could be done by the mail. I would ask for an 'aye' vote."

Speaker Collins: "The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye'; opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 55 voting 'aye', 72 voting 'no', 9 voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1678, Representative Reilly. Is the Gentleman in the chamber? Out of the record. Oh, here he comes now. 1678, Representative Reilly, do you want that Bill called?.."

Clerk Leone: "House Bill..."

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

Clerk Leone: "...1678, a Bill for an Act to amend the School Code."

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Third Reading of the Bill."

Speaker Collins: "The Gentleman from Morgan, Representative Reilly."

Reilly: "Thank you, Mr. Speaker. House Bill 1678 simply provides a way when you have more than one county in an education service region, it simply provides a way of calculating how the expenses are shared between those counties. There is a formula in the law now. But it was written before we did away with the corporate personal property tax. This simply provides a way to calculate the replacement tax into that formula. The other thing the Bill does is, by an Amendment from Representative Steele (Stiehl), it takes care of a problem caused by the consolidation of elections in dealing with the reorganization of school boards. I would be glad to answer any questions. Otherwise, I'd ask for a favorable Roll Call."

Speaker Collins: "Is there any discussion? If not, the question is, 'Shall this Bill pass?' All those in...All those in...The Lady from Marshall, Representative Koehler."

Koehler: "May I ask the Sponsor a question please?"

Speaker Collins: "The Gentleman indicates he'll yield."

Koehler: "Representative Reilly, on the Amendment, I was wondering-- You talked about the reorganization of the board. Which...About which board are you speaking?"

Reilly: "I'm sorry. I couldn't hear your question."

Koehler: "On the Amendment, you talk about the reorganization of the board. Would you tell me specifically about which board are you speaking?"

Reilly: "About which board?..."

Koehler: "...Is it the school board?"

Reilly: "...The school board, yes."

Koehler: "And that provides for, rather than four year terms for the school board, it would be two year terms?"

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Reilly: "No. No, no. The terms are set by ...already set in law by the consolidation of elections statute. All this deals with is the internal organization of the school board when they elect a president or whatever that particular school board may call the officer when they elect a secretary. Most boards, under the consolidation of elections procedure, are doing that every two years, even though they all used to do it every year, because they elected a third of the school board members every year. Now, some..some boards said that they would prefer to continue with what they've always done which is organizing every year. This simply gives them the option of doing that. It has no effect at all on the term of school board members."

Koehler: "All right. It is only like for how long you would serve as president or..."

Reilly: "Correct.."

Koehler: "Oh. Thank you very much. I appreciate that."

Reilly: "Sure."

Speaker Collins: "Do you wish to close, Representative Reilly?"

Reilly: "I would just ask for a favorable Roll Call."

Speaker Collins: "The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye'; opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 154 voting 'aye', none voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1689, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1689, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

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

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Terzich: "Yes, Mr. Speaker. House Bill 1689 provides that the home rule authority of a city shall not be used to amend the provisions of the Pension Code and that the city shall not provide for the retirement program through any other means other than the one established by the General Assembly. The Bill reaffirms the fact that state law governs the pension or retirement benefits and that a city cannot on its own change the law relating to the benefits. The Downstate Firemen's Article has a similar provision and ..which was approved by the General Assembly in 1977 by Representative Stuffle. It has the approval of the Pension Laws Commission and it came out of Committee on a ten to nothing vote and I'd appreciate your support."

Speaker Collins: "Is there any discussion? The Gentleman from Cook, Representative Preston, and...This is Short Debate. Representative Preston. Wait a minute. Hold that. For what purpose does the Gentleman from Champaign, Representative Wikoff, arise?"

Wikoff: "Parliamentary inquiry, Mr. Speaker."

Speaker Collins: "State your point."

Wikoff: "Since this, as I understood it....Does this preempt home rule and does it require 107 votes?"

Speaker Collins: "Can the Sponsor answer that question? Mr. Clerk, can we see the Bill? Yes, there is an express limitation of home rule power in this Bill and will require 107 votes. The Gentleman from Cook, Representative Preston, does not wish to seek recognition. Is there any discussion? The Gentleman from Cook, Representative Terzich."

Terzich: "Well, this is already in the statutes in the downstate systems and I'd appreciate your support. (It's) simply a reaffirmation that the General Assembly is the determining factor on any pension revisions. It's presently in the law."

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and it's simply a reaffirmation and I'd appreciate your support."

Speaker Collins: "The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye'; opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Representative Sandquist, would you vote me 'aye'? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 111 voting 'aye', 26 voting 'no', 6 voting 'present'. And this Bill, having received the Constitutional three-fifths Majority, is hereby declare passed. With leave of the House, we'll go back to House Bill 1175. The Gentleman from Macon, Representative Dunn. Hearing no objection, read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1175, a Bill for an Act to amend the Conservation District Act. Third Reading of the Bill."

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

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a Bill which would raise the ceiling on the bid limits for Conservation Districts. When they were formed in 1963 they were permitted to expend up to \$1500 without going out for bids. Adjusted for inflation that brings us right at \$4,000 now. So this Bill would authorize Conservation Districts to put out bids above \$4,000, but below that they would not have to seek competitive bids. This Bill has also been amended in Committee to take care of the Park Districts and the municipalities and it raises from 2500 to 4000 the bid limits for municipalities and the same for Park Districts. I would request a favorable vote. It passed the Committee, I believe, unanimously and I know of no opposition."

Speaker Collins: "Is there any discussion? The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye'; opposed by voting 'no'. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 145 voting 'aye', 1 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page two of the Calendar, on the Order of House Bills, Second Reading, Short Debate, House Bill 1587. Representative Braun. I understand that there was a Fiscal Note requested and it is now my information that it has now been filed. Is that correct, Mr. Clerk?"

Clerk Leone: "Fiscal Note has been filed."

Speaker Collins: "And the Bill has been read a second time?"

Clerk Leone: "Yes."

Speaker Collins: "Third Reading. House Bills, Third Reading, Priority of Call. House Bill 116, Representative Vinson. Is the Gentleman in the chamber? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1116 (sic, 116), a Bill for an Act to repeal the Illinois Health Finance Authority Act. Third Reading of the Bill."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is a Bill that I feel is a priority Bill for the Legislature to pass in this Session. The Legislature, some two years ago, three years ago, just after I first became a Member, enacted the Illinois Health Finance Agency. The Illinois Health Finance Agency was designed to try to control hospital rates. It was a scheme whereby we were going to put essentially Commerce Commission regulatory authority over hospitals. Now, in the three years that have elapsed since then, I think you'll all be interested to know that what has occurred, in

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effect, is nothing. We have enacted a taxing system. We've taxed the hospitals for three million dollars and the Illinois Health Finance Agency has not set a single rate. There is not one rate yet set by that agency, but they've managed to spend about three million dollars and they're in again this year for a substantially increased appropriation. There is not one benefit that has been derived from the agency to date. Now, furthermore, in that..in that time frame, there has been a change in the philosophy of the Federal Government on health regulation. I believe that if any of you will go to your Congressman, you're going to find that there's no possibility that this agency is ever going to get the necessary federal waivers under Medic-Aid or Medicare to be able to impose this system of regulation. Because of that, I would suggest to you that there's no need to spend another million and a half dollars on an agency that can never function. Now there's some more interesting things about this agency that some people on our staff have discovered. At one particular point, earlier this year for instance, there were seven people on the agency, employed by the agency. And they had 67 chairs, 13 calculators, 11 typewriters. Thirteen calculators for seven people. That's the basic structure of this agency. That's the kind of agency you're dealing with. Now, I would suggest to you that there are ways to bring hospital rates down. And they ought to be brought down. But I would suggest to you that imposing a tax on hospitals, never setting a rate to bring the rates down and simply then passing out regulations that drive every hospital in the state nuts, is not the right way to do it. I would suggest to you that if you take a look or if you consult with your local hospital administrators, you're going to find how bad this agency is. The

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regulations that have been passed out, in fact, do a number of things that the Sponsors of the Bill originally explicitly fought Amendments to do. I offered a number of Amendments to the original Bill. I didn't like the original Bill. I offered a number of Amendments. The regulatory...The regulations sponsored by the agency would even do things that were in my Amendments to the Bill...that were beaten by the Legislature. I'd suggest to you that there is no reason to let a group of appointed bureaucrats who want to spend money, who think that they have some perfect cure for health costs and for hospital costs to go out and to screw up your local hospitals. There is no way in which that's going to improve government. There's no way in which that's going to improve hospitals and hospital administration in this state. It's going to drive costs up higher in the same way that many Commerce Commission decisions have. To some degree it's going to turn the system of regulating hospitals over to the people who have the desire and the concern, the interest, for higher hospital costs. It's letting the fox guard the chicken coop. I think we've seen that in Commerce Commission situations and I think you're going to find that in this situation. But beyond that, the most important point is that if you want to do something about cutting health costs, the way to do it is not government regulation. The way to do it is to restore competition. Now, I will agree with you that there is not perfect competition when this thing was adopted. But it would be better to move in a competitive direction than in a regulatory direction. I think if you look at the ads in the travel pages of the newspapers and you look at what's happening in the airline industry, now that we're deregulating it and we've got real competition, you see the

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right direction in which to go. You find new people coming in, challenging existing services. You find price competition. You find Saturday night specials, the cheap way to go. I would suggest that that is the right to go in the health industry, that we can do that, and that the first and most important thing is to repeal an agency which has not set a single rate yet, will not set a single rate for another year, probably never can set a single rate, but wants to spend another three million dollars. I would urge your support for this Bill and would move for its passage."

Speaker Collins: "Is there any discussion? The Lady from Cook, Representative Chapman."

Chapman: "Mr. Speaker, I have a question and then I would like to speak regarding the Bill. I wonder if the deputy Speaker and Parliamentarian could tell us if he believes this Bill is out of order?"

Speaker Collins: "If I believe the Bill is out of order or if the Sponsor does?"

Chapman: "No. If...I wanted to ask a question of the Parliamentarian, if he believes the Bill is out of order."

Speaker Collins: "The Parliamentarian says the Bill is clearly out of order, but I'm not going to rule that way. The Lady from Cook."

Chapman: "Mr. Speaker and Members of the House, part of what the Gentleman says I find myself agreeing with. But I do oppose his Bill. To begin with, the Governor was very slow in making appointments to this..."

Speaker Collins: "Excuse me, Representative Chapman. For what reason does the Sponsor arise?"

Vinson: "Did she say that she agreed with me to some extent?"

Speaker Collins: "I believe that's what the Lady said."

Vinson: "Should I take the Bill out of the record?"

Speaker Collins: "I think that would be advisable. Seriously

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though, we've got a long Order here, so if we could stick to the business..Representative Chapman."

Chapman: "Yes. I hope this might cause the Sponsor to table his Bill, Sir. The Illinois Health Finance Authority was supported by the present Governor of this state, passed by this General Assembly, has been working, as the Sponsor pointed out, for quite some and has spent dollars provided by the hospitals to set up a framework which will help in a reasonable and fair manner to contain health costs. It appears to me that we would be showing a lack of confidence in the decision of the General Assembly, the Governor of the State, the authority appointed by the Governor, if we didn't at least provide an opportunity for this plan to function. At that point, we would be in a position to evaluate whether, indeed, this kind of authority could help to contain health costs. Similar authorities are functioning in other states. They are helping to keep the costs of health care down. Not only does every citizen in this state have a stake as an individual purchaser of health care to see this facility operate and work, but as taxpayers we all have a stake in seeing this Bill defeated. For three years in a row the costs of Medic-Aid have exceeded all other costs of the Department of Public Aid put together. All other expenditures including administration have been exceeded by our Medic-Aid costs. The taxpayer of the State of Illinois deserves the chance to see if this authority will work because we pick up the tab for Medic-Aid. We must control these costs. I ask you to help cut the costs of Medic-Aid, the costs that you and I and our constituents, as taxpayers, must pick up by defeating this Bill and giving the Governor and his authority a chance to contain health costs."

Speaker Collins: "The Gentleman from Lake, Representative

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Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, when this Bill, this law was originally initiated, the hospitals in my District, up in Lake County, all contacted me and the other Legislators and they said, '..We want this. Yes, we're going to tax ourselves a little bit. We're going to set up a bureaucracy, but maybe it will help control costs.' At that time I told them all, 'I think you're mistaken. I think someday you are going to be sorry.' Now, condo...Let me tell you a story. Condo Hospital in Libertyville built a new extension and I went on a tour of that extension and when we got to the maternity rooms, I noticed that the windows were about 12 feet in from the outer wall. And I said, 'How come these windows are in from the outer wall? There's a balcony with nothing there, not even flowers'. They said, 'You won't even believe this, but this finance control authority is trying to control costs so they came up with the idea that the rooms ought to be smaller and the only way you can make the rooms smaller with the buildings going up is to bring the windows in from the outer wall'. It's just ridiculous. It's laughable. And it's a perfect example of what we do with good intentions and good motives when we bring the government in to try and poke its nose in private enterprise. Now if you want to control the costs of health care, you will guarantee the people of the State of Illinois cheap care and poor care. It takes so much money to run a hospital. You've got to pay the janitors. You've got to pay the nurses. You've got to pay everybody that's associated with that hospital and if you try to put an artificial limb...lid on it, it just isn't going to work. This Bill was a mistake. This law was a mistake. I think my hospitals recognize this now. It was a sincere effort

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to try and do something to show the public that the hospitals were interested in controlling costs. There's a song that's a favorite of mine which is entitled, 'Who's sorry now'. I think the hospitals are sorry. The people are sorry. And we ought to be mature enough and humble enough to recognize that those of us who were here, or those of you who were here and voted for this several terms ago, made a mistake. Let's recognize that mistake. Get rid of this regulation. Repeal this Bill and vote for Representative Vinson's legislation. Thank you."

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

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

Speaker Collins: "He indicates he will."

Cullerton: "Mr. Vinson? Mr. Vinson? Representative Vinson?"

Speaker Collins: "Representative Vinson..Representative Vinson, the Gentleman wants to ask you a question."

Vinson: "Yes, Mr. Speaker. I'll yield."

Cullerton: "Is it your position that this authority has done nothing over three years?"

Vinson: "It's my position that the authority has not set a single rate, but has wasted a lot of money and has created a lot of havoc."

Cullerton: "Has this authority ever had an Executive Director?"

Vinson: "Yes, it's had two."

Cullerton: "And what was the Executive Director's salary, if you know?"

Vinson: "I'm not sure what the Executive Director's salary is. It's quite high. The point I'd make, as a matter of fact, in response to that, Representative Cullerton, is that some of you have been concerned about nursing homes. The people, the guy who set the nursing home rates that screwed up the nursing homes for the past five years in this state

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is right now the new Executive Director to set hospital rates. So, if you're happy about what your nursing homes have been telling you, Mr. Cullerton, you'll be doubly happy about what your hospitals are telling you when this guy screws those up."

Cullerton: "Thank you very much for answering my question."

Speaker Collins: "The Gentleman from Will, Representative Davis."

Davis: "Thank you, Mr. Speaker. I move the previous question."

Speaker Collins: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor will indicate by saying 'aye'; opposed 'no'. The 'ayes' have it. The Gentleman from DeWitt, Representative Vinson, to close."

Vinson: "Thank you, Mr. Speaker. I would ..I would ask your 'aye' vote on this Bill. I'd ask it because it's important that we correct a mistake. Three years ago I opposed this agency when it was created. At that time, I came under all kinds of criticism. I was ...Hospital administrators from every hospital in my district came to see me and plead with me to vote for the Bill. I refused to do that because I couldn't see how getting government into their hospital was going to improve their hospital. They have come to me this year, every hospital administrator in my district, and they've asked me to try to repeal this system. They want me to try to repeal the system because you cannot get to a situation where a bureaucrat in Springfield knows enough about a hospital to set wages, to set prices in a reasonable fashion. Now let me give you one example of what kind of decisions that bureaucrat has to make and what the likely outcome is going to be. New Jersey has a very similar system to the Illinois system. What happened in New Jersey... there was a big Tribune article about it this winter. But what happened in New Jersey, the first time a

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broken arm case came in they discovered that the cost of a broken arm under their regulations was \$6500, \$6500 for a broken arm. Does that sound reasonable to anybody? That's what they found was the result of a broken arm in New Jersey because a bureaucrat had made a few mistakes in coding the regulations. That's what those kinds of mistakes can recur constantly with this kind of a Bill. Now, Colorado, which also had a similar system, until this year...they've repealed their system. Their Legislature went out, thought it was so bad, so atrocious they repealed their system. People will tell you that this is going to hold down hospital rates. It's not going to hold down hospital rates. Wisconsin has a free system. They have no hospital rate control. Wisconsin's rate of inflation of hospital costs is 10.8%, much lower than any of the states that have rate control. I would urge your adoption of this Bill. It's a blow for freedom. It's a blow for reasonably priced health care and it corrects a mistake we made a few years back. I solicit your 'aye' vote."

Speaker Collins: "The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye'; opposed by voting 'no'. The Gentleman from Cook, Representative Levin, to explain his vote."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It is rare that the Sponsor of this Bill and I agree on an issue. But we agree on this issue. We both opposed Senate Bill 1060 when it was originally passed, but for very different reasons. I think we were right in opposing it. I want cost containment. I think this current mechanism stands in the way of cost containment. I think that Blue Cross with state sanction is a lot more effective in terms of holding down costs, but because of this state mechanism, Blue Cross has been precluded and is

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using the state mechanism as an excuse for not using its leverage to hold down health care costs despite orders from the Department of Insurance. So I urge passage of this legislation."

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

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. I believe I come from a district which has more large size hospitals than any in the state. And I have talked to my hospitals about this. And it is true that some of the things that Representative Vinson has said is true as far as this authority is concerned. But I'd like to talk in opposition to this and my hospitals in the district also agree. While we have...the authority hasn't done what it should have done, it has been trying and we've got to have time so that we can do something about containing costs. And all I've got to say is now, this is not the time to throw the baby out with the bath water and let's vote 'no' on this Bill."

Speaker Collins: "The Gentleman from Sangamon, Representative Kane. Representative Kane?"

Kane: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor of this Bill indicated that we ought to go to a competitive system with hospitals. And I would just point out that many of the programs, like renal-dialysis and body scanners for cancer and so forth, are just so expensive that if every hospital went to have this, it would increase costs tremendously because they would have to pay those off. I think that we have to...that hospitals and health care are similar to utilities and we have to control costs and allocate functions among hospitals and I would urge that we defeat this Bill."

Speaker Collins: "The Gentleman from Livingston, Representative

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Ewing."

Ewing: "Mr. Speaker, in explaining my vote, and I see it has enough votes, my hospitals in my district have had a complete turnaround on this issue. I didn't support them last year when we passed this. Now they've come around to seeing that I was right. They want to repeal and I'm glad we have enough votes up there to do it."

Speaker Collins: "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 109 voting 'aye', 55 voting 'no', and this Bill, having received the Constitutional Majority,....Representative O'Brien, 'aye'...110 voting 'aye'. This Bill is declared passed. The Gentleman from Cook, Representative Henry, for what purpose do you arise?"

Henry: "I arise to make an announcement, Mr. Speaker. I rise to remind my friends and Members of the House that the...I rise to remind the Members and friends of the House that the countdown is on for the Soul Food Dinner on May 19th at the Hilton Hotel. Cocktails start at six thirty. That's next Tuesday. It's a sit down dinner. It's not a buffet. The food will be brought to you. The tickets are only 20.00 bucks. You can see me or any Committee Member for the tickets. Thank you very much."

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

Jackson: "Thank you, Mr. Speaker. The Gentleman from Cook, I don't think he likes baseball. He mentioned it the other day. But I want the Members on this side of the aisle to know that we have tickets for the Soul Food Soiree right in the back here and there's still a few left. See me. Thank you."

Speaker Collins: "The Gentleman from Cook, Representative White,

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for what purpose do you arise?"

White: "Mr. Speaker, Ladies and Gentlemen of the House, as a part of our entertainment we have CBS recording star, Walter Jackson, and a local group called Magnum Force to entertain us. So we hope that the entire Body will support this effort. Thank you."

Speaker Collins: "House Bill 103, Representative Abramson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 103, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

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

Abramson: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 103 is now Amendment #3 to House Bill 103. It raises the interest rate for delinquent real estate taxes from 12 percent to 18 percent and raises the interest rate bids from sales of real estate taxes from 12 to 18 percent. I urge the adoption of the Bill. It's supported by the county treasurers."

Speaker Collins: "Is there any discussion? The Gentleman from Sangamon, Representative Kane."

Kane: "Would the Sponsor...Would the Sponsor yield?"

Speaker Collins: "He indicates he will."

Kane: "Is this the Bill that raises the maximum annual interest rate to approximately 32 percent for tax purchases on property?"

Abramson: "Well, what this Bill does is...right now the interest rate is 12 percent. So if you don't pay your real estate taxes you're forcing the county and the municipal taxing authorities to..."

Kane: "You can argue the Bill later. I just want to know what the annual interest rate is."

Abramson: "...Interest rate at 12 percent. Now..."

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Kane: "The annual interest rate."

Abramson: "Okay. The annual interest rate that can be bid, the maximum...it can be bid from zero to 18 percent for each six month block."

Kane: "So that's 36...maximum 36 percent annual interest rate."

Abramson: "Depending on the bid that the tax buyers make."

Kane: "Okay. But the maximum can go to 36."

Abramson: "Providing the market..."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, I would urge that in the temporary kind of money market that we have now and the high interest rates that it's unconscionable to raise the annual penalty to 36 percent and leave that permanent. I think that if there was some provision in this Bill to make it a one-time affair, we might be able to live with it. But you and I know that once this 36 percent penalty goes into effect it's going to stay there and I would urge that we defeat this Bill at this time."

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

Leinenweber: "Yes. I have some questions for the Sponsor."

Speaker Collins: "Indicates he'll yield."

Leinenweber: "Now this...You're raising the penalty to 18 percent for the people who don't pay their real estate taxes in time, is that correct?"

Abramson: "That's correct."

Leinenweber: "What is the justification for 18 percent?"

Abramson: "The market rates. Right now it's 12 percent. It's cheaper to pay your charge card bills at 18 percent and let your real estate taxes go for nine months..."

Leinenweber: "Well, however..."

Abramson: "...Then pay real estate taxes on time thereby forcing the local governments to go out and borrow money in the

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money market."

Leinenweber: "Well, local governments certainly don't pay 18 percent because they issue tax free bonds. Isn't that correct? As opposed to Marshal Field's which has to borrow on the commercial market and would have to pay because they'reare not tax exempt..."

Abramson: "...The people that don't pay their real estate taxes on time force the people who do to subsidize their interest rates."

Leinenweber: "Well, why if they're paying 12 percent? Because government, as far as I know, the present yield on governmental securities is well below 12 percent. Isn't that correct?"

Abramson: "I'm not sure about that."

Leinenweber: "Well, Mr. Speaker, Members of the House, I think I agree with the Gentleman from Sangamon. Normally I am a great one for free market and interest rates. But we have to remember now that this is not free market. This is...We're requiring taxpayers to pay in addition to their taxes a penalty of 18 percent which is substantially higher than what units of local government ...would pay if they went out to borrow. Now, that's far different from letting ..removing the usury rate. When we set this in concrete it's going to be awfully hard to change it if and when some of the costs of borrowing comes down. I think this is too high. Again, if there's a specific time problem...if we could show that units of government were having to pay more than 12 percent, I suggest that they don't because of the fact that their obligations are tax free, that we don't need this Bill."

Speaker Collins: "The Gentleman from Tazwell, Representative Ozella."

Ozella: "Thank you, Mr. Speaker. I rise to introduce some

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students from the Sacre Coeur School in Creve Coeur. They're down here to see how the General Assembly operates today. They're to the left in the galleries of the chamber."

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

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of House Bill 103. Perhaps what some of the opponents have said is true, but the fact of the matter is that the reason for the introduction of this Bill is that the sale of the..of this tax delinquent property is not being accomplished. I can tell you that in Northfield Township alone there are 11,000 parcels of land and they've had a sale every day since May 14th (sic) , and they've only been able to sell 300 parcels of land. There's 90,000 parcels of land in Cook County that are lying there that cannot be sold simply because of this 12 percent interest rate. Now, they've only been able to sell in Cook County out of those 90,000 only 2800 parcels of property. The net loss to Cook County alone, because of this inadequacy in the interest rate is \$60,000,000 based on the 1979 tax bills. So this is very, very important to every county in the State of Illinois. The County Treasurers and the County Collectors do have a very significant problem. They've asked for this relief so that they can move this property and get it back on the tax rolls where they belong. It's unconscionable to defeat this Bill when \$60,000,000 a year is going to be lost in Cook County alone and I don't know how many millions of dollars in the other counties in the state simply because these purchases are not being affected because of the 12 percent interest rate. Now I suggest that the only thing we can do is vote for this legislation and see how it

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works. With 90,000 parcels of land and only being able to move less than 3000 parcels in a month's time is just ridiculous. I think this is good legislation. It ought to be passed. It ought to be passed because this money is due and owing and it's a very valuable asset to the County of Cook and other counties and I urge a favorable vote on House Bill 103."

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

Currie: "A question of the Sponsor, Mr. Speaker?"

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

Currie: "Could you tell us, Representative Abramson, at what point these properties are sold? Is it immediately after taxes are delinquent within a month, two months, three months? What is the time period?"

Abramson: "Okay. The taxes that are being sold now were due September 1st."

Currie: "Of this year?"

Abramson: "Of last year."

Currie: "Of last year?"

Abramson: "Yes."

Currie: "So that, in fact, if somebody is just a little bit late, if this Bill goes into effectMy understanding was that at the scavenger sale it is only properties for which taxes have been delinquent three years."

Abramson: "Okay. There's several different types of tax sales. This is the regular tax sale. So if you didn't pay your 1979 taxes by September 1st of last year, then May 4th they started selling them. It's the regular tax sale..."

Currie: "So you only have to be...so, if you're delinquent for one year, the revisions of this Bill go into effect?"

Abramson: "Okay. This doesn't mean they're selling the property. That takes another two years."

Currie: "So the provisions of this Bill only..."

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Abramson: "...The county is, in effect, selling the taxes. Somebody's buying them. They're collecting the interest rate on them. It has nothing to do with selling the property or not."

Currie: "But the actual tax sale starts..."

Abramson: "Starts about six months after the property taxes are due.."

Currie: "After the property taxes are delinquent. So this is not the scavenger sale. It's not after someone has failed to pay taxes for three years and then you're..."

Abramson: "No, the scavenger sale is an entirely different operation. It doesn't have anything to do with this at all."

Currie: "Okay. Thank you."

Speaker Collins: "The Gentleman from Cook, Majority Leader, Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, I rise to support the Gentleman's Bill for a variety of reasons, the most important of which are these. Huge property owners and some people who don't necessarily maintain properties, but who are professionals in property ownership, have an incentive in today's market not to pay their real estate taxes. If they don't pay their taxes they can invest that money and get a higher rate of return and then still be able to pay the taxes at a later date with an interest rate that is below the amount of interest they earn by investing that money. The present situation in which we find ourself in is that it is an advantage not to pay your real estate taxes. Additionally, for those people who go to buy properties at tax sales, they do not have an incentive to buy those properties and pay the taxes for the unit of government because the interest they would receive if the property is redeemed doesn't give them a high enough yield

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on their money so that they would buy the property. So what happens? The unit of government in the first instance does not receive the tax dollars that it needs to function. Secondly, they are unable to make sales, tax sales so that they can get the money from the second person. The net effect is that while all of us in this Assembly are concerned with things like schools, all the legislation in which we spend money we are sitting by letting our unit of local government lose millions of dollars a day because of the inadequate amount of return necessary to induce people to buy the properties at the tax sales. And additionally, we have an incentive for people not to pay their taxes. That really doesn't seem to make sense to me. Any property owner who pays their taxes the way all of us in this Assembly do will not be affected. We pay our taxes on time as do most citizens. But for those people who wish to take advantage of delinquent taxes and not pay their taxes we ought not to condone that type of action because they don't pay their fair share of the cost and the honest everyday citizen who pays taxes on time is penalized. So, Mr. Speaker and Members, I urge a 'yes' vote."

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

Getty: "Mr. Speaker, Members of the House, I think there may be some confusion between the Bill and the shape that it is now as amended by Amendment #3 and a prior Amendment that found great disfavor in this House. Presently, there's a very serious problem. We have had an 80% decrease in tax sales because tax buyers are not willing to buy at a 12% rate. It just is not economically feasible. When people don't pay their taxes the county has the right to sell those taxes and it has to be at a competitive rate. 12% just is not competitive in this market. I want to point out that this is done on a bid procedure. A procedure

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whereby the county will ask for the least amount that it possibly can get. What we're doing is raising the ceiling from 12% to 18% just so the counties can sell these taxes and get their money rather than having to go out and borrow it. Now, there's no reason in the world why our constituents, 95% of them, should pay their taxes on time not cause an additional expense to government and 5% should live in effect on the float. And that's what this is doing. Because they can later go back and redeem for 1% a month, 12% a year. It's going to cost the counties. It's going to cost tax payers who pay their taxes and by raising this we can make it somewhat more equitable. We can make it so that we can have sales that the taxes will not be abated so that we will collect the monies which we are due and we will not have to go out into the market. I suggest and strongly recommend an 'aye' vote."

Speaker Collins: "I would remind the Membership that the TV light is on. The Gentleman from Winnebago, Representative Swanstrom."

Swanstrom: "Thank you. Thank you, Mr. Speaker. I move the previous question."

Speaker Collins: "The Gentleman moves the previous question. The question is, shall the main question be put? All those in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it and the Gentleman from Cook, Representative Abramson, to close."

Abramson: "Mr. Speaker and Ladies and Gentlemen of the House, I ask for a favorable Roll Call. This is a measure that is desperately needed by counties in order to collect the taxes that are due them. I ask for a favorable Roll Call."

Speaker Collins: "The question is, shall this Bill pass? All those in favor will indicate by voting 'aye', those opposed by voting 'no'. The Gentleman from Cook, Representative

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Levin, to explain your vote. One minute."

Levin: "Mr. Speaker, in explaining my 'aye' vote I rarely vote for increases in interest rates but this is one that is necessary. As Representative Getty said, this is not, Amendment #2 is not part of this Bill. That Amendment was defeated. Cook County alone stands to lose sixty million dollars in receipts if it can't go ahead and sell delinquent taxes and I think we've got enough votes. Thank you, very much."

Speaker Collins: "The Gentleman from Cook, Representative Katz, to explain his vote."

Katz: "The justification for the Bill is the high interest rate. There's no reason at all, all right I think that there, I...should absolutely be tied to an index so that when Mr. Reagan reduces interest rates to 8 or 9 or 10% there isn't a windfall. This doesn't do it and we should have a 'no' vote."

Speaker Collins: "There are 124 'aye' votes. The Lady from St. Clair, Representative Younge. The Gentleman from Cook, Representative Greiman."

Greiman: "Well, very very briefly, there will be a situation where a widow is thrown out of her home by a tax buyer in the next couple of years. The newspapers will headline it, a fancy guy, a LaSalle street cat will own her house for small dollars and then they will say why doesn't the Legislature do something about it. And then we'll say well, we did, we made her pay 36%. Now, it's not 12%. It's not 18, it's 36% a year. So we made that person who's in trouble have a more difficult time to redeem her taxes or his taxes. At a time when it's most difficult. I would support this if it were a distinction between residences on the one hand at one interest rate and business and commercial. There's no justification for a business or

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commercial establishment not paying its taxes timely but there may be some personal problems..(cut off)."

Speaker Collins: "The Gentleman from Effingham, Representative Brummer. The Gentleman from Cook, Representative Ewell, to explain his vote."

Ewell: "Mr. Speaker, Ladies and Gentlemen, in some cases you've heard of body snatchers but now you're looking at home snatchers. This Bill is not a very good Bill for people who are in trouble who put everything that they have in homes. They are in dire jeopardy, indeed of losing them and what you're doing is you're aiding a select group of people. A select group of people who merely manipulate the market, buy up and snatch the properties away from the home owners. I suggest what we're doing is a disservice because these are dire, economic times and what we're doing now is adding additional and further penalties. It's a bad trend and a bad way to go. For that reason I'm going to vote 'no'."

Speaker Collins: "The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Mr. Speaker, Members of the House, yesterday less than twenty-four hours ago Representative Bluthardt, I thought, made a telling point on the floor when he said the Roll Call when it got up to this stage everybody kept explaining their votes. I would implore the Chair that somewhere along the line you just gavel and move on to the next Bill as he suggested yesterday."

Speaker Collins: "I would remind the television cameramen filming during explanation of vote is prohibited by our rules. The Gentleman from Peoria, Representative Schraeder."

Schraeder: "Mr. Speaker and Members of the House, I wasn't going to speak but I saw that vote up there and I can't let this Bill go by without giving an explanation. Over on the

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other side of the aisle the Sponsor said there were investors are going out and letting these tax properties fall and go out and invest their money someplace else. I'm not concerned about the guy that's in the commercial business. I'm talking about the individual homeowner who in these inflated times and you've got them in every one of your districts if you're in an average type of district where the tax payers can't afford to pay their taxes. And they're scraping and scrounging to fine out their money and if they're delayed six months or even a year to get the money, you're going to put an 18% tax Bill on them? I think that's shameful and we're going to come back next year and try rescind an action we're doing now which is absolutely faulty. If you want to dispossess the people who are the average homeowner you'll vote for this Bill. But if you don't, if you want to protect those average people who haven't got the money to pay that tax bill on a current basis then you ought to vote 'no' and I would urge more votes up there in the red light."

Speaker Collins: "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 109 voting 'aye', 44 voting 'no', 9 voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 195, Rep... (cut off) Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 195, a Bill for an Act to revise the law in relationship to attorneys and counselors, Third Reading of the Bill."

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

Darrow: "Thank you, thank you, Mr. Speaker. I would ask leave to recommit this Bill to the Judiciary Committee and there

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place it on the Interim Study Committee."

Speaker Collins: "The Gentleman asks leave to recommit this Bill to the Judiciary Committee and place it on Interim Study Calendar. Do I hear objections? It shall be, he has leave. House Bill 109, Representative Ronan. Representative Keane, the Gentleman from Cook. You're handling the Bill for Representative Ronan? Representative Keane."

Keane: "Yes, I would ask leave to handle the Bill for Representative Ronan."

Speaker Collins: "Proceed."

Clerk Leone: "House Bill 109, a Bill for an Act to amend Sections, the law for registered nurses, Third Reading of the Bill."

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

Keane: "House Bill 109 amends the Baccalaureate Assistance Law for registered nurses. It provides that loans made to the nurses shall be repaid in six equal annual installments or earlier. Either at the end of the first academic year following the applicants' successful completion of studies or one year after termination of the applicants' nursing baccalaureate studies if the applicant should terminate such studies. I would ask for a favorable Roll Call."

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

Wolf, J. J.: "Thank you, Mr. Speaker and Members of the House. The Gentleman is absolutely correct. I would like the membership to know that the analysis is probably...a book is not correct because the appropriation has been reduced and the forgiveness provisions have been eliminated so it is, in fact, a loan and not a grant and the nurses will pay it back at a, I believe a 7% interest rate. The appropriation Bill will be in, I think, 108 and I would

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urge everyone to support this Bill as it is now written."

Speaker Collins: "The Lady from Cook, Representative Alexander."

Alexander: "Thank you, Mr. Speaker. I'd like to address a question to the Sponsor."

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

Alexander: "Thank you. Representative Keane, with the present amount of appropriation that you're asking us to fund this Bill with, I know this isn't a funding Bill, how many nurses will possibly be affected by this grant?"

Keane: "If I may yield I'll, is Senator or Representative Vinson on the floor?"

Speaker Collins: "Representative Vinson, is the Gentleman on the floor? I don't believe he's in his seat, Representative."

Keane: "I can't help you with that, Representative. I don't know."

Alexander: "According to my analysis and it may be off, I'm noticing a lot of them are off this morning that there will be only 93 such awards made for the entire State of Illinois and with the financial crunch that we keep hearing about, it appears to me that it isn't worthwhile at this particular time. I'm not opposed to education. I think it's a very laudable situation but I don't think that we're in a position at this time to just give to 93 persons a chance to go ahead with education. Also, it will possibly deter the monetary awards that come through for students who are first coming out on continued education into the nursing profession. Thank you."

Keane: "Well, if I could clarify it for the Representative, it's ..."

Speaker Collins: "Well, Representative Keane, you'll have your opportunity to close. The Gentleman from Cook, Representative Zito."

Zito: "Mr. Speaker, I would move the previous question."

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Speaker Collins: "I don't think that's necessary. I don't think there's anybody else seeking recognition but thank you. The Gentleman from Cook, Representative Keane, to close."

Keane: "I will yield to Representative Vinson."

Speaker Collins: "The Gentleman from DeWitt, Representative Vinson, to close."

Vinson: "Thank you very much, Ladies and Gentleman of the House. The purpose for this Bill was to try to do something about the nursing crisis that this state faces. We have an enormous shortage of nurses. The purpose of this Bill is to try to fill that crisis with well trained Illinois residents. You'll see other Bills in the course of the Session that try to do it in other fashions and I will not tell you or suggest to you how to deal with that. But this Bill is a Bill that would create well-trained Illinois nurses to help fill the gap in the field. I would strongly urge your support. Some of the most objectionable provisions have been removed from it. It's a Bill that should enjoy everybody's support in this Session. It'll create well trained Illinois nurses and I would solicit an 'aye' vote."

Speaker Collins: "The question is, shall this Bill pass? Those in favor will indicate by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish. Take the record, Mr. Clerk. On this question there are 157 voting 'aye', 2 voting 'no' and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 89, Representative Deuster. Out of the record. House Bill 276, Representative Kelly (D.). Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 276, a Bill for an Act in relationship to the foam insulation in structures, Third Reading of the Bill."

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Speaker Collins: "The Gentleman from Cook, Representative Kelly, Dick Kelly."

Kelly: "Yes, thank you, Mr. Speaker and Members of the House. House Bill 276 requires that there be a safety warning sign placed on any ureaformaldehyde foam insulation. There have been reported cases of health problems which have been related to foam insulation and the formaldehyde by-product and this legislation would require that these items be listed that they may be hazardous to your health. There, this does not relate. There was Amendments adopted earlier that, an Amendment adopted earlier that removed the resale of homes and I happen to know a family who had a little, had a young family of six children. Since that, that was about three years ago. Since then they had purchased a new home and they had foam insulated this particular structure. Since that time the oldest of their six children had suffered from various lung disease which was related to this formaldehyde and since then the family has become divorced and it was a, what would you call it, a very close knit, religious type family and I feel very strongly on the issue itself. I would like to ask for your support in passing this Bill."

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

Johnson: "Yes, Representative Kelly. I don't know anything about the substance that you've mentioned. However, I do have a constituent, Mr. Carrico, who contacted me and indicated that the opposition, I mean that the opposition to this substance was improperly formulated and then I believe had a conversation. You were kind enough to visit with him at some length in your office. He had indicated to me afterwards that his understanding was that you weren't going to pursue the Bill. I'm just asking. He feels very

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strongly that any of the publicity with respect to this substance is inaccurate and I just wondered if you could respond to some of the concerns that he raised?"

Kelly: "Is that a question or is that on the Bill?"

Johnson: "Yes, it's on the Bill. I want to know why this is an unsafe substance and what ..."

Speaker Collins: "The Gentleman indicates he'll yield and answer."

Kelly: "Yes, Tim, I did have a meeting and I did talk with Bill Carrico and he's a very excellent gentleman and I had a good conversation. His feeling was that it was the individuals that were doing the installing that were the perpetrators of this problem. He and I discussed that this issue was under consideration in Washington D. C. by the Consumer Products Safety Commission and that as of this date they have made the recommendation but it has not been given final consideration. I will say this, Tim, that before I will finalize any of this legislation I would certainly upon having it in the Senate would be glad to get together with you and Mr. Carrico to see if we can amend this to make it more...you know...liveable for his industry. I...if he has some problems with the, his feeling is that it is not a problem. There happens to be, you know, enough concern nationwide. This has been on '60 Minutes' on television and I do want to keep this legislation alive and I know if we don't act on it today we'll never get back to this Bill. And that's why I would like to proceed."

Speaker Collins: "The Gentleman from McHenry, Representative Klemm."

Klemm: "Will the Sponsor yield?"

Speaker Collins: "He indicates he will."

Klemm: "One question I have and that's in the analysis. It does

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say a sale of a structure containing the product and since as you know that the ureaformaldehyde foam insulation is used a great deal in refrigerators and other commercial products, I was wondering if that is an interpretation or could be an interpretation that it goes far beyond just home insulation and I would be concerned obviously that refrigerators and everything else that is made out of products of foam would not be allowed. Could you answer if that is clear in the law or in the Act?"

Kelly: "Well, I, you know, which particular page of the Bill did you raise this question on?"

Klemm: "Well, I'm looking off of the analysis on the Bill itself."

Kelly: "Well, this strictly relates to the foam insulation. This does not relate to other areas of the formaldehyde which certainly does appear in embalming and refrigeration and other areas and, you know, the, it would strictly be for foam insulation only."

Klemm: "All right, but it does here indicate that the, it must be labeled also the sale of a structure containing the product must also be labeled and that certainly goes far beyond just home insulation."

Kelly: "Well, throughout the Bill it relates to formaldehyde gas and that strictly would relate to foam. That would not be straight formaldehyde. So it's mentioned throughout the Bill, in fact, I don't know anywhere in the Bill that doesn't say formaldehyde gas."

Klemm: "Formaldehyde what?"

Kelly: "Gas."

Klemm: "Just the gas itself. All right. Thank you."

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

Griffin: "Mr. Speaker, Ladies and Gentlemen of the House, I'd

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like to add to the anecdotes that Representative Kelly has presented for the record. One woman in my district has had heir with this substance. For several years her family has lived in a home insulated with this substance. She's very concerned about their health and well-being but also the value of her home should she seek to sell it. And I think this is a factor that has to be given a great deal of consideration. There's not only the human health hazard factor to consider but also the value of peoples' homes on the market. She may find it very hard to sell her home and realize anything like the equity that she should if she had had notification of the danger of this substance which was not known at the time she purchased the home. So I think there's some very serious concerns about this substance and I think Representative Kelly's Bill addresses those problems and I wholeheartedly support it and hope that others in the House will vote for it also. Thank you."

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

Brummer: "Will the Sponsor yield?"

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

Brummer: "Dick, you apparently took out in the Amendment the provision that the warning be in a lease or a contract and simply left in the provision regarding a notice being posted. Is that correct?"

Kelly: "Yes, that's correct."

Brummer: "And that applies to anyone who sells the structure or anything of this nature?"

Kelly: "This would be, this would not have any effect on the real estate industry."

Brummer: "Well, where does it, if the home is insulated with this product, urea formaldehyde, the Bill would require that notice be posted on that home, right?"

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Kelly: "That's right."

Brummer: "And where would it need to be posted on that home?"

Kelly: "The notice would be, have to be on the product itself and posted on the home. It wouldn't be posted on the home. I don't see where it says, 'has to be posted on the home' in the Bill. Where does it say in the Bill it has to be posted on the home."

Brummer: "I'm asking you. You're the Sponsor."

Kelly: "No, it is not to be posted on the home. It's on the contract that the insulating company provides and on the contract itself and on the product but not on the home."

Brummer: "Well, if. Okay...I...I thought the, if the home was the product that was insulated with this I thought the Bill would require that it be posted on the home and that's precisely the point I want to clarify."

Kelly: "No, there isn't anything in this Bill that requires that the formaldehyde be posted on the structure itself."

Brummer: "Okay, thank you."

Speaker Collins: "The Gentleman from Madison, Representative Wolf, Sam Wolf."

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

Speaker Collins: "The Gentleman has moved the previous question. The question is, shall the main question be put. All those in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it. The Gentleman from Cook, Representative Kelly, to close."

Kelly: "Well, I just briefly would ask for your support. I just feel that this is an area that's of national concern and Illinois should be forthright in supporting this. I would ask for your support."

Speaker Collins: "The question is, shall this Bill pass? All those in favor will indicate by voting 'aye', opposed by voting 'no'. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 138 voting 'aye', 8 voting 'no', 6 voting 'present' and this Bill, having received a Constitutional Majority is hereby declared passed. House Bill 138, Representative Wikoff. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 138, a Bill for an Act to amend the Unemployment Insurance Act. Third Reading of the Bill."

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

Wikoff: "Thank you, Mr. Speaker. House Bill 138 is a Bill which has been one of the biggest complaints of the business community in the last six to seven years. This...basically what House Bill 138 does, it eliminates the provision where a...whereby a person can voluntarily quit work, refuse to go back to work and then draw unemployment benefits which has been a serious strain on the State of Illinois Unemployment Trust Fund the last several years. Bureau of Employment Security, by their own figures, say that this would save some, the elimination of this would save some \$59,000,000 in the course of a year. Last year there were some 44,000 people who were declared ineligible, did wait the required three months which is presently in there, then they collected as I said a total of \$59,000,000. These are not my figures. They are the figures of the Bureau of Unemployment Security. We are one of the few states in the country that does allow any unemployment benefits for those who quit voluntarily. We have people quitting their jobs voluntarily, moving to California, Arizona, Florida, other places like that and we send them their unemployment checks. Caterpillar, indications, in 1979 they had a total of 527 who drew unemployment benefits because of discharge. And these were work rule violations, and so on and so

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forth. Eight were laid off but there were 1,355 that quit voluntarily and abused the system as it is. This is one of the biggest complaints I'm sure most of you have ever had regarding the unemployment system. This is something that has been long needed, long overdue. And I'm sure there might be a question or two and I would be happy to answer."

Speaker Collins: "Is there any discussion? The Gentleman from...Which one of you want to go first? The Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Now this is the first in a series of Bills by the Republican Party to try to devastate the gains of working men and women in this state over the last fifty years. In 1937 when unemployment insurance first came into being, if you voluntarily left your job you were penalized three to five weeks. In 1948, that penalty was increased to six weeks. In 1965, when the Republicans controlled the House it was increased to eight weeks. In 1979 under the Agreed Bill process, the penalty was increased to twelve weeks. In 1980, we increased, we tightened the restrictions again so that if you quit it had to be a good cause attributable to the employer with five exceptions and you still had to wait twelve weeks. Now we come along and say that you no longer have to wait twelve weeks but you're going to be eliminated from receiving unemployment insurance at all. Let me give you a few examples of who this will affect and what this means. Today approximately 50% of all women are in the work force. It is not at all unusual in our society to have a spouse moved from one location to another location by a large corporation. So that you may be transferred from Springfield to Chicago. Now in order to... for a woman to follow her spouse who happens to be transferred to Chicago, she must quit her job. As I said,

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50% of the women are in the work force. And so they quit their job and follow their husband to Chicago. They then are denied unemployment insurance for thirteen...twelve weeks even though they are actively seeking work and trying to find employment. At the end of twelve weeks if they have been unsuccessful in finding employment, then they are then entitled to receive unemployment insurance. What this says is regardless of how long you seek work, you are going to be denied unemployment insurance, regardless of how much you need it, or how much your family needs it. You can't find a job because you followed your husband. That is tough. You now are denied unemployment insurance although you are actively seeking work. A second example, you have a sick Aunt that happens to be living with you and she suffers a heart attack and you must quit your job to take care of her. You are not available for work, so you are not entitled to unemployment insurance. Four weeks later your sick Aunt dies and once again you go out to seek employment. You can't find employment so you sign up for unemployment insurance. Under today's law you have to wait twelve weeks before you are entitled to any unemployment insurance. During this time you must be actively seeking work. At the end of twelve weeks if you haven't found a job then you are entitled to unemployment insurance. Under this Amendment, under this change you will never be entitled. Those are only two examples. But what this says to people that work in the construction trades all throughout Illinois, you have to understand how construction trades people work. They may work for one employer a week, or they may, as a matter of fact, work for five different employers a week. It is not at all unusual that a member of a construction trade does not have a good personal relationship with his employer because he happens

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to work for a lot of different employers. And it is not unusual that an argument could ensue and that an employer (sic) could quit knowing that perhaps he will go to work the following week for a different employer. He is not going to stay on the job and be harassed by an employer with whom he can't simply get along with. That is not unusual. So he happens to quit one of his employers. This says that he then must work thirteen consecutive weeks before ever being available for unemployment insurance again, thirteen consecutive weeks. That is pretty tough in the construction trades to work thirteen consecutive weeks. Today in Springfield the unemployment rate for carpenters is 50%. Now they may work thirteen weeks out of fifteen or thirteen weeks out of twenty, but that will never qualify them again for unemployment insurance. They have to work every week for thirteen weeks because they happened to quit a job because they didn't get along with their employer. Now under current law we simply say that they have to wait twelve weeks. That is a stiff penalty. It is pretty tough today to live with no money coming in for twelve weeks. As a matter of fact, the old saying is, 'There is only six months between most working people and dire poverty'. And we have said that you have to wait three months before you are eligible for unemployment insurance. That is tough. But this is a lot tougher. It says to the spouse who follows her husband, it says to the working mother who quits to take care of a sick Aunt, it says to the construction worker throughout our state, we don't think that you are ever going to ever be...we don't think you should ever be entitled to unemployment insurance in our state because we don't want to pay it to anyone who quits regardless of circumstances. As I said at the beginning, this is the first Bill of a long line of Bills that are now

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on Third Reading that constitute the most vicious attack on working men and women in this state in the last 100 years. I hope this Bill and all the rest go down to defeat."

Speaker Collins: "I would remind our guests in the gallery that demonstrations are prohibited under the rules. I would ask that you refrain. Representative Schuneman, the Gentleman from Whiteside."

Schuneman: "Thank you, Mr. Speaker, Ladies and Gentlemen. We have just been treated to the same kind of smoke screen from the other side of the aisle that we have been hearing for the last seven or eight years here in Illinois. The fact of the matter is the Unemployment Insurance Trust Fund in this state is broke. It's flat broke. And everybody on the other side of the aisle knows it. Everybody on the other side of the aisle also knows that the working people of this state do not support a system which pays unemployment compensation insurance to people who are unwilling to work. And that is what we have had in Illinois and it is time to change the system. If we have a system that is going broke then you've got to do something to fix it. One of the ways to fix it is to eliminate benefits for people who have voluntarily said, 'I'm not going to work anymore'. Now I don't think the working people that are sitting up in the gallery here, who get up and go to work every morning, feel that our system should somehow subsidize those people who don't want to work every morning. Now what this Bill does is simply go one farther step than we did last year. If you recall, last year this Legislature delayed benefits for people who voluntarily quit their jobs. They delayed those benefits for twelve weeks. This Bill of Representative Wikoff's will simply eliminate benefits for those folks. They are going to have to find a job. They are going to have to be more careful

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about giving up jobs that people all over the state of Illinois are seeking today. And I think this Bill makes eminent sense. It is something that is long overdue here in Illinois. We have a system that is much more liberal than other states and we have to tighten up the system. We are losing industry in this state. So that we have people all over who are crying for jobs. And one of the reasons that we are losing industry is because of our liberal Unemployment and Workers' Compensation laws. This Bill is fair. It is one that is long overdue and it will have a major impact on the drain on our Unemployment Compensation Trust Fund. I will urge everyone to vote for this Bill which is going to pass the Legislature this year."

Speaker Collins: "The Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Mr. Speaker, I would like to ask the Sponsor a question? Representative Wikoff..."

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

Giorgi: "When is a 'voluntary quit' justified, in your opinion?"

Wikoff: "Representative Giorgi, those are presently in the Bill. There is no change on that. The 'voluntary quits' which are in the Bill, which are still justified; those who are physically unable to perform their duty, those who are...the sexual harassment, the individual who...yes, those who would refuse to accept a job because they are going to bounce somebody from an existing job, those are taken care of. The person staying home taking care of the poor Aunt is eliminated or is still retained on this and those for the ...that have to take care of their spouses, or parents, or as was mentioned earlier, there has been no change in that. Those are still taken care of."

Giorgi: "Mr. Speaker and Representative Wikoff, if you are physically unable to take a job, you are not qualified for

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unemployment insurance and if you're going to be home to take care of a sick Aunt you're not qualified for unemployment insurance. You say here that a person has to work another thirteen weeks before he is eligible for unemployment insurance. Well, I come from one of the highest unemployment areas in the State of Illinois. And I have been to many Chamber of Commerce meetings and I have been to meetings of the Illinois Association of Manufacturers and I've sat down beside them and I said to them...they are telling me about the malingerers on unemployment insurance and I've sat beside them...and I'm putting this all in the record and I have pleaded with them for jobs for these people that are unemployed and can't find jobs. They have told me, 'Refer them to me'. And to this day, not one employer in Rockford, and I will name them; Sun Strand, National..., Zenith, Cutter, and some...a number of them have given me a job yet for one of my unemployed, not one job yet. You are acting like there are plenty of jobs on the marketplace. Well there aren't jobs on the marketplace. And it is impossible for a guy to find thirteen weeks of employment to qualify for unemployment. And the reason why the Trust Fund is bankrupt is because the employers who controlled won't let that fund reach any height that it could reach. The benevolent employer didn't want that fund to reach any height so they cut it off at the 400, 500 million so that is why that fund is bankrupt. You are not concerned about the milk windfall in your district, are you, where the farmers that sell dry milk are going to be stealing money from the marketplace. You are not concerned about the other gifts to businessmen and to the employers, the tax depreciation allowance and so on. The problem in the marketplace today is there are no jobs. This is no time to be cutting, to be making the

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Unemployment Act so tough that anyone can't survive. There is no jobs out there. This would have been all right in full employment but it is wrong today. It is a terrible, terrible infliction on the people who are suffering the marketplace now. I am a witness and I don't know what in the hell you do in your office, but I can't find a job for my office."

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

Huskey: "Well, Mr. Speaker, Ladies and Gentlemen of the House, let me first recommend a...Representative Wikoff for having the fortitude to bring this fine Bill before this Body. I listened to the soothsayers, the fancy soothsayers, here on the other side, shedding their tears on the floor so I'm sure that you need boots to go by their chairs, watching the jobs move out of Illinois, moving to other states while we're losing hundreds of thousands of jobs to states that have very unfair employment practices, where Illinois has liberalized to the point that they can't go any further. Illinois has to pull back if we're going to save the jobs. Responsible unions would support this Bill. They should support this Bill. And therefore, Ladies and Gentlemen of this House, I think this Bill should be supported if we're going to support jobs for Illinois, support the unions of Illinois, then we should support this Bill because this Bill only creates a more fair two-way purpose for unemployment. Unemployment is not created to help the freeloaders. Unemployment insurance is created to help people between jobs, help people that get laid off to get another new job. If times are so tough then why Representative....One of the last Representatives that spoke spoke about, then you shouldn't quit your job. You should hold on to your job till you get a new job before

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you quit. Ladies and Gentlemen, this Bill should be voted up."

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

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this Bill. We all know the condition of the Unemployment Trust Fund. Members on both sides of the aisle campaigned last year on improving the business climate. This Bill would save the state 59 million dollars. This state cannot afford to give the liberal benefits that we've given in the Unemployment Trust Fund any longer. We cannot afford to pay unemployment compensation to anyone that walks through the door. And we've talked about high unemployment rates and I happen to come from a district, from a municipality of a population of 96 thousand. They had an unemployment rate of 10 thousand people, sixteen percent, one of the highest unemployment rates in the State of Illinois. And we talked about a working man's Bill. This is a working man's Bill. You cannot tell me that any working man would not favor a Bill when I have ten thousand unemployment...ten thousand unemployed people that cannot find a job and people can voluntarily quit their job and come in for unemployment compensation. I cannot support that argument. Favorable consideration. Thank you."

Speaker Collins: "The Lady from Cook, Representative Balanoff."

Balanoff: "Yes, Mr. Speaker and Members of the General Assembly, I would like to remind all of you what our Governor said about a month and a half ago when he addressed the joint Body. He was standing right up here and he said, 'You know why this..what businessmen ask when they want to settle in Illinois? It's not the unemployment insurance rates and it's not the workmen's compensation rates that may keep a businessman away from Illinois. It's the transportation.'

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Let's all remember that when we're voting on this Bill and all the Bills similar to it which are coming up. Let's put to rest the argument that unemployment compensation rates and workmen's compensation rates drive jobs away. Because our own Governor has said that is not true. We, here, now, in Illinois have an unemployment rate of approximately ten percent. It varies in different districts in the state. But I tell you, if this Bill and Bills like this are passed, the misery rate in Illinois will be more than 50 percent and that's why we must vote this Bill down."

Speaker Collins: "The Gentleman from Kankakee, Representative McBroom."

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

Speaker Collins: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor will indicate by saying 'aye'; opposed 'nay'. The 'ayes' have it. The Gentleman from Champaign, Representative Wikoff, to close."

Wikoff: "Thank you, Mr. Speaker. There have been a lot of comments made about this, both pro and con. I don't think any arguments are going to change anybody's mind on this. I would like to emphasize one thing. There have been a few red-herrings drawn across here about the poor Aunt who's not going to be taken care of. I tell you, read the Bill. Those provisions are still in there. They have not been changed. There is nothing in here and I am one of those who does not, in any way, intend to deny benefits to those who are justifiably unemployed and cannot find work. But I do think it's a complete travesty when, in the eleven month period, starting in January of 1980, the number of persons who were disqualified for totally, voluntarily quitting, totaled 46,578 persons and they waited and they drew, as I said earlier, in the excess of 59 million dollars. There's

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only one way you can vote for this and that's 'yes'. I appreciate your support."

Speaker Collins: "The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye'; those opposed by voting 'no'. The Gentleman from McLean, Representative Ropp, to explain his vote."

Ropp: "Yes, Sir, Mr. Speaker and Members of the House, I just, for the record, would like to clarify one point. It's been stated that there are no jobs available. I just happen to have the paper here printed by this city, here in Springfield and there's nearly eight columns of jobs, at least requests looking for jobs for people to fill those areas of work here in the State of Illinois and within this local area. Please don't say that there are no jobs when you can go to any newspaper in this country and find job after job of one...They are available. And I vote 'yes'."

Speaker Collins: "The Gentleman from Cook, Representative Jack Dunn."

Dunn: "Mr. Speaker and Ladies and Gentlemen of the House, I'm going to vote 'no' on this Bill because I think it's a bad Bill. I don't think it addresses itself to the real problem. The people we have here talking about labor are not talking about the same thing. We're talking about...I've seen young married people, the gal gets married. She quits her job. She had no intention of going to work. She collects unemployment. I see people who go to school. They work in the summer for a contractor employer and they will do the same thing when school starts. And there are millions of dollars being eaten up in this way. If there is some way the Bill would address itself to that problem I could have voted for it. I urge a 'no' vote."

Speaker Collins: "The Lady from LaSalle, Representative Hoxsey."

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Hoxsey: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I submit to you that this particular Bill hasn't anything to do with the rate. What it has to do with is abuse. And as far as I'm concerned, I'm voting 'aye' on this because this, in this area, is one of the abuses that we're dealing with in the compensation law for Illinois."

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

Stuffle: "Yes, Mr. Speaker and Members. I think we could have worked out a process to pass some of these Bills together as Democrats and Republicans for the people if the manufacturers had been willing to stay at the bargaining table in the Agreed Bill process. But they weren't. This Bill kills the trades. I don't believe you would see a trades person leave a job legitimately, voluntarily in the situation that we have of high unemployment in this state. For the reasons cited on this side of the aisle and by my friend, Jack Dunn, I vote 'no'."

Speaker Collins: "The Gentleman from Winnebago, Representative Jim Kelley."

Kelley: "Yes, Mr. Speaker and Members of the House, we have heard a lot about unemployment and my area does have unemployment. But for the life of me I can't see how this Bill does anything to affect unemployment except make it higher. This Bill addresses not people who are out of work because they can't find a job. This Bill addresses people who quit a job voluntarily. And I vote 'yes'. I think this is one area where we can help everybody. We don't want people quitting voluntarily and drawing unemployment."

Speaker Collins: "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 87..88 voting 'aye', 75 voting 'no', 1 voting 'present'. The Gentleman from

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Champaign, Representative Wikoff, for what purpose do you arise?"

Wikoff: "I'd like to poll the absentees."

Speaker Collins: "The Gentleman would request a Poll of the Absentees. Poll the absentees, please, Mr. Clerk. The Gentleman from Kane, Representative Murphy, for what purpose do you arise?"

Murphy: "If this gets 89 I want a verification."

Speaker Collins: "That's your prerogative. Poll the absentees, Mr. Clerk. Representative Schneider, 'no'."

Clerk Leone: "Poll of the Absentees: Alstat. Capparelli. Epton. Ewell..."

Speaker Collins: "Ewell, 'no'."

Clerk Leone: "Flinn. Garmisa. Kosinski..."

Speaker Collins: "Kosinski, 'no'."

Clerk Leone: "Margalus. O'Brien. Redmond. Irv Smith. Concludes the Poll of the Absentees."

Speaker Collins: "On this question there are 88 voting 'aye', 75 voting 'no'...78 voting 'no', 1 voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 139."

Clerk Leone: "House Bill 139, a Bill for an Act to amend the Unemployment Insurance Act, Third Reading of the Bill."

Speaker Collins: "Representative Wikoff, take it out of the record, Mr. Clerk. The Gentleman from Cook, Representative Cullerton, for what purpose do you arise?"

Cullerton: "Mr. Speaker, I think the rules provide that lobbyists are not supposed to be on the House floor. Is that correct?"

Speaker Collins: "That's absolutely, Mr. Doorkeeper, would you see that all unauthorized persons are taken off the floor. Escort them off the floor if the request is made. Would you care to point anybody out that should be off the floor,

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Representative? I think the announcement has accomplished its purpose. House Bill 140, Representative Wikoff. Out of the record? That's a question. I don't know. I don't see Representative Wikoff. Out of the record. House Bill 159, Representative Ronan. The Bill will be handled by Representative Keane. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 159, a Bill for an Act creating the Data Information Systems Commission. Third Reading of the Bill."

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

Keane: "Thank you, Mr. Speaker. The House Bill 159 amends the Data Information Systems Commission Act and requires state agencies having data stored in computers or in computer services to identify to the Commission the parties that are authorized to release the data. There is an Amendment which also says that each state agency or department that has a computer shall establish a written security plan to protect the data and associate software. This applies not only to fire, theft, but also to accidental damage. Many...And also to pilferage by someone coming in and raiding the information within a computer. A number of agencies are deficient in this. The Auditor General has recommended that each...that every agency look very, very closely at the computer security, the data information security, and this Bill does just that. I would ask for a favorable Roll Call and be happy to answer any questions."

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

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

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

J.J.Wolf: "I would like to ask you, Mr. Sponsor, how would you sufficiently eliminate or prevent confidential information that may be stored on these tapes? What kind of security?"

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I'm not too sure this is such a great idea."

Keane: "I can't...Would you repeat your question? I didn't quite hear it."

J.J.Wolf: "What safeguards are you taking to assure the confidentiality of information that's stored on these tapes? You're requiring these agencies to turn this information over to the Commission..."

Keane: "No. We're not asking for the information to be sent over to the Commission, but their plan to prevent someone from getting into their computer illegally or without justification and taking confidential information out of it."

J.J.Wolf: "Okay. If they give you the plan on how to prevent it, what they're doing is it's just like telling a burglar, 'This is what we've got. This is how the alarm system works'..."

Keane: "No.."

J.J.Wolf: "You're publicizing the fact of what precautions you're taking."

Keane: "No. They would say for instance that they are first, many...many computers use a code to get into the computer. If you don't hit the right code..."

Speaker Collins: "Excuse me, Mr. Keane. Let's have some order, please."

Keane: "If you don't...If you access a computer and you do not have a correct code, you can't get information from that. They want to be sure that you have used that, that you have taken...you have stored the computer files in areas that are safe from fire, theft. They may want you to put duplicate sets. Sometimes a computer operator will go in and wipe out a whole set of information by accident. We want them....They may have to have a backup set. This in no way, in no way are we asking for them to tell the

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Commission the secrets of, you know....All we want to do is make sure that every department and agency has a security plan and that there's someone responsible for it in that agency. I would ask for a favorable Roll Call if there are no other questions."

Speaker Collins: "Is there any further discussion? The...Do you wish to close? The question is, 'Shall this Bill...I beg your pardon. The Gentleman from Cook, Representative Bowman."

Bowman: "Yes. A question of the Sponsor."

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

Bowman: "Am I to presume from reading this language that no one else except the person who is so identified by title or job description can release the information? No one else except those persons that have that in their job description?"

Keane: "Could you give me your line and page?"

Bowman: "Okay. Well, the Bill is one page long, right?"

Keane: "Yes."

Bowman: "So it's on page one of the Bill.."

Keane: "There you go."

Bowman: "Okay. In Section ..."

Keane: "There is also an Amendment, Representative."

Bowman: "Yes. Okay. But in Section 3.1A.."

Keane: "All right."

Bowman: "..It says, every state agency or department that has data stored in the computer shall identify an officer or employee by title or job description who is authorized to release information from that computer. My question is, does that mean that anyone, or that everyone else is not so authorized?"

Keane: "No. There would be ...There would be a plan set up, a regular work plan and unless the work plan, the security

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plan, indicated that this was within the normal flow of work, that there would be no other, the operator of the computer could not give data out to anyone else. That's correct."

Bowman: "Okay. So, the answer is 'yes' then."

Keane: "Yes."

Bowman: "Okay. Now, the way the language of that sentence reads, it's written in the singular and my question is, could there be more than one such person in an agency?"

Keane: "Preferably not."

Bowman: "Well, preferably not, but it could?"

Keane: "It may well be, but you might want to have a backup person in a large agency. You might have an agency that has three or four computer installations. We might have one for each installation."

Bowman: "Okay. I just wanted to know because it seemed to imply that there might be just one. Lastly, if...What is the penalty for violation?"

Keane: "It's not specified."

Bowman: "Okay.."

Keane: "What we'll probably do is is the same thing that we're doing now. This will give the Auditor General audit exceptions. They will be...It will come up in an audit and in other reviews and we'll handle it if we need be by legislation to put penalties in."

Bowman: "Okay. Thank you. No further questions."

Speaker Collins: "The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 141 voting 'aye', 9 voting 'no', 3 voting 'present'. And this...And this Bill, having received the Constitutional Majority, is hereby

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declared passed. House Bill 237, Representative Ebbesen.
Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 237, a Bill for an Act in relationship
to the effect of federal administration emergency
regulation in the State of Illinois, Third Reading of the
Bill."

Speaker Collins: "The Gentleman from DeKalb, Representative
Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House,
this Bill is one that comes from a feeling of mine for many
years and probably a feeling of the very high percentage of
people in this country which was expressed last November
but, at the polls, but I've always felt that the
Constitution of the United States established an
indestructible unit on account of an indestructible states
but despite this we've had these federal regulatory and
administrative agencies over the years that have kind of
curtailed what I feel are the sovereign powers of the State
of Illinois. And what I...and what this Bill addresses
itself to is that we've got these federal agencies which
consist of non elected, unelected, unrepresentative and
unaccountable people that...who've really have kind of
supplanted the elected officials, duly to the elected
officials, in the various states. And what the Bill does,
in essence, it just says that any rule or regulation that's
handed down by a federal regulatory agency that in any way
amends or makes null and void repeals any existing Illinois
statutes shall not have any effect on individual citizens,
professions, industry or what have you. And that's the
substance of the Bill and I would appreciate favorable
consideration. It passed out of Committee unanimously 15
to nothing."

Speaker Collins: "Is there any discussion? The Gentleman from

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Cook, Representative Preston."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen. The Sponsor of this Bill is very well-intentioned and while this Bill is of dubious constitutionality the passage of this Bill will give a message to Congress and a message to the federal agencies that they are to respect state sovereignty. And to take state sovereignty well into consideration before making rules and regulations that abridge existing state laws. I think by voting for this Bill that message will be given to the Federal Government in Washington and I would ask you to support this Sponsor and to give this Bill and 'aye' vote."

Speaker Collins: "The Gentleman from Lake, Representative Pierce."

Pierce: "Mr. Speaker, I think the Gentleman is being a little inconsistent. Would he yield to a question?"

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

Pierce: "Didn't you vote for a Bill by, I believe, Representative Hoxsey last week? It would prohibit the State of Illinois from in any way regulating barges because the Federal Government regulates barges. Isn't that kind of hypocritical?"

Speaker Collins: "The Gentleman indicates he'll answer the question."

Ebbesen: "If that's the case I might have been off the floor and somebody pushed by switch. I'm unaware of that."

Pierce: "Mr. Speaker, I'd like to speak on the Bill."

Speaker Collins: "Proceed."

Pierce: "The Bill sounds good from a sophomoric point of view but what the Bill says, if Illinois has some regulation on trains the Federal Government can't regulate interstate commerce and trains anymore because we're, we have regulated some trains somewhere and, therefore, the federal

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interstate regulations don't apply. Even a strict constitutionalist would agree there are certain places where the Federal Government has enumerated powers. One of them is interstate commerce. Another is regulation of the Army and Navy. What happens if the State of Illinois has a law on zoning of the military installation? Does that mean that the Federal Government can't then provide for its own construction and so on at Fort Sheridan because the city of Highwood has some regulation? There are areas where the Federal Government legitimately has primary jurisdiction. Among them, as I said, are interstate commerce, raising the Army and Navy and interstate transportation of goods in other areas. So I think what you say in this Bill, which makes it patently unconstitutional, is even where the Federal Government has primary jurisdiction once the State of Illinois has acted, then the Federal Government cannot act. And has no authority to act. And that is the other way instead of violating state's rights under our Constitution you are violating federal rights under our Constitution and that's as much a violation of the Constitution as is violating state's rights. So from a certain sophomoric government freshman high school civics class it might sound good. In actuality it is impractical and unconstitutional."

Speaker Collins: "The Gentleman from DuPage, Representative Hudson."

Hudson: "Mr. Speaker and Ladies and Gentlemen of the House, if there's one complaint that I have heard as I've traveled around my district from people I represent it is that we are being increasingly governed in our daily lives by nameless and faceless bureaucrats that will take one law that maybe is three or four paragraphs long enacted by Congress and then the agencies will take it and make a

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volume out of it and that in turn has the force in effective law and is imposed upon our citizens throughout the land including ours here in Illinois. And they are increasingly objecting to this inner position of federal power on their lives. And I think what Representative Ebbesen is trying to do here is to say that, yes, we were intended to be a sovereign and separate state with sovereign powers throughout the states and that this recognizes that fact. We aren't wearing robes here. We aren't determining the constitutionality of this issue today. What we are saying to the feds, 'for heaven sakes get off our backs'. And I think this is a clear and present warning that Representative Ebbesen is trying to promulgate here. And it should be supported. I would urge careful consideration and an 'aye' vote if you're interested in maintaining the integrity of our state sovereignty."

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

Greiman: "Well, I think with this Bill, Ladies and Gentlemen of the House, we will step through the looking glass in Alice in Wonderland. And this will indeed become Alice, paradise for Alice in Wonderland. I am just shocked to hear the Gentleman from DuPage who I believed was a strict constructionist of the Constitution play so foot loose and fancy free with the written writ of the Constitution. I have in my hand a subversive document signed by one G. Washington on September 17, 1787. Article VI says, 'this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States shall be the Supreme Law of the Land'. Now this is the tricky part everybody. 'And the judges in every state

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shall be bound thereby anything in the Constitution or the laws of any state to the contrary notwithstanding'. I can't do better than improve on the Constitution. All of us strict constructionists should certainly vote 'no' on this Alice in Wonderland proposition."

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

Kociolko: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to rise to give the view not of a sophomore on this legislation but rather a freshman point of view if I may be permitted. And I rise to support this Bill. This Bill represents the very essence of our Constitutional form of government and I believe that it should be supported by the Members of this House. The type of absurdities and absurd rulings that were referred to from the other side of the aisle routinely emanate not from State Government but from the Federal Government. And this Bill is an attempt to limit that type of regulatory absurdity. It deals with restricting the runaway power of federal regulatory agencies and I would submit that that is what our Constitution is based upon. The dubious constitutionality does not lie with this Bill but rather with the type of excesses that have come from federal bureaucratic agencies that make this type of legislation necessary. In order to preserve our constitutional form of government I encourage a 'yes' vote."

Speaker Collins: "The Gentleman from Madison, Representative Sam Wolf."

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

Speaker Collins: "The Gentleman has moved the previous question. The question is, shall the main question be put. All those in favor will indicate by saying 'aye', opposed 'no'. The 'ayes' have it. The Gentleman from DeKalb, Representative

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Ebbesen, to close."

Ebbesen: "Well, yes, Mr. Speaker, I'd like to just talk about the tenth Amendment. The powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved to the states respectively or to the people. Now, when you start talking on what's unconstitutional, and Representative Hudson hit it on the head, this is a legislative Body. Nobody in here does wear robes. It's not a court and you people with the legal minds get up and say it's unconstitutional. Well, I had this same Bill in one of the Judiciary Committees. I think Judiciary I, two years ago after about an hour and a half discussion. I lost the Bill 8 to 5 and I took it to another Committee where common sense prevailed. Now, if you people want to continue as duly elected officials having non-elected, unelected bureaucrats, make rules and regulations in Congress that wipe out all the work down here we might as well all stay home, sit by a telephone and answer your constituents. I think that this Bill makes sense. I think it's what the people in this country spoke to and addressed themselves to last November and I would appreciate a favorable vote."

Speaker Collins: "The question is, shall this Bill pass? All those in favor will indicate by voting 'aye', those opposed by voting 'no'. The Gentleman from Cook, Representative Getty, to explain his vote."

Getty: "Mr. Speaker, Members of the House, I can understand, I can understand the Gentleman's frustration. We all see that because it's difficult to deal with bureaucracies. It's difficult sometimes to mesh the rights of the Federal Government with the rights of the state. But we do have a Constitution that we live under. We were all sworn to uphold both the Federal and State Constitution. There is

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just no way of getting around the fact that the United States Constitution, Article I, Section 8, for example, provides that the Federal Government does have the right to regulate commerce among the several states. There is no doubt that Article VI declares very clearly that this Constitution and the laws of the United States which shall be made in pursuance thereof, or which shall be made under the authority of the United States, meaning regulations shall be the Supreme Court, shall be the Supreme Law of the Land. By our action we are making a mockery if we would pass this of (sic) our Federal Constitution. Think very clearly before you would vote to adopt such a silly, unconstitutional provision."

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

Robbins: "Ladies and Gentlemen of the House, it's time that we stood up to the regulatory agencies of the Federal Government. Not the law...."

Speaker Collins: "Let's have a little order, please."

Robbins: "What laws they have we should obey but we should not bow down to regulation after regulation that is put on us with no law in back of it. Stand up and vote green and pass this Bill."

Speaker Collins: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I'm sorry I didn't have an opportunity to ask a question of the Sponsor but I was wondering really whether this Bill if it passes is a vehicle for employing our former colleague, Ron Griesheimer, since this is a declaration of war against the other states in the union I think he would be our best bet to come back and muster the forces and man the battle lines along our state borders. I hope that this Bill does not

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put us in a position of having to take that kind of action and urge a 'no' vote."

Speaker Collins: "The Lady from Cook, Representative Pullen."

Pullen: "Mr. Speaker and Ladies and Gentlemen of the House, the Constitution of the United States gives the authority to Congress to regulate interstate commerce and mess around with the states. It does not give the authority to the Executive Branch and the regulatory agencies. And this Bill refers only to regulations and administrative rules of the United States Government. It is totally constitutional, totally proper and certainly in keeping with the spirit and intent of the 10th Amendment and I think it's one of the best Bills I've ever seen in this House."

Speaker Collins: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Mr. Speaker, Representative Satterthwaite, former Representative Ron Griesheimer was here for the tennis tournament and he turned the job down."

Speaker Collins: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 103 voting 'aye', 57 voting 'no' and this Bill, having received the Constitutional Majority is hereby declared passed. House Bill 284, Representative Stiehl. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 284, a Bill for an Act authorizing the establishment of Mobile Team In-Service Training Units, Third Reading of the Bill."

Speaker Collins: "The Lady from St. Clair, Representative Stiehl."

Stiehl: "Thank, thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 284 enables the Law Enforcement Training Board to enter into agreements with local law

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enforcement officers to provide Mobile In-Service Training. This is really designed to keep the local law enforcement officers abreast of everchanging laws. An important element is the flexibility because these courses can be held at a place and time which is convenient to local law enforcement. This Bill has the support of the Police Association, the Sheriff's Association, the local police chiefs and the Municipal League. I would ask for a favorable vote."

Speaker Collins: "Is there any discussion? The question is, shall this Bill pass? All those in favor will indicate by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 153 voting 'aye', 2 voting 'no', one voting 'present' and this Bill, having received the Constitutional Majority is hereby declared passed. House Bill 295, Representative Stuffle. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 295, a Bill for an Act to amend the Illinois Pension Code, Third Reading of the Bill."

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

Stuffle: "Yes, Mr. Speaker and Members, House Bill 295 is a piece of pension legislation requested by the Community Police Organizations in the State of Illinois to put back in the downstate Police Pension Fund System, the language that previously was law with regard to the age at which persons could become members of the Downstate Police Pension System. The legislation was previously in the law for a number of years. It was lifted some years ago due to the fact that some police chiefs were excluded from the ability to be members of any public pension system in this state so it was necessary to amend this law at that time to bring

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them into coverage in the Downstate Police System. Those people have been taken care of now and for that reason we're attempting to put back into the law the age restrictions for membership that previously existed in the law. I would appreciate an affirmative Roll Call on this and indicate to you that Representative DiPrima is the hyphenated principal Sponsor with me on the legislation. I'd be glad to answer any questions."

Speaker Collins: "Is there any discussion? The Gentleman from Cook, Representative Terzich."

Terzich: "Yes, well, Mr. Speaker, Ladies and Gentlemen of the House, I don't really see the need to put an age limitation on the pension system. I know a few years back that the police associations were in favor of such legislation to move the age restrictions. This was placed before the Pension Laws Commission and they agreed also that they are not to have any age restrictions. If the person is on the police force and has attained age, then they certainly should be entitled to any benefits that they have earned as a member of the system and I would urge you to vote 'no' on this because you're simply going to exclude members who are eligible to participate and the only reason they are not is because of the fact that they happen to be over age 35, and I think this is very discriminatory and I would suggest a 'no' vote."

Speaker Collins: "The Gentleman from DuPage, Representative Hoffman."

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

Speaker Collins: "He indicates he will."

Hoffman: "Is there any difficulty in terms of what you're suggesting vis-a-vis the Age Discrimination Employment Act? The Age Discrimination of Employment Act. The federal Act

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on discrimination in employment."

Stuffle: "Yes, Representative Hoffman. I think I heard the last part of your question. I didn't hear the first part. I think you asked about the federal age restrictions discrimination question."

Hoffman: "The question of Age Discrimination Employment Act has been passed on the federal level. Does this conflict with that?"

Stuffle: "I don't think it does. That question has been raised before. Because I don't think that having looked at that too and having sponsored one of the Bills in that area, I don't think that legislation is a complete bar to setting standards based upon age. There are other conditions involved besides age in consideration of hazardous duty and a consideration of adverse selection against the pension system. So I don't believe it's a complete bar. If you could show a showing of invidious discrimination based on age, I think it would be. I don't think that is the case here."

Hoffman: "Did you say invidious?"

Stuffle: "Invidious, not incidious."

Hoffman: "Thank you."

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

DiPrima: "Yes, yes, Mr. Speaker and Ladies and Gentlemen of the House, this Amendment is for persons that are excluded of the Downstate Policeman's Article of the Pension Code to exclude the following in addition to those persons currently excluded; 'any person appointed to the police force before his 21st birthday. Any person appointed after October 1, 1981 if that person is 36 years old or more except those appointed in the municipality which first establish the Pension Fund pursuant to the Pension Code.'

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I passed this Bill out last Session. It went out on a breeze and it got stuck in the Senate and this is a very good Bill. It's at the request of the downstate police and I would recommend an 'aye' vote."

Speaker Collins: "The Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker. This Bill here is a good Bill and I urge its passage. We had a situation in Peoria that this Bill affected. We had a chief of police who was overage that came into the city at high salaries as an administrator, never did serve in the suppression field, which these pensions were set up for. All that this Bill did, when this police pension was opened up, was to take a couple high-priced administrators who don't deserve this pension and let them into the pension system. This will cause people to come in from out of state, jump into a system where they had pensions before and take advantage of a system that was set up for low salaries for people who came through the suppression ranks. In the fire services, this action was never taken. The age limit had always stayed in the firefighter's pension. They did withdraw it from the police pension. The firefighters downstate pension states the age limit as this is now. This is the same thing that the downstate firefighters have. When this Bill... When this legislation was passed two years ago, I think it was wrong. I don't think this pension should have ever been opened up to these high-priced administrators because it was set for suppression people to work their way up to the ranks and get these jobs. I strongly urge you to support this Bill. It'll help save our pension systems. Thank you."

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

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

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

Preston: "Yes, Representative, could you explain why this Bill is needed and why someone who is first joining the police force at age 36 should be excluded from the pension system? Why is that good?"

Stuffle: "Because those people, as Representative Saltsman indicated, are people who tend to provide for adverse selection against the system. You're talking about people who are much more prone to disability at that age. We have in the pension systems and in the Civil Service Act of this state and in the State Police System restrictions against age entry at 36 and that's the reason."

Preston: "Well, if...If a system is looking to hire one of these highly paid people that you're talking about, isn't one of the reasons that a person would consider becoming a chief or assistant chief of police in a system the fact that that system does offer a pension, and couldn't, and couldn't the system involved decide to make up for that by reducing the salary that he was offered?"

Stuffle: "I suspect that they could but I also think you'd have to consider the fact that the reason for the age restriction is, number one, the adverse selection proc.... situation I point to. And number two, because this is suppose to be hazardous duties. So if you're talking about an administrator, I think Representative Saltsman's remarks speak well to that situation. Also, these people would be covered otherwise in that municipality as to insurance and they would still be available to be covered in pension systems other than the police system."

Preston: "Thank you, Representative."

Speaker Collins: "The...The Gentleman from Coles, Representative

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Stuffle, to close."

Stuffle: "Yes, Mr. Speaker and Members, this Bill has undergone a great deal of debate in the last two Sessions. I think it is a good Bill. You have the opportunity to vote on a Bill presented by Representative DiPrima and I that saves the pension system money. Representative DiPrima and I are attempting here to do exactly that, to be fair and to represent the position of the downstate police. The Ill... the Police Association, the Federation and the Police Benevolent and Protective Associations are in support of this piece of legislation. I would point out to Representative Terzich that they have asked for this particular piece of legislation to be reintroduced and to be passed in each of the last three Sessions since we opened the system to cover police chiefs. I would ask for an Affirmative Roll Call, having discussed this with the staff on our side and the former staff who worked on this Bill for a number of years. They agree with me that this is a good piece of legislation and I would ask for your 'aye' vote on behalf of Representative DiPrima and myself."

Speaker Collins: "The question is, 'Shall this Bill pass?'. All those in favor will indicate by voting 'aye', those opposed by voting 'no'. I...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 132 voting 'aye', 20 voting 'no', 2 voting 'present' and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 203, Representative Hallock. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 203, a Bill for an Act to amend the Minimum Wage Law. Third Reading of the Bill."

Speaker Collins: "The Gentleman from Winnebago, Representative Hallock."

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Hallock: "Yes, Mr. Speaker and Members of the House, thank you very much. House Bill 203 arises from the situation we have statewide whereby the Department of Labor has indicated to me the camps we have, Girl Scout camp, Boy Scout camps, Kiwanias camps and so on, that they should, in fact, comply with the minimum wage in paying their camp counselors. This Bill has been worked out with AFL-CIO, the Department of Labor and also the Girl Scouts Council to try to provide a solution to that problem. I believe the Bill solves that problem by giving a slight change in the minimum wage for camp counselors and I ask for your support."

Speaker Collins: "Is there any discussion? The Lady from DuPage, Representative Fawell."

Fawell: "Thank you, Mr. Speaker and Members of the House. I rise to support this Bill. I am a former Girl Scout counselor and a former Girl Scout leader. This Bill really pertains to the Girl Scout camps. If we do not pass this kind of a Bill, they will not be able to offer the services and the type of camp experience that our girls need. This also applies to the Boy Scout camps and this...camp. I would appreciate a 'yes' vote for this Bill."

Speaker Collins: "Gentleman from Will, Representative Leinenweber."

Leinenweber: "Would the Gentleman yield to a question?"

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

Leinenweber: "Is it true that the Girl Scouts are for this Bill?"

Hallock: "Well, it has been rumored to that affect, yes."

Leinenweber: "So, if you vote against this Bill you'd be voting against the interest of the Girl Scouts..."

Hallock: "And motherhood as well."

Leinenweber: "Thank you."

Hallock: "And no cookies for you, Harry."

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Speaker Collins: "The Gentleman wish to close?"

Hallock: "I would just ask for a favorable Roll Call. Thank you."

Speaker Collins: "The question is, 'Shall this Bill pass?'. All those in favor will indicate by voting 'aye', opposed by voting 'no'. I'm for the Girl Scouts. 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 158 voting 'aye', 2 voting 'no' and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 274, Representative Huskey. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 274, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

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

Huskey: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I have a Bill that probably will solve the problems of the... of all the controversy over the mandated programs of the drivers education. This Bill came to me by students from a high school in Blue Island, Illinois when I was invited to speak to the Government class. It's a very good Bill. It's asked for by the young people. Because so many of their classmates had been killed in automobile accidents, they became very, very concerned and they wondered what could they do to help alleviate the deaths and the accidents that the young people are facing by the young age that they get their drivers license. Now some of the rationale is as follows. By having a drivers education at 16 they will still get their training in high school at the point in their school curriculum when they have more electives to take which means they can involve... Right now they get their drivers education, they

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can start at the age of 15. We're asking that we just move this up one year to the age of 16 and then they can get involved in sports and more activities in school than they would normally would if they put all their efforts and their thinking into drivers education which now exists at the age of 15. And let me say one other thing, due to your letters that you may be getting of some parents or some young people that feel they have to the prom on bicycles, this does not go into effect till September of 1982, September of 1982. So that is not going to affect you politically as of now because all the young people that are in this age group will be able to get their license before this Bill takes effect and the younger people coming in will know what to expect and it shouldn't disappoint them too much. Now, one of the big things is when a young person at 16 years of age gets their drivers license. The first thing they do is go out, buy a car and start driving and then the find the car very expensive so they find out they got to get a job to support the car. So they get the job to support the car and, in a tremendous amount of cases, they drop out of school, and this creates a tremendous amount of drop-outs at the age of 16 when these license comes. Now, if we raise that age to 17 and keep them in school one more year to get closer to graduation, they will eliminate that drop-out because they'll stay and get their diploma which now they don't. By not having a license until they're 17, as I explained before, they're far more apt to participate in sports or the extracurricular activities in school instead of getting a car and driving around and so forth. They will also have more time to spend on their academic workload if they're involved, if they are not involved with an automobile. Now, I have a letter, so many letters here. I did get...

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some of the radio stations were very good to us, they let us on their programs and...and the feeling of the public was at least nine out of ten on these radio call-in stations that I had the privilege to visit, their feelings were at least nine out of ten people favored this Bill. Now, I want some statistics here. 40% of all fatal and this is from your own Secretary of State here, right here in the State of Illinois. 40% of all fatal accidents in Illinois last year involved drivers between the age of 16 and 24 and the Insurance Information Service reports, 'However that age group represents only 22.1 of the state's licensed drivers'. Data from the Illinois Secretary of State's Office and the Illinois Department of Transportation also show that most young drivers are most likely, young drivers at 16 are most likely to be involved in accidents. Among 16 year old drivers in 1978, 29% of all ... were involved in accidents. Of all the 16 year old drivers in 1978, at least 29% of them were involved in accidents. Whereas we go up to the 19 year old drivers, only 19% of them were involved in accidents which means, as we go up the ladder each year, less and less accidents are involved as the students get a year older. Mr., Speaker, Ladies and Gentlemen of the House, if you want a life-saving measure, this is it. If you want a safety measure, this is it. If you want to make your highways more safer, this Bill is it. If you want to save lives of young students, this Bill is it. If you want to eliminate so many drop-outs in the high schools, this Bill is it. If you want to eliminate a lot of wasted energy, this Bill is it. This is one of the finest Bills you can vote for this year. So I would solicit your favorable vote."

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

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

Speaker Collins: "He indicates he will."

Lechowicz: "Does the Secretary of State support this Bill?"

Huskey: "They don't. Yes. They never appeared on it. They didn't have any opposition to it."

Lechowicz: "Does that leave me to understand then, Sir, the Jim Edgar supports this Bill?"

Huskey: "That what, Sir?"

Lechowicz: "Does Jim Edgar support this Bill?"

Huskey: "I never... He's a very busy man and I never tied him down on this particular Bill but he didn't say he did not support this Bill."

Lechowicz: "Very briefly, Mr. Speaker, in opposition to this Bill. It's very unusual that you would see this General Assembly addressing itself to issues really that in order to help people we are taking away some of the basic rights that were passed by maybe more enlightened General Assemblies than this one presently. But I believe that there's a lot of good people in this General Assembly that have a lot of faith and credit in the young people of this state. When you're requesting an age increase from 15 to 16 just for drivers' education, this, in my opinion, is wrong. It's an excellent area where people, young people in this state can be properly trained in the driving of an automobile under excellent supervision with good equipment. If anything, we should be encouraging the use of the training facilities and making sure that they are used properly as they have in the past. I think this is a bad Bill. I think that if you really make a poll of the young people within your own respective area as a number have contacted me, they said, 'Ted, please, please speak against this Bill if it appears on the floor.' No one really

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thought that this Bill would even come out of Committee, but, unfortunately, it is before us all. Your votes will be recorded and I'm sure you'll vote your conscience, but if you do care about the young people of Illinois, you'll vote 'no'."

Speaker Collins: "Gentleman from Wayne, Representative Robbins."

Robbins: "Question of the Sponsor."

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

Robbins: "Of your statistics that you quoted from your 16 to 24 year age bracket, what percent of that 40% were 16 year olds?"

Huskey: "29%."

Robbins: "29% of the 40% were 16 year olds?"

Huskey: "No, 29%..."

Robbins: "Of what age group?"

Huskey: "29% of the, of all 16 year old drivers, 29% of all 16 year, licensed 16 year old drivers were involved in accidents. Not of 40%, of all licensed drivers at 16 years of age, 29% of them have been involved in accidents in 1978."

Speaker Collins: "All right, now. Representative Robbins, just a moment. I had a number of Members indicate that they can't hear. Could we please have a little order? Representative Robbins."

Robbins: "In our area there are several young people that work on a farm, work in town from the farms and they have to have a way to get back and forth to work and they can start to work at 16 if they have a drivers' license. If they don't have a drivers' license, that means they can't work. Do you think that we should restrict these people from working?"

Huskey: "Well, I...I don't know just what the term is. I don't think the farms are too much different than the cities

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today as far as young people getting to work or wherever they go, to the basketball games. I got letters that a father would have to take time to drive his kid to a basketball game. I think it's too bad that he'd have to give his kid 15 or 20 minutes to sit on the front seat with him to converse with him to drive him to a basketball game. That might be the only time a parent gets to see a child or find out what they're all about, to sit with them and drive them."

Robbins: "I don't care whether he goes to the basketball game or not. My interest is to see that we don't take the drivers' license away from a young man or a young lady that is trying to help make a dollar or two so that they can go to college. So, therefore, I ask for a 'no vote on this."

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

Getty: "Will the Gentleman yield?"

Speaker Collins: "Indicate he will."

Huskey: "Yes, I will."

Getty: "Representative Huskey, what would happen to a young person who is age 16 and had fulfilled his drivers education and received his license prior to September 1 of 1982 after September 1, 1982 when he was still 16 and the law would then require that he be 17 before he's licensed? What did you provide for those people?"

Huskey: "If he has his license, this is only to go into effect that particular school year of 1982. Anything prior to that is status quo."

Getty: "Well, possibly you don't understand."

Huskey: "I understand. If you get..."

Getty: "I'm saying... Now, I'll re-phrase the question. What would be the legal status of a licensed driver age 16 not yet having attained his 17th birthday after September 1, of 1982 when this Act becomes effective?"

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Huskey: "Well if...if he has his license, he has his license.

There's nothing that anybody can do about it."

Getty: "Well, as a matter of fact, Representative, as this Act, if it were signed, passed by both Houses and signed by the Governor, it would be illegal for a person under 17 to have a license. Isn't that correct?"

Huskey: "Well, if your question's a technical question, I'm sure we can work it out in an Amendment in the Senate. I'd certainly be happy, I'd certainly be happy to work with you on that now."

Getty: "Well, Mr. Speaker, on the merits. I would respectfully suggest that this, again, points to a serious defect in this proposed legislation. You would have a whole class of young citizens, young Illinois citizens who would have taken their drivers' education courses. They would have been given a drivers' license, according to law, and then, come September 1 of 1982, I suggest to you under the terms of this law the Secretary of State would have to notify them that their drivers license privileges were no longer in effect because this General Assembly passed a law taking away their right to drive. We would then have the ridiculous situation where they would have to wait for a year or up to a year before they could be re-licensed. I suggest to you this is a bad idea and should be defeated."

Speaker Collins: "The Gentleman from Kendall, Representative Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like to take a minute to address this Bill. You know, there's some merits about young people being able to drive and go to work. They can take a lot of pressure off of parents. They can go back and forth and do errands, but if you look and if someone, as myself, who've worked with young people for the past 16 years, we've seen a lot of

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trends. One thing we did just recently in this House of Representatives, or you Gentlemen did, Ladies and Gentlemen did would raise the drinking age. When you did that, you took a great deal of responsibility off of very young people who had some temptations, you might call, in front of them. Well, another thing that you would find if you would raise the drivers' age or the ability or the age that a young person could have a drivers' license, you would also find, I think, that you would alleviate parents from wondering where that 16 year old was at night or where that 15 year old was at night and I think this is the thing or a concept of raising that drivers' age which would give more control to those children under the controls of their parents. It would put the family in control of that kid and not have him driving around. If the parent had to be at that school when school was out or when the basketball practice was out or when the play practice was out and to pick that kid up when it was time to pick them up instead of letting him go back and forth in his own car, I think, then parents could begin to take the responsibility of where that kid is and what he's doing. I rise in support of this Bill. I think it's a good concept and I support it."

Speaker Collins: "The Gentleman from DuPage, Representative Schneider."

Schneider: "Thank you, Mr. Speaker and Members. I realize there's significant and important opposition, but I'd like to just address some of Representative Huskey's comments. The "it" Bill as he tried to conclude with, assuming it was addressed a lot of problems and presumptions. One is that academic quality would increase if you could keep the kid in school longer. It would result in a decline in the drop out rate. I think those are basically fallacious as are

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the figures that he cited in terms of the accident rate. We have yet to see a break out by age that would substantiate any of the information that he has given us. So on that side of the question I think we ought to temper our judgement by the way we evaluate that information. I think it's fallacious. On the Bill itself, I think there are couple of things. It deals with two issues. One is the educational side. The second is the drivers' license side which was addressed by Representative Getty and Lechowicz. That side of the question, from the point of view was addressed in the Committee as I understand it. The Secretary of State's Office, although not taking a position, did recommend that the Bill be sent to the Driver's Motor Vehicles Law Study Commission and that Commission would address, perhaps, the drivers license side of it. When you raise the age, you're addressing that question. On the education side, a lot of us who are involved in the school end of it over in the Education Committee and through the appointment of the Governor and others who are interested have formed a mandate subcommittee to study all the mandates. The primary one, this Session, that has focused our attention so much have been ideas like driver ed. or physical education, special education. We are now in the process of looking at that. So among those kinds of concerns, the Body should be aware. I think the information given on the statistics here are inaccurate. I think it deals with two questions. One is the drivers' license side as well as the education side. I think the Bill should be explored, and this one, in this form, should not be passed and I would encourage a 'no' vote."

Speaker Collins: "The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Move the previous question."

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Speaker Collins: "Gentleman moves the previous question. The question is, 'Shall the main question be put?'. All those in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it. The Gentleman from Cook, Representative Huskey, to close."

Huskey: "Ladies and Gentlemen of the House, thank you, Mr. Speaker. The facts I have given you are not fallacious. They're actual facts that have been given to me by educators, by the best authorities that I can get. Here is, for an example, is a town, a school of 100 students at Watseka, Illinois and then the person writing the letter is one of the teachers there or whatever his title is. He's a county clerk. He's a county clerk in that particular county. He says, 'I have also filled two Memorial plaques with names of athletes and students who have been killed in accidents, in auto accidents in that last 20 years'. And this is only a high school of 100. If you want to save lives, this is probably the most life-saving measure of the year. You said 19 year olds cannot buy beer but yet you can give a 16 year old a vehicle where he can feel this tremendous power behind the wheel of an automobile go barrelling down the street. He's capable of doing that but he's not capable of going into a liquor store and buying a can of beer. So you can do all these things and say how the response... What a difference a day makes. How responsible they are at... How irresponsible they are at 19 but how responsible they are at 16. If you want to save lives, if you want to save energy, if you want to keep kids in school, get them to graduate, Ladies and Gentlemen, this is a method to do it. There is nothing you could vote for more constructive this whole Session than this particular Bill. And I certainly move for a favorable vote. And, by the way, I want to answer one more question.

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Representative Getty's answer to this Bill is not valid. These students would be grandfathered in that got their license before they were, before they were 17 years old that he talks about on the 17 year old."

Speaker Collins: "The question is, 'Shall this Bill pass?'. All those in favor will indicate by voting 'aye', those opposed by voting 'no'. The Lady from Champaign, Representative Satterthwaite, to explain her vote."

Satterthwaite: "Mr. Speaker and Members of the House, in order to clarify a previous question about the Secretary of State's opinion, I have here an article from the New Gazette where the Secretary of State is quoted as having said on May 1st that the Legislature should not act on changing the minimum driving age or on drivers ed. programs until a complete study can be made. He recommended that the assignment be given to the Motor Vehicles Laws Commission to re-examine this whole area. I reluctantly rise in opposition to the Bill because I think there is some merit in consideration of an increased age, but I think it should be accompanied by some provision for allowing those who have jobs to go to work and other worthwhile uses of a vehicle, even at the age of 16. Perhaps also to be coupled with more stringent penalties for accidents in that very early age group. I see the votes are there and I thank you."

Speaker Collins: "There are 127 voting 'no' and the Members still care... it's 130 now. Do the Members still care to explain their votes? Take the record, Mr. Clerk. On this question there are 25 voting 'aye', 133 voting 'no', 1 voting 'present' and this Bill having failed to receive a Constitutional Majority is hereby declared lost. House Bill 289, Representative Stuffle. Read the Bill. Just a minute, please. The Gentleman from Marion, Representative Friedrich, for what purpose do you rise?"

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Friedrich: "Mr. Speaker, I'd like to request a recess for 30 minutes for a Republican Conference in room 114."

Speaker Collins: "The Gentleman requests a recess for 30 minutes for a Republican Conference in room 114, did you say? In 114. Representative Greiman, do you make the same request?"

Greiman: "Yes, Mr. Speaker. Democratic Conference will be called in room 118."

Speaker Collins: "Room 118 for the Democratic Conference. We'll break until 2:30. Please, all Republican and Democratic Members go to your respective rooms immediately."

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

Clerk Leone: "Committee Report. Representative Pullen, Chairman from the Committee on Executive to which the following Bills were referred, action taken May 14, 1981 and reported the same back with the following recommendations: 'be adopted' House Joint Resolution 30, House Joint Resolution Constitutional Amendment 16, House Joint Resolution Constitutional Amendment 24. 'Be adopted as amended' House Joint Resolution Constitutional Amendment 15."

Speaker Ryan: "Messages from the Senate."

Clerk Leone: "Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the Bills of the following titles to wit; House Bill 364 and House Bill 538. Together with the attached Amendments hereto and adoption of which I am instructed to ask concurrence of the House to wit; passed the Senate as amended May 14, 1981.' Kenneth Wright, Secretary."

Speaker Ryan: "Introduction and First Reading of House Bills."

Clerk Loene: "House Bill 1895, E. G. Steele, a Bill for an Act to

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amend Sections of the Illinois Land Surveyer's Act. First Reading of the Bill. House Bill 1896, E. G. Steele, a Bill for an Act to require the reduction in the number of state owned vehicles. First Reading of the Bill. House Bill 1897, E. G. Steele, a Bill for an Act in relationship to the freeze on hiring of new state employees. First Reading of the Bill."

Speaker Ryan: "Representative Peters in the Chair."

Speaker Peters: "Representative Deuster asks leave to bring House Bill 689 from the Order of Third Reading back to Second for the purposes of an Amendment. Does the Gentleman have leave? No objection, leave is granted. Is it 689, Representative? Representative Watson, what's the number of that Bill where you have the Amendment? 648, I'm sorry. The Gentleman asks leave to bring 648 back to the Order of Second Reading of the purpose of adopting an Amendment. Representative Deuster. Mr. Clerk."

Clerk Leone: "House Bill 648 has been read a second time previously. Floor Amendment #3, Deuster, amends House Bill 648 as amended."

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

Deuster: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #3 simply adds one word. The word in 'non-commercial' to the Bill as amended. You will remember that this is the Bill that had an Amendment offered by Representative Watson that changed from semi-annual to annual the inspection for small trucks. It was the intention that these be non-commercial. We thought that's what it was but the importance of this Amendment and the need for the Amendment is to clarify that we're just talking about non-commercial vehicles, and I would urge the adoption of Amendment #3."

Speaker Peters: "Any discussion? The question is, 'Shall

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Amendment #3 to House Bill 648 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Any further Amendment?"

Clerk Leone: "No further Amendment."

Speaker Peters: "Representative Terzich, 145. The Gentleman asks leave to bring House Bill 145 back to the Order of Second Reading for the purpose of an Amendment. Gentleman have leave? No objection, Mr. Clerk. House Bill 145, Representative Terzich."

Clerk Leone: "House Bill 145 has been read a second time previously. Floor Amendment #7, Leinenweber, amends House Bill 145 as amended."

Speaker Peters: "Representative Terzich. On Amendment #7, Representative Leinenweber."

Leinenweber: "Withdraw it, please."

Speaker Peters: "The Gentleman withdraws Amendment #7. Any further Amendment?"

Clerk Leone: "Floor Amendment #8, Leinenweber, amends House Bill..."

Leinenweber: "Move to withdraw it."

Speaker Peters: "The Gentleman asks leave... The Gentleman withdraws Amendment #8. Any further Amendments?"

Clerk Leone: "Floor Amendment #9, Getty-Terzich, amends House Bill 148..."

Speaker Peters: "Representative Terzich, Amendment #9."

Terzich: "Yes, Mr. Speaker, this amends the Civil Procedures... Code of Civil Procedures and after review by the Chairman of the Judiciary Committee and staff, we have a corrective Amendment, Amendment #9 and I would move that we table Amendment #1, 3, 4, 5, and 6 and move for adoption of Amendment #9 which replaces those Amendments."

Speaker Peters: "The Gentleman moves that Amendments 1, 3, 4, 5,

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and 6 to House Bill 145 be tabled. All those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it and Amendment's 1, 3, 4, 5, and 6 are tabled. The Gentleman now moves that Amendment #9 to House Bill 145 be adopted. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair. The 'ayes' have it, Amendment #9 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Karpriel, would you... Repre... Representative Keane, 1254. Out of the record. All right. Representative Grossi on 845. The Gentleman asks leave to bring 845 back to the Order of Second Reading for the purpose of adding an Amendment."

Clerk Leone: "House Bill ..."

Speaker Peters: "Does the Gentleman have leave? Leave granted. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 845 has been read a second time previously. Floor Amendment #4, Grossi, amends House Bill 845..."

Speaker Peters: "Representative Grossi on Amendment #4."

Grossi: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 further restricts the application of House Bill 845 by accepting out of the Bill professional negligence. I ask for your support."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #4 to House Bill 845 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it and Amendment 4 is adopted. Any further Amendment?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Ronan on 1362. The Gentleman here? Representative Pullen on 1270? Is the

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Lady here? Representative Deuster on 648. Gentleman here? Did we do that? All right. Representative Catania on 531. Representative Tate, for what purpose do you rise?"

Tate: "Thank you, Speaker, Ladies and Gentlemen of the House. I'd like to introduce a class of students from Blue Mound High School and their teacher, Stan Otto, from the District 51 which is Representative Donovan, Representative Dunn and my district. Thank you."

Speaker Peters: "Thank you. Welcome to Springfield. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 531 has been read a second time previously. Floor Amendment #4, Catania, amends House Bill ..."

Speaker Peters: "Amendment #4, Representative Catania."

Catania: "Thank you, Mr. Speaker, Members of the House. Amendment #4 was requested by Enrolling and Engrossing. It simply changes some of the lettering in the Bill. I move for its adoption."

Speaker Peters: "Any discussion? Representative Ebbesen."

Ebbesen: "Yes, just to make sure there's no confusion on this Bill. Several days ago the Bill, when it went from Second to Third, I had filed Amendments and they were printed and on the floor but they were never withdrawn. I think it's Amendments #1 and 2 or 2 and 3. Now, it was never acted upon and I never withdrew those Amendments. I'd like to do that at this point and time to make sure that it's in order."

Speaker Peters: "Mr. Clerk, will we please check the status of where we're at on this."

Ebbesen: "In any event, whatever Amendments I have or whatever the numbers are I want to withdraw them so when it goes back to Third that there's nothing that will prohibit the Bill from being acted upon."

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Speaker Peters: "Amendments... The record indicates that Amendments 2 and 3 have been withdrawn. Representative Catania on Amendment #4. Is there any discussion? Representative Hoxsey. Any further discussion? The question is, 'Shall Amendment #4 to House Bill 581 (sic, 531) be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it and Amendment #4 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Leverenz. For what purpose does the Gentleman rise?"

Leverenz: "You said 581. ... Bill 531."

Speaker Peters: "531. 531. 531, Third Reading. The Lady from LaSalle, Representative Hoxsey, for what purpose do you rise?"

Hoxsey: "Yes, Mr. Speaker, just a quick introduction for a group of seventh and eighth grade students from 'Ophir' School Triumph represented by Representative Ewing, Breslin and Hoxsey. Welcome to the the Springfield scene."

Speaker Peters: "Welcome to Springfield. Representative Darrow, for what purpose does the Gentleman rise?"

Darrow: "Thank you, Mr. Speaker. I would like to take House Bill 808 back from the Order of Third Reading to remove an Amendment."

Speaker Peters: "The Gentleman asks leave to take House Bill 808 from the Order of Third Reading back to the Order of Second Reading for the purpose of dealing with an Amendment. Does the Gentleman have leave? Leave is granted. Representative Darrow."

Darrow: "Thank you, Mr. ..."

Clerk Leone: "House Bill 808 has been read a second time previously."

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Darrow: "Thank you, Mr. Speaker. I move to table Amendment #3 to House Bill 808."

Speaker Peters: "The Gentleman moves to table Amendment #3 to House Bill 808 and is there discussion? Representative Zito."

Zito: "Thank you, Mr. Speaker. I would ask the author, what's the subject matter of the Amendment?"

Speaker Peters: "Representative Darrow."

Darrow: "Thank you, Mr. Speaker. The purpose of this Amendment was to provide for the suspension of the license for a one month period for an individual between the ages of 16 and 18. I felt it would be a compromise to Representative Huskey's Bill. I was strongly opposed to that Bill. Having witnessed what happened to Representative Huskey's Bill. I don't feel that a compromise is needed."

Zito: "Well, thank you. I have no objections."

Speaker Peters: "Any further discussion? If not, the question is, 'Shall the Gentleman's Motion to table Amendment #3 prevail?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it and Amendment #3 is tabled. Any further action, Representative Darrow? Third Reading. We're now on the Order of Third Reading continuing the priority of the call and it is the sincere suggestion of the Chair that the Bills are called, the Members respond and that debate be kept to the absolute particulars of the Bill. Representative Madigan, for what purpose do you rise, Sir?"

Madigan: "Mr. Speaker, could you tell us your plan for calling the Bills in what order?"

Speaker Peters: "It is the intent of the Chair to start where we left off at House Bill 289 and to proceed down the list of the priority of call. House Bill 289, Representative Stuffle. Read the Bill, Mr. Clerk."

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Clerk Leone: "House Bill 289, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Peters: "Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members. I'll be brief in my explanation initially because I know that there will be some questions on this Bill. House Bill 289 provides for the university retirement system the same type of early retirement pension formula that was promulgated and passed in Senate Bill 375 some two years ago with regard to downstate teachers. The Bill provides basically for the employee who wishes to eliminate the existing one-half percent per month discount for ages below 60 down to 55 to purchase in conjunction with the employer, the State University System, the discount in effect. We have the same formula in this Bill that we did in that particular Bill for the downstate teachers. As in the case with that particular Bill which is now law, I think it important to point out that while there is a cost to the pension system, that the initial funds that flow into the pension system from the payments made by the employee who elects the option under this Bill and by the employer who is required to make matching contributions, percentage-wise. That money will flow into the fund but also importantly there will be a major reduction in cost as to salaries. I would point out to you that our experience in dealing with the downstate teachers system which many people opposed that particular Bill has been one in which that system as a guideline has seen some seven and one-half million dollars in additional payments go into the pension system with only about 450,000 dollars in new benefits realized because of early retirement. At the same time there has been an appreciable savings in the first year of that program of nearly six million dollars in salary costs by bringing in

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lower salary people. I think this Bill has benefit as a measure that taxpayers ought to be able to support. I know that there are costs to the system but I believe that most of them are offset by the increased contributions. Also, I think it is a good Bill because of the fact that you're reducing salary costs. Overall, there would be a cost benefit. While there would be an increase to the pension system and we could consider that on a ten year basis. If you look at the university system, you use the guidelines even of the Pension Laws Commission who argue that about 10% of the employees might take advantage of this. That would be 400 people in the 55 to 59 age group. If you take their figures, you're talking about those employees adding about 4.8 million dollars to the pension system in the first year. If they were to take advantage of this. At the same time, if you take the average salaries in those people in the age groups in the various titles in the system, you're looking at the potential if you link this up to the type of situation we had in downstate teachers system of a savings of about three and a half million dollars in the initial year in salaries by bringing in lower paid people. I also think to be fair that we can get rid of some bad apples. We can get rid of some people who want out. We can get rid of some people who need out and I think we can do a service to the people by the passage of this Bill. I know that there are counter arguments. I know that there are some questions. I would be happy to asked those and speak in conclusion to the Bill and ask for your favorable support."

Speaker Peters: "On the Bill, Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Peters: "He indicates he will."

Friedrich: "You say that there would be some additional

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contributions by the employer. As a matter of fact, the employer is the State of Illinois so when we talk about contributions, we're really talking about additional money out of General Revenue of the State of Illinois aren't we?"

Stuffle: "Yes, Dwight, there would be additional contributions by the state for the payout on the one hand and there would be the contributions... the state's contribution would be there by way of matching up with the employees' contribution to buy the discount."

Friedrich: "So this is an additional cost. What is that cost, projected cost to the State of Illinois both in the form of contributions and pension payments?"

Stuffle: "The estimated cost, Dwight, annually is two million dollars in terms of the payout, the payout. The estimated influx of money from both employee and employer in the first year is estimated at 4.8 million dollars. In other words, that would go towards the payout. That would be over two times the payout. Part of that is state contribution. Part of that would be employee contribution."

Friedrich: "My specific question was, how much is it going to cost the taxpayer? I'm not concerned, at this point, about how much the employees going to pay, but you keep putting the two together."

Stuffle: "Okay. It would depend upon, it would depend upon how many people 55, 56, 57, 58, and 59 were involved. Basically speaking, basically speaking there would be about three state dollars for every teacher or every university pensioner's dollar if they were to pension off. Three to one, state. The other question you asked about the cost to the taxpayer. The cost is on the pension side as I indicated of about two million dollars. The savings in salaries estimated against that two million dollar annual

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cost is estimated, if you take the downstate system which we already know the figures on, we already know the experience; a savings of about 3.2 million dollars in salaries against the two million dollar cost."

Friedrich: "Well, just briefly, I'd say that if you pension someone and hire someone else and have an additional cost of pensions. I'm a little bit dumb, but I don't understand how you can save any money and I apologize for that."

Speaker Peters: "Representative Ebbesen."

Ebbesen: "Well, yes, Mr. Speaker and Ladies and Gentlemen of the House, this may be the appropriate place for me to make a few comments regarding not just this Bill but a lot of Bills. Representative Stuffle, before I make a couple of comments here, how about, you didn't bring into the picture the increase of the unfunded of accrued liability. What's that estimated to be? Out there, you know, for today's services, somebody's going to have to pay for it in the future. How much."

Stuffle: "Ten million dollars is the accrued liability, Representative Ebbesen."

Ebbesen: "Just from this one Bill."

Stuffle: "I'm sorry."

Ebbesen: "Just from this Bill."

Stuffle: "This Bill. Ten million dollars is the estimated accrued liability of the Bill, the lifetime cost of the Bill."

Ebbesen: "All right. Mr. Speaker, I would like to address myself to this Bill specifically but probably in general to all pension Bills because I'd like every Member of this House to be able to cast somewhat of an intelligent vote. There's a lot of pension Bills out here and what we're really talking about and mostly for the record I guess and to assist each Member in making his or her decision,

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especially for new Members. Now, I have a great, deep concern over the nine years that I've been down here regarding the future stability of not just Illinois pension systems, but when you throw into this the Social Security system, civil service, the armed forces pensions plans, the corporate pensions and then you take state and municipal and local pensions, I get very concerned and it prompted me to go to a very noted firm in this field and kind of sit down and quiz them a little bit because they are actuaries and to get some independent information and facts. And, you know, as individuals I think we all understand personal debt. We probably understand a little bit about corporate debt and occasionally we try to grasp or put a handle on this federal debt. When you talk about federal debt at the local level, I'm taking the picture as a total as far as the country is concerned. The local level is in millions of dollars. At the state level it's billions and you take the national scene, you're talking about trillions of dollars. Now, the unfunded accrued liability in the pension systems in this state when I came down here nine years ago was a little over four billion dollars. Now, nine years later it's somewhere near nine billion dollars. That's 100% increase. And just very briefly, if you take a look at the unfunded liability of future benefits in the Social Security system and I sat down with this actuarial firm, independent, and they said just taking a four percent inflation rate in Social Security and 5.7% in wage increases and 6% interest, you're talking about 5,600,000,000 dollars."

Speaker Peters: "Representative Ebbesen, excuse me. The Lady from Champaign, Representative Satterthwaite, for what purpose do you rise?"

Satterthwaite: "Mr. Speaker, I thought you had requested that we

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confine discussion to the Bills before us. I do not believe this Bill has anything to do with the Social Security system or the various other kinds of retirement programs that the Member on the other side of the aisle is addressing. Could we please get back to the subject?"

Speaker Peters: "I think what the Gentleman is trying to do is to lay the ground work because of the number of pension Bills that we do have and then... I understand. But I think his point is he wants to say that now so he won't have to say that on every Bill that comes up. Your point; however, is well taken. Representative Ebbesen."

Ebbesen: "Yes, this Bill does involve higher education and I think they, too, could use a little information. But it totals in Social Security 5,600,000,000 dollars for the future payments. Unfunded liability and civil service is 200,000,000,000 and in the state municipal and local pension plans all over this country is another 150,000,000,000 and the taxpayers owe 400,000,000,000 of unfunded liability for the armed services, and then the unfunded liability in the corporate plans is 300,000,000,000. That's 6.6 trillion dollars. Now to give you a little handle on what that really means, if one dollar is one second, then one billion is 31.7 years. Now, that means that the 8 1/2 billion dollars that's paid at the rate of one dollar for one second in this state of unfunded accrued liability would take 269 years to pay it off, a dollar a second. Now when you people think for today's services, you're talking about today's services. You're obligating these young people out there on the horizon to pay for this later. Everytime you vote on a pension Bill, you better look at that unfunded accrued liability. Now the actuaries say that 60% to 65% is a safe level of funding where we don't have to worry about these

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systems getting into a financial situation that's very bleak. Most of the systems are around 45 to 50% but you keep adding on at the top the benefits in this public sector on these pensions at the same time the foundation's falling apart and I'm here to tell you that out there on the horizon when the people go to step across the threshold, that money could very well not be there. My only message is, take a good look at every single Bill and that unfunded accrued liability. Now, in addressing myself to this Bill, vote 'no'."

Speaker Peters: "Representative Zito."

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

Speaker Peters: "Question is, 'Shall the main question be put?'. Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Representative Stuffle, to close."

Stuffle: "Yes, on behalf of myself and the two hyphenated principle Sponsors, Representative Polk and Representative C. L. McCormick, let me indicate that I share some of the concerns that Representative Ebbesen does and also indicate to you that while I know his remarks were there to set the ground work for all the Bills, but the Bill does not affect any other system other than universities, nor does it affect Social Security nor does it affect veterans or the cost therein. Let me also note to you that when you do look at the cost that he points out, you look at the pension laws figures that I've talked about here and the answers that I gave to Representative Friedrich. Consider this too, that even if you are to accept the arguments of the Pension Laws Commission about the costs and I will submit to you that they are not accurate and I will tell you why in a moment. Even if you are to accept the Bill costs ten million dollars over its lifetime, the figures are here based upon the experience of the downstate

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teachers system to indicate that ten million dollar cost to the system born by the taxpayers and by those who buy the discount who are employees now would be offset. On the other hand, by savings estimated at between 35 and 40 million dollars in savigs and salaries to the university system. Now I don't make that statement idly. I make it because the experience of the downstate teachers system, under Senate Bill 375, is simply this and I reiterate. We have taken in seven and one-half million dollars in employer and employee contributions to date and paid out against that seven and a-half million coming into the fund, not going out, less than half a million dollars. At the same time in the first year of the program, we save five million dollars, five million dollars in salaries in that particular system. I would also submit to you that when the Pension Laws Commission made its estimates of the cost of the downstate teachers' Bill, they were wrong on the cost initially. They were wrong to the extent that their estimate was ten times, almost eleven times higher than the cost. So I hope you will listen to and look at the arguments made by Representative Ebbesen and others. There are concerns, but also look at the fact that this Bill is not an outflow Bill only. This Bill takes in more money initially and over a period of years than it spends out on pensions and it saves an astronomical amount of money as has been demonstrated in the downstate teachers' system as to salaries. I make the same argument today I made on 375 in closing. We said it would save money overall to the taxpayer and it has and the same arguments apply here today. I would appreciate an affirmative vote on behalf of myself and the other two Sponsors, Representative McCormick and Polk. Thank you."

Speaker Peters: "The question is, 'Shall House Bill 289 pass?'

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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 Wolf, to explain his vote."

Wolf (J.J.): "Well, Mr. Speaker, Members of the House, here we go with another case of profiles in courage. Ten million dollars for the downstate teachers and all those outstanding great people didn't have the guts to vote for peanuts on a House pension Bill the other night. This is a trend to the times. Now you can get your press releases out and I guarantee you the press will not come out tomorrow and say teachers rip off taxpayers by ten million dollars. It will never happen."

Speaker Peters: "Any further discussion? Take the record, Mr. Clerk. On this question there are 105 voting 'aye', 46 voting 'nay', 4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 354, Representative Sandquist. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 354, a Bill for an Act to amend Sections of the Illinois Municipal Code. Third Reading of the Bill."

Speaker Peters: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, this Bill, I believe, is a very important one for the future of our state. It's relatively simple in what it does. It provides that, the state policy is one providing homes in a residential area for disabled persons. It's strictly limited though to five... four people and less outside of the staff. It does preempt the home rule in this area but what it says in the residential area you cannot use zoning to stop such a building. I got this from the Illinois State Bar Association which is one of the

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prime sponsors of the Bill. It's also sponsored by the Department of Mental Health and Developmental Disabilities, by the Illinois Association of Retarded Citizens, by the Guardianship and Advocacy Commission, the Illinois Catholic Conference, the Lutheran Social Services of Illinois, the Illinois Developmental Disabilities Advocacy Authority and the Child Care Association of Illinois. It is opposed, let's put it right on the table, by the Municipal League and they are a strong organization. I understand that, but the reason that they're opposing it, I really don't know. They say that they can deal this ... with this problem in their own way. But over the past few years it has not been dealt with. This states it carries out the function of our Constitution and of our other laws that these people have a right to live in a community, in a residential area. It... As I said, it's strictly limited to four people or less. I think it's something long in coming and we should stand up and be counted. If we're going to say and give credence to the fact that we should take people out of institutions and put them in the community and in the home, this is one way we can do it. And I solicit your 'aye' vote."

Speaker Peters: "Any dis... Representative Getty."

Getty: "Parliamentary inquiry, Mr. Speaker. How many votes will this require?"

Speaker Peters: "Representative Getty, I'm sorry. I could not hear you."

Getty: "Parliamentary inquiry, Mr. Speaker. How many votes would be required to pass this Bill which is under paragraph H of Section 6 of Article VII of the Illinois Constitution?"

Speaker Peters: "Representative Sandquist on that point."

Sandquist: "Yes, on that point. I'd like to say it doesn't limit the power of the municipality to zone. It just describes this kind of a unit of four persons or less."

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Speaker Peters: "Representative Getty, 149. ... little insurance. It is the ruling of the Chair that 89 votes will be required. Any further discussion? Representative Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, I reluctantly rise in opposition of this Bill. I would just like to explain a few aspects of the Bill. Many Members from this General Assembly come from municipalities which have local zoning ordinances which address this type of home, and in my past former experience as a former city councilman from Decatur, many times did I sit in chambers which were full of people in support and in opposition to homes such as this nature. And I only can emphasize that this issue should be decided by your local village boards or your local municipalities and I would encourage a 'no' vote on this."

Speaker Peters: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I move the previous question."

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

Sandquist: "Yes, Ladies and Gentlemen, I think we know what the issue is. I just ask you to have your courage, stand up here and do something that's good for the people. These people need the help. It does have the protections in there so it's limited to a certain area and a certain type of home and I ask a favorable Roll Call."

Speaker Peters: "The question is, 'Shall House Bill 354 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'no'. Mr. Clerk. The voting is open. Have all voted who wish? Have all voted who wish? Representative Barkhausen, to explain his vote."

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Barkhausen: "Mr. Speaker and Ladies and Gentlemen of the House, I'd like to commend the Sponsor for bringing this Bill forward. I see that there is no practical way that we can take care of the neediest citizens in this state if we leave it up to every local community and each of us is aware of controversies in our own area where this kind of problem has arisen. We can take care of these neediest citizens in our state if we allow each community to slam the door in the face of these poor, unfortunate citizens who want a small group home made up of inoffensive and defenseless people is trying to locate in their community and I would encourage all of those who have red lights on the board to have some second thoughts about this Bill."

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

Satterthwaite: "Mr. Speaker and Members of the House, I have before me a letter from the President of the Illinois State Bar Association strongly supporting this Bill. It quotes a Section of the Illinois Constitution that says that all persons with a mental handicap shall be free from discrimination in the sale or rental of property. This is the very issue that this Bill seeks to address. We have found that we do not have the cooperation of municipalities in trying to make some special provisions so that we can keep handicapped people out of institutional care. This is for adults only. It is for very small group homes of four or fewer. There would be constant supervision of the people in these facilities and I urge your support for a very small mechanism of helping to implement our de-institutionalization program to get people... (cut off)."

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

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

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again I see another indication of dictating to local authorities. Now I submit to you that a group home is only as good as the supervisory capacity that's there to supervise it. And unless it's advocated by local authorities and they agree to the control that's there and can oversee it, it's not going to be any good anyway. I submit that they are the ones that should share the responsibility. And I would oppose it."

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

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. All this Bill will do is further encourage de-institutionalization of our mental health institutions in the State of Illinois. The Appropriations Committee recently handled the Department of Mental Health's budget and I think that Mental Health has got the message loud and clear that at least the Members of this General Assembly are no longer, no longer in support of de-institutionalization. Recently, well, in the May edition of Life magazine it pretty well explained what de-institutionalization was doing to the residents of institutions that were being put back into the community. This has to have an enormous fiscal impact. Where's the money going to come from to implement programs such as this? The Membership should be cautious. Those of you who have institutions in your district, those of you who support the AFSCME Union and its efforts be cautious, be careful, vote 'no'."

Speaker Peters: "Representative Hallstrom."

Hallstrom: "Thank you... Due to the wisdom of this General Assembly, in 1965 we passed a mandatory law for special education. As a result of that, we have many young people who are working today who are not in state institutions. All they're asking for and please remember, these are not

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emotionally disturbed, mentally ill children. They are developmentally disabled young people. All they're asking for is a chance to live in a home-like situation instead of an institution. I ask you please to support this. We have to be leaders sometimes. Sometimes society is not ready to do the things that we, as leaders, feel they should do. You know, if you didn't take the leadership in 1965 as one of the Representatives said, if we kept local control can you imagine how many children in local school districts would not be educated and have jobs as they do today. They would still be in institutions. So, please, consider this very carefully and ... (cut off)."

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

Currie: "Thank you, Mr. Speaker and Members of the House. Representative Winchester's statement to the contrary notwithstanding de-institutionalization will continue to be the policy of the State of Illinois. Presently, that policy results in dumping, dumping of mentally ill, dumping of the developmentally disabled, dumping of the least of our citizens in neighborhoods and communities that perhaps are least able to accept that burden. The point of House Bill 354 is to say, 'Let's not do that kind of dumping any longer. Let's give this small set of people, developmentally disabled adults, living in small groups, the opportunity to live like other residents of our great state, the opportunity to be treated as citizens who will have an opportunity to return to their communities who will have an opportunity to live and work to the very best of their ability.' Without House Bill 354 we will continue to see de-institutionalization resulting in the kind of dumping and the kind of concentration... (cutoff)."

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

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

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House. I stand with a green vote as a person for the last eight years that has opposed de-institutionalization. This legislation does not address that question. What happened in many of these community settings, for example, in Princeton, Illinois, the Gateway Center bought a motel and changed the motel into living quarters for the residents of that facility. This legislation allows them by zoning to do exactly what they did. This does not address de-institutionalization. It's a good Bill. Please vote 'aye'."

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

Sandquist: "Well, basically, I was going to say what Representative Mautino just said. This is not a question of de-institutionalizing the mental health institutions of our state. This has to do with disabled kids and we're trying to get them in a community where they can be helped and they have a regular community life which our Constitution provides. And I'm just very sorry that you don't see that. That's all that's involved and it's not anything to do with the home rule."

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

Catania: "Thank you, Mr. Speaker and Members of the House. I rise in support of this excellent Bill. I just want to point out to the people who had their red lights on from the City of Chicago that Chicago amended its zoning ordinance in 1980 to define a group home of four or fewer residents as a residence of this sort doing exactly what this Bill does. So this, in no way, controvenes what has already been done by ordinance in the City of Chicago. It simply follows right along that line, and it's an excellent piece of legislation. It was heard in full in the Committee on Public Institutions and I really would urge people to put on their green lights."

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Speaker Peters: "Have all voted who wish? Have all voted who wish? Take the record. On this question there are 77 voting 'aye', 73 voting 'nay', 14 voting 'present'. Gentleman asks Postponed Consideration. Postponed Consideration. House Bill 379, Representative Lechowicz."

Clerk Leone: "House Bill 379, a Bill for an Act to amend Sections of the Business Corporation Act. Third Reading of the Bill."

Speaker Peters: "Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 379 was drafted at the request of the Illinois State Bar Association. It would eliminate the requirement that the articles of incorporation state the specific purpose for which the corporation is organized. Under the new language the articles of incorporation could simply state that the corporation's purpose is a transaction of any lawful business for which corporations may be incorporated under this Act. The recommended change is more technical than substantive under the present law. A skilled attorney can draft a statement of corporate purposes which takes in account any possible corporate activity. The Bill merely simplifies procedures and eliminates the possibility of law suits in situations where a statement of corporate purpose was poorly drafted. The Bill came out of the Judiciary Committee 13 to nothing. It has the support of the Illinois Bar Association. It has the support of the Secretary of State's Office. It also has the support of the Illinois Manufacturer's Association."

Speaker Peters: "Any discussion? Representative Younge? There being none, the question is, 'Shall House Bill 379 be ... Shall House Bill 379 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk."

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The voting is open. Have all voted who wish? Have all voted who wish? Representative Balanoff, to explain her vote."

Balanoff: "Just a point. Is this Bill 379 or 378?"

Speaker Peters: "379."

Balanoff: "Oh, because I did not see it on the Priority Call."

Speaker Peters: "Yes, it..."

Balanoff: "Yes. Excuse me, I'm sorry."

Speaker Peters: "Okay? Take the record, Mr. Clerk. On this question there are 158 voting 'aye', 2 voting 'no', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 419. Representative Lechowicz. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 419, a Bill for an Act to amend the Business Corporation Act. Third Reading of the Bill."

Speaker Peters: "Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 419 also is a part of the series recommended by the Illinois State Bar Association. It was amended at the request of Representative Leinenweber. This Bill, as amended, relates to the situation in which... Thank you, Mr. Speaker. The Bill, as amended, relates to the situation in which the corporation enters into a transaction in which one of the directors is financially interested. It provides that when the board of directors of the shareholders vote on whether to approve such a transaction, the votes of the interested directors may be counted only to establish the presence of a quorum. Interested directors may not vote on whether to actually approve the contract. Under the original Bill, the interested directors could vote on the question of contract approval. Language is also eliminated which permits

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approval of fair and reasonable corporate contract with interested directors even if the full facts of the interested parties relationship is not fully disclosed or known by the voting shareholders or directors. The Amendment requires the full facts of the interested parties relationship to the transaction to be either disclosed to or known by all the voting shareholders or directors. Again, this Bill is also a recommendation of the Bar Association, the IMA, and the Secretary of State's Office. I'd be more than happy to answer any questions."

Speaker Peters: "Any discussion? Representative Greiman."

Greiman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose this Bill. I would like to give you all a little legal advice if I could and wear my other hat and that is if you are smart thinking you will not become a minority shareholder in a corporation. It is a very uncomfortable position. Under our present law, it is uncomfortable. Minority shareholders are often raped over several times by the majority and even sometimes when the majority says, 'We disclose everything. We give you all the facts. And then we proceed to destroy you.' That doesn't necessarily take it out of the situation that it is economically, from an economical point of view, not a very good position to be in. One of the things that I quarrel with in this Bill is that it allows for preemptive rights to be glossed over in the original articles of incorporation. Presently in our law you... preemptive rights are automatically there unless they are waived. Preemptive rights means merely that if a corporation issues new stock to shareholders, they must issue it share for share, percentage for percentage to each of the shareholders and allow them at least to purchase their proportionate share. So that we would be losing,

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therefore, the possibility of preemptive rights. We would also be losing possibly minority rights on a board of directors because it provides cumulative voting must be in the articles of incorporation. Today, minority shareholders are protected with cumulative voting so that if you own a third of that corporation, you're going to have a third of the directors on that board of directors. I think what this does is to limit to an even greater extent the minority interest in a corporation. Again, my legal and my advice as a lawyer to you is don't become a minority shareholder. My advice as a Legislator, vote 'no' on this Bill."

Speaker Lechowicz: "Any further discussion? There being none, Representative Lechowicz. Oh, I'm sorry, Representative Leinenweber."

Leinenweber: "Well, I was going to comment on the Bill. I am in support of the Bill. It certainly, Illinois for years has bent over backwards to protect the minority shareholder. There is a school of thought which I tend to subscribe to, anybody dumb enough to be a minority shareholder is dumb enough ... doesn't need these protections anyway. And the net result of us bending over backwards was to make the Illinois corporation laws so inflexible that most incorporators select the laws of another state incorporated in states like Delaware and other states that are more flexible. This does... This Bill and the series does tend to bring the law in Illinois to become a little bit more flexible, a little bit more in line with the other states of the United States and ... we would encourage people to stay in Illinois and incorporate here rather than go elsewhere. So I rise in support of the Gentleman's Bill."

Speaker Peters: "Representative Lechowicz, to close."

Lechowicz: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of

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the House. The purpose of House Bill 419 is to eliminate the unnecessary inflexibility in our state's corporate law and thereby to encourage corporations to do business in Illinois. House Bill 419 contains two provisions relating to shareholders' voting rights. First, it allows corporations to limit voting rights to a single class of shareholders. And second, for the corporations organized after July 1, 1971, it provides that the articles of incorporation may deny cumulative voting rights. For corporations organized after December 1, 1981 cumulative voting will be in effect unless specifically provided for in the articles of incorporation. Under present law, shareholders automatically have preemptive rights to purchase unissued and treasury shares. House Bill 419 requires the preemptive rights to be specifically provided for in the articles of incorporation. Finally, this Bill as amended, fills a gap in the Business Corporation Act by clarifying the status of contracts or transactions entered into between a corporation and one of its directors. Such a contract or transaction would be permissible if there is full disclosure and the transaction is ratified by a majority of disinterested directors or shareholders. With all of these Bills in this series House Bill 419 will place Illinois corporation law into closer conformity with that of other jurisdictions. I strongly encourage an 'aye' vote on House Bill 419."

Speaker Peters: "The question is, 'Shall House Bill 419 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'no'. Mr. Clerk, the voting is open. Give it three rings. All voted who wish? Take the record. On this question there are 130 voting 'aye', 26 voting 'nay', 1 voting 'present'. This Bill, this House Bill 419 having received the Constitutional Majority is hereby declared

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passed. 115, Representative Wikoff, out of the record temporarily. House Bill 154, Representative Stearney. Read the Bill Mr. Clerk. Representative McPike, for what purpose do you rise?"

McPike: "Well... just a question of the chair. I wondered what you meant by temporarily?"

Speaker Peters: "Well the Gentleman is not in his seat nor on..."

McPike: "Then it is out of the record and we go on with ...then it goes out of priority of call then."

Speaker Peters: "It has, it has been the policy up to this point Representative McPike, for those people who have not been on the Floor when the Bills are called to attempt to accommodate them as soon as they come back. I mean that is what we have been doing. Representative Giorgi."

Giorgi: "Mr. Speaker, on this point, you know we have allowed people to put their Bill's on Third Reading and then at their, their...leisure to call them back to Second for the purpose of an Amendment and they haven't lost their priority call. I've got three of four Bills I'm concerned about and I am here worrying about them and when I'm not here my Bill is pulled out of the record and I don't get another crack at it. When a guy is missing we're going to have to go...otherwise we're not going to get a fair chance at our Bills and they are all important to us."

Speaker Peters: "Representative Slape on this point. "

Slape: "Yes, inquiry of the chair. Since we went to the priority of call Calendar have we extended this courtesy before? I don't think we have, have we?"

Speaker Peters: "Well that has been at least my practice and I think that of both the Speaker and Representative Collins when we have been in the Chair. I suggest, Representative, that we might leave this and settle it when Representative Wikoff comes back."

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Slate: "Okay."

Speaker Peters: "At that point you can raise whatever objections you want to raise."

Slape: "Is that when the war starts?"

Speaker Peters: "Pardon?"

Slape: "That is when the war starts when... Some of us want to go to supper and we want to know when the war is going to start."

Speaker Peters: "House Bill 154, Representative Stearney. Read the Bill Mr. Clerk."

Clerk Leone: "House Bill 154, a Bill for an Act to amend sections of the Code of criminal procedure. Third Reading of the Bill."

Speaker Peters: "Representative Stearney."

Stearney: "Mr. Speaker, and Ladies and Gentlemen of the House, House Bill 154 would prohibit the issuance of a search warrant to search the premises for items which are...which are not contraband, fruits of an offense or instrumentalities used in the commission of an offense unless probable cause was shown that the person having custody of the premises to be searched committed a crime or that the items to be seized would be concealed or destroyed. Now this Bill was introduced last term, it did pass the House, however, it was not called in the Senate Committee. The purpose for its introduction was, some time ago, a few years ago, the Supreme Court ruled in the case of 'Zercher' vs Stanford Press that the authorities could search the premises of an innocent third party in hopes of finding evidence would could be used against another individual itself. We did have another Bill that passed the House, the Senate and signed by the Governor last term, which was Sponsored by Mr. Grieman, which would provide a protection only for the press alone. Well, mind you now,

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it was my intention that the individuals liberties are on the same constitutional plane as that of the press. And that this Bill, too, should be enacted into law. The Sun Times in an editorial two years ago wrote that an individual's in... freedom and the free press go hand in hand, that one should not be given precedence over the other. And this is an attempt to rectify that particular problem to protect all individuals and not just the media, the institution of the press. If there are any questions I would be glad to answer them."

Speaker Peters: "Any questions? Discussion? Representative Young. Your light is on Ma'am. Representative Kelly, D." Kelly, D.: "Yes, Representative, I would like to ask you a question. What about on search warrants, like for instance, with various types of drugs and drug pushers and so forth? Would it allow for the searching of properties where there might be drugs in a residence or an apartment or would that be considered..."

Stearney: "Well, no, because the Bill, the Bill is limited to those items which are not contraband and drugs are contraband so therefore, you could issue a search warrant. This Bill would not cover that particular area which you are directing your attention to."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker. I do have a question or two for the Gentleman."

Speaker Peters: "He indicates that he will respond."

Leinenweber: "All right. Representative, how would the prosecution show that the items will be concealed or destroyed?"

Stearney: "By affidavit to the court if they had facts leading them to believe that..."

Leinenweber: "Well give me..."

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Stearney: "The person having custody of the premises to be searched has committed the offense..."

Leinenweber: "Well, I'm talking about..."

Stearney: "...or has probable cause to show that a person would access to the items would conceal or destroy them."

Leinenweber: "Well, how would one... give me some examples of facts that would lead a person to be able to swear that there are probable cause that the items will be concealed or destroyed."

Stearney: "Well, assuming our innuendo that the authorities had reason to believe that you were in league with Mr. X in a conspiracy to commit a crime that you had in your possession certain evidence, documentary evidence, that would tie X in with the crime. Well, therefore, then in that situation they could issue the search warrant to search your premises, Mr. Leinenweber, because they believe that you are in league with that... people."

Leinenweber: "Is there any justification for passing this Bill other than to put the rest of us on the same footing as the press?"

Stearney: "Yes, a..."

Leinenweber: "What is that justification?"

Stearney: "Approximately two years ago in the State of Minnesota, we had the authorities issue a search warrant to search the premises of an attorney who was representing a certain individual. And the purpose of the warrant and the search was to uncover incriminating evidence that was in the possession, hopefully, of that attorney to be used against that attorney's own client in his own prosecution."

Leinenweber: "Well, in that instance that would be clearly illegal."

Stearney: "No it wouldn't. Not under present state of the law."

Leinenweber: "Plus there is a cer... there's a confidentiality of

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attorney and client that that would violate."

Stearney: "No there isn't. No there isn't. That is a separate question, Mr. Leinenweber. The first question is whether a search warrant would issue to search the premises of that attorney in hopes of securing evidence which could be used against his client. The second question, which could be argued in court at a later date, is whether that the disclosure of those records would be a violation of the attorney - client privilege? But you're missing the issue. The first issue is whether the warrant could issue and that is the prime consideration."

Leinenweber: "Well, Ladies and Gentlemen, Mr. Speaker, two years ago, I think that we made a mistake when we passed a Bill that Representative Grieman sponsored to create a special class of citizens in effect, to create a special class of citizens called 'the press', just because we did that is no reason to broaden that class to include everybody. This is a bad Bill. It will make it more difficult to recover evidence of a crime. The people will be left to a subpoena which would...requires notice, tremendous amount of time lag it will eliminate the question of surprise. Right now, under the criminal code, the issuance of a search warrant is very limited and it has... we have been operating under this particular provision for a long time without noticeable problems. I think these...this is the type of Bill that in this day and age when crime is rampant that we can well do without."

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

Beatty: "Mr. Speaker, Members of the House, I think this is a Bill that we should support because this Bill will give back to us the rights that they are trying to take away. Why should a subject, a person who is not involved in

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something be subject to the police coming in and searching his premises? Certainly, if the police or the states attorney or the law enforcement people think there is some reason that evidence will be destroyed or contraband will be hidden they should have to go to a court and to a judge. We should have a basic right to be safe in our homes and not be disturbed by the police. We do not need a police state. Times may be bad but they will be a hell of a lot worse if the police can just come in and go jump into a third person's home who is not concerned in the matter. If it is serious enough let them go to a judge and let them get judicial right to come in and bother you in your home. I suggest that we support this Bill."

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

Stearney: "Well, Mr. Speaker, Ladies and Gentlemen ..."

Speaker Peters: "Ladies and Gentlemen you attention."

Stearney: "Mr. Speaker, Ladies and Gentlemen of the House, this here Bill merely protects the innocent third parties. It protects you, each and every one of you, from having the law enforcement authorities come ravaging through your home or through your office in an attempt to find evidence not to be used against you but against some other party. That is wrong. I think the Constitution protects all individuals along with the press. The press, the media, the 'instat institution' should not be accorded any greater rights than any gentleman, any person serving in this House, or any person living in the State of Illinois. This is an attempt, a reasonable attempt to give protection. It will still allow the authorities to secure a search warrant when necessary but if they hope to search your premises in hopes of finding evidence to be used against a third party, another individual, then they should be able to

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substantiate their position that you would conceal or destroy that evidence before they came in and ravaged through your office. This is an attempt to give you greater, not greater, but reasonable rights under the 4th Amendment of the Constitution of the United States. I ask for a favorable Roll Call."

Speaker Peters: "The question is, 'Shall House Bill 154 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. 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 114 voting 'aye', 42 voting 'nay', and none voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. Representative Ebbesen, for what purpose do you seek recognition?"

Ebbesen: "Yes, Mr. Speaker I meant to vote yes and I hit the wrong button would you... could I change my vote on the...on the call there to 'aye'?"

Speaker Peters: "Mr. Clerk, what's the procedure? can we do that from here? The Clerk asks that you fill out a slip. House Bill 174, Representative Pierce. "

Clerk Leone: "House Bill..."

Speaker Peters: "Just, just a second. Rep...Mr. Electrician check Mr. Kosinski's button. Wait, wait a minute, Danny, let's... Read the Bill Mr. Clerk."

Clerk Leone: "House Bill 174, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Pierce."

Pierce: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 174 is intended to give teachers of the Chicago school system the same rights that we have previously given teachers of all other school systems in the state, and that is the right to choose their place of residency where they

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live. Often teachers who work in different districts are married. If each district had a residency requirement they would probably have to get divorced to both live in the district in which they teach. A teacher is a professional person and should have the right to live where they desire. In order to pass this Bill and work out a compromise I have agreed to an amendment. It was put on on Second Reading offered by Representative Keane that has taken care of some objection that the Chicago School Board has. As amended the Bill now provides that Chicago school teachers hired after September 1, 1980 can be required to live in the City. Those who were hired before...on or before September 1, 1980 can live where they choose because there was no residency requirement when they were hired. They can move out of the City if they so desire or move anywhere they desire. I did agree to limit those hired since the Board of Education passed its residency requirement on September 1st. Downstate teachers and suburban teachers are...can live wherever they want, that is the law now. And the purpose of House Bill 174 gives the Chicago teachers some of these same protections. The Bill as amended has been agreed to by the Chicago Teachers Union, Illinois Federation of Teachers and I understand the Chicago Board of Education no longer opposes the Bill. I urge you to vote for House Bill 174."

Speaker Peters: "Any discussion? There being none the question is, 'Shall House Bill 174 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? Representative Grossi vote...Representative McCormick 'aye'. Have all voted who wish? Take the record...wait a...hold on, hold on. C.L's on? Take the record, Mr.

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Clerk. On this question there are 155 voting 'aye', 4 voting 'nay' and 4 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 179, Representative Wickoff, out of the record. House Bill 229, Representative Huskey. Take it out of the record. House Bill 334, Representative Tate. Representative Tate. Read the Bill Mr. Clerk."

Clerk Leone: "House Bill 334, a Bill for an Act to amend the Unemployment Insurance Act, Third Reading of the Bill."

Speaker Peters: "Representative Tate."

Tate: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, this is a very non controversial Bill that amends the Unemployment Insurance Act. Provides that an individual who leaves his employment voluntarily is ineligible for benefits until he has received remuneration (sic) equal at least his current weekly benefit amount for each of the ten consecutive weeks."

Speaker Peters: "Thank you, Representative Nelson. Further discussion? Representative Schuneman."

Schuneman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is another Bill similar to the one that was heard earlier today which would eliminate voluntary quits from our Unemployment Compensation System."

Speaker Peters: "Representative Schuneman, excuse me. The Chair is asked to request that the individual who is a registered lobbyist depart the chamber. Proceed, Representative Schuneman."

Schuneman: "Thank you, Mr. Speaker. I think that when the last Bill on this subject was called, Representative Wikoff's Bill, there was some misunderstanding on the part of Members on both sides of the aisle exactly what this Bill would do. Actually, Representative Tate's Bill requires a shorter period of work experience in order for an employee

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to again qualify for unemployment insurance than Representative Wikoff's Bill did."

Speaker Peters: "Excuse me. The Chair asked that the lobbyist be removed from the chamber. Now, we're not here to embarrass you but we said it once. Now, get out. Representative Schuneman, I'm sorry. Proceed."

Schuneman: "Thank you, Mr. Speaker. As I was saying, this is the Bill that would eliminate from our Unemployment Compensation System the voluntary quits which have been such a drain on this system. I urge every Member to seriously consider the fact that this Legislature is under great pressure to respond to the business community, to society, in general, who will not accept the ideas that we have established a system of unemployment insurance which allows people to voluntarily quit their jobs at a time, and then compensate them under the Unemployment Insurance System, at a time when many, many people in this state are seeking active employment and are unable to find employment. This is a very worthwhile measure, Mr. Speaker, and I would urge that every Member be recorded in favor of this Bill."

Speaker Peters: "Further discussion? Oh, Representative McPike. Representative McPike."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. It seems ridiculous to repeat the same speech that, or the same speeches that were given three hours ago when an identical Bill was defeated. The only difference between this and the Bill we defeated this morning was that that would have required twelve consecutive weeks of work and this would require ten consecutive weeks of work. There's not a lot of difference. I think it's rather strange that whenever we have high unemployment the people that are always blamed are those that are unemployed. I

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don't think it's reasonable, as I said this morning, to ask a construction worker who's having a fight with one of his bosses to work for that man and be harassed when he can quit the job and go to work the next day or the next week for another employer. What we have said to that construction worker or to anyone else in the labor force that if you so choose that option, you can't get along with your boss and you quit you're going to be penalized. You can't receive unemployment in this state until you wait for twelve weeks. Now, that's pretty tough to wait for twelve weeks. So before you quit you've got to say to yourself, 'I've got to feed my family for the next twelve weeks somehow because I can't draw unemployment'. And so now we're going to turn around and say to the guy, 'You better be able to feed your family for the rest of your life because you're never going to draw unemployment because in Illinois today the unemployment rate is nine and a-half percent. The unemployment in the construction trades is anywhere from 20 to 50%. You're being very naive to sit on this House floor with a job secure for two years and try to pretend to yourselves that construction workers can work week in and week out with ever having any fear of finding new employment. They can't do it. The average construction worker works for four weeks for one boss and then goes somewhere else. It's not reasonable to say to that man or woman that if, if under unusual circumstances they quit their job, they will never be eligible for unemployment in this state again until they can work for ten consecutive weeks. That's an unreasonable hardship. And I don't think you have to pretend that we're being easy on those people who voluntarily quit. We have increased the penalties to those people who voluntarily quit from the original scope of the Bill in 1937 of three weeks to the

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present twelve weeks. Since 1965, we've increased the penalty by 50% and in 1980 we made it so strict that the reason for quitting has to be attributable to employer except for five very stringent reasons. As I said before, this is the beginning of the attack by the Republican Party on working men and women. You were defeated this morning and I hope you're defeated again this afternoon."

Speaker Peters: "Representative Topinka."

Topinka: "Yes, Mr. Speaker..."

Speaker Peters: "The Chair will attempt to take one on each side of the aisle. Representative Topinka."

Topinka: "Ladies and Gentlemen of the House, to talk about voluntary quits is absolutely an absurdity. For a person to be able to get up and just leave and collect money for it when they're working on the basis of their own judgement, their own will and their own ability to walk away, I think is ridiculous. To say that the Republican Party is attacking the working man is absolutely a mis-statement. That irritates me. I come from a district which has a great many people in labor. If we don't have industry and if we don't have business here in the State of Illinois, there aren't going to be any jobs, and that's going to be a real big problem. In talking to my labor stewards, and I asked, 'Do you like being a labor steward?', and they said 'Yes, they do'. And I say, 'Do you like it in Little Rock as well because that's where you're going to wind up'. We're not going to have any business and industry in Illinois. And then where are we going to put our people and then how are they going to put money and bread on their tables? And then how are they going to take care of their families? This is a darn good Bill and I think it makes a lot of sense and I think it's about time we passed it."

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Speaker Peters: "Representative Murphy."

Murphy: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, after the last speaker just said that the Republicans weren't pushing these Bills. We've had Workman's Comp., Unemployment Comp., prevailing wage, right to work and I want to assure you it didn't come from the Committee where the Democrats were sitting. When we start talking about unemployment here everybody acts like private industry itself is paying the freight. That is not true. Everything is figured in when you talk about unemployment that's a hidden tax on the product and it goes if you buy a pair of shoes, pair of roller skates or an automobile. It's figured in on the product and the worker is paying for unemployment and don't think that business is paying for it alone. I urge you to vote 'no' on this Bill."

Speaker Peters: "Representative Hudson."

Hudson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I don't think that it can be emphasized too strongly that this Bill is not designed against those who are legitimately unemployed which was, by the way, the philosophy of unemployment insurance to begin with. Those who found themselves unemployed through no fault of their own. But this is designed to tighten up abuses that we're finding within the voluntary quit sector of the unemployed and it is this segment of the unemployed, not all but some, and I don't think there's a Member over on the other side of the aisle that will deny that there are certain numbers of voluntary quits that are abusing the Unemployment Insurance System. And it is these, it is these abuses that are mounting, that are running the costs up, that are depleting the Unemployment Insurance Trust Fund, that are resulting us being close to a billion dollars in hock to the Federal Government and all the rest of it. And as

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Representative Topinka has pointed out, the time will come. When the golden goose that lays the gold..., the goose that lays the golden egg will be slain entirely and there won't be any left for anybody. And I think any thinking, rational individual can see the advantage of stopping these abuses so that the money available can go where it's really needed to those who are legitimately unemployed who actually need the help. But if we're going to cater to the excesses and the abuses of the system the money is going to dry up and even those who need most desperately will not have it. So anyone over there or over here who feels that we're doing any favor to the man or the woman who earnestly needs help by extending and making it more, make it easier for people to abuse the system so that those who need it cannot get it, if they think this is helping the working man or the woman, working woman they are sadly mistaken and I think if they will think about it they will agree. So it seems to me that Representative Tate has a Bill here that's eminently reasonable. It should be supported in the interest of fairness to those who most desperately need the help but who need it legitimately. These are the ones that should be helped. I don't think this is designed... It is not designed to injure the legitimate person in need. It's a reasonable Bill. It deserves the support of those on both sides of the aisle and I would urge you, my colleagues over there as well as my colleagues over here, to give at least this your consideration and your vote. The people of Illinois are looking to us for this. They're looking to us to help improve the business climate. This is needed. This will help everyone. Workers, employers, everyone. This is what the people of Illinois are looking to us to do and today is the time to do it. And this is the Bill to do it on. Let's do it."

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Speaker Peters: "Representative Huff."

Huff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I am constrained by commonsense, Ladies and Gentlemen, to rise in support of this Bill. The facts are, the facts are that the Trust Fund at present is broke to the tune of two billion dollars. In 1979 when the fund first went broke to the tune of two billion dollars we borrowed the money from the Federal Government and the Federal Government gave us the money and imposed, and imposed certain punitive measures. If you will recall, in addition to giving us the money which we have never paid back they put the municipalities into the Trust Fund making additional strain on the taxpayers. If, I'm afraid, Ladies and Gentlemen, that if we go to the Federal Government with our hands out again that they, the Federal Government, there's no guarantee that the Federal Government will even give us the money this time, Ladies and Gentlemen. If they do, I submit that they will impose an increased rate that will be in excess of the 4.2 that the employer's paying now. That rate could go as high as ten to twelve percent. And I ask you, Ladies and Gentlemen, what will the employer do? He only has one or two things to do. He will either lay off more employees to compensate for the additional tax rate or he will leave this state like fleas leave the carcass of a dead dog which will be the status of this state. Ladies and Gentlemen, if this state is to go bankrupt it will be through the Department of Unemployment Insurance. We have no alternative. I'm speaking not so much in a mode of pro-labor but for pro-jobs. Vote for this measure."

Speaker Peters: "Representative Tuerk."

Tuerk: "Mr. Speaker and Members of the House, I'm sure that I could talk for hours on this subject but what has already

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been said I would be redundant. I'm just going to briefly state that in my opinion and in the opinion of the bargaining unit people across the State of Illinois, I'm talking about the people who are members of bargaining units in this state, if you were to use a poll system that overwhelmingly these people would support this type of a Bill. Now it's true, the labor union member, leaders and some of the bargaining or the business agents are certainly opposed to this type of legislation. I'm talking about the working men and women across this state would overwhelmingly support this Bill and rather than say give consideration to the Bill; I'm not satisfied with that type of an appeal. I would be satisfied by saying that this should get at least 125 votes in this chamber. Thank you."

Speaker Peters: "Representative Zito."

Zito: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm interested in hearing testimony on both sides of the aisle for this issue but I don't think there's a Member in this House that is going to have their votes weighed by testimony any further. Therefore, I move the previous question."

Speaker Peters: "Representative Kosinski. Representative. Representative Giorgi."

Giorgi: "Mr. Speaker.."

Speaker Peters: "Representative Jones. For what purpose does the Gentleman seek recognition?"

Jones: "Didn't Representative Zito move the previous question?"

Speaker Peters: "He did except he spoke before and technically we...does not come in with clean hands as we say. Representative Giorgi."

Giorgi: "Mr. Speaker, I don't know. Some things cry out for an answer. For example, Tuerk has spoke on this Bill. His unemployment rate in Peoria County is 15%. And if you

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count those that aren't in the employment ranks it's about 18%. Schuneman's is over 11%. The Sponsor of this Bill, his unemployment rate is 13%. You know, the question I'm asking is, 'What sadistic ecstasy are they getting out of pounding the unemployment into the ground?'. What do you think it feels like on a Monday morning when you can't find a job, and the electric company and the gas company at your house wants to shut off your utilities. You guys are making the whipping board out of the poor unfortunate people of our economy. These guys don't quit their jobs unless they can't put up with whatever the condition is and then when they go to the employment office they're part, put to prove they're entitled to it. I don't know what you guys are smoking over there but this ecstatic orgasm you're getting over this Bill you ought to put it aside. Vote 'no' on this Bill."

Speaker Peters: "Representative McGrew."

McGrew: "I move the previous question."

Speaker Peters: "The question is, 'Shall the main question be put?'. Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Representative Tate, to close."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, several Legislators have alluded to the problems of the Unemployment Trust Fund we're all very familiar with the condition of the Unemployment Trust Fund. This Bill would save fifty-nine million dollars. We've talked about the unemployment rate. We've all campaigned on an improved business climate. If we want to give the business community in this state a green light this a very good Bill to start with. In my district alone, within the last twelve months, I've had four large manufacturers that have all made announcements to build outside the State of

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Illinois and to expand outside the State of Illinois. Those jobs would have stayed in Decatur. We would have had ten thousand additional jobs. Within the last two months I've had three major businesses make announcements to close their doors. That resulted in a net loss to my community of about a thousand jobs. And I'm coming from a district of ten thousand unemployed people. The state can no longer afford to pay Unemployment Compensation to anyone that walks through the door. A vote for the working man is a vote for this Bill. I would encourage an 'aye' vote. Thank you."

Speaker Peters: "The question is, 'Shall House Bill 334 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. To explain his vote, Representative McAuliffe."

McAuliffe: "Well, Mr. Speaker and Ladies and Gentlemen of the House, two years ago I sponsored a Bill to prohibit mailing Unemployment Compensation checks outside the State of Illinois because at that time we found that we were sending about sixty million dollars a year outside the State of Illinois to people on Unemployment Compensation. These people spend their winters in Florida, California and Arizona. They quit their jobs on purpose because they know they can go down there and have a tax, tax free vacation paid by the taxpayers and employers of the State of Illinois. And we're home here in February and March and January working in the cold, they're sitting down in the sun laughing at the people in Illinois that are paying that free tab for them. I urge an 'aye' vote."

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

Darrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, there are those of you who come from pro-business areas where this vote isn't very difficult. There are

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those of us who have a labor philosophy and come from labor district and this vote is not difficult for us either. But for those of you who come from an area that is neither pro-business nor pro-labor but has a mix of both this is a very difficult vote. Over the last few years we had what was known as the agreed Bill process. Labor sat down at the table this time. The public members sat down but business walked out. If we can hold off on this Bill we will go back to the agreed Bill process. Business will sit down again and all these Bills on the Calendar dealing with Unemployment and Workmen's Comp. will be handled through an agreed Bill process. The Republicans have paid their dues to the business community. They've gotten these Bills out on the House floor. Let's go back to the agreed Bill process. Let's have business sit down at the table again and negotiate with labor and the public members. I would solicit either a 'no' vote, a 'present' vote or no vote on this legislation so we can do that. Thank you."

Speaker Peters: "Representative Jim Kelley, to explain his vote."

Kelley: "Mr. Speaker and Members of the House, it just amazes me how anybody can logically vote to give money to people who voluntarily....I could see unemployment insurance for people who are laid off or various reasons can't find a job. But this Bill is addressed to people who just say, 'I quit', and walk away. I logically have to vote 'yes'."

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

Deuster: "Mr. Speaker, Ladies and Gentlemen of the House, there's something about human nature that most of us are proud to work but we have some among us who, if they have an opportunity to quit to walk off and to draw some unemployment, why they're tempted to do that. There's a song that's popular, the title is, 'You Can Take This Job and Shove It'. Unfortunately, there are some people who

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recognize in the law that they can take the job and shove it. They can walk off. They can quit. They can thumb their nose at the slightest inconvenience at their work and then (cut off)."

Speaker Peters: "I'm sorry, Representative. Representative, continue, Representative Deuster."

Deuster: "Yes, I think that all proud working men and women and we call them working men and women, we don't call them quitting men and women, I think all who are members of organizations, labor organizations support this concept. And Representative Tuerk expressed it very well that if you took a poll they would be for this because they're proud to work and they don't like a system that subsidizes or encourages people to walk off, to quit and to say take this job and shove it."

Speaker Peters: "That's by Roy Acuff. Representative Klemm, to explain his vote."

Klemm: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know, it's almost unbelievable to sit here and see people voting to keep people who don't want to work who walk off their jobs and pay them, and yet we're trying to provide benefits that are fair and equitable for those who truly need it. It would seem to me those that have their red lights there would join us in the green lights and say let's try to work together to give these benefits to those who are truly needy and not for those who really flaw up the system. And it seems to me that it's just unbelievable that we can sit here with the unemployment that all of us are experiencing in our counties, people who are desperately looking for work, and to pay people that quit. I just find it unbelievable that at this time of our economy we cannot support such a proposal. And it's only asking them if they do voluntarily quit for two and a-half

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months to go back... (cut off)."

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

Fawell: "I'm sorry. Mr. Speaker and Members of the House, I came from a very working family. My children are all at the age where they are working. Very frankly, if any of my children or I quit work I don't feel that we are entitled for any unemployment insurance benefits. I was brought up to believe that you work for a living. You don't lay on your back. You go out and you look for a job. If you're thinking of quitting one job you get another one before you start out quitting for the first one. I know the working people are for this kind of a Bill and I would suggest my colleagues vote with me and vote 'yes'."

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

Barkhausen: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I, like the Sponsor of this Bill, come from a community in this state which has one of the highest rates of unemployment. And I, like most of the Members who are voting on this proposal, am embarrassed to come from one of a handful of states that awards Unemployment Compensation to those who voluntarily leave their jobs. I think if we're going to be able to provide benefits for those who are truly needy we've got to keep Illinois from remaining a haven for fraud and a sanctuary for deadbeats which is what we have had in this state since 1975. I think it's time to put an end to that nonsense and to make Illinois again a state which believes in the work ethic and I urge more 'aye' votes on that board."

Speaker Peters: "Representative Levin, to explain his vote. No?
Representative Mays, to explain his vote."

Mays: "Thank you, Mr... Thank you, Mr. Speaker. Ladies and Gentlemen of the House, having sat on the Labor and

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Commerce Committee and heard all the testimony on both sides of this issue, I fail to understand how, when we are faced with the tremendous debt that's coming up, going in debt further at one hundred million dollars a month already 1.5 billion dollars to the Federal Unemployment Insurance Trust Fund, I fail to understand how you can shy away from the hard decision that must be made. I really...this is something that we've got to tackle together and make the decisions and the choices and go back and be up front with the people on. And I think we can do that and I ask for more 'aye' votes."

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

Robbins: "I think that if we are not willing to start in to correct this thing, the proper thing to do for the union people is to do as industry has in our area such as the factory at 'Infield' which has moved to Evansville, Indiana. The factory at McLeansboro which is closed down and there will be no more work for those people. Factories in my area, since I have been Representative, have closed down and moved out to the tune of close to 10% of the people that I represent. Now, I can understand factories moving but for you people in the labor market let me explain...(cut off)."

Speaker Peters: "Your time was up, Representative. It's one minute on explanation of votes. I'll let you conclude your thought."

Robbins: "The, I have a son-in-law that moved out of Illinois on a strike and at the present time doing the same job in Indiana. He makes five dollars an hour more so I would suggest that you labor people move your people where they can get the money if you're not going to try to keep the jobs here."

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

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Ebbesen: "Yes, in explaining my vote, you know, I can't help but take note of the special Representative Giorgi talking about no jobs available, high unemployment. And, you know, Senate Bill 234 and 235 Workman's Comp., Unemployment Comp. 285 back in about '75 and it was your side of the aisle that pushed through all of that and created a negative business climate, industrial climate in this state let alone anybody consider staying here to expand. A lot of them thought about leaving and did leave let alone to stimulate others to join us here in this state. And that's why we've got the high unemployment, very high contributing factor to it so I don't know how you people on that side of the aisle can now stand up and make those statements. You created the atmosphere."

Speaker Peters: "Representative Giorgi, on a point of personal privilege."

Giorgi: "Yes, Mr. Speaker, he's talking about Bills that were passed here in '74 and '75. The Sponsors of the Bills are long gone. (cut off)"

Speaker Peters: "I'm sorry, Representative, please.."

Giorgi: "He has the wrong numbers and unemployment insurance wasn't the cause of the '75 Bills. What happened is economic conditions in the entire country went down and these people that are on unemployment now can't help themselves. I said earlier you cannot buy a job. I've had promises from the chamber, the Association of Manufacture or anybody I send them, they have yet to hire one of my people. You know, these people can't find a job on the marketplace. Now, if they quit their job they must attack the Thompson bureaucracy who hasn't been granting any quits unemployment insurance. You're talking about fifty million dollars that we owe the Federal Government. You're going to build two airfields in the Middle East at the cost of

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five million dollars and you're unexcited. You're going to fund the export-import bank five hundred million dollars and you're unexcited. You're going to give five hundred million dollars to the farmers that sell dry milk to the price fresh milk. You're not excited. For fifty million bucks the poor losers that can't make it to the marketplace, you want to drive them into the ground....(cut off)."

Speaker Peters: "Representative Giorgi's point was that his name was mentioned in debate. Representative Friedrich."

Friedrich: "Well, just let me say if we give five hundred million dollars to all these causes I assume it will be voted on by the Democrat House of Representative in Washington. I don't know the way they can get the money. Maybe he can explain that one too."

Speaker Peters: "Representative Ropp..."

Friedrich: "Mr. Speaker, I haven't completed yet."

Speaker Peters: "Oh, I'm sorry."

Friedrich: "In the last few days I've had a great opportunity to talk to the many of the labor people from my area. Believe me, we have a lot of great people in Illinois who are in the work force and I think a lot of them and I think all of you do because that's what one of the things that makes Illinois a great state. But some of these people have told me they're getting tired of carrying the freeloaders and they would like to see the benefits go to the legitimately unemployed and the legitimately injured for Workman's Compensation claims. And I think that's what this is all about. If you think everybody in the labor force is against this Bill you just haven't been talking to the same people I've been talking to."

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

Ropp: "Thank you, Mr. Speaker. I would just like to once again

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reiterate to the Representative from Rockford that maybe his best service would be to buy that newspaper I've talked about previously and really help them go to work. The other thing is that in talking to our own labor people in my own district, they, too, are in support of this kind of concept that gets rid of freeloaders, and I think this is a good move. It's a start. What, how many jobs are really going to be left if, in fact, business leave Illinois? This picture is bigger than what you're really saying whether or not people are going to be unemployed. We're going to be out of work. We're going to be out of jobs. That means less taxes in the State of Illinois and our own personal income taxes will be increased as a result of having to pick up that lost revenue to provide monies for services that many people utilize and appreciate throughout this great state."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 92 votes... On this question there are 92 voting 'aye' and 71 voting 'nay'. The Chair recognizes Representative Murphy."

Murphy: "Verification."

Speaker Peters: "The Gentleman asks for a verification of the vote. Representative Tate asks for a poll of the absentees."

Clerk Leone: "Poll of the absentees. Brummer. Bullock. Capparelli. Epton. Ewell. Garmisa. Margalus. Mautino. O'Connell. Redmond. Concludes the poll of the absentees."

Speaker Peters: "Proceed with the poll of the affirmative vote."

Clerk Leone: "Poll of the affirmative. Abranson. Ackerman. Alstat. Barkhausen. Barnes. Bartulis. Bell. Bianco. Birkinbine. Bluthardt. Boucek. Bower. Collins. Conti. Cullerton. Daniels. Davis. Deuchler. Deuster. Donovan.

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Jack Dunn. Ralph Dunn. Ebbesen. Ewing. Fawell.
Findley. Flinn. Virginia Frederick. Dwight Friedrich.
Giglio. Griffin. Grossi. Hallock. Hallstrom. Hastert.
Hoffman. Hoxsey. Hudson. Huff. Huskey. Johnson.
Karpel. Jim Kelley. Klemm. Kociolko. Koehler. Kustra.
Leinenweber. Macdonald. Martire. Mays. McAuliffe.
McBroom. McCormick. McGrew. McMaster. Ted Meyer.
Roland Meyer. Miller. Neff. Nelson. Oblinger. Pechous.
Peters. Piel. Polk. Pullen. Reed. Reilly. Rigney.
Robbins. Ropp. Sandquist. Schraeder. Schuneman. Irv
Smith. Stanley. Stearney. E. G. Steele. C. M. Stiehl.
Swanstrom. Tate. Telcser. Topinka. Tuerk. Vinson.
Watson. Wikoff. Winchester. J. J. Wolf. Woodyard and
Mr. Speaker."

Speaker Peters: "The count, Representative Murphy, is 92 voting
'aye'. Proceed, Sir. Representative Ewell, do you seek
attention? The Chair recognizes Representative Ewell."

Ewell: "Vote me 'aye'."

Speaker Peters: "The Gentleman wishes to be recorded as voting
'aye'. The count, the starting count is 93.
Representative Vinson asks to be verified. Representative
Murphy, do you agree? Proceed, Sir."

Murphy: "Abramson."

Speaker Peters: "Representative Abramson. The Gentleman is in
his seat."

Murphy: "Barnes."

Speaker Peters: "Representative Jane Barnes is in her seat."

Murphy: "Bianco."

Speaker Peters: "The Gentleman is in the rear."

Murphy: "Daniels."

Speaker Peters: "The Gentleman is in the front in the well."

Murphy: "Findley."

Speaker Peters: "I'm sorry. Oh, Findley. He's converting

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Representative Breslin."

Murphy: "Flinn."

Speaker Peters: "Representative Flinn is in his seat."

Murphy: "Giglio."

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

Murphy: "Hoffman."

Speaker Peters: "Representative Huff."

Murphy: "Hoffman."

Speaker Peters: "Hoffman is in his seat."

Murphy: "Huff."

Speaker Peters: "Representative Huff. How is the Gentleman recorded?"

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

Speaker Peters: "Remove him from the Roll."

Murphy: "McAuliffe."

Speaker Peters: "Representative McAuliffe. The Gentleman is in his seat."

Murphy: "McBroom."

Speaker Peters: "Representative McGrew is in his seat."

Murphy: "McBroom."

Speaker Peters: "McBroom is in his seat."

Murphy: "Meyer."

Speaker Peters: "Representative Meyer is in his seat."

Murphy: "Roland Meyer."

Speaker Peters: "Representative Roland Meyer. In the rear."

Murphy: "Stanley."

Speaker Peters: "Representative Stanley is in his seat."

Murphy: "Stearney."

Speaker Peters: "The Gentleman is in his seat. Any further questions, Representative Murphy?"

Murphy: "Kustra."

Speaker Peters: "Representative Kustra is in..he's here on the side."

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Murphy: "Martire."

Speaker Peters: "The Gentleman is in the rear."

Murphy: "Alstat."

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

Murphy: "Cullerton."

Speaker Peters: "Representative Cullerton is in his seat."

Murphy: "Pechous."

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

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

Speaker Peters: "Remove him from the Roll. Any further questions?"

Murphy: "Oblinger."

Speaker Peters: "Representative Oblinger is in her seat. No further challenges. The count. On this question there are 91 voting 'aye', 71 voting 'no', 3 voting 'present'. This measure having received the Constitutional Majority is hereby declared passed. Representative Telcser."

Telcser: "Mr. Speaker, having voted on the prevailing side by which House Bill 334 passed, I move to reconsider the vote."

Speaker Peters: "Representative Tuerk."

Tuerk: "Mr. Speaker, I move that that lie on the table."

Speaker Peters: "All those in favor will signify by saying 'aye', opposed. The 'ayes' have it. House Bill 342, Representative Balanoff. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 342, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Peters: "The Lady from Cook, Representative Balanoff."

Balanoff: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. I introduced House Bill 342..."

Speaker Peters: "Excuse me, Representative Balanoff. Please give the Lady your attention. Members who are not entitled to

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the floor will please leave. Members who are not entitled, one left earlier. Staff who should not be on the floor will please leave. Give the Lady your attention. Proceed, Mrs. Balanoff."

Balanoff: "Thank you, Mr. Speaker. I introduced House Bill 342 because I was getting complaints from my constituents. Perhaps some of you have got the same complaints, they believed that they were being cheated, they believed that they were being ripped off, when they brought a new car. They buy a new car and drive it and, after about a year or so, when they would get a flat tire, they would pull out their spare tire and for the first time discover that the spare tire was smaller than the tires that were on the car, itself. They did not know this when they purchased the care. Then when they read the directions about using this spare tire, they found that it could be used for only a short distance. Now, if they lived in a rural area, or were driving at night, this would present an actual hazard. One of them told me, he was driving at night and got a flat tire and put the small tire on and, he could not find a gas station open to repair the flat, so he went home and, the next morning when he drove to the gas station, which was six miles away and, he was driving lopsided all the way there, he was told that he needed a new realignment job. Another complaint was, that with these smaller spare tires, the individual had to change the tire two times. Many times when we put a spare tire on the car, we leave it on until we get another flat. But with this smaller tire, we have to change it back to the regular size tire that was originally on the car. People have told me that they throw away the small tire when they discover they have it. Others have told me, those who know they have a small tire, throw it away right away and they buy another tire right

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away. It's unfair to require consumers to buy two spare tires, to pay for two spare tires. It's unfair when you're paying fifteen thousand dollars for a car, to get a spare tire that's smaller than those that are on the car. This Bill says, that all new cars sold, must be supplied with a spare tire that is the same size as the tire on the car. This would prevent what many people believe is a ripoff of the consumer. And I urge your favorable vote and, I would answer questions for you."

Speaker Peters: "Any discussion? Representative White."

White: "Mr. Speaker and Ladies and Gentlemen of the House. I would like to share with you an experience that occurred with me. What the Representative said, a few moments ago, is true what she forgot to tell you that the rim on the spare tire that's in the trunk does not fit a regular tire, so what you have to do is buy a new rim as well. So, I'm in support of this Bill."

Speaker Peters: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. Will the Sponsor yield?"

Speaker Peters: "He indicates...she indicates she will."

Hallock: "Did you state that, your constituent did not know he had a tire in the trunk, a spare tire?"

Balanoff: "I'm sorry, I didn't hear that."

Hallock: "Did your constituent look in the trunk to see if there's a spare tire there?"

Balanoff: "Some people have told me that they do not know it's a smaller tire until a year after they've purchased the car and then they, get a flat, that's when they first discovered the spare tire was smaller."

Hallock: "Well, Mr. Speaker and Ladies and Gentlemen of the House. I would surmise this is a rather simple matter to resolve. Rather than need a Bill such as this, all we have

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to do is urge the people in your district to look in the trunk and see what kind of tire remains there. And if they want a bigger tire, go out and buy a bigger tire. It seems to me to require the industry to furnish a regular size tire for a car, any car size, is an absurd situation. These smaller tires actually keep the cost down a little for automobiles and to require a bigger tire would increase the cost. It's absurd, I would say to pass a Bill of this type and I would urge a 'no' vote."

Speaker Peters: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. If the Sponsor of this Bill says that some friends of hers did not realize they had a smaller tire in their car until a year after they...they bought it, that means in the first year that they owned their car, they didn't look at the owners manual. Because in every single owner's manual and every single piece of literature that these new cars have, which have the smaller tires, they not only explain it they have a picture of it. And frankly, if the people are that dumb, they deserve to be surprised. Now it's possible for every single person who buys one of these cars to order a full size spare tire if that's what they want. Frankly, it's a matter of economy, the tires nowadays are so good that many people to the entire life of their car without ever needing the spare. We seem to stick our nose into business where it doesn't belong over and over again and this is a classic case. Probably if there was any Bill this Session that deserves a Brain B. Duff, award for losing overwhelmingly, this is it."

Speaker Peters: "Representative Bartulis."

Bartulis: "Yes, question of the Sponsor..."

Speaker Peters: "Representative Bartulis. Representative Balanoff, the Gentleman is asking a question."

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Bartulis: "Yes. Representative, how many people came to you with all their problems like....suddenly a year later, opening their trunk and much to their amazement, disc....finding a small tire and wheel inside the trunk?"

Balanoff: "I didn't keep a count. Lots of people did and, I even...even Members of this House told me that they had the same problem."

Bartulis: "Well. Mr. Speaker, I would want to address myself to the Bill."

Speaker Peters: "Proceed."

Bartulis: "I think this is a very, very bad Bill. It did get out of our Committee and, not by my vote, but there's not too many people, a spare tire is a spare tire, that's just to get you in. And that's what all, it's for. And, if a person spends anywhere when five to twelve thousand dollars for a new vehicle and, don't know that they have a small tire in their trunk or the tire that they want, shame on them and, I don't think wasting the time of our time in this House, just on something like this, which a person is spending that much money, should know a little better."

Speaker Peters: "Representative Bower."

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

Speaker Peters: "The question is, 'Shall the main question be put?' Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. The question is, 'Shall....Representative Balanoff to close.'"

Balanoff: "Yes. In answer to the argument that the....a regular size tire would cost more, we....there was conflicting testimony in the Committee hearing. Some people said, it would cost forty-five dollars more for a regular size tire. Others said, the cost is the same. I understand that used car dealers have piles of these small tires and cannot give them away. It's unfair for the consumer to be forced to be

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paying two times for one spare tire. He's being ripped off when he has to buy another spare tire. And, that's why I urge you to vote for this Bill."

Speaker Peters: "The question is, 'Shall House Bill 342 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Representative Ropp to explain his vote."

Ropp: "Mr. Speaker, Members of the House, I rise in support of this Bill. I think that this is a good Bill based on the testimony that we had in Committee. A number of members who were on that Committee, including Legislators themselves, stated that they did not know they had a small tire until they had a flat tire and found out that they had to go and put that little thing on. All of them ended up selling those little tires and buying larger ones, and in effect have cost themselves more money in the overall purchase of that particular automobile. I say to those of you who have said that you should check your driver's manual. I dare say, I don't think any of you really go and check to see if you have got all of your spark plugs, if you've got your alternator, if you've got your carburetor, if you've got your radiator. Those are things that you don't do, you take it for granted. I think this is a good Bill and it deserves your support."

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

Stuffle: "Yes, Mr. Speaker and Members I think there (cut off)...on this particular Bill, but some people make it sound as though this Bill was born yesterday. In fact, it was in before by Representative Waddell, a late Member of this Chamber, who was confronted with this situation where he was nearly 100 miles from home in the dead of winter in an ice and snow storm with a run in tire to drive on that could be driven only at low speeds for a limited amount of

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time and duration. Nobody looks to see what is there. In fact, that owners manual isn't always right. It is not always accurate even as to the size of the gas tank. Many people know that. This is just common sense. It is ridiculous to put these run in tires on cars. We ought to be passing this Bill. We ought to once look to the consumer instead of looking to all of the companies that are claiming that they are saving some energy by reducing the weight of a tire by a couple of pounds and socking it to the consumer twice when they do get a big enough tire to come in on instead of dealing with these run in tires. At least finally they got rid of the little canisters that blow up some of the silly tires. There putting in ... (cut off)"

Speaker Peters: "Representative Kelly, D. to explain his vote."

Kelly, D.: "Thank you Mr. Speaker. I'm surprised that some of my colleagues, especially on the other side of the aisle, seem to be so immune in their constituents to not having problems. I certainly hope that these individuals, especially the ones that my fellow colleagues that have a tendency to exceed the speed limit on occasions, don't have this kind of a problem where they can only drive 25 or 30 miles an hour coming to Springfield when some important matters are up here. On Mother's Day my Mother was going down to the country and as far as I am concerned she is my most important constituent and she is very much in favor of this legislation and she...and I am very proud to support Representative Balanoff."

Speaker Peters: "Representative Nelson to explain her vote."

Nelson: "Thank you Mr. Speaker, Members of the House. I think that you are...if you are on green on this Bill you are missing the point. Consumers want a choice and I have a small tire in my car and I like having a small tire in my

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car because it leaves more room for other things that I want to put in the trunk. If you have a couple of sets of golf clubs and some luggage you want more space in the trunk and that is why I'm on red on this Bill and I would urge more of you to give consumers a choice and vote 'no'.
"

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

Huskey: "Well, well Rep...a Mr. Speaker. Thank you Mr. Speaker, Ladies and Gentlemen of the House. This isn't such a bad Bill. Representative Balanoff brought this Bill to the Motor Vehicles Committee and we asked her in that Committee to put it in its proper form with an amendment and she agreed to do that and she did exactly what she agreed to do. And she has got the Bill in good form and it does not place the burden on the local car dealer to put that spare tire in shape. It places the dealer where it belongs on the manufacturer of the car and I would say that she deserves a 'yes' vote on this Bill. She has worked hard on it and it is a good Bill. It is not a bad Bill. It is a consumers Bill. I think that it deserves a yes vote."

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

Neff: "Thank you Mr. Speaker. It is hard to get recognized here...I expect that you must have the light covered up because it has been there from the time this Bill started to speaking on. I...as I understand it this Bill would... this law would pass, would prohibit any cars from coming in Illinois with a small tire as a spare. Now we would be the only state to my knowledge in the nation that would have such a law as this. Also this came about and it has been brought out here because people were demanding a smaller tire since we have gone to popular car now is a small car and it has smaller trunk space and they wanted more trunk

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space. It's also been brought out here that if anyone ordering a new car and wants a full sized tire they can obtain it. So, therefore, I would hope that this Bill would be defeated because it would cause lots of problems in the state."

Speaker Peters: "Representative Ralph Dunn to explain his vote."

Dunn, Ralph: "Thank you Mr. Chairman and Members...Ladies and Gentlemen of the House. I know that anyone that wants a car with a spare tire can look around and find one. If I was going to buy a car and if I didn't want a little spare I wouldn't buy that make of car or I would have the dealer throw in one. I think that this is a Bill that should be properly addressed by the Congress of the United States if we are going to do this it ought to be uniform throughout the country. I've had an office for some nine years and I've never had a complaint about this. If it gets 89 votes I would like to have a verification, please, Mr. Speaker."

Speaker Peters: "I'm sorry, Representative Ralph... Representative Dunn."

Dunn, Ralph: "If it does get...go over 89 I would like a verification please."

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

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I have heard many people say 'Lets go back to the good ole days'. Well, in the good ole days we had five good tires not four tires." (cut off)

Speaker Peters: "Put the Gentleman back on. We got a flat tire."

Matijevich: "The issue is right C.L. what do we get for our money? We always got five tires for our money and let's go back to the good ole days with five good tires."

Speaker Peters: "Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker, I think if we could harness the air

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that is being expended on this Bill to blow up that small tire to be a large one."

Speaker Peters: "Representative Richmond on the air in tires. Proceed, Sir."

Richmond: "Thank you Mr. Speaker and ladies and Gentlemen of the House. I rise in support of this Bill. I happen to be one who within a week after buying a new Buick had a flat tire and found without my knowledge that I did own a very small spare tire and I contrary to what someone said across the aisle I don't think I am a dummy for not reading my manual. It was in the first week of my ownership of the car but I did find that when I wanted to replace it with a standard size wheel, which was required and a standard size tire I spent another \$100.00 or so. And I felt like I had been duped and I believe that this is a good Bill."

Speaker Peters: "There are a...fourteen Members seeking recognition. Representative Bluthhardt to explain his vote."

Bluthhardt: "Thank you Mr. Speaker and Members of the House. Recently I had an occasion to buy my wife a new Buick Regal."

Speaker Peters: "I'm sorry Representative. Proceed, Sir."

Bluthhardt: "Somebody said, 'How recently?'. I think it was about eight weeks ago. And in looking it over I looked in the trunk and the salesman explained to me all about that small tire. First thing I said was, 'There ought to be a law against this'. But, really, the more that I thought about it... you know I accepted that car in that condition. Anybody who buys a new car and doesn't look in the trunk is not very careful. This is the type of legislation I think that reminds me of the cradle to grave protection of the people. We need this like we need another hole in our heads. Like I need a new set of false teeth. But I did

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have the opportunity to say I don't want that tire and I did have the opportunity to pay the extra \$45.00 or \$50.00. I chose not to and I am satisfied with the bargain that I got. And I think that we ought to get more serious about our legislation and to have less Acts like this before us and we ought to defeat this silly Bill."

Speaker Peters: "Representative Matijevich on a point of order."

Matijevich: "I think after Bluthhardt I ought to have an explanation. Whatever happened that you had to buy your wife a new car? "

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

Steczko: "Thank you Mr. Speaker, members of the House. One of the previous speakers mentioned the possibility of using the small tire that you currently get to have more room in the trunk but when I purchased my new automobile I saw this small tire and had the dealer tell me well, you can always go out and get a spare, a regular size spare which I did but found out that after that spare was purchased it wouldn't fit in space that the small tire came in so if you want extra space in your... in the trunk of your car you should vote for House Bill 342."

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

Hudson: "Thank you, Mr. Speaker. It would seem to me that this might be a situation that we could look to the marketplace and the consumer to correct. Those of us who want to get government off our backs, who say that government regulates all of us and everything now we are telling the car manufacturers what they should do in this regard. I have a new car. I happen to have a Buick. I have a small tire. I may not like it. It may give me some problems but the next time I buy a car I might take that into consideration and get something else. This is the way I think this particular problem should be handled and not with more

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government compulsion."

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

Robbins: "One thing that I think that you...a lot of people are missing is the point that if you want to buy a spare tire you have to buy an extra wheel. The wholesale price is \$23.00 dollars difference to the dealer. Now, it is time that we really thought about safety. Whenever you put on one of those little tires and go down the road you get yourself in trouble. And if you think that you can always get what you order I know because my daughter ordered a new car with a regular size tire with a rim that would match her car and she got one of those pony tires and she don't have a pony cart. "

Speaker Peters: "The final person requesting explanation of vote, Representative Balanoff. Representative Balanoff, do you wish to explain your vote, Ma'am?"

Balanoff: "No. No."

Speaker Peters: "The question is, 'Shall House...'. Well, there's a question. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. I thought I lived a decent Christian life. Representative Balanoff requests a poll of the absentees."

Clerk O'Brien: "Poll of the Absentees: Epton. Garmisa. Margalus. Pouncey. Redmond. Irv Smith. Woodyard. And, Zwick."

Speaker Peters: "Representative Balanoff?"

Balanoff: "Would you please place one..Oh, there's someone who wants to speak.."

Speaker Peters: "Representative Fawell?"

Fawell: "Change my vote to 'aye'."

Speaker Peters: "The Lady requests her vote to be changed from 'aye'...from 'nay' to 'aye'. The count is now 89 voting 'aye'. Representative Ralph Dunn now requests a

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verification of the Affirmative Vote. The Chair would suggest, Representative, that you discuss this very briefly with Representative Matijevich as to the best course of action. In the meantime, Mr. Clerk, proceed with a poll of the Affirmative Vote."

Clerk O'Brien: "Ackerman. Alexander. Alstat. Balanoff. Beatty. Boucek. Bowman. Bradley..."

Speaker Peters: "Representative Dunn."

Dunn: "Is this, Mr. Speaker, this is a very important Bill. I'd ask the Clerk to slow down a little bit. This might be the most important Bill of this Session. It's terrible. Will you slow down a little bit, please?"

Clerk O'Brien: "Braun. Breslin. Bullock. Capparelli. Carey. Catania. Chapman. Christensen. Cullerton. Currie. Deuchler. DiPrima. Domico. Donovan. Doyle. Jack Dunn..."

Speaker Peters: "Excuse me. Representative Vinson."

Vinson: "Yes, Mr. Speaker. I believe I'm recorded as voting 'yes' on this and I'd like my 'yes' vote to be changed to a 'no' vote."

Speaker Peters: "The Gentleman changes from 'aye' to 'nay'. There are now 88 voting 'aye', 76 or whatever....Representative Balanoff."

Balanoff: "Please place this on Postponed Consideration."

Speaker Peters: "God bless you. Postponed Consideration. The Chair has been instructed to announce that in the Speaker's Office and in the Minority Leader's Office at seven o'clock approximately, chicken will be available. Depending upon the vote of the Members, thighs, wings, breasts or other pieces will be served. House Bill 378, Representative Lechowicz. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 378, a Bill for an Act in relation to business corporations. Third Reading of the Bill."

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Speaker Peters: "Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 378 makes four separate changes in the Business Corporation Act. First, it eliminates the requirement of a corporate seal. Corporations which wanted to retain the use of the seal still could do so. The requirement of a corporate seal is obsolete since it is now generally recognized that the signature of officers and directors on corporate documents is sufficient. The second change made by House Bill 378 is to clarify that Illinois corporations have the power to enter into contracts of guarantee and assurityship. Corporations probably already have the power to, at least, to enter into contracts of guarantee, but existing case law is unclear. The third change made by House Bill 378 involves shareholder's access to corporate records. The newly required shareholders to demand inspection of corporate records in writing. Under present law an oral demand is sufficient. Penalty provisions for refusal to permit inspection of corporate records are changed from ten percent of the value of shares to an amount up to ten percent of the value of shares. This latter, this latter change conforms to the existing case law. A shareholder's right to examine all documents remains the same. Only the penalty provision is altered. The reason for the proposed change in penalty provisions is that the definition of books and records of accounts and minutes is very broad and there may be damage to the corporation upon allowing unlimited inspection of documents or upon paying the ten percent penalty. Finally, House Bill 378 eliminates the requirement that an incorporator be a subscriber to shares. There is no reason for this requirement since the incorporator usually does not play a significant role in the affairs of the corporation. This

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Bill and the next Bill will conclude the series that were recommended by the Illinois Bar Association, IMA, and the Secretary of State's Office."

Speaker Peters: "Any discussion? The Gentleman from Cook, Representative Greiman."

Greiman: "Well, the problem with this Bill is that some parts of it are very good and some parts, at least one part of it, has very serious difficulty. You may recall I gave you some legal advice and you turned it down. We'll try it again. This allows corporations to guarantee the debts of another. Let's assume that A and B are the shareholder....A, B and C are the shareholders and directors of a corporation and...or..directors at least of the corporation. And they vote to guarantee the debts of C's corporation. So that what you have is the majority putting the assets of that corporation up against the debts of just one of its members if he can persuade his other member to get there. Now my judgment would be that this Bill should be taken out of the record, brought back to Second, take out that provision that puts my money or your money at risk, if you're a minority shareholder, for business which has nothing to do with the corporation's business. And amending that out or at least requiring that the shareholders, not the directors, but the shareholders make the decision as to whether that corporation will stand as asurity or a guarantor for the debt which is not the corporation's, but is someone else's. I think that's a bad philosophy. We have kept Illinois law rather clear on that, that corporations cannot guarantee other's debts and we should continue that."

Speaker Peters: "Any further discussion? Representative Ebbesen?"

Ebbesen: "Yes. Mr. Speaker and Ladies and Gentlemen of the

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House, relative to the Sponsor, I guess really the four Bills that you have, Representative Lechowicz, I guess the basic trust of everything collectively, for one who's a non-lawyer and not as familiar with this as I probably should be, is the idea to open up, encourage to get more corporations within ..formed in this state? Is that the basic idea?"

Lechowicz: "What happened was that the Illinois Bar Association studied the Corporate Act presently within the statutes, made four specific recommendations of change which consists of the Bills that were presented before Judiciary I Committee. The Bills were introduced. If you take a look at the Digest, it's February 26th, they had a complete and full hearing. I want to commend the Committee as well for their total cooperation and their total perusal of these Bills. There was one recommendation of changed, Representative Leinenweber upon the review of the Committee and that was incorporated in the Bill that was already passed. And I personally believe the Judiciary I Committee of this House is as good as any attorney or corporate body in this state. The recommendation on 378 was 14 to nothing."

Speaker Peters: "Mr...Proceed, Representative."

Ebbesen: "Well, I'm not questioning. I just was wondering if this was the basic trust? Is that correct?"

Lechowicz: "Yes, it was."

Ebbesen: "Okay. Thank you. I'm in favor of the Bills."

Speaker Peters: "Representative Levin? Anything to add? Representative Lechowicz to close."

Lechowicz: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I would strongly recommend an 'aye' vote. It's again a recommendation by the Bar Association, thoroughly reviewed by the Judiciary I Committee. And I strongly endorse 378."

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Speaker Peters: "The question is, 'Shall House Bill 378 pass?'

All those in favor will signify by saying 'aye'; those opposed by voting 'no'. Mr. Clerk, the voting is open. Peters, 'aye'. Have all voted who wish? McAuliffe, 'aye'. Have all voted who wish? Bower, 'aye'. Somebody punch Winchester's button 'aye'. Have all voted who wish? Representative Alexander, would you vote Representative Slape? 'Aye'. Okay? Have all voted who wish? Take the record. On this question there are 145 voting 'aye', 9 voting 'nay', 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 380, Representative Lechowicz. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 380, a Bill for an Act to amend the Business Corporation Act. Third Reading of the Bill."

Speaker Peters: "Representative Lechowicz. Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 380 permits a corporation to make loans to its officers and directors provided that such loans may be expected to be reasonably of benefit to the corporation. Under present law, such loans are prohibited and the directors who consent to the making of such loans are guilty of a criminal conspiracy. Passage of this legislation will help to attract corporate business and jobs to Illinois. Low interest corporate loans are often an important part of the compensation package of chief executives. Such loans are particularly useful to persons who locate in Illinois from other states. I would also note that shareholders and creditors will be more than adequately protected against an improper loan if this legislation is enacted. Corporations will be required to separately itemize all loans to corporate officers and

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directors. Shareholders can exert control over the making of loans by exercising their right to elect directors and by instituting derivative suits in the name of the corporation. Directors will still owe shareholders a fiduciary obligation. That's the purpose of House Bill 380. I'll be more than happy to answer any questions."

Speaker Peters: "Representative Greiman."

Greiman: "Well, thank you Ladies and Gentlemen of the House. Not to beat a bag of bones, as they say. I oppose this Bill, but I want you to know that merely giving of the 'imprimater' of the Bar Association corporate section ought not to be such a matter of great moment. It's made up of corporate lawyers. The notion that somehow a change, making these changes which will affect minority rights of shareholders in corporations will bring in business, just takes that and makes a mockery of that statement. I've heard it in terms of workmens' comp; I've heard it in terms of unemployment insurance. And it may have some credibility in that situation. But to suggest that all of a sudden business is leaving the state or coming into the state because of our rather technical corporate laws is just..just doesn't wash. This is a special interest. This allows for loans to members of corporations...to officers of corporations. We have prohibited those loans over the years. We have said no corporations ought not to lend their directors' money, their officers' money, that that's the shareholders' money. And I believe that's correct. It's not a good tool for financing. It can be used in some corporations to escape creditors and to defraud creditors and I oppose this measure as well."

Speaker Peters: "Representative Johnson."

Johnson: "Well up to now in this package of Representative Lechowicz's, I've been consistent, fairly consistent, in

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Committee and on the floor in supporting him. But this is altogether different. This totally changes the history in Illinois under the Business Corporation Act whereby, I think, in light of an effort to try to bring ethics to business as well as politics, it's been illegal to make a loan to the officers and directors of a corporation. There's also provisions in the law that make corporate directors liable if they assent to a loan to another corporate officer or director. That's entirely reasonable and the only reason to vote for this that I can think of is if you're a corporate attorney or you're in the high level control of corporations in Illinois and you want to totally evade any kind of public scrutiny, any kind of scrutiny on the part of the stockholders and you want to be able to make all kinds of deals between directors and officers and so forth, and avoid any liability for it, then you ought to vote for this Bill. But if you believe in good government, and you believe that corporations ought to be run with a degree of integrity that we try to run government with, then this is a horrible Bill. It totally changes the concept we've had in this state and other states around the country for many, many, many years and I think to do it would be to give an absolute dictatorial power to the people who run corporations to make all kinds of deals without any kind of accountability. And for those reasons and for the reasons that Representative Greiman and others have alluded to, and for the reason that many people in Committee voted against this, I urge a 'no' vote."

Speaker Peters: "Representative Mulcahey."

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

Speaker Peters: "The question is, 'Shall the main question be put?' All those in favor will signify by saying 'aye'; those opposed. The Motion's adopted. Representative

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Lechowicz to close."

Lechowicz: "Well, Mr. Speaker, Ladies and Gentlemen of the House, as far as the vote in Committee, the vote was 9 to..wait a minute. It was ten to four. And in turn, it was the provisions that were required under this Bill, as far as the safety provisions for the shareholders, the intent of the Bill was to provide that the shareholders can exert control over the making of the loans by exercising their right to elect directors and instituting other derivative suits in the name of the corporation. I don't believe there's any difference between the legislation that's contained in House Bill 380 in encouraging the chief executive officers of the respective corporations that are incorporated in Illinois, to be at a disadvantage in attracting your top management personnel. And basically that's the situation now. House Bill 380 will prevent, will make our corporations in the same competitive mode and the same type of laws and protections that are contained in the corporate acts in other states. If you want to be competitive in making a provision of providing a loan to a corporate officer, with the proper safeguards, then vote for this Bill on House Bill 380."

Speaker Peters: "The question is, 'Shall House Bill 380 pass?' Those in favor will vote 'aye'; those opposed will vote 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Representative Leinenweber to explain his vote."

Leinenweber: "Perhaps it won't be necessary. I can see if it's moving."

Speaker Peters: "Well, in the meantime, Representative Barkhausen, to explain his vote."

Barkhausen: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, before all the green lights go up there, I think it's very important to know the Gentleman has come up with three good

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the House. This is a rather simple Bill. It just protects the farming community from encroachment of possible doing away with some prime farmland which we're trying to protect. And basically it says that if someone moves out into the countryside, he can't raise the objection that the farms are causing odor or something that would be unpleasant to him, other than the fact that we would prohibit pollution of the water supplies and the rivers, creeks and streams and it's supported by the farm community and I'd ask an 'aye' vote."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 385 pass?' Those in favor will signify by voting 'aye'; those opposed by voting 'no'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Would someone vote Representative Johnson 'aye'? Representative Tate, Representative Johnson wants to be voted 'aye'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 153 voting 'aye', 4 voting 'no', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Braun, you're going to have to fill out a slip. House Bill 394, Representative Flinn. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 394, a Bill for an Act in relation to advertising space on public mass transit vehicles. Third Reading of the Bill."

Speaker Peters: "Representative Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, This Bill comes about because of the bistate bus system down in the St. Louis area and the Bill does affect only that area. The management over the objections to the board have decided to cease advertising

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on the buses. Their income, their gross income this year was \$300,000. Of course, some of that money was spent on maintaining the signs and that sort of thing. I understand that the net income was \$186,000. Well, when I found out about this I wrote to all the area Legislators informing them and the board members on the east side, pointing out that this money would have to be made up by the taxpayers since we were supplementally funding all the mass transit districts around the state and this one was no exception. I have a counterpart in the Missouri Legislature passing an identical Bill since the Bistate Development Agency is created under a compact by the US Government about 17 years ago and therefore, in order to pass a Bill of this sort, we must have an identical Bill in Missouri. All this does, to hurry up the explanation, all it does is forces them to advertise on their buses for the purposes of receiving income. If there is any net losses then they're not required to advertise. It's only if they have a net income. And we don't point out any particular agency that they must advertise with. I would ask for a favorable vote."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 394 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 148 voting 'aye', 4 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 435, Representative Frederick. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 435, a Bill for an Act to amend Sections of the Inheritance and Transfer Tax Law. Third

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Reading of the Bill."

Speaker Peters: "Representative Frederick."

Frederick: "Mr. Speaker, Ladies and Gentlemen of the House, I believe there's a Motion filed on this Bill and action will be deferred until that time."

Speaker Peters: "I'm sorry, Representative. Would you repeat that please?"

Frederick: "Yes. I believe there is a Motion filed on this Bill and action will be deferred until that time. If not, I would like to ask leave of the House to commit House Bill 435 to the Revenue Committee."

Speaker Peters: "There's no Motion filed. The Lady asks House Bill 435 to be put on...to be put in Interim Study, that Bill having originated in the Revenue Committee. I'm sorry?"

Frederick: "Judiciary."

Speaker Peters: "In the Judiciary Committee. The Bill's in Interim Study. Mr. Clerk, make the proper notation. House Bill 449, Representative Telcser. House Bill 449, Representative Telcser. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 449, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Peters: "Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, House Bill 449 increases the contributions of the Members to the Pension System for their own benefits from seven percent to seven and a-half percent. Currently our total contribution is ten percent, seven for ourselves, three for our spouse to cover his or her benefits. It is my feeling that with the reduction in the size of the House in the future there would be fewer Members contributing to what could be a larger number of people for a number of years in the future

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receiving benefits. And it's my feeling that an extra half percent would help fund the difference in a number of Members contributing."

Speaker Peters: "Any discussion? The question is...the question is, 'Shall...'. Representative Bowman?"

Bowman: "Yes, you're right, Mr. Speaker. This is Representative Bowman over here. Will the Gentleman yield for a question?"

Speaker Peters: "He indicates he will."

Bowman: "Okay. What will this mean actuarially? I presume...You know, you say it will increase the benefits ..I mean increase the contributions and it will help cover the pay-outs which you expect to increase. Will there think there will be a deficit or will this be just adequate to cover or will there be a surplus?"

Telcser: "Well, Representative, there seems to be, frankly, varying opinions as to whether or not the reduction in the size of the House will have a serious or a mild or any impact at all on the funding of our pension system. It seems to me that with fewer people contributing starting the next biennium that we ought at least consider or be in a position to resolve that question and, therefore, I've introduced the Bill to increase our contributions by half a percent."

Bowman: "Well, Mr. Speaker, the Gentleman raises, you know, points out a very real problem. It's inconceivable to me that, you know, a third of the House could disappear and there not be an imbalance between the funds available and the benefits required to be paid because a third of the House will suddenly be claiming benefits. But I'm not sure half a percent is enough to do the job. This is really what I'm suggesting."

Telcser: "Well, Representative, you may be absolutely right. But

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I'd like to move this along and then maybe spend some time with you along with the actuaries from the Pension Laws Commission who has been looking into the matter..."u

Bowman: "Okay. Okay."

Telcser: "But you're right. It may have to go to 8 percent or 9 percent and if so we ought to amend the Bill and do that."

Bowman: "Okay. Thank you very much."

Speaker Peters: "Representative Cullerton."

Cullerton: "Representative Telcser, could you give us a list of those Members who will not be back next year?"

Telcser: "The ax can fall any way, Representative. Could be you or I."

Speaker Peters: "Representative Levin, would you want to say something about that?"

Levin: "Yes. Would the Gentleman yield for a question?"

Speaker Peters: "I was referring to the ax falling either way."

Levin: "I just wanted to ask the Sponsor whether he expects to be on that list."

Speaker Peters: "Any further discussion? There being none, the question is, 'Shall House ...'...Representative Marovitz is here to worry about the ax. The question is, 'Shall House Bill 449 pass?' Those in favor will signify by voting 'aye'; those opposed by voting 'nay'. Mr. Clerk, the voting is open. Peters, 'aye'. 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 127 voting 'aye', 10 voting 'nay', 14 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Getty, for what purpose does the Gentleman arise?"

Getty: "Well, I...I just thought we'd like to note that the Parliamentarian is back and we'd like to thank Representative Vinson for being special assistant acting

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Parliamentarian."

Speaker Peters: "Representative Vinson, our thanks for all your sage advice. He is one of the most nonpartisan individuals I could have thought of, Representative. House Bill 462, Representative Jane Barnes. Show me the Bill. House Bill 462. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 462, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Peters: "Representative Barnes."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, this is a Bill that has been very interesting to work on and it's also been a Bill that I think in some instances has been misunderstood and I hope by the time we finish our presentation this evening you'll have a better understanding of what we're trying to do on the Bill. Our First Amendment rights to free speech and press are precious to all of us, but everyone agrees these rights have limits. The Constitution does not prevent us from keeping children out of x-rated movie houses or away from stores that sell obscene books and magazines. Smut, everyone agrees, is not suitable for young minds. House Bill 462 addresses a logical exception to our First Amendment liberties. My legislation would make it illegal for a librarian to provide a child pornographic literature. Since it is already illegal to sell pornography to a child, I see no reason why it should not also be illegal to loan a child pornography. Teachers can not give pornography to a child in a classroom, yet a librarian using tax monies is allowed to do so. I am not a book burner, but like most people I think there are limits to what our young children should see. Literature such as Show Me containing actual photographs of children, teens, and adults masturbating and making free love is not suitable for children. Teachers,

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bookstore owners, doctors, dentists, lawyers, and all others who sell or provide pornographic literature to children are liable under our Criminal Code as they should be. My Bill would make librarians as responsible as teachers and others are expected to be. Under my legislation, House Bill 462, few librarians would be forced to behave any differently than before. It would only insist under penalty of law that librarians exercise the responsibility nearly all of them already know is appropriate."

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

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this incredibly and unusually bad Bill. If this...the Sponsor of this Bill keeps talking about the harmful effects of loaning pornographic materials to children. That's just a bit misleading since that is not what her Bill addresses. The Bill doesn't talk about pornography; The Bill talks about prohibiting someone to exhibit any harmful material to a child. Now I don't know what 'harmful material to a child' may be. The Bill doesn't exactly tell you what 'harmful material' might be, doesn't define it in any way, but yet it makes it a crime and it makes it a crime for a librarian to permit such material to be on the shelves of a library. That means that without being elected to any office that librarian has become our censor and is telling us what material we may read, what material we may want our children to see, but the librarian has to decide if that material is harmful for that child, not the parent deciding it, but the librarian deciding it. Now this is not a Show Me book. I've read the Show Me book and I think that most of the people here voting have not had an opportunity to

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see the Show Me book. I'm one of the people who have looked at the book and I think the book has a very rightful place in the hands of a parent who wants to make use of that book, who wants to make use of that book in relation to the education of his or her child. But don't confuse the issue. The Show Me book is not the issue of this Bill. The issue that is presented by this Bill is whether or not we're going to allow librarians to be criminally liable and to have a chilling effect on what materials they allow in the library, in essence, to censor everything that comes into a library and to make the determination of that material is quote 'harmful to a child'. This is a terrible Bill. I couldn't more strenuously urge a 'no' vote."

Speaker Peters: "Representative Davis."

Davis: "Well thank you, Mr. Speaker. Contrary to what the prior speaker said, I saw the book Show Me that Representative Barnes showed me before the Bill got to Committee and I must admit to you that I blushed a bit and I'm not easy to shock and I closed the book up because it's filled with child pornography and in my opinion outright obscenity. And that's okay. I mean, if people want to read that, that's fine. I agreed on the strength of looking at that particular document to help Representative Barnes get her Bill out of Committee, just to have a hearing and an airing on the Bill and hopefully that maybe some kind of amendatory language could be addressed on the Bill. I suggested to the Sponsor, as I was pondering this problem, that there could be some amendatory language worked out since the Supreme Court's two major decisions on 'prurience', pornography, and obscenity all relate back to community standards and community morals and what the community wants and does not want. And my amendatory language I suggested to the Sponsor was that maybe the

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affirmative defense could be removed for a librarian in communities who had formally adopted and addressed the tough issue of standards of pornography, 'prurience' and of obscenity. The Sponsor refused to bring her Bill back from Third to Second Reading for the Bill and I told her unless that was done, I could not support it. I think she's got a real concern that needs to be addressed and I think the communities and the library boards and the trustees of villages and municipalities in this state better get about the notion of adopting and resolving the question of community standards in their libraries, in their communities and wherever it's found and then, and only then, if the librarian went contrary to the wishes of the community, would there be a removal of affirmative defense. In those communities who simply don't give a damn and will never do it, then I think the affirmative defense of the librarian should stand because she or he has no knowledge of what the community standards should be. Therefore, I'm in sympathy with Representative Barnes. I'm shocked at the Show Me book and all the other material I've seen in the shelves of libraries brought to me since this Bill was introduced, but I cannot support the Bill at this time unamended."

Speaker Peters: "Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, I think this whole problem is being attacked from the wrong angle. The librarian has a defense only if there's a legitimate educational or scientific purpose. As a father of three children it's my hope that we can get the children to the library and away from the television set, away from sitting in a stupor, dullishly in front of a T.V. set all day and get them to a library. And the fact that they may read something in a library that's not at home, not on

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television, helps get them there, that's for the good. Because who knows? Once they go to the library and start to read instead of just sitting there just watching T.V., they may learn something once they have looked at a few off-color books they may find in the library. And there are very few people in this room, at least very few men Members in this room, when they were young didn't once in a while look around the library for something that maybe their parents didn't have at home. I don't think that that's so bad or that's so evil. At least you're reading and looking at a book and away from television sets and away from those eight pagers that some of you had when you were kids. They weren't in the libraries. So I think we're attacking the whole problem the wrong way by attacking the library or the learning center, or whatever they call it these days. There's nothing wrong with young people wanting their world experience by reading books. Let's get them there. Let's get them reading books. If they happen to read something that's a little risque for their age, that's not going to turn them into a fiend, you can rest assured, otherwise half of the Members of this House would be fiends. And because of that, I intend to vote 'no' on this Bill. Let's not attack libraries. Let's get the children away from the T.V. sets and into the libraries and if they think they'll find something there interesting, all for the better."

Speaker Peters: "Representative Capparelli. Incidentally, the Chair gives permission for pictures to be taken."

Capparelli: "Mr. Speaker, I rise..."

Speaker Peters: "Representative Capparelli."

Capparelli: "I rise to support House Bill 462. Please remember that this legislation only applies to those individuals under 18 years of age. If this legislation becomes law the

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restriction added to the present law will be the prevention of distribution of harmful material to those under 18. That's all it does. I would suggest that everybody vote 'aye' on this Bill. Thank you."

Speaker Peters: "Representative Nelson."

Nelson: "Mr. Speaker, Members of the House, I rise in opposition to this bad Bill. I think that I have a very good understanding of what this Bill does. It removes a protection that librarians enjoy under the child pornography statute. Librarians are responsible people. I believe that this Bill is actually unamerican for two reasons. One reason that we have so many illegal aliens in this country is that people come here for freedom. They understand that that is what America is about. Secondly, I believe that it's unamerican because it's vindictive. It is a response, a reaction to poor judgment on the basis of a poor judgment that one librarian used in one District. In the community where this librarian unwisely loaned a particular book to one child, the candidates who ran against the Board members, who backed the librarian, were defeated. So you see that there is not even support for this concept in that community. I would like you to listen to this statement from the American Library Association. 'Intellectual freedom in its purest sense promotes no causes, furthers no movements and favors no viewpoints. It only provides for free access to all ideas through which any and all sides of causes and movements may be expressed, discussed and argued. The librarian cannot let his own preferences limit his degree of tolerance, for freedom is indivisible. Tolerance is meaningless without tolerance for the detestable.' As an old teacher, I used to say, 'We're not here to make ideas safe for children; We're here to make children safe for ideas'. And I don't think that

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 censorship does that. I urge a 'no' vote."

Speaker Peters: "Represe...What for what purpose does the Representative from Chicago, Representative Stewart, seek recognition?"

Stewart: "To speak in opposition to the Bill."

Speaker Peters: "Representative Stewart, I...I will call you. I am attempting...I have tried to make a small list for myself here. I just counted lights. There are 27 people seeking recognition. The lights are blinking. I see all of you and I would think there's enough interest in this Bill that people who want to have something to say should. And let me just indicate this, if those...those who have their lights on seeking recognition, to shut their lights...to cut off debate, if you would shut your lights off, then it may well be that there's only four people left. Well, half a dozen lights just went off. Representative Keane. Representative Keane."

Keane: "Thank you, Mr. Speaker. In response to the last speaker, I would point out that that person's assessment of the Bill is exactly correct. For the book, Show Me, if it were...if it were given to a minor child by a teacher, the teacher would be liable. If it were sold in a store by a..in a bookstore, the salesman or the owner would be liable. There's no reason to protect librarians or to give them extraordinary protection that not afforded especially to people who are not to be...not expected to be as familiar with books as them, such as a bookstore owner or a teacher. What has happened is the librarians have been caught in a bad situation. They have placed materials, which no one denies them the right to have, in the library shelves, on the library shelves, but not accessible to small children. The book for anyone who is..The book that brought this whole thing to public notice is undoubtedly pornographic."

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Those who find it is not, by itself, pornographic are unusual and I would recommend that anyone who has not seen the book, look at it and remember that if you vote against this Bill, you are voting to allow librarians to put any materials that they want in the hands of young children without any type of protection. Thank you."

Speaker Peters: "Representative Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in opposition to House Bill 462 and I am going to try to be as brief as I can and tell you why. As a resident of the village of Oak Lawn, from which the Sponsor of this legislation comes, I can suggest to you that in the last election, held on April 7th, there were candidates that ran in opposition to the book, Show Me. Each of those candidates that were slated on that platform and every other candidate that ran on a Park District, a village board slate and tied themselves to the censorship candidates, were soundly defeated, some of them not winning one single precinct in the whole village of Oak Lawn, which has 67 precincts. Every newspaper in the State of Illinois that I have had occasion to read is in opposition as editorially against this legislation. Every librarian in the 8th Legislative District and most of the librarians in the State of Illinois are opposed to this kind of treatment. You don't break a butterfly upon a wheel. You've heard a lot of talk about the book, Show Me. I've seen that book and it was shown to me and shown to some of my constituents in the polling places on election day. But what they did not show the people was the 40 page text in the back of the book. I have no 'truck' with the book, Show Me. I think it's a terrible book. But the book is not the issue. The book was the catalyst that brought this Bill to our floor today. This same Bill was defeated in

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Senate Committee by a vote 10 to 2, with only the Sponsor of the Bill and one other voting for the passage in that Senate Committee. There has been no editorial comment throughout the entire state that suggests this Bill is in the best interests of anyone. Only one single book in the whole State of Illinois has been the catalyst of this kind of an effort to place severe penalties on librarians in the State of Illinois: a year in jail, a \$500 fine, second offense, two years in jail, three years in jail and \$1,000 fine. That's not the way to treat people. One lousy, stinking, rotten book has caused this difficulty in the State of Illinois. We can do away with the book, Show Me, but if you pass this Bill, you'll never do away with the shame that you've visited upon librarians and libraries throughout the State of Illinois. What happens, for example, in the universities and the colleges throughout the State of Illinois, they will not be able to give to a child that's 17 or 18 years old, who are students in those universities, any book that is in the least bit like Show Me because then they will be violating the law and run the chance of being incarcerated. I want to tell you this. Those candidates that ran in the village of Oak Lawn and trotted around that village with that stupid, obscene, pornographic book in their hands, got soundly defeated by the more discerning populace and this is in direct opposition to the testimony that was presented in the Executive Committee when this Bill was heard. You were told, the Members of that Committee, that it was the consensus of the people in the village of Oak Lawn that they were opposed to this book and in favor of this Bill. That's ridiculous, because if that were the case, the candidates that campaigned on the Show Me technique would have won instead of being soundly, soundly defeated. The

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people stand for good literature in our libraries, but they object to censorship. Who the heck is going to tell me what my kids are going to read? Somebody that's going to make a decision? On what basis? By what credentials? And how credible are they? I suggest that the Show Me book is terrible. It should not be on the library ...books...shelves. But if one lousy, stinking book is going to make the people of the State of Illinois suffer for many, many years, then we've missed our directions. You don't break a butterfly upon a wheel. There was an opportunity to place three Amendments on this Bill yesterday and the Sponsor refused to call that Bill back to Second Reading. Those Amendments may have made this piece of legislation more creditable, more palatable than it is today. I don't know what her reasons were for not calling that Bill back. Those Amendments were good Amendments. They would have made some people vote for this Bill. But as this Bill stands today, in the pure unadulterated form of vicious censorship, I hope that you'll all join with me in casting a big red 'no' vote."

Speaker Peters: "Representative Stewart."

Stewart: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in opposition to this Bill and I would also remind the Members of this chamber that we are not voting on the book, Show Me. One of the other..One of the prior Members was also mistaken when he stated that a person, a teacher, or bookstore..bookstore keeper would be arrested for...or..liable, for selling this book because this book has not been found to be obscene. But we're not voting here on the merits of that book. I ask that the Members of this Assembly show me that this is not Germany and not the 1930's, that the Members of this Assembly show me that this is still America where we have free ideas and free people.

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I ask you to show me that there still is some intellectual freedom and activity going on in this chamber. And I ask for a 'no' vote. Thank you."

Speaker Peters: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This piece of legislation has probably excited more raw sentiment than anything else in the Session. Unfortunately, that sentiment has often obscured the purpose, the intent and the realities of the situation. One of the things that I want to briefly call your attention to is a quotation from the New York Review of Books which reviewed Show Me. And this is just about as liberal a book review as you can have. Their question was, and I quote, 'Is Show Me for children? Certainly many small children and even preadolescents will find much of it incomprehensible or frightening. In every way it twists a daring, but good idea, into a child abusive joke. To select for a child or even a teenager is to admit not that one is sexually liberated...a sexually liberated parent, but that one is so uncomfortable with the subject of sex that one dares not be discriminating.' Now, I would also ask you to look briefly at a zerox that I've been sent of an ad in Hustler Magazine. And I'd like to ask you to look..to bear with me for just one second while I quote from it. 'Highly recommended for its realistic approach to what is often an awkward subject'. It's shown next to an ad for sex devices. Now, what I would like you to think about, for a minute, in cutting through the emotion and the fever that has gripped this subject, I would like you to think about the underlying law that the Lady seeks to amend. The underlying law was a law that was passed some years back on the subject of child abuse and on the subject of teenage...child pornography. What that law provides for

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and it stands in effect right now, are certain criminal penalties, rather mild, when you distribute harmful...material having a harmful effect to children under a certain age. The Lady's Amendment would simply strike from that law an affirmative defense for distributing what is admittedly harmful material. She does not seek to impose any new definition in the law. I don't personally believe there's a vagueness problem. All she is trying to say is that librarians ought not stand in a more privileged position than anybody else distributing harmful material. That's the net effect of her Bill. I would take you one step further because of the sentiment that surrounds issues such as this. There's a substantial difference, legally, constitutionally, morally, in the cause of freedom between censorship on the one hand and how you run a library on the other hand. Censorship is cutting off news. Censorship is going out and taking things out of newspapers, out of magazines, prohibiting people from circulating ideas and information. But what she is simply saying is that a book like Show Me, a book that the New York Review of Books looks down on, a book that's advertised in Hustler next to sex devices, that that kind of a book ought not be placed on the open shelves of a library for a child, an adolescent who is subject to protection by the child pornography law, to take out. Now, I don't believe that's that unreasonable. I could vote against censorship in a number of aspects and I would if it came before us. But the Lady is not proposing censorship. The Lady is simply proposing a reasonable degree of library regulation so that this kind of a book is placed out of the hands of children who can come in and get it with no guidance. Maybe Show Me is fine if you've got a parent looking..teaching his child with it, if you've got a parent

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who has the guidance and the counseling aspect with his child. But what she is simply saying is that a five year old child can't go into a library and take Show Me off an open shelf. And I would urge an 'aye' vote for the Bill."

Speaker Peters: "Representative Hoffman."

Hoffman: "Thank you, 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. The Motion passes. Representative Barnes to close."

Barnes: "Ladies and Gentlemen, there has been a lot of discussion on this Bill. As Representative Vinson stated, we're not trying to change any words or add words to the language. We're just trying to strike out the affirmative defense which would make librarians more responsible. Alluding to the election in Oak Lawn, I had this Bill on Third Reading and one of the Democratic Leaders asked if I would mind holding this piece of legislation till after that library election. I said, 'Not at all', without hesitation. Because I feel that that election has nothing to do with what I am trying to do. What he neglected to tell you was these three people have never been involved in politics before, but were good-hearted, natured, church-going people that were very upset because this book was on the second floor of the Oak Lawn Library. They did not want to be affiliated with any party. They ran by themselves. Now all of you know when you are very new in politics you think that you can accomplish winning an election like that. The incumbents were sponsored by the Mayor of the town who was elected by an enormous amount of votes. The Oak Lawn Library candidates were not that overwhelmingly put back into office. As most of you know on this floor, until you see the book and see what we are talking about, you don't

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think too much about it either. But once you see that piece of material, you are shocked and you should be. Because we're talking about keeping harmful materials out of the...out of the hands of children. And when one of the speakers alluded to his definition of 'harmful material', he was alluding to it in the generic sense because it is in the statute and harmful material is very well defined as, 'material that contains sexual content that goes beyond customary limits of candor in description or representation of such matters'. Now, as far as going back and accepting the Amendments, what the Amendments wanted to do was put the entire Library Board in jail. The policy statement of the Oak Lawn Library Board and many others, the Library Board delegates the responsibility of the selection of books to the head librarian. That's who this legislation is addressed to, the head librarian that has the degree, who can make the responsible decisions. Another speaker alluded to the Library Bill of Rights. I think when I started to debate this legislation, that is what has shocked me the most. It is the attitude of the people with the American Library Association. They have been quoted and I have the tapes on my desk where they say, 'Yes, Show Me is very titillating, but who cares?'. On national television the interviewer said to this Judy 'Krouck', 'Are you standing there telling me that you think that it is all right to put this book in the hands of a seven year old?' She said, 'Absolutely. All materials in our library must be accessible to minors'. That is where the danger is, the thinking of people like that that think that little children are able to handle a book like Show Me, because they are not. While this started out to be a local issue, I was contacted by nine statewide organizations that also feel the same way as I do in this legislation. I think

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it's a very necessary piece of legislation. I think a message must be sent to let people know that we want to protect our children. We did not say we were banning it from the library shelves. Parents can go in and take the book out. Adults can go in and get the book, Show Me. And then let them use their own judgment, if they think a negative approach to sex is the answer to teaching their children. I would ask for an 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 462 pass?' Those in favor will vote 'aye'; those opposed will vote 'no'. Mr. Clerk, the voting is open. Representative Bluthardt to explain his vote."

Bluthardt: "Thank you. I think there are two points that have not been brought out, but I'd like to bring out. One is, I was told that library boards do exercise censorship when they decide on what literature they're going to have in the library. Well, that's a darn sight different thanNo, that's voluntary man...voluntary censorship. It's a great deal different than censorship by fear. When you enact legislation that makes it a criminal violation, you, in effect, are exercising censorship because the librarians and the Library Board will be fearful of prosecution if they were to inadvertently allow some material out. So we have censorship, just as much so as if you had written it out in black and white in the law as they did in Nazi Germany. The second point I want to bring out is that I believe that the issuance of Show Me was in violation of the present law, that no Amendment to the present law is necessary because the present law only permits the distribution of harmful material, or what some people consider harmful material, when there's a legitimate educational or scientific purpose connected therewith. There doesn't appear to be that purpose here and if the

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State's Attorney of Cook County wanted to he could have brought proceedings against the librarian for violation of the present Act. Because of those two reasons, I'm opposed to the..."

Speaker Peters: "Representative Dick Kelly to explain his vote. One minute. Proceed, Sir."

Kelly: "Thank you, Mr. Speaker, Members of the House. First of all, I would like to compliment Representative Barnes for sponsoring this legislation. It takes guts to stand up on this floor in the House to discuss an issue of this nature. And whether or not she receives 89 votes, she's had a victory and I announce that to her friends and supporters. The librarians have been given the message and a very strong one. I only regret that the Sponsor wasn't able to get together with Representative Jack Davis and some of the other Representatives of us who supported her in the Executive Committee and come up with an Amendment or several Amendments that would provide what she's trying to accomplish, and at the same time, not take away the affirmative defense from the librarians. I'm, you might say, more concerned about common television, about cable T.V. and about the adult magazines..."

Speaker Peters: "Representative Karpel to explain her vote."

Karpel: "Well, Mr. Speaker, since I see the Board is 105 'no's' on this, I had wanted to speak in debate because if there's one Bill that I am against in this whole Session, this is it. And I had several things I wanted to say. But I won't take the time of the House unless for some reason some crazy thing happens and this goes over 89, somehow, I want a verification."

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

O'Connell: "Very briefly, Mr. Speaker, I think if there's any one

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Bill that I would like to vote for it would probably be this one. However, just as many of our Supreme Court decisions that have made tremendous impacts on us for years and years, having based on factual situations that lend themselves to that particular...Mr. Speaker? ..That lend themselves to that particular situation, they draw a wide swath over our lives for years to come. This is based upon one book and I don't think that that one book gives us the justification for creating a wide swath on the question of censorship. I think the Bill could have been readied with better Amendments. I commend the Sponsor for her intentions, but I cannot vote for this Bill."

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

Pullen: "You know, all this Bill is seeking to do is to address a double standard that exists in the law now whereby everyone in society, teachers and everyone else, are subject to criminal penalties for distributing harmful material to children because they ought to be subject to those penalties. But librarians were allowed to put themselves above the law and I guess we're going to allow them to stay above the law even though libraries are supposed to be public ...institutions of public trust. I would think that a library would be a place where a parent could send his child and not worry about that child and not think that he would have to be supervised every minute because people would expect that libraries would not do anything to harm their children. But I guess that people in libraries who are knowingly distributing harmful materials to children ought to be off the hook and ought to just be able to do it willy-nilly..."

Speaker Peters: "Representative Macdonald to explain her vote."

Macdonald: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's interesting to me that we have not, in one of

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the discussions this afternoon, talked about local autonomy and the responsibility of parents and those who are closest to their children. I think that the book, Show Me, is truly pornographic. I think there are other books and other publications in libraries that are unsuitable for small children. In many communities there are restricted areas and there have to be written notes or telephone calls to parents before these books can be given out. I think that it is inappropriate for us at a state level to be taking this kind of action. But as a member of my community and of my District, I will certainly be present with those parents and those concerned adults who do not want this kind..."

Speaker Peters: "Representative Barnes?"

Barnes: "I would like to request ..First of all, I would like to thank all of those brave souls that voted with me. A lot of people have walked over and asked if they could stay off the Roll Call since there is such a high negative reaction. And I will bring the Bill back again next year and I'll take all those lovely Amendments that you talked about and then you said that you could support the concept. I'm a good sport. This has been a very, very interesting revelation. I think that we have alerted a lot of parents that they'd better start to watch what their children are reading. And could we possibly take this out of the record?"

Speaker Peters: "Out of the record. House Bill 496, Representative Schneider. Representative Schneider. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 496, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Schneider on 496. Representative Schneider. The House will stand at ease for five minutes."

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House will come to order. Representative Barnes."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to table House Bill 462 for this Session."

Speaker Peters: "The Lady asks...The Lady asks to table House Bill 462. Representative Katz."

Katz: "Mr. Speaker, I have a parliamentary inquiry and I question the ruling of the Chair. I believe that the Chair was without authority under the House Rules to dump the Roll Call in the way that the Chair did. And I would like you to question it with your Parliamentarian. I direct your particular attention to Rule 36-B and I ask you to check with it and if you sustain the..if you...if that says and I quote, 'On final passage, after the question has been put and the Roll Call is started, a Bill may not be taken from the record'. I believe, Mr. Speaker, that you've violated that Rule. I ask you for a ruling as to whether you adhere to that ruling, and if not, I desire to appeal the ruling of the Chair to the final authority in this House, the Members of this House."

Speaker Peters: "Representative Matijevich."

Matijevich: "Mr. Speaker, I would make the point of order and I think you would do the whole Assembly a favor and make yourself look good if you would say simply that the Chair erred, that a record Roll Call has been taken and declare the Bill lost. That's really all you can do. The Motion to table is not in order when there is a Roll Call in progress and the Roll Call has been taken. I hate to tell you that this is all you can do. You've done such a good job the last two days and I wouldn't want anything to ruin the good job that you have done, Mr. Speaker."

Speaker Peters: "Thank you, Representative. Representative Telcser."

Telcser: "Well, Mr. Speaker and Members, along the lines of

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Representative Matijevich. Whether or not the Chair erred or did not err is something each one of us in our own mind can decide. The fact of the matter is there's no Roll Call. The Lady has asked that the Bill be tabled. And let's go on to the next Bill. If you can't bring back something that's gone."

Speaker Peters: "Representative Yourell. You have your lights on, I'll recognize everyone who has their lights on. Representative Yourell."

Yourell: "Mr. Speaker, as the Speaker of this House your only function is to serve as a protector for each Member. Now, in my judgment and the judgment of many others, you've violated that protective environment that you're supposed to afford from that Chair. Now, I don't think, as others don't think, that you have protected each and every Member. The obvious Roll Call was up there for everybody to see. There are many of us who want a record of that Roll Call and to dump that Roll Call is absolutely incredible, absolutely incredible and a violation of the House Rules and in violation, more importantly, of your role as Speaker from that podium, as a protector of each and every Member's rights. And you have violated those rights, Mr. Speaker, and I'm sorry because some of us were talking just a few moments ago, what a great job and how fair you had been until this point. You've destroyed that, Mr. Speaker. And your only recourse now is to go back to that Roll Call. Now, Mr. Speaker, there has been a Motion to appeal the ruling of the Chair. Aside from what Representative Telcser has indicated, to forget about this nonsense, 'The Roll Call has been dumped', 'There's nothing we can do about it'; That's the easy way out. But I can tell you this, Mr. Speaker, that I want a Roll Call on a Motion to table House Bill 462 in case you decide not to honor the

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Motion to appeal the ruling of the Chair by Representative Katz."

Speaker Peters: "Representative DiPrima."

DiPrima: "Yes, Sir, Mr. Speaker. If the wish of the majority of the Members is granted, I am happy to have my name on as proponent of the Bill. I voted for it and I want to be recorded as such and happy to be recorded as Sponsor of that Bill and a voter of it."

Speaker Peters: "Representative Ewell."

Ewell: "Mr. Speaker, I think one of the fundamental rules of fairness is that the Members listened to an hour of debate on this subject. The Bill could have been withdrawn before that time. It might have even been tastily withdrawn upon the first vote. But I suggest to you that in all fairness to the Members who sit here...And I heard pleas from the Chair to say, 'Let's not waste the time of this Body. We only have limited time'. I say you're doing a disservice. You're causing a great deal of malice and ill will to be injected into the Body. I think that fair is fair and once we, as Americans, stop playing fairly by the rules, you have to understand that you have no authority to arbitrarily take the Bill out of the record. It has to be done with the leave of the House. You did not ask for leave of the House and the only fair and equitable way to go is to allow the Roll Call to be reinstated and so that it may be taken as the record. We sat here for one solid hour and listened to all of the debate, let everybody have their say. We let the proponents make all of their political points that they wanted to make and I think that the record, on behalf of the Members who sit here and listen hour after hour... They're entitled to have a recorded vote."

Speaker Peters: "Representative John Dunn. I'm working my way

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down."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I don't chose to add to the debate about the rules, but I do think one equitable thing to do would be to put another Roll Call up on the Board and just take it quickly and get it over with so we'd have a Roll Call and declare this Bill lost. You...I don't know how you can declare it lost without putting another Roll Call up there. So I think that's what you ought to do and I really wish you would."

Speaker Peters: "Representative Friedrich."

Friedrich: "Mr. Speaker, in addition to the rules around here, we have such a thing we call 'common courtesy' and we also have something that we have as 'precedent'. I don't know of any time in this House when a Member has asked to take a Bill off the record or table their own Bill that it was not allowed. Now I don't know what you're trying to do. I don't know what you're trying to do, whether you're trying to embarrass the Sponsor of this Bill or what. No matter what you're trying to do, the Bill is dead and I think we ought to get on to the other ten pages of Bills here instead of arguing about a finicky thing like this."

Speaker Peters: "Representative Emil Jones."

Jones: "Just...Thank you, Mr. Speaker, just to repeat of what was said earlier by Representative Katz. The record is crystal clear on this particular subject. Now, I am one of the few Members of this House that Representative Jane Barnes had the opportunity to show it to. And I'm talking about the book. And I wantAnd I want my vote to be recorded as to what I saw. So, Representative Katz is crystal clear on this subject. The rules are there. You are wrong. The only thing you can do now, Mr. Speaker, is allow us to vote on what we saw so our votes can be recorded on this

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particular issue.."

Speaker Peters: "Representative Braun."

Braun: "Thank you, Mr. Speaker. In addition to Rule 36-B, which has already been brought to your attention, I would call your attention to Rule 46-B which says, 'When the House is ready to vote upon any question by a record vote, the Clerk shall start the vote recording equipment. When the vote is completed,' as ours was, 'the Clerk shall advise the Speaker of the result and he shall declare the vote and the result to the House'. Mr. Speaker, under the circumstances, it appears you've not just violated one rule, but two, at least. I haven't finished going through the book to find others. And I would greatly encourage the Chair to reconsider his actions and to open the Board up and allow us to reaffirm the Roll Call vote that was originally taken so that the Speaker may conduct himself and fulfill his obligations under the rules that have been adopted for this House."

Speaker Peters: "Representative Balanoff."

Balanoff: "Yes, Mr. Speaker, last night at 10:30 I told one of the Members who is sitting here now that I thought you were a very fair Speaker sitting up there..."

Speaker Peters: "I appreciate that, Representative..."

Balanoff: "However, this last act of yours is the most obscene thing I've seen you do."

Speaker Peters: "I'm sorry. I didn't catch the last statement. Obscene? Representative....Before we get to the way out, Representative, I want to make sure so that I am not accused of unfairness. Representative Bowman."

Bowman: "Thank you, Mr. Speaker. I would like to explain to you why it is important that you either reconsider your position or proceed to a vote on Representative Katz's Motion. A Body, a Parliamentary Body, such as this,

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operates according to precedent. Now, you have established a precedent that is incredibly dangerous and gives the Chair enormous power. If you can take a Bill out of the record without...especially without asking leave of the Body, you can do it not only for this Bill, but you can do it for any Bill. If you can do it for a Bill that has apparently failed, you could do it for a Bill that has apparently won. If the person in the Chair doesn't like the way a vote is going, they could, just on their own Motion, without so much as by your leave from anybody, take a Bill out of the record. That is the kind of power that a Parliamentary Body such as this does not wish to lodge in the presiding officer, regardless of who that presiding officer is, regardless of which party controls the Chair. It's very, very important for subsequent activity of this House that you reconsider your position or take a vote on Representative Katz's Motion to overrule the Chair."

Speaker Peters: "Representative Greiman."

Greiman: "Thank you....thank you, Mr. Speaker. As one of your constituents, I want you to know that both Republicans and Democrats in the 15th District respect and have great affection for you. I don't...I recall last year that the Clerk made a mistake and hit the button and dumped a Roll Call in error. Often when we have the phantom voters come in and vote buttons, too many buttons, we dump the Roll Call then. We dump lots of Roll Calls and we vote them again. We're all here. We're all able to vote again. And what we've done by this, we guarantee everybody two bites at the apple. If you get 70 votes on the first shot..time around, you get a Postponed Consideration. What we do here this way is we give another bite of the apple. Everybody gets two bites of the apple. If she had gotten 70, she could have put it on Postponed. I think that there's...I

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don't understand what this is about. We're all here. The switches are working. Our hands are still manipulative. Let's just vote it again."

Speaker Peters: "Representative Kociolko."

Kociolko: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, if nothing else has been achieved this evening, at least there apparently is some recognition on the part of those who were opposed to this Bill, that there is such a thing as being obscene. I heard that word used a few moments ago with regard to your decision. Perhaps they would extend that to the Bill itself and I would suggest that under the current attitude that I hear, that if Representative Barnes wished to have that Bill placed on exhibit in one of the public libraries in their District, they might find it so obscene that they would not want it placed on exhibit in that public library. I happen to think that we've heard a great deal about censorship and some very noble sentiments expressed and yet apparently now that censorship is extended to this Bill. And the Sponsor of that Bill is not to be allowed a simple courtesy. The Sponsor did conduct herself with great dignity on a very deeply controversial issue. She worked hard to succeed her side and was not successful and now is simply asking for the courtesy to have that Bill tabled. And I frankly am appalled by the way in which those who spoke a few moments ago about censorship and free expression are now very easy to slam the door on a point of view that they apparently do not agree with."

Speaker Peters: "Representative Deuster."

Deuster: "Mr. Speaker, Ladies and Gentlemen of the House, I certainly support the right of any Member to table a Bill. However, that's not really the question and that's not why there's a feeling of concern on both sides of the aisle. I

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think that most Members here understand or have a feeling that some kind of a deception has been practiced on us. We debate a Bill; we take a Roll Call and then we get the impression, whether by prearrangement or otherwise, that some agreement has been made to take away this public record. Now, I'm speaking on it. Unfortunately, most of the speakers on this issue were on the other side of the aisle. I don't think it's a partisan matter. I think it's a matter of having some respect for each and every individual Member of this House. Now I've lost some Bills. Everybody has lost some Bills. It's embarrassing. You're disappointed. You can do it gracefully, but at least have....allow the people of the State of Illinois to know that there's a record vote up there and that our time and our speech was worth something. And I don't know whether you want to go back through this and put the record back on again. But I...at least we've got to get to Representative Katz's Motion. I would not want to embarrass anyone in the Chair by supporting an appeal of the ruling. I would much...But I'm not... I think I would, because I think what was done from the Chair was wrong. Perhaps the Chair felt that this was a nice way to get us out of a dilemma. But we've had ERA. We've had a lot of hot subjects, death, capital punishment, all sorts of things. We take our Roll Calls. We win and we lose and our reds and our greens are up there and so be it. But I personally feel that each and every individual Member has been deceived. And I think that's wrong and I would like to see us just put another record up there. Take it and then let the Sponsor table the Bill and on to the other business."

Speaker Peters: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm informed that chicken and mashed potatoes and

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salad are now being served in the Leadership Offices and I would suggest that we repair to those offices and get the chicken."

Speaker Peters: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, the Sponsor of the Bill that we're hung up on here indicated a few minutes ago that she was a good sport. I think the best course that we can take right now is to admit that there was a Roll Call dumped in error, open the switches and the good sport, I'm sure, will allow us all to put our votes on just as they were before. We can rule out any explanation of votes and it can be done very quickly. I would so suggest."

Speaker Peters: "Representative Madigan."

Madigan: "Mr. Speaker, the food in the Minority Leader's Office is not yet ready. So, if the Democrats would not all go back there right now...Thank you."

Speaker Peters: "Representative Flinn."

Flinn: "Mr. Speaker, I don't what the subject matter is... Mr. Speaker? Mr. Speaker? I know I'm on. I want the Speaker's attention. Mr. Speaker?"

Speaker Peters: "Yes, Representative Flinn."

Flinn: "I'm not aware of what the subject is, but I'd like to move the previous question, if you don't mind."

Speaker Peters: "So would I. Representative Vitek."

Vitek: "Parliamentary question for the Parliamentarian."

Speaker Peters: "Yes, Sir."

Vitek: "If we followed Katz's Motion to rehear this and if you did post it up on the Bill ...on the Board, would the Sponsor have a right before we took a Roll Call at all or heard anybody, if it was posted, would she have a right to table the Bill? This is before there's any Roll Call taken. Right now."

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Speaker Peters: "There's already...Representative, I will try and answer that to my best judgment and explain from my view what had happened after everyone else has an opportunity to say that my actions were obscene, unfair and whatever else. Representative Nelson."

Nelson: "Mr. Speaker, last night I heard you vehemently reprimand a freshman Member of this Body ..."

Speaker Peters: "I'm sorry. Representative Nelson, continue."

Nelson: "...For not understanding the process. I would urge you to reconsider. Thank you."

Speaker Peters: "Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker. Parliamentary inquiry. There is a Motion that's been made to challenge the ruling of the Chair. Is that debatable?"

Speaker Peters: "Well, I'm not sure that the Chair made a ruling. The Chair acted, but I'm not sure it was a ruling."

Ebbesen: "Well, Mr. Speaker, it may be in concert with what everybody else has been saying, but you know, really you've got the two options that's been expressed and I wish you would, without all this dialogue, make one decision of opening up those switches and allowing that Roll Call to go through, which I think is the fair thing to do. If you have been in error- you know all of us make mistakes- then do that. If not, then I think we should proceed with the Motion to challenge the ruling of the Chair. Quite frankly, quite frankly, Mr. Speaker, as one of the Indians out here on this side of the aisle, I think you have been in error in the way this has been handled and I'm going to support a ruling of...challenge the ruling of the Chair if you go that route. I would prefer to place my 'no' vote back up on the Board."

Speaker Peters: "Representative Jim Kelley."

Kelley: "Mr. Speaker, Members of the General Assembly, I..."

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Speaker Peters: "Representative Kelley is the last person."

Kelley: "I, for one, being a freshman and whether you've made an error or not, I don't know. I would assume not. You are a very good Speaker. But I would like to go on record in voting for this Bill. I wrote over 1,000 letters in my District saying I'm for it. I want them to know how I voted here in Springfield."

Speaker Peters: "Ladies and Gentlemen of the House, in answer to the questions that have been proposed, and in answer to the comments that have been made in a spirit of understanding, the feeling on the part of many of you in what was considered to be a...arbitrary, capricious, unconcerned action on the part of the Chair. Let me indicate to you and for the record that it is not in my make-up to end up acting in that manner. I freely admit that I was in total error in clearing the vote when the Lady asked that her Bill be taken out of the record. That was an error on my part and an error in not full understanding of the rules as they totally apply in regard to a Bill on Third Reading once a Roll Call was in progress. I freely and totally and fully admit to that error. My vote on that issue was the same as the majority of those voting on that particular question. The Chair, however, now, after having made that error, must determine some way to reinstitute that Roll Call so that his error is corrected and that the Members of this Body can be recorded on that legislation as they wished to be recorded. The Lady from Cook, has asked, or had asked that consideration be given to a request that she table that Bill. Tabling the Bill does not resolve the problem that we are in now, nor does it give expression to the Lady's intent, nor to the intent of the Chair, not to deprive any Member of this House of their right to have their Roll Call recorded. While all of us have been

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extending ourselves and directing their actions to the Chair through the good offices of the Leadership on both sides of the aisle, I now call on the Lady from Cook, Representative Barnes."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to withdraw the Motion to table. I do not mind being recorded on House Bill 462. I did a lot of work on it. I feel very strongly about the concept. Those that want to go on record, I'd be very happy to have you go on record. Those of you that do not want to be recorded as 'yes' feel free to not vote 'yes'. Because I know once I give my word on a Bill, I'm there. So those of you that don't want to vote 'yes', I certainly will not hold that against you."

Speaker Peters: "Mr. Clerk, House Bill 462. Those in favor will vote 'aye', hopefully nobody has to explain their votes anymore. All those in favor will vote 'aye'; those opposed will vote 'nay'. The voting is open. Have all voted who wish? Is everyone recorded? Representative Balanoff, does this satisfy the obscenity charge?"

Balanoff: "I still maintain you are very fair. Thank you."

Speaker Peters: "I believe in original sin and forgiveness. My thanks to Speaker Ryan and to the Minority Leader, Representative Madigan, for their quiet, kind and concerned activity in resolving a problem for a virgin Speaker who is no longer a virgin. Take the record, Mr. Clerk. Representative Madigan."

Madigan: "Representative, now you know why I went into the Chair so ...Simply to announce that the food for the Democrats has not yet arrived."

Speaker Peters: "Pardon?"

Madigan: "The food for the Democrats has not yet arrived. As soon as it does, you will be notified."

Speaker Peters: "Thank you. On this Bill there are 32 voting

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'aye', 123 voting 'no', 6 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 496, Representative Schneider. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 496, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Schneider."

Schneider: "Thank you, Mr. Speaker. For the lead-in to 496, 496 is a proposal that deals with transportation. It basically assists districts that have..own and operate their own buses. It basically allows for unrestricted costs to be incorporated into their reimbursement and I think that's all that it really is doing. It's fair and an equitable way of trying to come to grips with a problem that has been addressed over the last couple of Sessions and we're getting closer to being more equitable. I would ask for your adoption of this Motion..er..of the Bill."

Speaker Peters: "On the Bill, Representative Ewell."

Ewell: "Would the Sponsor mind yielding to a question?"

Speaker Peters: "He indicates he will."

Ewell: "Does this sort of address itself to some kind of inequities in transportation?"

Schneider: "Well, I gave you those throw away words for your benefit, Representative Ewell. I thought you would like to address the question of equity. But the law is already in place. We've been trying to deal with it over the last couple of years. I know you have some concerns about increasing...having a tax imposed in Chicago without referendum.."

Ewell: "No, I didn't want to talk...No, no. No, no."

Schneider: "...But that's up to you."

Ewell: "I just want to talk about the current Bill and I'm trying to understand that what you want to do is sort of alleviate

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some inequities that exist and...in terms of transporting students. Is that correct?"

Schneider: "We are trying to expand the unrestricted costs...the indirect costs, unrestricted from restricted."

Ewell: "Oh. It will cost though..."

Schneider: "You make your judgment on what that means.."

Ewell: "I know. But it will cost a little money, will it not?"

Schneider: "Very small amount."

Ewell: "Oh, okay. Well, I just wanted to try and understand some of these complex measures and I want you to know you have my support."

Speaker Peters: "I'm sorry. Representative McClain?"

McClain: "Thank you very much, Mr. Speaker. Would the Gentleman yield? Mr. Schneider, is this for self-owned bus systems or contract?"

Schneider: "The contract bus system, as you know, in any contract with the School District place in their contracts all of the costs. That is, they are not identified as they are in the owned and operated districts. So it has, in effect, unrestricted costs that are basically picked up by the state or the local in varying shares. So, the impact in terms of fairness is to bring the owned and operated bus districts into a greater kind of equity with the contract districts."

Speaker Peters: "Representative Friedrich. Representative Friedrich?"

Friedrich: "You referred to the fact that it was going to cost just a little money. My analysis says \$634,000..."

Schneider: "...634, right."

Friedrich: "Is that...Yes, 634, yes. That's a little money where you come from?"

Schneider: "Statewide on the education budget and others, I think 634 is a small amount."

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Speaker Peters: "Further discussion? Representative Reilly."

Reilly: "Just briefly, Mr. Speaker and Ladies and Gentlemen of the House, in support of the Bill. While the analysis does say that it would cost \$634,000, that's entirely dependent on how much we fund transportation. It can result in any kind of proration which, in fact, we'll end up prorating transportation no matter what we do. Representative Schneider is absolutely right. The current formula diverts money in a sense from those districts that contract out their bus systems and unfairly advantages those and disadvantages those in many cases downstate that own and operate their own bus systems. It's a good and reasonable proposal. Whether it costs anything depends on the appropriation, not on the substantive Bill. And I would urge a favorable vote."

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

Schneider: "Thank you, Mr. Speaker. I think we've touched on the salient points of the proposal. It does bring the owned and operated bus systems into closer conformity with those that receive the benefits of contractual bus service. I would solicit your 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 496 pass?' Those in favor will signify by voting 'aye'; those opposed by voting 'no'. Mr. Clerk, the voting is open. Representative Wolf, Peters 'aye'. Thank you. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 142 voting 'aye', 7 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 497, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 497, a Bill for an Act to amend the

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School Code. Third Reading of the Bill."

Speaker Peters: "Representative Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 497 is a Bill from the State Board of Education. It does exactly as indicated in the Digest. It deals with the question of the equalized assessed valuation in relation to the corporate personal property tax replacement that we placed in the General Distributive Fund formula last year. This one just applies to transportation and gifted program which are the only other two programs that are driven to any extent by assessed...districts' assessed valuations. I move for your support."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 497 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? Mr. Clerk, take the record. Hold on. Hold on. All right? Representative Ewell, 'aye'. Representative Henry, will you vote Representative Ewell? Although it's another violation of the rules, Representative Braun. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 155 voting 'aye', none voting 'nay', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. The gentle Lady from Cook, Representative Hallstrom. House Bill 501. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 501, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill passed the House by a very large majority last Session and then was caught up in the Senate

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Rules Committee. You'll be happy to know it doesn't cost anything and it does repeal something in the School Code that allowed for county advisory committees to come up with plans for handicapped children. We no longer have the 102 committees that we had back in 1965. So this Bill now addresses what's happening right now in our School Districts. We have joint agreements, local School Districts who are coming up with those plans. We're repealing that whole Section for the county advisory committees. If there's any questions I'd be glad to answer them. Thank you."

Speaker Peters: "Any further discussion? There being none, the question is, 'Shall House Bill 501 pass?' Those in favor will signify by voting 'aye'; those opposed by voting 'no'. Mr. Clerk, the voting is open. Representative Katz, for what purpose do you rise, Sir?"

Katz: "Yes, Mr. Speaker, in voting for my fine colleague's Bill, I do want to say something about record keeping in schools and special education. We are spending half of our lives in schools keeping records and filing reports instead of taking care of the problems of children. That's been true in special education to a considerable extent. And we are tying up valuable services preparing reports that sit lodged in desks for the most part. And while I'm not talking about this Bill in particular, I do want to say that we ought to stop requiring so many reports and let schools run their own services generally."

Speaker Peters: "Representative Levin. Representative Matijevich, would you come to the Chair please?"

Levin: "In explaining my vote, and again, not really in connection with this Bill, just to apprise the last speaker. There is a Resolution that Representative Hallstrom and I have introduced..."

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Speaker Peters: "Excuse me..."

Levin: "...Set up a Subcommittee on this question..."

Speaker Peters: "Excuse me...Representative Wolf?"

Wolf: "I have a written Motion up there. I thought now might be a nice time to read it."

Speaker Peters: "Well, let's wait on that. Have all voted who wish? On this question there are 161 voting 'aye', none voting in the negative, none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Matijevec in the Chair."

Speaker Matijevec: "Hey, that's an honor, Pete. Well, while Representative Peters is walking back there, I think he handled the situation very well. And I think he ought to be complimented for that. House Bill 525, the Gentleman from Cook, Representative Peters."

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

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

Clerk Leone: "House Bill 525, a Bill for an Act amending Sections of the Child Care Act. Third Reading of the Bill."

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

Peters: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 525 is, as indicated, an Amendment to the Child Care Act. It has many of the Members of this House as Sponsors. What the Bill does is define ..or..redefine the day care homes. It establishes a category of day care agency which is a concept that exists in the foster care area in order to have day care centers seek out individuals who would end up operating other day care homes and day care centers. It specifically exempts from licensing day care homes or centers which serve less than three children, homes which serve only children of a single household. Additionally, current exemptions are changed ..er, current

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definitions are changed in that the only definitions we now have in the Act are day care home or day care center which does get rid of a number of confusing bureaucratic regulations affecting play school centers, kindergartens and so forth and so on. Also what the Bill does is make changes in regard to the enforcement of the law. It removes the discretion that the Department of Children and Family Services previously had in revoking the licenses for deficient centers and now makes that mandatory. It removes a said barriers to immediate closure of facilities where children's health, safety and morals and welfare are threatened and it provides for the court to levy a fine should the operators of these homes insist on continuing to operate. Those sections of the Bill that pertain to the Mother's Day out-program and any other changes in regard to the school systems have been removed by Amendments to this Bill. I would sincerely request the support of the House in the adoption of House Bill 525 and would be pleased to answer any questions that I can. Thank you, Mr. Speaker."

Speaker Matijevich: "You don't want to take the Bill out of the record, do you?"

Peters: "No. No."

Speaker Matijevich: "The Gentleman from Cook, Representative Peters, has moved for the passage of House Bill 525. Is there discussion? The Gentleman from Lake, Representative Barkhausen."

Barkhausen: "Would the Gentleman yield?"

Speaker Matijevich: "He indicates he will."

Barkhausen: "I'd first like to commend the Sponsor for his tremendous efforts in this area. The Sponsor has been commonly recognized not only by his colleagues, but by those who are experts in the field of child care in Illinois as one of the dearest friends that children have

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in this state. I do have a couple of questions, though, which I think are shared by some other Members and I think the Sponsor may have answered these before, but I'd just like to make sure for the record that they're cleared up. I think the Members, Representative Peters, have been approached, first of all, by representatives of church related schools who fear that they are in some manner regulated in a way that they previously were not and also by representatives of Montessori schools. And I just would like to get your answers as to how this Bill does or does not affect those two concerns."

Speaker Matijevich: "Representative Peters."

Peters: "As originally envisioned, Representative Barkhausen, this legislation did make an exemption for what was commonly described as 'the Mother's Day out-programs' because of, very frankly and practically, our inability to reconcile the differences between the Day Care Association and the various Christian groups that run the Mother's Day out-programs or other kinds of schools, including the people who run the Montessori programs. What we determined is that the best course, at that point, would be to take out of this Bill any changes which made ...any changes at all in the law as it presently exists affecting those kinds of centers or institutions. So, although I would agree with those who say that there are some state requirements placed on those kinds of centers that should not be there, I assure you and the people that have raised these questions with you that this Bill in no way, shape, manner or form changes the law as it presently exists in regard to their operations. And what we have done is ask that the people from the Christian schools, the Christian Scientists, the Montessori people and all those groupings, in fact, sit down with Representative Kelly and

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Representative Rigney and Senator Simms in the Senate who have similar kinds of legislation and attempt to work those problems out on those pieces of legislation."

Speaker Matijevich: "Could we have an announcement for hungry Democrats? The food is ready, but use the door by the elevator to the Minority Leader's Office. After the Democratic Members are well fed, then the Democratic staff will be fed. Thank you and what the hell am I doing stuck here? I can't eat. Thanks a lot, Pete. Representative Barkhausen."

Barkhausen: "I would assure..,I would encourage the Members on the other side of the aisle to vote for Representative Peters' Bill before they exist the floor. Thank you for your answers to those questions, Representative. I would encourage my colleagues to try to remedy the concerns that representatives of the Christian schools and the Montessori schools have by directing their attention, for one, to House Bill 1004, Representative Kelly, which deals with the question of the Christian schools. Representative Peters has in this Bill gone a long way towards a desirable deregulation of the day care people and all of those of us who are concerned about over-regulation on the part of government should be supporting this Bill. And I commend the Sponsor and urge an 'aye' vote."

Speaker Matijevich: "The Gentleman from Cook, Representative Bowman."

Bowman: "Thank you. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of Representative Peters' Bill, 525. Day care has been an interest of mine as it is of Representative Peters. I would add that this Bill responds to a report prepared by the Auditor General back in December which blew the whistle on some of the licensing practices of the Department of

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Children and Family Services and this is an attempt to address some of those problems. I also have some legislation that addresses the problems from a different angle. I believe that Representative Peters' legislation and my legislation, while coming at the problem from a different angle, are basically compatible. And I believe Representative Peters' proposal takes a positive step towards the rectification of some of the problems which were revealed by the audit report and so I am pleased to rise in support of this legislation."

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

Piel: "Thank you, Mr. Speaker. I rise in support of the well-being of Representative Matijevich's stomach and move the previous question."

Speaker Matijevich: "The Gentleman from Cook moves the previous question. All in favor say 'aye'; opposed 'no'. And the previous question prevails. The Gentleman from Cook, Representative Peters, to close."

Peters: "Just to thank the Members of the...the Members of the Health and Family Service Committee for their assistance in this, particularly the strong interest that Representative Bowman has and I think the very strong direction taken by Director Cohler in bringing some good sense to the various child care and welfare situations that we have in the State of Illinois and I would ask the favorable vote of the House on this Bill."

Speaker Matijevich: "Representative Peters has moved for the passage of House Bill 525. The question is, 'Shall House Bill 525 pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. The Gentleman from McLean, Representative Ropp, one minute to explain his vote."

Ropp: "Yes. Thank you, Mr. Speaker. I just had a question that

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I'd like Representative Peters just to say 'yes' or 'no'. Should House Bill 1004 pass and this one pass, would they in no way be in conflict with each other? Thank you."

Speaker Matijevich: "Have all voted? Have all voted who wish? Will the Clerk...Take this out of the record. Will the Clerk take the record? On this question there are 166 voting 'aye' and none voting 'no' and none voting 'present' and House Bill 525, having received the Constitutional Majority, is hereby declared passed. Representative Pullen voting 'aye'. I'm sorry, Doris. Karpel. House Bill 270. Is Representative Beatty ready? Is Representative Beatty on the floor? Oh. The Clerk will read the Bill."

Clerk Leone: "House Bill 270, a Bill for an Act relating to compulsory retirement of Judges. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Beatty, on House Bill 270."

Beatty: "Yes, Mr. Speaker. This Bill does just what the Digest says. It allows all of the Judges that are in Cook County to remain as Judges if they chose to until they are 75. There is really no cost to this Bill because there will be Judges that just will...keep the more experienced Judges if they choose to do this. Part of the reason for this Bill is that in Cook County some of the Judges have been called back for periods of six months to work as Judges because of the shortage of Judges. And we need experienced Judges in Cook County. This is supported by 'Judge Comerford', the Supervising Judge of the Cook County Courts, by Judge Gulley from down here in Springfield, the Courts' Administrator. I would appreciate a favorable vote."

Speaker Matijevich: "Representative Beatty has moved for the passage of House Bill 270. On that, the Gentleman from Cook, Representative Preston."

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Preston: "Excuse me, Mr. Speaker. I just want to announce a conflict of interest, but I will vote my conscience in favor of this good Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative O'Brien?"

O'Brien: "Yes, Mr. Speaker and Members. I rise in support of this measure. I think that this is an opportunity for us, without any additional cost to the State of Illinois, to maintain some of the expertise that we have developed on the job training of Judges and this will enable many of our Judges who would be forced into retirement to stay and provide that judicious temperament that we need on the bench. And I'd urge every Member to vote in favor of this."

Speaker Matijevich: "No further discussion? The Gentleman from Cook, Representative Sandquist."

Sandquist: "Yes, I'd like to ask the Sponsor a question. You don't mean to tell this House..."

Speaker Matijevich: "One moment, Representative Sandquist. Representative Peters back in the Chair."

Speaker Peters: "Who was speaking? Representative Sandquist."

Sandquist: "Representative Beatty, you don't mean to tell this House that people are not being called back now that are over 70? They're sitting there now."

Beatty: "Well, they were called back by the Supervising Judge, a number of them were for a six month period."

Sandquist: "Yes, but what you're trying to do with this Bill, as I read it, is in effect to say we don't have any younger lawyers who can take the place of Judges so you want to keep the regular ones on over 70."

Beatty: "What we're doing is giving the Judges that are now sitting Judges the option to remain on instead of leaving at 70. If they choose, they can continue till 75...er..it

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removes the compulsory retirement age just as the Regan administration is extending Social Securitythey're going to have people working until they're 68 just as the senior citizens in other areas are not compelled....This is really a senior citizens' Bill. It extends to Judges the privilege that people have in other areas. If they chose to work, if their health is good, they can continue."

Sandquist: "Well, Mr. Speaker, I would just like to briefly speak to the Bill so that people know what they're voting for. This has nothing to do with the shortage of Judges. All it does is allow people when they reach that 70 to stay on the bench instead of opening it up for a younger lawyer. If we want to increase the ages to everything for people staying on, that's what we're voting for here."

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

Fawell: "Thank you, Mr. Speaker and Members of the House. I rise in opposition to this Bill. I agree with Representative on this side of the aisle. I think our Judges should retire at the age of 72. I think some of them should retire even earlier than that, very frankly. And I think that we should make this mandatory that they retire at 72. If they want to continue all they have to do is let the Chief Judge know and they are called back into service periodically when they feel up to it and I think this is the way the system works and it should remain so."

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

Beatty: "Yes. I didn't mean to mislead anyone if I did. But, the Chief Judge in Cook County had reappointed some Judges for a six month period. These were older Judges. They had been retired and were called back. I think the Bill is a good one. It gives them discretion as to whether they wish to remain on and many of the older Judges are more

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experienced and I have found that they possess good judgment. And I ask for a favorable vote."

Speaker Peters: "The question is, 'Shall House Bill 270 pass?' Those in favor will signify by voting 'aye'; those opposed by voting 'nay'. Mr. Clerk, the voting is open. Mr. Clerk? Representative Kosinski has voted 'aye'. His switch is broke. Representative Polk, for what purpose do you arise?"

Polk: "Mr. Speaker, for the purpose of an introduction. A Gentleman who is on the floor that is considerably younger than 70, although the Gentleman is a Judge. Judge 'Dave DeDoncker' from Rock Island County is a guest of ours down here this evening and I'd like to recognize him."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 91 voting 'aye', 54 voting 'nay', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 301, Representative Topinka."

Clerk Leone: "House Bill 301, a Bill for an Act to amend the Anti-Pollution Bond Act. Third Reading of the Bill."

Topinka: "Thank you, Speaker and Clerk and everybody else. For those of you who haven't seen me today or haven't gotten my literature, this is it, House Bill 301, the Ogden Avenue sewer. All my colleagues in the 6th and 7th Districts have very graciously gone on this Bill with me. We have a very serious problem in those two Districts. We have a very imminent health hazard there. I would think many of you have dealt with this problem before because it has come up in previous Sessions. Because the State of Illinois widened Ogden Avenue, which is I-34, the sewer that we have running through those two villages, the village of Brookfield and the village of LaGrange, has been ..has been completely broken. It now has such huge gaps in it, gaping

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holes in it, the ceiling, the sides, in many cases, it's just gravel. In fact the Governor is going to be going down into it on May 29th to look at it for himself. Well, come on, folks. You know..Anyway, I have been in the sewer. I can literally touchNow, Ladies and Gentlemen, please. All right. This is really serious when you stop and think about it. I can touch Ogden Avenue from the inside. The only thing that is holding this whole sewer and roughly six blocks of area together is the asphalt that has been laid in the last four years. We have school buses, quarry buses, running over there. We have heavy traffic, RTA buses, pedestrian traffic, business traffic. It affects roughly 20,000 people to whom either live in that area or have businesses there and roughly 60,000 people in all who travel there, commute there everyday and who take part there. We have our fresh water lines running through that sewer. Our utility lines run through that sewer. Northern Illinois Gas Company lines run through that sewer. That sewer has been acknowledged that it is going to collapse and collapse is imminent. This has been acknowledged by Cook County Department of Public Health, the State Department of Public Health, various engineering groups. There is no question. It's just like the old D.C.10 that went up with the crack in its block. You know that the crack is there but you just don't know when it's going to fall until it does crash. And of course, when it does, then a lot of our people are going to be hurt. I'd like to ask your vote on this. We amend the IEPA Bond Fund. We would not be taking out any money from the General Fund. We have an imminent health hazard and that's what this Act would do. I would encourage a 'yes' vote on this. Thank you."

Speaker Peters: "Representative Pechous."

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Pechous: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I would like to echo the comments raised by my colleague from the 7th District. The problems created by the Ogden Avenue deterioration of that sewer pipe, as has been said, creates an imminent health concern and a legitimate..and a legitimate exercisement of our attention and I, too, ask for a positive vote, a green light on this House Bill 301 on behalf of the health and safety of the people that reside in the western portion of the 7th District on this bipartisan House Bill 301. Thank you."

Speaker Peters: "Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this measure by Representative Topinka. Before I even knew who Judy Bar Topinka was, I received a pack of documents from her soliciting support for this particular legislation. Since it was the beginning of the Session, I had a chance to actually read all of the voluminous material that she sent and I became convinced that she is really trying to work on behalf of the safety and health of the people of her district and that she really does need some help with this serious problem. I encourage your 'aye' vote."

Speaker Peters: "Representative McPike."

McPike: "Will the Sponsor yield?"

Speaker Peters: "She indicates she will."

McPike: "Where are these sewer lines located? In a municipality?"

Topinka: "Just of LaGrange and Brookfield, in the municipalities. They run right down Ogden Avenue."

McPike: "Who's responsibility is it to repair these? The city's?"

Topinka: "They are owned by the village of LaGrange Park and the city has tried to do this right along. But subsequent to

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the putting in and the widening of Ogden Avenue, it just became impossible. It's an unreinforced sewer and the only variable that is there is the heavy traffic that comes off of Ogden, which was not there...It was built only to hold the Parkway. And it just cannot sustain this. So the villages have tried to do this. They have had some bond referenda, but they're already at the edge of their bonding power. They can't handle it any further."

McPike: "Why should ...Why should we pay for sewers in your village when every other village and city in the state pays for their own?"

Topinka: "Because the State of Illinois incurred the problem. We didn't ask for it. We built the sewer. We took care of the sewer. The sewer has been maintained and a similar sewer built at the same time, exactly the same, continues to be patched, taken care of and kept up and maintained. The only variable is the traffic and again, that comes from Ogden Avenue and that was widened...was widened by the State of Illinois."

Speaker Peters: "Representative Kornowicz."

Kornowicz: "Move the previous question, please."

Speaker Peters: "The question is, 'Shall...the question is 'Shall the previous question be put?' All those in favor will signify by saying 'aye'; those opposed? The 'ayes' have it. All those in favor of House Bill 301 will signify by voting 'aye'; those opposed by voting 'nay'. Mr. Clerk, voting is open. To explain his vote, Representative O'Connell."

O'Connell: "Mr. Speaker, Ladies and Gentlemen of the House, in explaining my vote I would like to address the question of state involvement. This is a very unique situation. It's the only situation the State of Illinois..that Illinois has a direct relationship to a local situation. The State of

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Illinois placed its Parkway, the Ogden Avenue, over a sewer that was built in 1911. The Ogden Avenue was built in 1919 and it was the construction of Ogden Avenue that has created the problem. Seeing that we have 111 votes I think I will terminate my remarks."

Speaker Peters: "Representative Boucek."

Boucek: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, will not elaborate any further. Representative O'Connell described exactly what I was going to say and we certainly appreciate this vote that's on the Board tonight."

Speaker Peters: "Representative Ronan."

Ronan: "The only point I want to make, obviously, I don't want to waste the time of the House. This is what being a Legislator is all about, helping the people in the State of Illinois. That's why I'm proud to see so many people vote for this fine Bill."

Speaker Peters: "Representative Nelson. The voting is open, Representative."

Nelson: "I would just like to thank all of the people that have their lights on green. Thank you, Mr. Speaker."

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

O'Brien: "Yes, Mr. Speaker and Members of the House. I'd just like to point out that we're all eating chicken and voting for pork and I think that this is Representative Topinka's first Bill and I'd like to congratulate her."

Speaker Peters: "On this question there are 101...151 voting 'aye', 5 voting 'no', 3 voting 'present'. Representative Johnson?"

Johnson: "Well, it just occurred to me with the first Bill of this Member that Representative Tate passed his first Bill this afternoon too only it wasn't 151 to 5, but it was a

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fairly significant first Bill. So I want to give him a hand along with everyone else."

Speaker Peters: "On this question there are 151 voting 'aye', 5 voting 'nay', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 305, Representative Swanstrom. Representative Flinn, you're next. Representative Swanstrom?"

Clerk Leone: "House Bill 305, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Peters: "Representative Swanstrom."

Swanstrom: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 305 is one of the recommendations of the agents and brokers task force, a task force composed of the Illinois Department of Insurance, the Independent Insurance Agents and other insurance industry groups whose purpose was to make recommendations to the Director of Insurance to improve upon the present Agents and Brokers Article of the Insurance Code. Rather than license a corporation, partnership or association and allow only members, officers and directors to act on its behalf, House Bill 305 requires an insurance agency to register with the Department of Insurance and to appoint one or more agents to assume responsibility for the insurance agencies compliance with insurance laws and rules. It passed out of the Insurance Committee by a vote of 15 to nothing. It is supported by the Independent Insurance Agents, the Illinois Life Underwriters, the Professional Insurance Agents and the Department of Insurance. I would appreciate a favorable Roll Call."

Speaker Peters: "Any discussion? Representative O'Brien."

O'Brien: "Yes, Mr. Speaker and Members, as the Minority Spokesman on the Insurance Committee, I rise in support of this Bill."

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This Bill came out of the Insurance Committee 15 to nothing. There is protection in this Bill for consumers and it does streamline the Licensing Act and I'd encourage all Members to give it an 'aye' vote."

Speaker Peters: "Any further discussion? There being none, the question is, 'Shall House Bill 305 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. The voting is open. Kosinski 'aye', Mr. Clerk. On this question there are 150 voting 'aye', none voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Flinn? Representative Flinn. Is he getting chicken? House Bill 393, Representative Catania. Read the Bill, Mr. Clerk. Is he here? Pardon? Well, I think with leave we'll allow him to do whatever he's doing there and then come back. Representative Catania, House Bill 393."

Clerk Leone: "House Bill 393, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

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

Speaker Peters: "Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. House Bill 393 adds to the list of grounds on which there cannot be discrimination in nonrenewing insurance policies for homeowners' insurance and automobile insurance, marital status. Amendment #1, which was adopted in Committee, took out the provisions about notice of rejection of application because this is handled in another Section of the statute in a slightly different way and this would have complicated that. So, with that adoption of Amendment #1, the objection to the Bill that the Department of Insurance and some of the insurance companies had was removed and the Department of Insurance offered its support."

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Representative Huff put Amendment #2 on on the House floor which requires that there shall be notice. It originally said by certified mail, but that was changed in Amendment #4. So now it's notice by regular U.S. mail to mortgagees or lien holders at the last mailing address that's known by the insurance company if there is failure to renew any policy of insurance. As far as I know there is no opposition to the Bill as this point. The marital status provision was in a Bill which passed out of this House with 128 votes last Session and passed in the Senate with 46 votes, except that there was an Amendment on it that held it up and it didn't pass in the last Conference Committee Report last Session. I ask for your support."

Speaker Peters: "Any discussion? Representative O'Brien."

O'Brien: "Yes, Mr. Chairman and Members, I rise in support of this Bill. It also came out of the Insurance Committee 15 to nothing and this Bill is aimed at stopping the insurance companies from discriminating from people who were previously married and then become single and then are not eligible for the policy that they originally had. It's a good Susan Catania, good government Bill. I'd encourage everybody to vote 'aye' for it."

Speaker Peters: "The question is, 'Shall House Bill 393 pass?' Those in favor will signify by voting 'aye'; those opposed by voting 'no'. Mr. Clerk. The voting is open. Representative Woodyard? Peters, 'aye'. Would you hit my switch please? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 147 voting 'aye', 12 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 415, Representative Grossi? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 415, a Bill for an Act to amend the

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Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Peters: "Representative Grossi."

Grossi: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. At the present time in Illinois a custodial parent is allowed to apply to the court to ask the court for leave to remove the child from the State of Illinois if it can be shown to be in the best interests of the child. Unfortunately, the Appellate Courts have rendered divergent opinions as to whose burden it is to show what is the best interests of the child. This Bill is very simple. It simply says that the party seeking to remove the child from the state has the burden of proving that it is in the best interests of the child."

Speaker Peters: "Any discussion? There being none...The question is, 'Shall House Bill 415 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? Take the record, Mr. Clerk. On this question there are 152 voting 'aye', 2 voting 'nay', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative McGrew? House Bill 441, read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 441, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Peters: "Representative McGrew."

McGrew: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 441 has been amended so that the Synopsis that you now have was probably inaccurate. All that the Bill does currently is allow the Illinois Office of Education to promulgate rules as to the procedure for charging tuition for those students that are living on federal property. I would ask for an 'aye'

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vote."

Speaker Peters: "Any discussion? The question is, 'Shall House Bill 441 pass?' Those in ...I'm sorry. Representative Leinenweber."

Leinenweber: "Yes, to say the least, our Synopsis is inaccurate. What does the Bill do again? It doesn't have anything to do with assault and battery anymore. Is that right?"

McGrew: "There happened to be a Bill that was identical to that one in the Senate sponsored by a Member of your party and in an attempt to negotiate which one of those Bills would..should be passed, typical vanity, and he said it had to be his. So frankly, this one came about. The Amendment came about as a problem for those schools that are currently getting monies under the federal program for reimbursement that will be cut under President Reagan's program. So this is..would just set up the ideas through the Illinois Office of Education to establish guidelines to charge students that live on federal property. They would not be paying taxes."

Leinenweber: "Inasmuch as your Bill was not the one selected, you had to find an idea to put in it. Is that right?"

McGrew: "That's inaccurate, Sir. The Bill was not going anywhere until we found a problem that we thought needed to be solved."

Leinenweber: "And what was the problem again?"

McGrew: "Let's see. For about the fifth time, Sir, once again, the Bill asks the Illinois Office of Education to promulgate rules on how a school could go about charging tuition for those students who are living on federal property, consequently not paying any taxes."

Leinenweber: "Couldn't you just write them a letter?"

McGrew: "They'd need an attorney to read it."

Speaker Peters: "Representative Barkhausen."

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Barkhausen: "A question of the Sponsor. Is there any other precedent for charging tuition on the part of public schools?"

Speaker Peters: "Representative McGrew."

McGrew: "Thank you. Yes, there is. The State of Virginia passed legislation very similar to this. It has been taken to the courts and found totally Constitutional."

Barkhausen: "Is any particular group of people or interest group requested this Bill?"

McGrew: "Yes. The School Districts did, Sir. That's 32 million dollars in the State of Illinois are going to cut out of the federal program that was the direct impaction aid program that will be out for Reagan. AARP likes it. AARP."

Barkhausen: "Is this...Is this consistent with the provision in the Illinois Constitution that provides for free public education?"

McGrew: "Well, as I mentioned earlier, I'm not an attorney, Sir. But we have nine pretty good men that have sat on the Supreme Court and when it was challenged in the State of Virginia, they said, 'Yes'."

Barkhausen: "Well, I would question whether this particular law, if fully developed and standards were adopted by the State Board of Education and the law were subsequently enacted providing for tuition charges, even if Constitutional under the U.S. Constitution, whether it would be Constitutional under our Illinois Constitution. And I would urge a 'no' vote."

Speaker Peters: "Representative Matijevich."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House, up to now Congress has always recognized the fact that by military installation they always ought to provide funds so that those military students can be afforded an education, but they provide impact funds to those area schools."

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I...My district is right by the Great Lakes Naval Center and Congressman McClory has been always very helpful to make sure that we get the necessary impact funds. This is another indication how, with the cuts in Congress, through the present administration, we're really not talking about cuts. We're talking about shifting the burden. With the cutting of those impact funds, now the burden is going to fall either on the state or on the local taxpayer. Somebody said there's no such thing as a free lunch. Our schools cannot ..do not have the funds to provide education for all of those military personnel children in our schools. So somebody's got to pay the bill. This is a Bill by Representative McGrew so that somebody picks up the tab. We local taxpayers can't afford it and I don't think the state can afford it either. But what I'm getting at is all of this loss of federal funds is going to impact later on down the line. We might as well recognize it right away."

Speaker Peters: "Representative Sam Wolf."

Wolf: "Thank you, Mr. Speaker, and Members of the House. This Bill addresses a problem that will exist in my district as I'm sure that it will exist in a number of districts throughout the state when and if federal impact aid is cut off by the present administration. In my district, one School District along will lose the sum of roughly \$150,000 a year. I think that this Bill will enable that School District, as it will others, to recover a portion of that loss and I urge your support."

Speaker Peters: "Representative Huskey."

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

Speaker Peters: "Representative Huskey?"

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

Speaker Peters: "The question is, 'Shall the previous question be

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put?'. All those in favor will signify by saying 'aye'; those opposed. In the opinion of the Chair the 'ayes' have it. Representative McGrew to close."

McGrew: "Thank you very much, Mr. Speaker. On behalf of many, many School Districts, I can read a few of them: Lamont, Proviso, Glenview, Hawthorne, Highland, Mundelien, well, Libertyville, Kaneland, Lakebluff, etcetera, etcetera, Cass, Aurora East, Elizabeth, Hanover, Rockford, Moline, Lockport, Chicago Heights, Peoria, Geneseo and my district, Rockridge, Springfield, Fisher, Urbana, Shelbyville, Mattoon, Georgetown, Granite City, Pontiac, Freeport, Smithton, etcetera, etcetera, etcetera, ...I'd ask for an 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 441 pass?'. Those in favor will signify by voting 'aye'; those opposed by voting 'nay'. Voting is open. Representative Levin, to explain his vote."

Levin: "Mr. Speaker, I have a question which I wasn't able to ask during debate and I hope the Sponsor would be able to respond to it. I'm wondering if property owned by the Federal Government includes any federally subsidized low income housing. Mr. Sponsor? Does property owned by the Federal Government include any federally subsidized..."

Speaker Peters: "Representative Levin, I hate to say it, but that's a violation of the rules and you wouldn't want to accuse me of allowing that, would you? Representative Braun to explain her vote. One minute. Representative Braun, one minute to explain her vote."

Braun: "Well, I had a question of the Sponsor. My light had been on, Mr. Speaker. Through no fault of your own, I turned it on because it came to my attention that this...and I'd like to ask a question if that's all right. Am I right in understanding that this Bill requires children who live in

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subsidized housing to pay tuition? Federal Government proper...No? Well, all right. The information I just got may have been incorrect, but it was enough to make me..."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 125 voting 'aye', 22 voting 'no', 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Vinson? House Bill 455. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 455, a Bill for an Act to amend an Act in regards to judgments in relation to real estate. Third Reading of the Bill."

Speaker Peters: "Representative Vinson."

Vinson: "Thank you very much, Mr. Speaker, Members of the House. I believe this is a pretty noncontroversial Bill. It passed out of the Judiciary Committee 12 to 1. What the Bill basically does is to move up from nine to four months and from 12 to six months the ability to give clear title after a judgment credit is involved. It will substantially enhance our ability to sell mortgages on the secondary market and bring construction money into the State of Illinois. I would solicit an 'aye' vote."

Speaker Peters: "Any discussion? Representative Jaffe."

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

Speaker Peters: "Indicates he will."

Jaffe: "Well, the effect of this Bill would actually be the cut down the redemption period. In other words, someone who's had their property levied on can now have a nine month period in which to redeem. So, what you're basically saying is we're cutting it down to a four month period. Is that correct, Sam?"

Vinson: "Yes, but there's a period prior to that."

Jaffe: "Well, but you're actually penalizing someone who is

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trying to redeem property. Up until now the courts have always given them nine months in order...the law has given them nine months in order to redeem. So, basically what you're saying is that they have to come in within a four month period now. Is that...Isn't that what..."

Vinson: "Yes, that's about right."

Jaffe: "Well, Mr. Speaker, if I may speak to the Bill..I think that the problem with this Bill is that it really cuts the time period too short. I think that in a time when we have a bad economy, when people are sometimes foreclosed upon and so on and so forth, we ought not change the law and cut them down to a four month period. The law has always been that we should give them at least nine months and I think that that's what the law ought to say. I don't think that nine months really is too long a period. Basically what you're profiting over here is you're profiting those people who buy real estate, as scavengers to a great extent, who pick up judgments by real estate and so on and so forth. You're not helping the poor guy who's had his house levied upon and is now trying to redeem. What you're in essence doing is you're cutting down that period of redemption and you're hurting the little individual. I would urge a 'no' vote on this particular Bill."

Speaker Peters: "Representative Giorgi."

Giorgi: "Representative Vinson, what's the crying need for this Bill in this time of high unemployment, high bankruptcies, and people that are shut off by the utilities are at their greatest number, tell me the crying need for this Bill."

Vinson: "Well, thank you. That's the key question. That is the need. The attempt is to try and revitalize the construction industry in the state. The effort is to try to get more money into the state so that we can generate new housing and new construction. That's the crying need

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is to try to offset unemployment, is to try to regenerate the housing industry and revitalize it, Representative."

Giorgi: "Generally, people with good credit, people that have property, when things are rolling along don't have any trouble with their credit. It's at times like these that people start falling back in their credit. Creditors start getting on their back. They start filing bankruptcy. They lose their jobs. Now you want to use a mallet on them and not even give them a decent chance to wait for an economic upturn so that they can redeem their judgments and their properties. This is probably the most parasitic Bill of this Session."

Speaker Peters: "Representative Friedrich."

Friedrich: "Mr. Speaker, Members of the House, I think it's obvious that the last speaker doesn't understand the financing of homes. I happen to be connected with the building and loan and we buy mortgages all over this country on the secondary market. We buy those mortgages in states where the foreclosure law is reasonable and we stay away from those states where the foreclosure laws are not. So this puts money from Illinois and other states into those areas for new construction and to finance homes that's not available now. A lot of that money doesn't come into Illinois for that reason. So I can tell you that if you keep the present foreclosure laws you're precluding a lot of money coming into Illinois to finance construction and new homes."

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

Conti: "Mr. Speaker, I wonder if he'll yield for a question."

Speaker Peters: "He indicates he will."

Conti: "Representative Vinson, didn't we just pass a Bill last week lowering the redemption period on mortgages?"

Vinson: "I'm not aware, Representative."

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Speaker Peters: "Representative Bowman."

Bowman: "Well, Mr. Speaker, the Gentleman from DeWitt, the Sponsor of this Bill, is one of the most eloquent speakers on this floor. Also, he is probably..has one of the highest volume levels on this floor. I usually don't have trouble hearing him. However, in his explanation of the Bill, he really mumbled it through and whenever Sam Vinson mumbles a Bill I think we'd better watch out. I recommend a 'no' vote."

Speaker Peters: "Representative Piel."

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

Speaker Peters: "There are no others...Well, the question is, 'Shall the main question be put?'. Those in favor will signify by saying 'aye'; those opposed. The 'ayes' have it. Representative Vinson to close."

Vinson: "Thank you, Mr. Speaker. And in response to Representative Bowman, I'd just try to say that I am simply trying to invest the proceedings with a little more dignity and relaxation and calmness than they were a little bit earlier in the evening. I think that that's desirable for a calm deliberation of legislation like this. That's my hope. The Bill..the Bill is a good Bill. It will revitalize construction. It will revitalize the housing industry in this state. It's not a controversial Bill. It passed out of Judiciary 12 to 1. It's a Bill that received bipartisan support in Judiciary. I believe it received that bipartisan support because everybody is upset at the lack of construction and the unemployment rate in the state. That's what the Bill is designed to do. It will bring in a great deal more money in the secondary market which will then be put into the primary market and which will generate jobs in construction. I would solicit your vote, Representative Bowman. I think it's something you

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can support. I think it's something you can go back to labor members in your district and tell them that you're trying to put them back to work in construction. Thank you."

Speaker Peters: "The question is, 'Shall House Bill 455 pass?'.

Those in favor will signify by voting 'aye'; those opposed by voting 'nay'. Mr. Clerk, the voting is open. Representative Robbins, Peters', 'aye'. Representative Ewell, to explain his vote."

Ewell: "Mr. Speaker, Ladies and Gentlemen, the Sponsor is treating us to a cold and calculated scheme better supported by the trickle down theory, if we make the rich richer, somehow or another it's going to trickle down to those in less fortunate position. This Bill is an out right rip to the people who have to try to redeem their property. It is a windfall to the judgment creditors only. There will be no trickle down except at the expense of the unfortunate creditors. This Bill deserves a sound defeat."

Speaker Peters: "Representative Younge to explain her vote."

Younge: "Mr. Speaker and Members of the House, I find the argument of Mr...of Representative Vinson very interesting. In other words, put people to work by destroying other people's lives. There are people all over this state that are losing their property because they don't have the money to pay the tax. And what he suggests that we do is ...why don't we just go out and kill them? That would put people to work. We just do anything to put people to work. Of course that's very specious and ridiculous. There are people on fixed income, the elderly, the poor, farmers losing their property by auction, people all over the state, we're in a period where more properties are being lost by the inability of people to pay the taxes. Surely someone will rise to say that one of the biggest and most

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important purchases a person makes during his whole lifetime is the buying of a home. Homes are being lost right and left and surely we can show some compassion by leaving..."

Speaker Peters: "Representative Sam Wolf to explain his vote."

Wolf: "Thank you, Mr. Speaker and Members of the House. To explain my vote, I would just like to point out that both Representative Friedrich and Representative Vinson are both dead on center when they say that if we don't revise the foreclosure laws and redemption laws in the State of Illinois we might as well take ourselves out of the mortgage picture. We have some of the worst foreclosure laws in the whole country. Large corporations such as Metropolitan Life, Prudential Life, John Hancock and some of the biggest investors in the country are throwing the money to all other states except the State of Illinois simply because of the foreclosure laws. I would simply request and urge your support of this Bill which I think is a step in the right direction in bringing some of that money to the State of Illinois. Thank you."

Speaker Peters: "Have all voted who wish? Mr. Clerk, take the record. On this question there are 94 voting 'aye', 59 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 512, Representative Greiman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 512, a Bill for an Act to amend Sections of the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Peters: "Representative Greiman."

Greiman: "Thank you, Mr. Speaker. Thank you, Mr. Speaker. House Bill 512 if it could be called anything it is the truth in ending Bill. It provides Illinois with a very modified

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form of no-fault divorce. At this point 48 states of the Union have some form, some form of modified no fault divorce. In Illinois our statute presently requires that you prove impotence, bigamy, adultery, desertion for a year, habitual drunkenness, habitual drug use, attempting to take the life of the other spouse, extreme and repeated physical or mental cruelty, conviction of a felony, or infection of the other spouse with a venereal disease. Now, we know that everybody...Everyone knows someone who's getting divorced. I suspect there are people even in this room who may have gotten divorced and who have not done any of those things, nor has their divorcing spouse done any of those things. In the real world, where people really live and try and love and marry and try and raise families and somehow stumble along along the way, in the real world, the reasons are much more complex. And so, I have filed the most innocuous no fault divorce Bill that I could imagine. Under this Bill the court must find four specific things. First, the parties must be separate and apart for one full year. That provision is not waiveable. There can be no waiver of the one year separation. So that nobody will run from the warm bed and run to the divorce lawyer. They must be separate and apart for one full year. Secondly, the court must find that irreconcilable differences have caused the irretrievable breakdown of the marriage, not some frivolous little matter, but that there must be irreconcilable differences and an irretrievable breakdown. Thirdly, efforts at reconciliation must have failed. Fourthly, the court must find that future attempts at reconciliation would not be in the best interests of the family. When you go to a lawyer and a third of the people, sadly, in this country are getting divorced, the lawyer has to either tell you..either you know..you'd better start

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committing perjury or the lawyer will somehow suborn your perjury, direct your perjury. I dare say that's not a lawyer on this floor who has not steered somebody into committing perjury to get the divorce, not evil cause most of divorces...most divorces are indeed default matters and come up by agreement. When the grounds are contested, the parties..the parties generally don't get the divorce in the same easy way. And so, this Bill brings us to the real world. It recognizes that some people indeed can't live together, try as they may. It does not encourage them. It does not break up a family because that family is already separated. I therefore ask you to vote for truth in ending and vote 'aye' on 512."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker. As the Gentleman candidly points out, this is-- and I hope everybody is paying attention-- if we pass House Bill 512 and it is enacted into law Illinois will then become a no-fault divorce state. Now this is a concept which has come back year in and year out and this General Assembly has had the good sense to reject it usually overwhelmingly. Now I'd like to point out just a couple of the situations that can and undoubtedly will arise quite often under the provisions of House Bill 512. A party, through no fault of their own, but because of the conduct of his or her spouse, files and obtains a order of separation. That goes on for one year. Without the consent of the party who has been wronged, the party who caused the separation can merely go into court and turn the thing into a divorce. Not only that, but the party who is totally at fault, inasmuch as under our property disposition provisions do not provide for waiving fault in disposition of property, a party can move out on their spouse, move in with somebody else, be gone for a

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year, file and obtain a divorce and get alimony. Now, these provisions in my view do not make sense. I think that before a party can have a divorce forced on them, they ought to be at fault in some way as has been the law in Illinois for as long as we've had a divorce law. I ask you to pay attention to the debate on this Bill. It is a very important Bill and it has far ranging consequences. It will, if I might point out, increase a number of divorces dramatically, like it has in every other state that has adopted a no-fault divorce. This will mean more money for lawyers. So I guess I have a conflict of interest here, but unfortunately I will be voting against my own best interests."

Speaker Peters: "There are three speakers seeking recognition. Representatives Deuster, Johnson, and Jaffe in that order. Representative Deuster."

Deuster: "If the Sponsor would yield for a question or two?"

Speaker Peters: "He indicates he will."

Deuster: "Representative Greiman, I'm looking at Section 401 of the Dissolution and Legal Separation Section which specifies the grounds for divorce. I believe you read those grounds. One of them I would direct your attention to is the ground that the other party has willfully deserted or absented himself or herself from the husband or wife for the space of one year. Now, suppose a husband and wife are not getting along well and they decide to separate. One of them moves out. Is it not true that the person who moves out is willfully absenting himself or herself from the other?"

Greiman: "Well, the answer to that is that indeed, the moving out could give rise to grounds and it could also be part of a no fault so that you might have a cause of action which arises under Section 401.1 and you could have a cause of

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action which similarly arises under 401.2. So that, the party who was moved out on would be able to chose between a fault, a fault divorce....or not...at fault.."

Deuster: "I'm not asking under your Bill. I'm saying under existing law, is it not already the law that where one person absents himself from the other person and that goes on for one year, in other words, they're living apart for one year, that that constitutes a ground for divorce or for dissolution."

Greiman: "That's a ground for divorce."

Deuster: "All right. Your Bill provides that you may get a divorce if you're separate for one year plus a lot of other factors. Why do we need your Bill? We can already, if the parties are apart..."

Greiman: "Well, it's quite obvious. It's quite obvious, Representative Deuster, that the one place is fault. It says that only the party that moves out..that's left can get the divorce, that you must be fault, you must commit some evil act."

Leinenweber: "No."

Greiman: "Yes. The no-fault, it says, '..willful desertion'. The no fault Section of it as amended by this Bill provides that the parties, either party, can file if they've lived separate and apart and the other things are proven. So that one remains fault, as far as desertion is concerned, and the other is a no fault provision."

Deuster: "Mr. Speaker, if I might speak to the Bill, I think it's obvious by just looking at the language of the statute and comparing that to Representative Greiman's proposed Bill, that his Bill is absolutely unnecessary. If the party...If one party absents himself or herself from the other for a period of one year, that's already a ground for divorce. Representative Greiman, I think, is confusing the law even

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more by saying that you now under something that he alleges is no-fault and I'm not sure if it is or isn't, he says now you must establish that you've been living apart for one year plus a lot of other things, that you've had an irreconcilable breakdown, that you have you tried some reconciliation, hasn't worked. I think he may be..his Bill might, as interpreted by courts, be going in the opposite direction and making it even more difficult for people to separate in marriage and I know that in his closing argument he'll probably say what we've heard year after year by those who have proposed this year after year, that when a marriage is dead, a marriage is dead and we ought to recognize that. Where they've been apart one year, that's it. Let them un..dissolve the marriage. I think that is already the law that where you're apart one year you may..that is grounds for a divorce and I suggest to the Members of this House that this Bill is unnecessary and it would confuse the law. And I urge a 'no' vote."

Speaker Peters: "Representative Johnson."

Johnson: "Mr. Speaker, Members, I, you know, this is one of those things I just can't imagine, particularly someone of the astuteness of Representative Leinenweber how anybody, anybody in this chamber of this state other than some kind of narrow-minded catch-word, knee-jerk reaction could oppose this Bill. It's just beyond me. I told Representative Greiman the only problem with this Bill is that it doesn't go far enough. This is really a no-fault Bill. This Bill has a whole series of pre-conditions, living apart for a year, irreconcilable differences, efforts of reconciliation, failing or not practical. This Bill doesn't go nearly as far as the other 48 states in the union out of 50 that have statutes even remotely resembling this. And I just can't understand it. You look at the

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Sections of this Bill and the practicalities of it and you find at least two or three things. One is that every person who's ever been in court whether it be an attorney. As a matter of fact, this Bill would cut down on legal business. For people who are anti-lawyer, you ought to be for it because no-fault divorce if you want to call that would certainly cut down on lawyers' business but you got to make them go in and lie. Yeah, they were mentally cruel. He treated me with disgrace in public and in private and on and on to cause litigants to go in and have disrespect and under oath lie as to grounds for a divorce. And studies have shown various Representatives in Committees and Commissions that have shown this of forcing people to stay together under conditions that are intolerable, causes all sorts of dire social consequences. And that this Bill might, in fact, create the circumstances for saving some marriages. Allowing the parties with the prospect in a year of a dissolution of living apart, requiring the irreconcilable differences have arisen and further, the reconciliation has to have been first tried or to have shown to be totally impractical and in some situations, can really add to the viability of a marriage with a cooling off time and with a realization of what 1981's all about. And I would certainly urge all of you, regardless of what you're background or faith or otherwise to look at this. It's a very moderate Bill. It doesn't go nearly as far as 48 other states have. It's not really no-fault but it conforms Illinois to at least some degree of reasonableness. I urge you not to vote on a knee-jerk reaction, but look at the Bill or look at the analysis. See what it really does and vote for Representative Greiman's Bill."

Speaker Peters: "Representative Jaffe."

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Jaffe: "Yes, Mr. Speaker, Members of the House, this is an excellent Bill. I think that I fear in this House when you hear the concept 'no-fault' that you instantly get a knee-jerk reaction the Representative Johnson talks about. But no-fault doesn't mean that you go into the supermarket, you pay your money and you get a divorce. It's far from that. Look at the Bill. You have to go into court and you have to prove up your case. And what does your case have to say? Your case has to say, number one, that the parties have lived separate and apart for a continuous of period in excess of one year. It also says, number two, that you have to show that irreconcilable differences have caused a breakdown of the marriage, and number three and most important, that the court, not the individual, not the lawyers or anybody else, but that the court determines that further attempts at reconciliation are not in the best interest of the family. This Bill does not give you a divorce just when you want it. I think it's a sensible approach. What it really does is it eliminates phoniness. It eliminates perjury. It's a step in the right direction. Forty-eight states have done it and they've done it a lot better than we're doing it today. We should follow their example and we should adopt this Bill, and we should give Representative Greiman an 'aye' vote on House Bill 512."

Speaker Peters: "The last speaker on the question, Representative Dick Kelly."

Kelly: "Thank you, Mr. Speaker, Members of the House. I think we should call this legislation what it is. It's a backdoor, no-fault divorce Bill, and this legislation just as my colleague on the other side of the aisle had indicated, Representative Leinenweber, that it would cause a proliferation of divorces in this state. The easier we make divorce, the more divorces you're going to have and

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the more business it's going to mean for the attorneys and it's going to be a continuation of a breakdown in our family structure. I'd encourage those of you that are family-minded and conservative in your opinions to oppose this measure."

Speaker Peters: "Representative Greiman, to close."

Greiman: "Well, I'd like to think that I'm family minded. God, I have six children. That's a hell of a family. But, you know, I find in my practice often that grounds for divorce are used as blackmail. That often it's the man, by the way, who's the one that's blackmailed, who says, 'I want to get out', and the wife says, 'You don't have any grounds, buster, and I'm going to hold out until I get the right settlement. So, buster, you better, you better find the money or the grounds.' So often, more often than not, the grounds are used as blackmail. Now as to Representative Deuster's comment. He knows better. He knows that the difference is that when one moves out that gives one party the opportunity to file divorce, but under this Bill either party, either party's the marriage. They're both, they're both involved; their emotions, their love, their hate, where they live, how they live. Both involved. No one ser... I don't think anybody really believes that there are thousands of people, millions of people out there who are only waiting for us to pass a no-fault then they're going to shed their spouse. That's absurd. People are going to getting divorces now, but we make them lie to do it. We put them in all kinds of greater turmoil than they are. We recognize nothing of the emotional strain. We recognize nothing of the difficulties that human beings have in changing relationships. So, I think we should go out in the streets and see how the real world is and see what the real life is about. I don't know whether this keeps

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families together, but I know it doesn't break up any families that aren't broken up families and it let's people start out with at least a little less bitterness, a little less acrimony. You don't have to prove adultery and impotence. You don't have to prove conviction of a felony and infection of VD. You just prove maybe that it's just the end. You loved each other. You don't anymore. It's time to go. Thank you."

Speaker Peters: "Question is, 'Shall House Bill 512 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Switches are open. Larry. Have all voted who wish? Have all voted who wish? Representative Mautino."

Mautino: "Thank you, Mr...."

Speaker Peters: "To explain his vote."

Mautino: "Thank you, Mr. Speaker. I think one other point was probably not brought out. As I read this legislation, I imagine a couple of people are, first, the people involved can probably go into court and get one of these so-called no-fault divorces without an attorney it looks to me, and if that's the case I can certainly see why the attorney's in here would probably be opposed to this legislation."

Speaker Peters: "Representative Giorgi. Have all voted who wish? Take... Representative Sandquist."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, as an attorney, I suppose I have a conflict of interest but this is not going to help attorneys. This is probably going to hurt attorneys because it's going to make it easier. But I just can't understand why Illinois we have to keep our heads in the sand. We have to be way behind anybody else. We make our people be liars and perjurers. It just makes no sense at all. This is a very good Bill. It's a constructive Bill. Let's get out of the

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19th Century and let's move ahead in Illinois and I urge an 'aye' vote."

Speaker Peters: "Take the record, Mr. Clerk. On this question there are 73 voting 'aye', 77 voting 'no', 4 voting 'present'. Representative Greiman."

Greiman: "Postponed Consideration."

Speaker Peters: "Gentleman asks Postponed Consideration. Didn't put anything in the record either. Representative Catania, 534. Representative Yourell, you're up next. 534, Representative Catania."

Clerk O'Brien: "House Bill 534, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Peters: "Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. House Bill 534 does exactly what the synopsis says. It requires that the court order the party against whom a proceeding is brought for collection of delinquent child support to pay the custodial parents' the costs and attorneys fees. The problem is that right now in the State of Illinois we have non-payment of child support in about three-fourths of the cases, and the person who is taking care of the children almost always cannot afford to go to court because the attorney's fee will be more than the child support payment that will be secured. The Bill came out of the Judiciary I Committee with a twelve to one vote. It was supported by Judge Charles Fleck, Chief of the Division on Domestic Relations in the Cook County Circuit Court. He said that in most cases this is being done now, but that sometimes a judge forgets. It's not mandated. You'll be relieved to know that the Bar Associations have no position on this one way or the other and I ask for your support."

Speaker Peters: "Representative Breslin."

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Breslin: "Thank you, Mr. Speaker and Members. I rise in support of this Bill. We heard this in Judiciary. It passed out with a vote of 12 to 1. Quite frankly, the statistics on the payment of child support are very telling. There are many people who renege on their commitment to pay child support. There is no question that the requirement to get an attorney in order to litigate what was originally a settlement or a determination previously, is a deterrent to getting that child support. Many people who appeared on the public aid rolls really shouldn't be there in the first place if the child support payments that have been rendered already by the court of competent jurisdiction had come into being and had been paid on a regular basis. I urge an 'aye' vote. I think in the end this indeed will cut down on the non-payment of child support and, in the end, reduce litigation."

Speaker Peters: "Representative Dick Kelly."

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

Speaker Peters: "She indicates she'll respond."

Kelly: "The attorneys' fees that you're speaking of, are those private attorneys or are those state's attorneys?"

Catania: "These are private attorneys and in fact I have a quote here from a woman from Quincy who said that the father of her children would not pay child support. She said she paid a lawyer, this is a private lawyer, 300 dollars to take him to court. He paid about 250 dollars in child support and then quit again. This really spells out the problem very clearly."

Kelly: "Then you say that this Bill is in conjunction with the Bill sponsored by Representative Huskey which became law as of January 1, 1982 that the state's attorneys will have the right to enforce the... and the collection which goes

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to the Clerk's Office, any child support payments which are not made."

Catania: "That will mandatory only in Cook County and this would be statewide and yet it compliments that Bill."

Kelly: "Well, I'm very pleased to support you, Representative Catania."

Catania: "Thank you."

Speaker Peters: "Representative Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, this is something like putting the fellow in the position of an indentured servant. He'll never work his way out of debt. What you're doing to him here is saying well first of all, we'll collect a little money from you here. Then we'll talk about because you can't make a couple of payments we'll go to a lawyer and the lawyer's going to charge 300 dollars in order to collect a few dollars and so for every 50 dollars the fellow has to pay 350. I'm saying that you get people who never will get out of debt under this structure. I think it's fine and admirable that we turn this matter over to the State's Attorneys Office where it belongs for the collection of the child support where the husband is truly negligent. But once you allow the private practitioner in this area, all you're doing is creating another class of bill collectors, and I assure you that these private attorneys will act like hawks and the poor fellow will always be like an indentured servant. I think that this is an ill considered Bill. It duplicates, quadruples the remedies available to the lady and I think that that's unfair. And, if they don't want to put some kind of limit on these attorneys' fees or to say that they can't seek to collect them anymore than once a year, I think you will truly have an indentured servant and I don't think that that's the purpose of the law because they even allow...

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We don't even allow debtors prison for debts but what you're going to have here is the true persecution of a person who might be under dire circumstances and unable to pay an attorney on his own."

Speaker Peters: "Representative Roland Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I was going to voice the same objection. If the party that owes for child support cannot pay that, where does the Sponsor feel he's going to get the money to pay the attorney if he doesn't have the money to pay for his child support?"

Speaker Peters: "Representative Van Dwyne. Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Peters: "She indicates she will."

Brummer: "Representative Catania, I'm generally in support of this. A possible problem has just occurred to me and I wonder possibly at least you could address it and that is in order to qualify for the assistance of a legal aid office, generally the individual walking into that office has to show an inability to hire an attorney with her own assets. Quite frankly, many of the child support enforcements are through legal aid offices. I'm wondering if this, in fact, would not preclude the legal aid offices from handling those support enforcement matters that they otherwise handle because now the individual seeking support can have the attorney fees paid by the person against whom support is sought and it may have an affect of providing fewer legal remedies to those seeking the enforcement of that child support order as a result of them not being able to obtain the services of a legal aid office."

Speaker Peters: "Representative Catania."

Catania: "It has been my impression that the legal aid offices

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are ordinarily swamped with requests for their help and I would think that this would relieve some of their burden but it certainly would in no way say that they couldn't handle the cases. I would think that the person would have the option. The fees aren't paid up front and I would suppose that lawyers would still expect a fee before they would go to court but there would then be an assurance that the court would reimburse the attorney. I don't think that this in any way means that a person couldn't go to legal aid and ask for that if they preferred to go that route."

Brummer: "Well, if they went to a legal aid office, would it be your intention that the legal aid office be reimbursed for attorney fees by the non-custodial parent?"

Catania: "It certainly doesn't say that they couldn't be. It says 'attorneys' fees will be paid'."

Brummer: "Is it your intention as a Sponsor that the legal aid office be reimbursed for attorneys' fees?"

Catania: "I would have no objection to that if the court interpreted it that way. Now, if you feel that there is some kind of a problem with that, as you say, you've just thought of it, it's just come up and I'd be happy to address it in the Senate if you think it needs to be addressed in the legislation."

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

Dunn: "Thank you, Mr. Speaker. I'd like to ask the Sponsor a question. Quite typically when there is a petition for enforcement of an order for child support, there is a counter claim for reduction of the child support and if there is, in fact, an order granting relief to the petitioner for back support and an order reducing child support in the future, what is the intention of the Sponsor in that situation with regard to attorneys' fees?"

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Catania: "Well, it simply says that the parent who is responsible for paying the child support fees will have to pay the attorneys fees and the court costs. It doesn't in any way get into the question of the amount of the child support or reduction or increase. It just deals with the payment of the fees."

Dunn: "Is it your intention that if there is a counter proceeding for reduction of child support simultaneously with a petition for enforcement that the parent having custody still be awarded... and the child support is reduced, that the parent having custody still be entitled to an award of full attorneys' fees?"

Catania: "It's in cases of delinquent child support, yes. And if the non-custodial parent is delinquent in payment of child support, yes, that is the intent of the Bill that attorney fees will be paid by the delinquent parent."

Dunn: "Aside from the case that we've been talking about where you have legal aid or some state agency petitioning for the support. In most other cases, there is some other issue involved. Someone is arguing that the parent having custody is not properly taking care of the children and custody should be changed or visitation privileges should be changed or child support should be reduced because the person paying the support has been laid off or has suffered a loss of income, and in all of those situations there can be a genuine issue and it seems inequitable to subject the respondent to payment of the petitioners attorneys' fees on a mandatory basis in those situations. The court, the law as it now stands, as I understand it, provides for an award of attorneys' fees but on a may rather than a shall basis. And I wonder trying to isolate one situation, if it may not solve one problem and create another inequity."

Catania: "Well, Representative Dunn, I'm sorry to disagree with

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you but the statistics are that about 75% of child support payments are not made in the State of Illinois and it is impossible to believe that in all of those cases someone has been laid off work or has some kind of problem, and in fact the problem is that the children are the ones who suffer. The children don't live on air and the custodial parent has to be supporting the children while these court order child support payments are not made. And the statistics overwhelmingly disprove what you have just said. In the vast majority of cases, those are not the problems. The real problem is that the custodial parent simply cannot raise the money for the lawyers fees and frequently has to go on welfare for that reason."

Dunn: "I don't disagree with any statistics that you quote because I don't have any statistics, but what I am concerned about it an attempt to close a loophole and inequity in one situation and create another one. And without prolonging this anymore, I think the intention of the Sponsor is certainly meritorious. This appears to be a good faith attempt to create a solution to a problem, but I wonder if it doesn't give rise to another problem in its place. So, I'm afraid I cannot support the Bill at the present time and wish the Sponsor success."

Speaker Peters: "Representative Kociolko."

Kociolko: "Mr. Speaker, I call the previous question."

Speaker Peters: "The question is, 'Shall the previous question be put?'. Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. The Motion's adopted. Representative Catania, to close."

Catania: "Thank you, Mr. Speaker and Members of the House. As I attempted to assure Representative Brummer and I would like to assure Representative Dunn, if there are in fact some exceptions and I would think they would be rather limited

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so that this could not be a total requirement, I would be very happy to address that in the Senate and I would certainly pledge to you that I would ask for an Amendment in the Senate Judiciary Committee to take care of that problem. The problem that we are addressing here is that three-fourths of the child support payments in the State of Illinois simply are not made, and the responsibility of the parent that the court ordered to pay child support is simply ignored. The child, we have heard testimony and hearings on this, begins to feel that something is wrong with him or her. The child feels that the father has turned his back and gone away or in some cases the mother has turned her back and gone away. But in the overwhelming majority of cases, it is the father who has left and the custodial parent tries to raise money to pay the attorneys fees, but as I said it's kind of a typical case. You have to get 300 dollars to pay the attorney and then you get it back only 250 dollars in child support. So, it isn't worth it and you just don't bother anymore. And one parent has walked away, turned their back on the child and it's a devastating situation. I ask for your support for this Bill."

Speaker Peters: "Question is, 'Shall House Bill 534, House Bill 534 pass?'. Those in favor will vote 'aye', those opposed will vote 'no'. Representative Satterthwaite to explain her vote."

Satterthwaite: "Mr. Speaker and Members of the House..."

Speaker Peters: "One minute."

Satterthwaite: "If there any inequities that will be perpetrated by this Bill, it certainly would be far fewer inequities than under the current system. We know that we frequently do not have laws that are perfect for every situation involved, but there is gross evidence to indicate that the

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system is not working as it is currently set up. I believe this Bill will help to address many of the problems, will, in fact, make it more compulsive on the part of the supporting parent to get their payments there to help to support the child so that they will not run the risk then of being taken to court and having to pay the court cost. I strongly urge your support of this Bill."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Does anyone wish to explain their votes? Take the record, Mr. Clerk. On this question there are 129 voting 'aye', 14 voting 'no', 9 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Yourell, with your leave, I'd just like to pick up Representative Flinn for one Bill. Representative Flinn, 370. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 370..."

Speaker Peters: "Representative Yourell."

Yourell: "You mean to tell me he's just now getting out of there?"

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

Clerk O'Brien: "House Bill 370, a Bill for an Act in relation to funding of the Metropolitan Enforcement Groups. Third Reading of the Bill."

Speaker Peters: "Representative Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, what House Bill 370 does is attempt to furnish permanent funding for the Metro Enforcement Groups. There are eight around the state and what they do is try to make the best attempt that we have so far in controlling the traffic of drugs, marijuana and so forth. The state, this year, cut the groups to 1,400,000 dollar this year and they're pretty much hard pressed to stay in business. We fear that in the future because of the Reagan

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cuts in Washington and; therefore, forced state cuts in the state government that we need to find a permanent source of funding. So what we've done here is offer to increase the bingo tax from 5% to 7 1/2%. Presently, the 5% is split between the Mental Health Fund and the Common School Fund and we would have another 2 1/2% which would go into the Metro Enforcement Groups Fund and this would be a bit more in the beginning as to what we need, but the House and the Senate, would of course, maintain the right to appropriate the appropriate amount of money needed for those particular years. So there would be a special fund set up. If there's any questions you'd like to ask... answer, but I would ask for a favorable vote."

Speaker Peters: "Representative Giorgi."

Giorgi: "Representative Flinn, why do you feel that the people that play bingo ought to be paying for the Metropolitan Enforcement Groups' expenses? Why do you feel that some of these Veterans of Foreign Wars and the Moose and Eagles and the Elks that have been pleading with us for years to lower their percent cut to the state, why do you feel they should be paying for the Metropolitan Enforcement Groups' Funds? Why do you feel that?"

Flinn: "Well, it makes as much sense as the Common School Fund or the Mental Health Fund. Certainly bingo is looked upon as a sin tax and I hate to call it that, but you couldn't find a better source for spending the money than trying to control the traffic of drugs in our state especially in the metropolitan areas like my district and the Chicago districts are. So, I... there's probably no relationship to the funding as to where the money comes from, but no more than the School Fund or the Mental Health Fund."

Giorgi: "Mr. Speaker, I'd like to speak on the Bill. Mr. Speaker, we had a lot of trouble in this state legalizing

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bingo and because of the suspicion that we looked on bingo, we tax them too much. We found out to our chagrin that it wasn't fair. For a half a dozen years all the not-for-profit corporations that play bingo were pleading with us to cut the tax from 10 to 5%. Now, the Metropolitan Enforcement Groups, I'm very familiar with them in my city, and it's a product of the Law Enforcement Commission who for years was telling us there are terrible groups out there that we should put in jail. We should enact the owner, gun owners identification law so that anyone found carrying a gun can be sent to jail. No one's been sent to jail yet. There's plenty of money in cities, counties, and townships to fund these Metropolitan Enforcement Groups. I think this is a terrible way of funding this type of an activity and I don't know where you got the Bill from, Monroe, but I wish you'd table the Bill."

Speaker Peters: "Representative Winchester."

Winchester: "Would the Gentleman yield for a couple of questions?"

Speaker Peters: "He's not... He will."

Winchester: "I noticed in our synopsis, Monroe, that two years ago the bingo tax was lowered from 10% to 5% and you want to raise it now to 7 1/2% which would generate roughly 2.8 million dollars. Now, is it your intention that of the 2.8 million that it would be divided up one-third to.. let's see, right now 50% goes to the Mental Health Fund and 50% to the Common School Fund and that would now be one-third to each? One-third to Mental Health Fund, one-third to School Fund and one-third to MEG? Is that your intention?"

Flinn: "Not yo MEG direct. It would go to the MEG Fund and we would appropriate out...it the appropriate amount of money to run the MEG group."

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Winchester: "To the MEG Fund. All right. The Department of Law Enforcement, what was their position on this Bill in Committee?"

Flinn: "I don't think they took a position."

Winchester: "They didn't take a position? Stayed neutral?"

Flinn: "No, not to my knowledge. It passed out 13 to 3 or something or that sort. 15 to 3. I'm sorry."

Winchester: "15, 3 and 3. Okay. Thank you."

Speaker Peters: "Representative Mulcahey."

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

Speaker Peters: "Question is, 'Shall the previous question be put?'. All those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Representative Flinn, to close."

Flinn: "Thank you, Mr. Speaker. I really can't add a lot to what I've already said. The MEG groups are very important for the control of drugs in our state. The various police departments around the state furnish the manpower and the offices are set up and run by the MEG group in order that they have a coordination for the drug control group. Now, the group down in my area just finished breaking a drug smuggling group called the 'Company'. It ran all the way from Southern Illinois to Georgia. They do very fine work and without these groups here, the local police departments, especially in the small rural areas and the smaller urban areas, could have no control whatsoever of the flow of drugs. And, I would ask your favorable vote."

Speaker Peters: "The question is, 'Shall House Bill 370 pass?'. Those in favor will vote 'aye', those opposed. Those opposed will vote 'no'. Mr. Speaker, Clerk, the voting is open. Representative Ewell, to explain his vote. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question

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there are 47 voting 'aye', 77 voting 'no', 8 voting 'present'. This measure having failed to receive the Constitutional Majority is hereby declared lost. Representative Yourell, House Bill 561. Representative Yourell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 561, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Bill was suggested to me by Representative Hanahan who had received substantial correspondence from the township assessors and the multi-township assessors from the county in which his district is in. And since that time I've had other correspondence and suggestions from other township assessors and multi-township assessors in the State of Illinois and also conversations with the township officials of Illinois. And what this does simply is to provide that since township assessors no longer handle any monies, any revenue that they should no longer be required to post a bond. Along with that requirement, we have authorized and mandated this legislation that the township assessors and the multi-township assessors..."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 561 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Peters 'aye'. Take the record, Mr. ... Collins 'aye'. Mr. Neff, would you vote Representative McAuliffe 'aye'? Representative Sandquist would you vote... This is a violation of the rule, Representative Braun. Representative.. all right, Catania is 'aye'. Have all voted who wish? Take the record. Take the record, Mr. Clerk. Fawell 'aye'. Okay? Take the record, Mr. Clerk. On this question there are 158 voting 'aye', none voting 'nay', 3 voting 'present'. This measure

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having received the Constitutional Majority is hereby declared passed. House Bill 566, Representative Yourell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 566, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 566 was heard in the Elementary and Secondary Education Committee of the House and came out of that Committee with a vote of 19 to nothing. What it does simply is to allow those special education funds that have been used primarily before and specifically and exclusively for building special education buildings and that fund can now be used for any other purpose including building for special ed. The funds still have to be used for special education and if, for example, there is a decision to do that then a referendum is required. I think this is good legislation. It allows school districts that have surplus funds in their General Corporate Fund that they cannot any longer do anything with allow them to use the funds for other purposes from which they were originally intended such as building. I would hope that you would give this a favorable Roll Call because the school districts do need the money and this is a vehicle for which they can use."

Speaker Peters: "Representative Bower."

Bower: "Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Bower: "Representative Yourell, last Session there was a Bill and I don't remember if you were the Sponsor that would allow money to be transferred out of one fund into another fund and once it was transferred out of the first fund, then that fund could, they could levy a tax again in that fund to replenish it. It was really a way of raising more tax

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revenue. Is this that such Bill?"

Yourell: "No. That was Representative McClain's Bill in the last Session. This is not that Bill."

Bower: "Thank you."

Speaker Peters: "Representative Ewing."

Ewing: "Would the Speaker yield, I mean the Sponsor yield for a question?"

Speaker Peters: "He indicates he will."

Ewing: "Would you explain this just a little more thoroughly. You say that they can transfer special education funds, building funds now, to some other use?"

Yourell: "When this legislation was originally introduced and put into effect, there was a need for buildings for special education facilities. Since that time, and with the passage of time, the school districts have utilized and capitalized on their buildings so that they no longer need the buildings, but they still have corporate funds in their bank accounts that are just lying there. All we're saying is expending the uses for which these monies can be put, but they still have to be used for special education purposes including buildings."

Ewing: "Do they... What did you mention about a referendum?"

Yourell: "In order to do this, Representative Ewing, they have to have a referendum."

Ewing: "Which would allow them to use these building funds for say educational purposes?"

Yourell: "If they are related to special ed. purposes, yes."

Ewing: "But the referendum's required even if it's for special education purposes?"

Yourell: "Yes."

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

Hallstrom: "Thank you, Mr. Speaker. I can't get it. Thank you, Mr. Speaker. Turn me on. Am I on?"

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Speaker Peters: "Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this legislation. It actually is very good for the school districts. It does not take anything away from special ed. The money is just taken from one fund and put into another area within the school district where funds are needed in special education, and I would ask for your support also."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. Just briefly to support the Gentleman's Bill. He is correct in saying that this tax rate was put in at a time when the primary problem in special ed. was buildings. That's no longer the case. There are other special ed. specific funds, for example, special ed. transportation and the Gentleman's Bill simply allows a transfer of the revenue raised by this tax to those funds. I would have to correct the Sponsor in one sense. The referendum is required in that case where you want to transfer money already in the fund up to what, 135,000 dollars? That provision's already in the law. All the Gentleman is doing is extending the time in which you can have those referendums if you want. It's a legitimate, in my opinion, use of the special ed. funds. A lot of school districts are in trouble in the special ed. transportation fund and others. I would urge an affirmative vote."

Speaker Peters: "Representative Oblinger."

Oblinger: "Mr. Speaker, Members of the House, I rise in support of this. We just did this in our school district. We had about 90,000 dollars put aside for a vocational and special ed. building. It was built without the use of those funds. We had a referendum. We used it for maintenance and a new roof and I think this was help to our district to be able

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to spend the money and I think this is a fine Bill to have."

Speaker Peters: "Representative Jack Dunn."

Dunn: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to support this Bill but educational fund is kind of a misnomer in that teachers' salaries come out of the educational fund. I just have the feeling that these monies from the educational fund could be used to grant teacher salary increases and hereby locked in forever depleting whatever future the building fund might have."

Yourell: "Was that a question, Sir? In order to do that, they have to have a referendum."

Speaker Peters: "Representative Dunn. Representative Schneider."

Schneider: "Thank you, Mr. Speaker and Members of the House. I think the key words in here are surplus funds. I think one of the prior speakers was alluding to the sphere about the money being in line with educational operations. We also should be... So, I think that's in error. Another part of our concern ought to be that we recognize that Illinois is more than a microcosm of the problems of aid to schools. We're seeing it not only in our levels locally, but statewide. So we're talking about grants and blocks, block grants for programs like special ed. So what we're doing now with this is to say that the needs for special ed. can be partly met if there are surplus funds, if we pass a referenda for special ed. programs which have truly been programs of great expense. The state has gone a long way with General Revenue Funds to support those programs. If we intend to cut it back here at this level, we may as try to address even if it's a small way in House Bill 566 and I would encourage you to adopt 566 on a 'do pass' Motion."

Speaker Peters: "Representative Pechous."

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Pechous: "Mr. Speaker, I'd move the next question."

Speaker Peters: "The question is, 'Shall the main question be put?'. Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Representative Yourell, to close."

Yourell: "Thank you, Sir. Just to ask for a favorable Roll Call and I think it's an excellent Bill. It relieves the school district of financial burdens and they have the monies and they ought to be able to use it."

Speaker Peters: "The question is, 'Shall House Bill 566 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Representative Deuster, to explain his vote."

Deuster: "Well just briefly, Mr. Speaker, this is a Bill that our friend, Representative William Walsh used to speak against all the time. Originally, the idea was you put on a tax for eight years to build some special education buildings. Now the idea is to leave that tax on forever. I think everyone of you may support this. Maybe times have changed, but you should know that you're voting to extend the limited tax. You're doing it without referendum."

Speaker Peters: "Have all voted who wish? Representative.... Vote Representative Mulcahey 'aye'. Did you say 'aye' or 'no'? 'No'. Have all voted who wish? Take the record. On this question there are 129... 130 voting 'aye', 15 voting 'nay', 7 voting 'present'. This measure having received the Constitutional Majority is hereby declared passed. House Bill 633, Representative Yourell. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 633, a Bill for an Act to amend Sections of the Boat Registration and Safety Act. Third Reading of the Bill."

Speaker Peters: "And what else? Representative Yourell."

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

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House. This Bill was suggested by the Department of Conservation. Obviously, they've had a problem with abandoned boats in the State of Illinois and what it does is to provide that a person can acquire a title of any vessel under the Boat Registration and Safety Act that has been abandoned for over six months. The procedure described in the Bill for acquiring a title to an abandoned boat is set forth in the legislation, and any previous owner of the vessel must be notified according to the last known address. And any lienholders appearing on the Department of Conservation records also have to be notified. All vessels over 12 feet in length are required to display an identification number provided by the Department. The owner of the boat that has abandoned this vessel is given 30 days to retrieve the vessel and if that is not done then the landowner on which the land that the vessel has been abandoned on has a right to sell it. I think this is good legislation. It's supported by the Illinois Department of Conservation and is a solution to an often occurring problem in our farmlands in the State of Illinois. I ask for a favorable Roll Call on House Bill 633."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 633 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk. The voting is open. Representative Wolf wishes to be recorded as 'aye'. Representative Peters 'aye'. Have all voted who wish? Woody, do you have Buddy Greiman? Have all voted who wish? Take the record, Mr. Clerk. Jaws Greiman? No, Buddy Greiman. On this question there are 151 voting 'aye', 5 voting 'nay', 4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Where's Jake? House Bill 636, the

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distinguished Gentleman from DeWitt, Representative Sam Vinson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 636, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a good Bill. It simply is a freedom of choice Bill, if you will, to permit school teachers to elect whether they'll receive their pay if they're not covered by a collective bargaining contract over a ten month period rather than a twelve month period. And I would solicit an 'aye' vote for it."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 636 pass?' Those in favor will vote 'aye'; those opposed will vote 'nay'. Mr. Clerk, the voting is open. Peters, 'aye'. Wolf, 'aye'. Have all voted who wish? Have all voted who wish? Please vote Representative Bowers, 'aye'. Representative Collins, 'aye'. Mr. Clerk? They're punching those buttons. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 149 voting 'aye', 5 voting 'nay', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 654. The Gentleman from Jackson, Representative Alstat. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 654, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Alstat."

Alstat: "Mr. Speaker, Ladies and Gentlemen of the House, this is a Bill that updates the reporting on the School Code. It's been asked for me to carry this by the school administrators. It brings it a little more in line with the present day teachers' salaries and also with some of

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the reporting has modernized and streamlined and I would ask for your favorable vote."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 654 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. The voting is open. Wolf 'aye'. Peters 'aye'. Have all voted who wish? Have all voted who wish? Collins 'aye'. Have all voted who wish? Representative Dar... Okay. Is everybody on? Take the record, Mr. Clerk. On this measure the vote is 151 voting 'aye', 3 voting 'nay', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. First Bill. Representative Macdonald. House Bill 681. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 681, a Bill for an Act to amend the Illinois Finance Act, the Illinois Income Tax Act and creates the Illinois Non-Game Wildlife Protection Act. Third Reading of the Bill."

Speaker Peters: "Representative Macdonald."

Macdonald: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. For those of you that were in the Session last year you'll know that this Bill is the same as House Bill 2200 that went flying out of this House and also passed the Senate with a substantial majority and was vetoed by the Governor, unfortunately, because I think my Cosponsor maybe became over zealous and took a beautiful eagle into the Governor's Office which wasn't too popular. I am not planning to take an eagle or any other animal but I will tell you that I strongly support this Bill and I'm bringing it back again this year. It is a voluntary check-off for your income tax refund up to 10 dollars to the Department of Conservation for the purpose of preserving and protecting and perpetuating the non-game wild life in

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Illinois. There are seven states that have refund check off systems and others that have those systems that are pending. In Colorado, which was the first state to have such a system that has a population of about 2.5 million, reports that their check off of \$1.05 or \$10.00 produced 350,000 dollars in '78, 501,000 in '79 and 650,000 in 1980. Now, Illinois is a state with a population of about 11 million so you can imagine although it is unproven what this could generate all on a voluntary basis and it could easily bring in at least 2 million dollars in refunds. When we find our Governor having to cut back so severely on departments, it seems an easy and painless way to bring money into this state without any cost substantially because the program would pay for itself. I certainly urge your support of this Bill to save the endangered species that we have in Illinois and there are at least 75 to 100 that are seriously endangered wildlife species that are non-game wildlife. I urge your support of this Bill."

Speaker Peters: "Representative Barkhausen."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, as a Cosponsor of this Bill, I simply wanted to rise to reaffirm the Lady's remarks. This is badly needed legislation. Unfortunately, it was vetoed last year and is not now on the books. I pointed out in the Committee on which I'm privileged to sit with the Sponsor of this Bill that not only is this a worthy measure but I think it sets a valuable precedent for a new means of providing revenues to charitable organizations in this state. As we look last towards the federal and other units of government for support of worthy causes, I think it is well to establish this mechanism as a voluntary means of encouraging contributions, not only to wildlife potentially in the future if this system works, towards other charitable

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activities. And I encourage you all to vote for the Lady's Bill."

Speaker Peters: "Representative Ropp."

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

Speaker Peters: "She indicates she will."

Ropp: "Yeah, Representative Macdonald, would you clarify in my mind? Does this mean that you, from your income tax, could take ten dollars from that that would be going to the state? For example, if you had a hundred dollars that were to be paid to the state, if you want to, say, ten dollars of that you'd only have... the state revenue would only be 90 dollars?"

Macdonald: "This is on your refund that's coming back to you only. It's on refunds, not on your income tax. It is only on the refunds that you are entitled to and I might add, the question has been asked, what if you do not have a refund but want to participate in this program? And, I would suggest that you might send you money directly to the Department of Conservation and that would be a contribution that those not having a refund could make to the wildlife conservation effort."

Ropp: "Good. Thank you."

Speaker Peters: "Any further discussion? There being none, the question is 'Shall House Bill 681 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk. Voting is open. Have all voted who wish? Representative Alexander, would you vote Representative Slape, please? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 150 voting 'aye', 8 voting 'nay', 4 voting 'present'. This measure having received the Constitutional Majority is hereby declared passed. I might just take a moment on behalf of the Speaker and I'm sure joined in by the Minority Leader. I think we would like to

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express our thanks to Tony Leone and his staff and all of the ladies and men who are working in the Clerk's Office. It is a very difficult job keeping up with all of the Amendments, and the duplicating and bringing them, and the Enrolling and Engrossing. And I think with the rapidity with which we have moved at sometime, they have certainly kept the Calendar up to date and all of us pretty much well informed. So I think, on behalf of all of us, we would like to extend our thanks. Clerk Leone promises at the next Session to bring Roxy. Representative Kosinski."

Kosinski: "Mr. Speaker, to whom are we indebted for payment for that delicious chicken? Who paid for that?"

Speaker Peters: "To the, I believe it's the welfare fund."

Kosinski: "No, seriously. Who paid for that? Whoever paid for it, we're all grateful, I'm sure."

Speaker Peters: "Right. House Bill 722, Representative Yourell. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 722, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 722 makes changes in the School Code, Chapter 1223A-12, to conform to the consolidation election. It provides for the, if the voters disapprove or approve of a county disconnecting from an educational service region, no successive petition can be circulated except on one of the five regularly scheduled election dates in a two year period as established by the consolidated election schedule. This Bill was heard in the Elementary and Secondary Education Committee. It came out with a vote of 22 to nothing and I urge a favorable Roll Call on House Bill 722."

Speaker Peters: "Any discussion? There being none, the question

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is, 'Shall House Bill 722 pass?'. Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Representative Alexander, would you vote Representative Slape? Although it's a violation of the rules, Representative Braun. Representative Polk. Is the Gentleman... Have all voted who wish? Take the record. On this question there are 156 voting 'aye', none voting 'nay', 2 voting 'present' and this measure, having received the Constitutional Majority, is hereby declared passed. House Bill 196, Representative Ropp. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill..."

Speaker Peters: "Excuse me. Representative Schuneman, you're up next."

Clerk Leone: "House Bill 196, a Bill for an Act in relationship to special service areas for weather control. Third Reading of the Bill."

Speaker Peters: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker, Members of the House. With as much moisture as we've had outside some of you may say, 'Who needs weather modification?'. What actually now is the very reason for this particular Bill being introduced. As farmers are very much involved in planting in early Spring, we oftentimes run into times when we have adequate amounts of moisture available to them. Come July and August when moisture is really needed in order to develop a substantial corn crop, soy bean crop and wheat crop, and we run into a dry spell we cannot organize programs rapidly enough in order to provide for a weather modification or a cloud seeding program. There are a number of areas in the State of Illinois that have programs, but it each time is very difficult to get them underway for the reasons that I

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had stated. What this particular Bill does, it does set up a special service area after a hearing and request by individual counties to the county board. A referendum is taken which states that there would be an assessment on a per acre basis not to exceed 15¢ and that after the referendum would be passed the following taxing period would go into effect in order to generate funds for developing a weather modification program which deals with securing permits, airplanes, radar systems and the entire program. This Bill also provides for the opportunity to again call for a referendum by 10% of the voters and could dissolve the whole program which would be the first kind of special area of this type to do this. This Bill deals strictly for and with people involved in agriculture. No cities or villages would be coming forth on the referendum and this program is not new. There are several states now, particularly North and South Dakota that have state programs that do the very thing that we are attempting to do here on a local county basis. There are provisions, as I'm mentioned, for dissolving a program should it not pass. There are provisions that monies available or left would be returned to those who have contributed to the program. There is a penalty Section and I welcome any questions that you might have. One further point, though, before I ask that. You might say, 'Why do you need any weather modification?'. The critical times in crop production is in particularly in corn is during the tasseling period, silking and developing of the ear. With weather modifying, you can get as much, let's say, a-half inch of rain could generate as much as ten bushel extra corn per acre and you can say, three dollars and a half a bushel, you can get as much for a 15¢ per acre investment in this program could generate in return a 35 dollar return which is a pretty

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good program. I welcome any questions that you might have, please."

Speaker Peters: "You mean from the first? Representative Kelley."

Kelley: "Mr. Speaker, Members of the House, I would like to announce the possibility of having a conflict on this vote as I have a Winnebago Indian that works for me that does a rain dance."

Speaker Peters: "However, you'll vote your conscience and pay the prevailing wage. Representative Ebbesen."

Ebbesen: "Yes, would the Sponsor yield?"

Speaker Peters: "He indicates he will."

Ebbesen: "Representative Ropp, I see you have this set up by counties and for cloud seeding. How do you, you know, say DeKalb County decided to go into this program and we decided to have a little rain. What happens with the surrounding counties? I don't quite understand that."

Ropp: "First of all, this program with the radar system and so forth is in a position that with the scientific research does not cause any rain to fall that the cloud, without the weather, without the weather conditions being favorable. They have it so worked out that they determine the speed of the cloud, the atmospheric conditions and they, in fact, then actually cause increased amounts of rain to pretty much fall within a given area. They stop the seeding of the silver iodide far enough before the end of a county depending on the direction of the wind and the flow of the clouds and it, for all practical purposes, pretty much stays within the area they have prescribed."

Ebbesen: "Another question. Representative Rigney has informed that as an illustration, supposing he has.. the hay is down and you start the rain. Do you have another Bill to stop it?"

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Ropp: "Not in this particular Bill, but we'll work on that next Session."

Ebbesen: "Thank you."

Speaker Peters: "Representative Slape."

Slape: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move the previous question."

Speaker Peters: "The question is, 'Shall the main question be put?'. Those in favor will signify by saying 'aye', opposed. The 'ayes' have it. Representative Ropp, to close."

Ropp: "Yes, Sir, Mr. Speaker and Members of the House. This is a Bill that deals specifically with the importance of producing food and fiber for our great nation. I see it as an eventual tool for production food just as is the use of fertilizers, insecticides, herbicides. It will not really come into effect until maybe '83 or '84 but it's the kind of program we have to begin with now so that when that time comes we will be ready to handle it. I urge a favorable vote on this Bill, 196."

Speaker Peters: "The question is, 'Shall House Bill 196 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk. Representative Wolf. Have all voted who wish? Representative Winchester, to explain his vote."

Winchester: "I...go ahead and take the record, Mr. Speaker. I think we've got enough votes now."

Speaker Peters: "Take the record. On this question there are 131 voting 'aye', 21 voting 'nay', 10 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 210, Representative Schuneman. Is the Gentleman here? House Bill 285, Representative Stiehl, C. M. Stiehl. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 285, a Bill for an Act to provide for the Belleville Metropolitan Exposition Auditorium

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Authority. Third Reading of the Bill."

Speaker Peters: "Representative Stiehl."

Stiehl: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill creates an authority to establish a civic center in Belleville. I'd like to say specifically there is no money attached to this Bill. The representatives from the City of Belleville testified in Committee that they realized there were no funds. They were not asking for any. All they wanted was this authority to give their plans greater impetus. They have created a special taxing district. They have done a significant restoration and historic preservation project underway and they would just simply like to have this authority so they could proceed with their plans that would add greater impetus to it. And I would ask for a favorable vote."

Speaker Peters: "Any discussion? Representative Slape."

Slape: "Yes, will the Sponsor yield?"

Speaker Peters: "She indicates she will."

Slape: "Representative Stiehl, you say they've already set up their own taxing body?"

Stiehl: "No, I didn't, Representative Slape. I said that in the downtown center of Belleville they have created, by referendum, a special taxing district which has allowed them to do... to undertake a significant restoration and historic preservation project, and as part of this they have asked for this authority so that it will give greater impetus to their planning for a civic center. There are no funds in this."

Slape: "All right. Thank you."

Speaker Peters: "Representative Giorgi."

Giorgi: "Mr. Speaker, I want to rise in support of Cissy Stiehl's attempt to get a metro center for her area. I'd like to report to the Assembly tonight that after a half a dozen

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years of trying to get a metro center in the Rockford land area, our metro center is now open and thriving. The people of Rockford are enjoying all kinds of activities. I know that the building is going to be paid from the skin at the track, but the churches are going to have a convention in it. Johnny Cash came down. Paul Anka's coming down. The horses are there tonight. My kids saw the ice show. It's a hell of an idea who's time has come and I support Cissy Stiehl."

Speaker Peters: "Representative Pierce."

Pierce: "Mr. Speaker, I understand the Rockford Land Civic Center is to be called the Timothy Simms Center for all time."

Speaker Peters: "There any further discussion? There being.... There being none, the question is 'Shall House Bill 285 pass?'. All in those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 124 voting 'aye', 30 voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Hallock. 325. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 325, a Bill for an Act to amend Sections of the Local Mass Transit District Act. Third Reading of the Bill."

Speaker Peters: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 325 is actually a merely Bill. It merely increases the number of trustees on the Rockford Mass Transit District from three to five. The purpose for this is to insure we get a quorum at the meetings we've had in the last few years. We've had a hard time getting a quorum. That's all the Bill does and I'd like to point

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out to the Members that if you look in the Digest on page 417 it says that this passed the Committee by 101 to 0 and I would urge your favorable support along with those Members of the Committee. Thank you."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 325 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk. Voting is open. Peters 'aye'. 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 155 voting 'aye', 1 voting 'nay', 2 voting 'present' and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 396, Representative Hallock. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 396, a Bill for an Act to amend Sections of the Unified Code of Corrections. Third Reading of the Bill."

Speaker Peters: "Representative Hallock."

Hallock: "Mr. Speaker and Members of the House, I think one good Bill deserves another. This Bill is even better than the last one. What this Bill tries to do is insure that we make our Illinois license plates in Illinois prisons. At the present time, about 40 of the 50 states in our nation make license plates in their prisons. Illinois is one of the ten that do not. I would submit to you that this would has two-fold purposes. First of all, we could help rehabilitate our prisons, giving them something more to do in prison. Secondly, this would save the state about 2 million dollars per year. Two years ago our license plates were made in Arkansas. Before that they were made in a Texas prison. Now they're made out in New York. I would say to you this is a good Bill. Our plates should be made in Illinois, save us some money, give the prisoners

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something to do and I'd ask for your favorable support."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 396 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk. Voting's open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 156 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared lost. House Bill 625, Representative Huff. Out of the record. The Speaker made another error. The vote on this measure is 156 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. 625, Representative Huff. Out of the record. House Bill 142, Representative Breslin. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 142, a Bill for an Act to revise the law of negligence. Third Reading of the Bill."

Speaker Peters: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill institutes contributory negligence..."

Speaker Peters: "Excuse me, Representative Breslin. Would you turn the Lady up, please? Proceed."

Breslin: "Yes. Mr. Speaker and Ladies and Gentlemen, this Bill institutes contributory negligence or comparative negligence as the standard for awarding damages in tort cases. Right now, the law in Illinois is that if you contribute in any way to the cause of your injury, no matter how slight your contribution was, you are forever barred from any recovery for your injury. Under comparative negligence, each party bears the burden of his or her own negligence and only recovers to the extent that he is not negligent. This way neither party is unjustly enriched and neither party escapes liability for his

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negligent acts or omissions. Happy to answer any questions."

Speaker Peters: "I'm sorry. Further discussion? Representative Preston."

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

Speaker Peters: "She indicates she will."

Preston: "Representative Breslin, doesn't the recent Supreme Court decision obviate the necessity for this Bill?"

Breslin: "No."

Preston: "What's the difference between the ruling of the Supreme Court and what your Bill would do?"

Breslin: "This Bill implements the 'Alvis vs. Reiber' case; however, it makes it permanent and it also determines what the effective date is. In other words, the Supreme Court could go back and forth on the issue if they so decided. This puts it into the statute, makes it permanent and makes a definite date."

Preston: "And the effective date of this is when? Immediately upon..."

Breslin: "Immediately. As immediate as we could make it."

Preston: "Does this, in any other way, change the affect of the recent Supreme Court contributory negligence... or comparative negligence?"

Breslin: "No. It's pure comparative negligence."

Preston: "Thank you."

Speaker Peters: "Representative Johnson."

Johnson: "Mr. Speaker and Members, for those Members of the Legislature I assume who are in a majority, including Representative Friedrich and I think myself, who are concerned about the inclination of the Supreme Court to legislate. The response for that shouldn't be to vote against the Bill. The response to that should be to vote

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in favor of this Bill because this Bill was developed long before the Supreme Court decision and contains elements that really clarify the law on comparative negligence. And so by passing this Bill, we're enacting into the statutes of our own volition a concept or pure comparative negligence which is certainly the trend all around the country in telling the Supreme Court that the Legislature can in fact act. I think it would be irresponsible on our part simply because we don't agree with the inclination of the Supreme Court to make law, to vote against the Bill that's eminently fair, certainly the trend in every regard and allows fair recovery on both sides of a particular accident or event without some of the unfairness that resulted under the old contributory negligence system. In partial response to the questions to Representative Breslin, what it does do in addition to what the Supreme Court decision does...did was to clarify some areas that it's going to take several years and thousands of dollars worth of legal fees to clarify through the courts if we don't clarify it through legislation. And that is the set off provisions, the effective liability insurance, the effective uninsured or underinsured motorists coverage. It really clarifies the thing statutorily that the Supreme Court or lower courts would have to decide through a whole series of decisions. I think it's a good concept. It's a fair concept and it's the Legislature acting as it should responsibly and preempting judicial law-making which has vexed many of us for a long time. For those reasons, I urge a 'yes' vote."

Speaker Peters: "Representative Slape."

Slape: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Peters: "She indicates she will."

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Slape: "Representative Breslin, if it can be proved in a case that a litigant is 99% responsible for the accident that happened to him, could he still sue to cover the one percent?"

Breslin: "He is held responsible in such a suit for the one for the 99% of the negligence that he caused. He can recover only for the one percent that he did not cause in addition to which he is 99% responsible for any injury caused to the other party and is only held one percent not responsible."

Slape: "Okay. Under this legislation, do you, I guess this is just asking for your opinion, but would you see an increase in court suits?"

Breslin: "I would say there would probably be an increase in counter claims filed with the suits."

Slape: "Well..."

Breslin: "There has been a number of studies which, in the other states, that have gone to a comparative form of negligence. According to the Supreme Court case and according to the settlements that they have followed, there has not been an appreciable increase. Yes, and what Representative Greiman is saying to me is that this is probably more likely to help in the settlement of cases."

Slape: "Okay. Now, one other question to you. Isn't the major cause for the increase in the cost of insurance and increase in premium what is normally labeled nuisance cases?"

Breslin: "There's no showing in the other 36 states that have comparative negligence that that is the case. Nor was their any testimony presented from the insurance industry that would indicate that."

Slape: "Yes, but back to the question. Isn't... Or don't the insurance companies at least claim that one of their big costs and the cost in their premiums is so-called what

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they label nuisance cases?"

Breslin: "I really can't answer that. I don't know."

Slape: "All right. Thank you."

Speaker Peters: "Further discussion? Representative Zito. Oh, I'm sorry. Representative Friedrich. I did forget him. He was ahead of you, Representative."

Friedrich: "Would the Sponsor yield?"

Speaker Peters: "She indicates she will."

Friedrich: "Representative Breslin, one of the Supreme Court justices was quoted recently in an article which had to do with their ruling on this matter that they had taken it over because the Legislature failed to act in this important matter so they felt they would take the prerogative. Now, my question, do you think it's the prerogative of the Supreme Court to legislate when the Legislature fails to do so? Apparently, you think this is a legislative matter because you've introduced a Bill. My question is, do you think that this area is an area of legislation or a Supreme Court rule?"

Breslin: "Representative Friedrich, I think that any area that the Supreme Court has instituted by common law, they have jurisdiction over. I would say; however, that the Legislature has concurrent jurisdiction."

Friedrich: "Well, which would supersede if they make a rule and we make a law which supersedes. You apparently think the law should supercede."

Breslin: "Your question is which supersedes? Does the law supercede?"

Friedrich: "You apparently think it does or you wouldn't be introducing this Bill."

Breslin: "Does the statute supercede? Yes, that's correct."

Friedrich: "But you think it is the prerogative of the court to make a law when the Legislature fails to do so?"

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Breslin: "We're talking about common law, Sir. The law that they reversed was one that they enacted in 1809 in Illinois. They enacted it in the first place. Case law and statutory law indicates that they have the prerogative to change it if they want to. I would remind this Assembly that in 1968 the Supreme Court studied this issue. In that case, they said, 'We find the present law of contributory negligence so inequitable that it is repulsive to the jurors to continue under it' and they implored this General Assembly to make a change. That was 1968. They said, 'We, however, will wait for the General Assembly to make a determination on this issue'. I, since I have been here since 1977, has introduced this Bill every year. I think the Supreme Court has been patient on this issue. It is an issue that they feel very strongly about and they have decided to use their prerogative because of our inaction. I believe that that is their prerogative."

Friedrich: "Well if it's true in this area then there are also many, many areas where they'd have the prerogative to actually legislate, right? And for the purpose of enforcement, it becomes law."

Breslin: "What is your question, Representative?"

Friedrich: "My question is, if they have the authority in this area they obviously have the authority in many areas in which we legislate."

Breslin: "In which we legislative but in which they have also acted previously."

Friedrich: "And for the purpose of enforcement that becomes the law of the state."

Breslin: "Our law can reverse anything that they decide."

Friedrich: "Well, I hope that in the near future that trend is going to end and we'll do the legislating there and they'll do the court decisions over there."

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Speaker Peters: "Representative McGrew."

McGrew: "I move the previous question."

Speaker Peters: "The question is, shall the main question be put? Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. The question is, shall House Bill 142 pass? Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk, the voting is open. Representative John Dunn, to explain his vote."

Dunn, John: "Thank you, Mr. Speaker. I just had some questions and I don't chose to explain my vote. Thank you."

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

Leinenweber: "Thank you, Mr. Speaker. As Chairman of the Committee that heard this Bill and one of the ones that opposed it in Committee I'd like to explain why I opposed it and why I feel that it's somewhat precipitous to pass this Bill at this time. Supreme Court opinion is not final at the moment. It's subject to change on rehearing. One of the areas that the court does not choose to reexamine the whole idea whether they should act in this area. One of the areas that certainly will be most discussed is the effective date of the opinion. Now, currently the way the Bill reads and the way the, and it's identical to the opinion that it applies to all causes of action which have been filed on the effective date of the opinion and the Bill carries that forward in the Act all cases filed on the effective date of the Bill. In addition, it applies to all cases commenced in which trial has not yet been begun. In all cases commenced after, now that applies to everything that virtually all suits that have .. (cut off). That applies to all suits which are currently pending. Now this can play tremendous havoc with insurance company reserve requirements. They'll have to reanalyze every case which

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is on file against them. I think that it's very probable that the Supreme Court will deal with this question of effective date more adequately at the time of the rehearing. Now, if we etch this thing into law as soon as the Governor signs it it won't make any difference whether the Supreme Court makes any changes or not. So I think it would be a good idea to hold this Bill and not necessarily kill it but to hold this Bill and I suggest an Interim Study where it would be available as a vehicle to provide some changes if we decide to do so after the opinion becomes final."

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

Representative Stearney, do you wish to explain your vote?

Representative Schuneman, to explain his vote."

Schuneman: "Well, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, one of the things that bothers me about this is that we seem to be immediately jumping in and ratifying the law made by our Supreme Court. Now, it seems to me that this Legislature might just as likely be enacting a law here tonight that ratifies the strict liability or negligence law that we've had in this state for so many years. One of the things that concerns me, frankly, is the great problem that this kind of law is going to bring about in ordinary settlements that I see happening every day in automobile insurance. The fender benders, the small injury claims, it seems to me that our courts are simply going to be very, very crowded with all these claims and counter claims trying to figure out whether somebody has seventeen and a-half percent negligence or thirteen and a-half percent negligence. And I suggest to you that life may be a heck of a lot simpler under the system we have now and that.. (cut off)."

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

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Jaffe: "Yes, Mr. Speaker, I rise in support of this Bill. I must tell you that the General Assembly has been working on this Bill since I've been down under both Republican and Democratic leadership. And I think it's a bipartisan matter we have finally put this thing together after a number of years and Representative Breslin has worked very hard on this particular subject matter. I think it's a fine Bill. It's a good concept. It's bipartisan in nature and I think that we should go forward with it and pass it and I see no objection really to this Bill."

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

Beatty: "Mr. Speaker and Members of the House, I feel that this is an equitable Bill. It will aid in settlements of law suits because of its nature. I think it will help clear up the court calendar. And I think the Sponsor's done a great job in holding hearings and getting this Bill in form where it can be acceptable. I urge a 'yes' vote."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 100 voting 'aye', 41 voting 'no', 17 voting 'present'. This measure, having received the Constitutional Majority, is hereby declared passed. With leave.. with leave of the Assembly the Chair would like to pick up two quick pieces of business. Previously, we went to House Bill 145 which is on the priority of call. Representative Terzich took it back to Second Reading for the purposes, for the purposes of adopting an Amendment, 9, which we did. That Amendment, according to Enrolling to Engrossing, is technically deficient. Representative Terzich asks that leave to bring 145 back to the Order of Second Reading for the purpose of straightening that Amendment out. Does the Gentleman have leave? Leave is granted. Representative Terzich."

Terzich: "Yes,..."

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Speaker Peters: "Amendment #10."

Terzich: "Yes, I would move then to table Amendment #9."

Speaker Peters: "The Gentleman moves to table Amendment #9. Does he have leave? Leave is granted."

Terzich: "All right, then what it was there was an error in the computer typewriter and this is corrected in Amendment #10 and I would move for its adoption."

Speaker Peters: "The Gentleman moves the adoption of Amendment #10. Those in favor will signify by saying 'aye', opposed. The 'ayes' have it and the Amendment #10 is adopted. Third Reading. The Chair now asks the indulgence of the House one more piece of business to move to the Order of Concurrences on Supplemental Calendar #1. This has been discussed with Speaker Ryan, Representative Madigan, Matijevich and Wolf and has received their approval in terms of the content and the emergency nature of the action. On House Bill 538 Concurrences. The Order of Concurrences, Representative Wolf."

Wolf, J.J.: "Thank you, Mr. Speaker. First of all, Mr. Speaker and Members, I move to suspend rule 68B so that we may consider the Senate Amendments to House Bill 538 today."

Speaker Peters: "The Gentleman asks leave for use of the attendance Roll Call. Does he have leave? Leave is granted. Proceed."

Wolf, J.J.: "Thank you, Mr. Speaker and Members of the House. On this concurrence to the Senate Amendments to House Bill 538, Senate Amendment #1 transfers seventeen and a-half million in GRF from the nursing home care grants to general assistant grants. The transfer is necessary because of an unanticipated increase in the general assistance caseload and the higher than projected costs per case. That also eliminates 9.9 million in GRF from the nursing home line to cover deficits in other line items. These transfers are

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effected in the Senate Bill 1021. Senate Amendment #2 transfers \$50,000 general revenue funds from the office of Fiscal Management in the Department of Administrative Services, personal service line item to the Illinois Soldier and Sailor's Children's Home lump sum. The transfer is for expenses incurred in providing heat to the facility to prevent further deterioration. It also transfers \$10,000 within the Office Supply Revolving Fund from warehouse stock line items to the contractual service line item. This transfer is required to offset increased rent costs of the warehouse facility. Total amount is \$9,906 and I would move to concurrence to Senate Amendment #1 & 2 to House Bill 538. If there are any other technical questions I would then defer them to Chairman Reilly of the Subcommittee."

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

Leverenz: "Will the Sponsor yield for a couple of quick ones? For one."

Speaker Peters: "He indicates he will."

Leverenz: "The supplemental is in here to what amount for the State Scholarship Commission?"

Wolf, J.J.: "This is not the Bill. It's not in this Bill."

Leverenz: "Thank you."

Speaker Peters: "Any further discussion? Those in favor of the passage of House Bill 538... yes, I put up the lights just so that we'd see the whole thing. All those in favor of the passage of House Bill 538 will signify by voting 'aye', those opposed by voting 'nay'. This is final passage on this piece of legislation. Peters, 'aye'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this measure there are 153 voting 'aye', 2 voting 'nay', one voting 'present'. House Bill 538, having

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received the Constitutional Majority, is hereby declared passed. Back on the Order of Priority Call, page two, House Bill 146, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 146, a Bill for an Act to amend Sections of the Illinois Municipal Code, Third Reading of the Bill."

Speaker Peters: "Representative Hoffman."

Hoffman: "Thank you very much, Speaker. Ladies and Gentlemen of the House, House Bill 146 is exactly as indicated in the digest. This Bill is Cosponsored by Representative Daniels, Representative Redmond and Representative Roland Meyer. And what it does is limit the powers of municipalities over 500,000 from acquiring property by condemnation for airport purposes without the consent of any municipality in which they are condemning the property. You all had an opportunity to be contacted or most of you were contacted with a flyer earlier indicating that this Bill would deal with the rights of self-government and the inequities of allowing one municipality to usurp the rights of the other. This is primarily directed at a problem in our district relative to the expansion of O'Hare field. At the present time the City of Chicago has unlimited condemnation authority for airport purposes. What this Bill says is that that unlimited power for condemnation purposes will be subject to the agreement of any municipality into which they intend to expand through the use of condemnation. And I would ask your support of this Bill."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 146 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

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the record, Mr. Clerk. On this question there are 117 voting 'aye', 23 voting 'nay', 9 voting 'present'. This Bill, having... this measure, having received the Constitutional Majority, is hereby declared passed. For purposes of correction of the record, on House Bill 538. That measure, having received the vote of 153 voting 'aye', 2 voting 'nay', one voting 'present', the House concurs with the Senate in the adoption of Amendments #1 & 2 and passage of House Bill 538. House Bill 156, Representative Stearney. Representative Stearney. Is the Gentleman in the chamber? Out of the record. Representative Sandquist. How do you want to hand... House Bill 357, Representative Sandquist. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 357, a Bill for an Act in relationship to discrimination on the basis of sexual orientation. Third Reading of the Bill."

Speaker Peters: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, this is a most serious subject that is coming before us at this late hour tonight. This is a series of five Bills supported with my Chief Sponsors are Representative Catania and Representative Bowman who will close as well as additional other Sponsors. And I wish you would try to be serious about this because this is serious business."

Speaker Peters: "Ladies and Gentlemen, give the Gentleman order, please. Please give the Gentleman order."

Sandquist: "And I'd like to try to correct some of the erroneous information that's going around because all that these Bills deal with are civil rights, the civil rights of people. We have in Illinois now a number of statutes that confer civil rights on all people and say that they cannot be discriminated against because of sex, because of religion, because of race, because of national origin,

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because of political affiliation, and all that these Bills do is to add to that sexual orientation. You cannot have discrimination because of that. That's all that the Bills do. The Bills do not in any way say what is the right way of life or what is the way you people should do in private. There is nothing in these Bills that so is pointed out. I just wish, I just wish that each and everyone of you could have been at the hearings we had on these Bills. First of all, last... at the last Session when we had hearings in Chicago and the Bills were Sponsored by Representative Catania, Representative Marovitz and myself we had outstanding... That's all right."

Speaker Peters: "Representative Schneider."

Schneider: "It's one thing to get carried away during the presentation. I think it's really discourteous and rude to make the dive bomber sounds or whatever we call them. You know, anybody... everybody's entitled to make a presentation. I think Representative Sandquist has a very tough issue, as we know, but nonetheless, I think he deserves the courtesy to be heard as we all do."

Speaker Peters: "Your point is well taken, Representative."

Sandquist: "Thank you, very much. This really... believe me, this is serious business. As I was saying, that's all that these Bills do is to say that we cannot discriminate because of sexual orientation. And as I said before, I wish you could have heard the witnesses, each of everyone of you, to see that people are hurt. And they are discriminated against, not because of the way they act on their job, not because of the way they act as tenants in a place but because of something in private. And these Bills do not say that if you do something wrong, you shouldn't be taken away from your job or taken out of where you're living if you do something wrong, but not just because of

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what you do in private and that's what we're talking about; the civil rights of individuals. Because don't forget this, if we can take the rights away from any one group of people, we can take them away from anyone else. And, you may be in the next group because you don't part your hair right or you don't do this right, and that's what we're talking about in this series of Bills. Now, this first Bill what we're talking about is 357. All that this Bill does, it amends the University Act and the Small Colleges Act to say that...we're in there now. And let me just read this; 'In the administration of the university system, no applicant shall be denied employment by the merit board or by any employer because of race, color, sex', and we add sexual orientation, 'national origin, religious, or political affiliation'. That's all that's involved in these Bills; civil rights for people. And don't forget, as I said before, if you don't have... if some people are discriminated against, the next group can be you. So, let's remember that and I urge an 'aye' vote on House Bill 357, and my Chief Sponsor with me, Representative Bowman, will close."

Speaker Peters: "Representative Hudson."

Hudson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this series of Bills with the greatest respect for the sincerity and the effort that Representative Sandquist has put into this. I know that he comes before us with that degree of sincerity. I just happen to disagree with his approach and I will try to explain why. This is a difficult question. It is an emotional one because it is dealing with a class of people for whom I believe that we should show appropriate degrees of compassion and understanding. At the same time, it seems to me we are dealing with individuals who do not

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represent the norm in our society nor should this life style become the norm, and I haven't heard anybody argue that it should. But it seems to me that that is what these series of Bills tend to do. They seem to equate unintentional, unintentionally perhaps, what we would consider to be sexual deviation with normal differences, and I'm talking now about the differences cited in the statutes as they now stand; male, female, race, color, national origin, choice of religion, physical and mental handicaps. It says...These Bills seem to me to say, in effect, if it's not fair for an employer to discriminate on the basis of these normal and unavoidable differences, it is, therefore, not fair to discriminate on the basis of any other differences whatsoever including sexual deviation. My question to you, my colleagues, and to Representative Sandquist would have to be, why should any employer, particularly in the public sector, not be free to take into account deviate sexual behavior? If he chooses to hire someone of this persuasion, he should be free to do so. On the other hand, if he chooses not to because of the nature of the job involved, it seems to me that he should have that option too. Why should he find himself locked into a position where he has to? Why deprive the employer of his free choice in this respect? Now this Bill would tend, it seems to me, to cast abnormality into a mold of normality. It would tend to reshape our standards to another norm not acceptable to most people, and it would tend to make what is now unacceptable to most of the people in our society acceptable with the state's seal of ... state's seal of approval affixed, and all of this at taxpayers' expense, many of whom do not view this question as Representative Sandquist views it. I feel that it would encourage the adoption of a way of life to those who are predisposed.

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Now, my understanding is that individuals in this mold some are born that way and some acquire this lifestyle. Some are predisposed and it would seem to me that this would add to that predisposition, at least it would encourage those predisposed perhaps to an active participation in a lifestyle which, in turn, can bring misery to them later on. So it seems to me that what we're doing is encouraging something that may actually be cruel to these people to accept and to feel that a lifestyle is fine when society, in general, will never fully accept them. So, I would urge you, with all the sincerity that I have, and at the same time with the understanding, all the understanding and compassion that I can muster to think carefully before you vote 'yes' for this series of Bills and their far-ranging implications. I thank you."

Speaker Peters: "Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am proud to represent a district with a substantial gay population and I find that the gay members of my district are just as hard working and frugal (sic) as the rest of the population. They are property owners. They have purchased property and renovated it. They make good landlords. They build businesses the same as anybody else. One of the problems is that... is a fear of the unknown. People have not had the same opportunity to work with and to get acquainted with the members of the gay community. We need the benefits in business and in government of everybody's wisdom. We don't need to exclude any particular group based on religion, sex, or any other classification. There is a fear that pervades the gay community at this point. It's a fear that they are ... individuals are going to lose their jobs if there sexual orientation is found out. We heard testimony from many

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persons at the hearings before the Committee a few weeks ago about that fear and I've talked to many since that have that concern. What this legislation does is to say that in state government in the university system we need to have the best persons irrespective of what their sex, race, or sexual orientation is. We are not condoning homosexuality in the same way that by saying we cannot discriminate based on religion. We are condoning a particular religion or no religion at all. So I urge an affirmative vote on this Bill as well as on the other Bill, and I commend Representative Sandquist for leading the fight for this important civil rights issue."

Speaker Peters: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. I move the previous question."

Speaker Peters: "The question is, 'Shall the main question be put?'. Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. The question is, 'Shall House Bill 357 pass?'. Representative Bowman, to close."

Bowman: "Yes, thank you. I will try to be brief, but there are a couple of points I would like to leave with everybody. First of all, I think to the extent that you get flack from people in your districts about this legislation, they may be laboring under a misconception that homosexuality is now illegal and somehow these Bills are legalizing homosexuality. That is very, very far from the truth. At the present time, homosexuality, as any other kind of sexual behavior is legal in this state. What these Bills do is to address the employment behavior or the employment standards of the state. Secondly, I would like to remind everybody that Representative Sandquist hit it right on the head in his opening remarks. We're talking about private behavior of individuals which has no public manifestation

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whatsoever. The question in this legislation is whether an employer, in this case the state, can discriminate based on something that has no relation to job performance. Thirdly, I'd like to remind you that the employer that is bound by this piece of legislation is the state. It is not the private sector at all. We've always had a higher standard for the actions of the state in discrimination situations. The state has always been at the forefront of putting its... should put its own house in order first. What we are really doing here is, with this legislation, has no impact on the private sector whatsoever. Lastly, in conclusion, I would simply remind those of you who have seen a poster over in the State Office Building that has a picture of Abraham Lincoln on it and a quote from him which I think is very appropriate in this case. Lincoln said that 'those who would deny freedom to others do not deserve it for themselves and under a just God will not long retain it'. I ask your support of this legislation."

Speaker Peters: "The question is, 'Shall House Bill 357, pass?'. Those in favor... Representative Vitek, before the vote. For what purpose do you rise, Sir?"

Vitek: "I would like to ask the Sponsor a couple questions."

Speaker Peters: "It comes late, Representative Vitek, but you have been here long hours. The Chair will allow you that privilege. Representative Vitek."

Vitek: "Mr. Sandquist. Thank you, Mr. Speaker."

Speaker Peters: "I just wanted Representative Braun to note, that's another violation of the rules. Representative Vitek. It's getting late at night."

Vitek: "Representative Sandquist, what happened in the 80th General Assembly to House Bill 575, '76, and '77?"

Sandquist: "Mr. Vitek, in the 80th General Assembly we had four Bills, similar Bills..."

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Vitek: "Six."

Sandquist: "No, no. There were four originally and of the four, two of them got out of Judiciary I Committee. They were sponsored by myself, Representative..., Representative Catania and one of them got on the House floor here. It did not receive enough votes to pass so I asked to put the other three in Interim Study and that's what we did."

Vitek: "What happened in the 81st General Assembly, House Bill 620, '21, '22, '23? Identical Bills to what you're presenting today?"

Sandquist: "Well, they were similar Bills to what we're presenting today and those four Bills did not get out of Committee the last time. But I want to point out that the five Bills this time which are similar did all get out of Committee."

Vitek: "Thank God you got a Republican Committee this time, but..."

Sandquist: "I just have to answer that. I believe the vote in Committee, there were more Democratic votes for it than Republican and I believe there'll be more Democratic votes on the floor tonight than Republican."

Vitek: "That's what I'm afraid of."

Sandquist: "I don't consider this a partisan matter at all. This is a civil rights matter."

Vitek: "I stick with you on that. It's a civil rights matter, but I've got to echo the remarks of Representative Hudson. But let me just read a little article. I wish 'Al Schoberlein' was with us tonight. God love him. Article, just... it seems like it comes right on the day that your Bills are being called. Ann Landers today, the headline; 'He isn't gay, question mark, but he's in love with a great guy. I'm in love with a terrific guy.' This is quote. 'I know it's not infatuation because T.R. is all I think about

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night and day. I'm 26 years old. T.R. is 21. We're both males. We have lunch together, go out for drinks, and I'm going to cut this down because it's kind of late at night and I'm getting tired too. 'In case you're wondering, we're both straight and now I will tell you. I want to hold him in my arms, kiss him and be his best friend, nothing sexual. So, love is hell in Dixie.' So Ann Landers answers, 'Dear Dix, You say you're both straight but I believe only half of that statement is true. Even though you haven't engaged in a homosexual act and desire to do so is very strong, you need professional help, and to understand your feelings you deal with them. Look under Mental Health and go to an advisor, and a competent therapist who will straighten out your problems.' And when it comes up to explain... I don't want to explain my vote. This will do it. I hope that all of you realize, we don't want to deny anybody rights, but I don't want my children, my grandchildren to be taught by a homosexual or a lesbian. And that's the only reason, Sandquist, that I'm voting against your Bill."

Speaker Peters: "In fairness, I think we have to allow Representative Sandquist to close again. Representative Sandquist."

Sanguist: "I don't want to belabor the point but this is the point I'm trying to make. My good friend, Representative Vitek, is not talking about these Bills, not at all. I don't understand why someone's a homosexual and I don't think you do. But that's something that that person themselves has to deal with and when they deal with it in private, that's their business. But by God they have a right to have a place to live and a place to hold a job as long as they don't hurt anybody else. And when you're talking about teaching, we had witnesses before and all the

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evidence shows that there are far more abuses by our kids from heterosexual teachers than there ever have been from homosexuals teachers. So let's call a spade a spade. These are civil rights Bills. They're not promoting any kind of way of life. That's a person's own way to deal with. Let's vote for civil rights."

Speaker Peters: "The question is, 'Shall House Bill 357, pass?'. Those in favor will vote 'aye', those opposed...Those opposed will vote 'nay'. Mr. Clerk, the voting is open. To explain her vote, Representative Stewart."

Stewart: "Thank you, Mr. Speaker. I rise to urge everyone in this House not to shy away from voting... Oh my God, I looked up at the board. Well, I was going to say that I know we've all eaten chicken tonight, but I would hope that that would not make us chicken enough to deny a section of people basic rights. What people do in their homes, in their bedrooms, bathrooms, etcetera is their business. They still deserve a chance to work and a chance to live without harrassment. I'm sorry to see the board look that way. I guess the chicken won out. Thank you."

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

Braun: "Thank you, Mr. Speaker, Members of the House. I don't know what to say. I am stunned by the vote that indicates that this Bill has gotten literally no positive reception on this House floor. I must tell you that I just had a sense of being in this very chamber a hundred years ago and hearing the debate around rights for other groups that have been discriminated against and hearing the arguments that were being given. I can tell you that the circumstances are identical now. This is probably one of the more significant civil rights issues, human rights issues that we have to confront in this State of Illinois. I attended meetings and I attended hearings on this issue

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in Representative Sandquist's district and it was just heartbreaking to hear stories about people who had had jobs who had performed, who had done their work, who had done everything that they could do that could be reasonably expected of an employee only to be fired because of rumor, insinuations or being blackmailed because of their private practices. I think that's wrong. I think we have an obligation to extend to others the freedom that we would like to see extended to ourselves, and I, again, I'm just appalled that more of us cannot see our way to give civil rights to people who are entitled to them."

Speaker Peters: "Representative Kelly, to explain his vote. One minute. Representative Kelly? Dick Kelly."

Kelly: "Thank you, Mr. Speaker, but I... at this stage I just as leave pass."

Speaker Peters: "Representative Satterthwaite, to explain her vote. One minute."

Satterthwaite: "Mr. Speaker and Members of the House, I remind you that at one time there were people who were discriminated against because of their religion. At one time and still today there are people who are discriminated against because of their race. We're talking about another type of recognition that should be made available to people regardless of the lifestyle they choose. For those of you who have the Democratic analysis, I know that there is a whole page of groups within our society that have endorsed this concept and since I don't know whether the Republicans also have it, let me just read a few. The National Conference of Catholic Bishops, the Archbishop of Boston, the Bishop of Brooklyn, the House of Bishops of the Episcopal Church, the Conference of Rabbis, the Jewish... the American-Jewish Committee... (cut-off)."

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

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McBroom: "No, not to explain my vote, Mr. Speaker. I think it's a mistake that Representative Epton is recorded in any fashion on this. I don't know how he wants to vote and I don't think anybody else does and I don't believe he's in town today."

Speaker Peters: "Would...Will the Clerk please take Representative Epton off the Roll Call? Representative Catania, to explain her vote."

Catania: "Thank you, Mr. Speaker and Members of the House. There are a very large number of Illinois citizens who feel very strongly about this legislation who will be very hurt to hear about the number of red lights on this board. I know that many of you who are voting 'no' feel that this is basic human decency that we're asking you for, but you feel that because of your districts you should not vote for the Bills. I would ask out of the compassion of your hearts that you would change and at least vote present. We are asking you to vote only on the Bill affecting the state universities. We are going to send all of the other Bills to Interim Study. We heard testimony in the Committee hearings and the other hearings we held from parents of homosexuals; people who have five, six, seven children who had one child that was a homosexual. No one knows why this person is a homosexual and these parents pleaded with us for rights for their children."

Speaker Peters: "Representative DiPrima, to explain his vote. Representative DiPrima. Did you wish to explain your vote, Sir?"

DiPrima: "I just see that the non-vegetarians are going down the drain."

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

Jones: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is not the first time that this issue has been

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presented to us on the House floor and I recall in the past that I was one of the red lights on the board. I received a lot of communication from individuals who professed to be gay. I have always voted against these individuals because I believe it is against the moral concept for which I was raised up to believe in. But, the thing that impressed me the most was a letter I received from a parent in my district and the letter states as follows: 'I am a parent of a gay son who is a member... and a member of the Chicago Chapter of Parents and Friends of Gays and Lesbians. I am here for the hearing concerning House Bill 557(sic). I would appreciate your support in helping get the Bills out of Committee.' Now, I'm not on the Committee, but I was sitting in my office and the lady was here to testify. She's a school teacher and I talked with her and I searched my conscience and said to myself, 'I have children as well and I know I would probably be hurt like hell if one of my children grew up that way.' And I hope I have the courage in the event one do turn out that way that I could support...(cut-off)."

Speaker Peters: "Representative Henry, to explain his vote. One... In deference to your post, Representative. Go ahead. Representative Jones, conclude please."

Jones: "I wish I would have the courage as that parent had as far as her child is concerned and stand up and support that child and I feel that this particular day and age, I wonder how many Members in this House who have children who don't know how that children is going to turn out in life, would they stand up and support their children? So, for the kids, I will vote 'yes' for this legislation."

Speaker Peters: "Representative Henry, for one minute."

Henry: "Yes, thank you, Mr. Speaker. Ladies and Gentlemen of the House, I heard someone mention earlier in debate about

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teaching in the schools. I have been informed by some people that I rather think highly of that we have a number of gays already in our school system. So that's nothing new. What I rise to object to, I'm objecting to we are taking someone else's rights in our hands and we are trying to be God. We do not hold that profession. We are lawmakers, and from what I understand a lawmaker is to be one who be sure that others rights are being protected. And, Ladies and Gentlemen of the House, we are not protecting the rights of others. We are not protecting the rights of individuals, human beings as long as they are not ... (cut-off)."

Speaker Peters: "Finish the sentence."

Henry: "As long as they are not violating the law against us, and that is the reason I am voting green."

Speaker Peters: "To explain his vote, Representative Kustra. Representative Kustra."

Kustra: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would not prefer to stand up on this particular issue. I have never understood homosexuality, and as a matter of fact, I consider it repulsive. But for the last twenty years I have been spending my time in universities and it seems to me that I have some obligation to stand before you and speak specifically, at least, on this Bill. Many of those years were spent as a student at universities all over this state and in the last few years, the last ten years as a college professor. I only stand to say that I really don't believe that sexual preference has anything to do with the hiring or the firing or should have anything to do with the hiring or the firing of people who do their jobs in universities, whether they be in the front of the classroom or whether they be in some other capacity. It's not easy for me to say that, but I feel quite strongly that

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this is a matter of civil rights. It's a matter of dealing with people fairly and equitably and again, I don't believe that we should allow ourselves to confuse the issue of homosexuality and sexual preference with the issue of performance... (cut-off)."

Speaker Peters: "Conclude your sentence, Representative."

Kustra: "... with the issue in the university civil service system, and that's why I'm voting 'aye'."

Speaker Peters: "Representative White to explain his vote. One minute, Sir."

White: "Mr. Speaker and Ladies and Gentlemen of the House, Representative Sandquist, O'Brien and I represent the largest district where there's a concentration of gays. The largest concentration of gays reside in the 13th District. And in this modern society of ours, I find it deplorable that we, as a people, will take it upon ourselves to discriminate against this group of people. All they're seeking is justice and I think that this Body should do all that it can to make sure that they get what they are seeking. Thank you."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 32 voting 'aye', 115 voting 'nay', 15 voting 'present'. This measure having failed to receive a Constitutional Majority is hereby declared lost. House Bill 358, Representative Sandquist. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 358, a Bill for an Act in relation to discrimination on the basis of sexual orientation and civil rights in public accommodations, Third Reading of the Bill."

Speaker Peters: "Representative Sandquist."

Sandquist: "Mr. Speaker, Ladies and Gentlemen of the House, I'd ask leave of the House to have House Bills 358, 359, 360,

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and 361 referred to Interim Study Calendar in the county, I mean in the Committee on Public Institutions and Social Services."

Speaker Peters: "The Gentleman asks leave for House Bills 358, 359, 360, and 361 to be placed the Interim Study Calendar. So ordered. House Bill 390, Representative Preston. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 390, a Bill for an Act to amend an Act relating to alcoholic liquors, Third Reading of the Bill."

Speaker Peters: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen. House Bill 390 applies only to the City of Chicago and brings the authority of the local Liquor Control Commissioner of the City of Chicago into line with the rest of the State of Illinois. What House Bill 390 does is allow the local Liquor Control Commissioner of Chicago, who is the Mayor of Chicago, in lieu of suspension or revocation of a liquor license when there's been a violation of the law at the discretion of the local liquor control Commissioner to levy a fine in lieu of the suspension or revocation. A fine would range up to \$1,000. The idea of this Bill is to benefit some tavern owners who have made a minor infraction of the law perhaps a first offense kind of infraction that might involve being open fifteen minutes beyond the closing hour the first time where right now what is required if any punishment is to be given to that tavern owner, is to suspend that tavern owner's license. When a license is suspended everybody loses. The tavern owner loses revenues. The City of Chicago loses revenues since it cannot collect sales tax on what is not sold and the State of Illinois loses revenue since the state cannot collect sales tax on what is not sold. To my knowledge there is no opposition to the Bill and I would urge your 'aye' vote."

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Speaker Peters: "The Chair recognizes Representative Sandquist."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of this Bill. This is similar to what I did two years ago for the state to give the State Liquor Commission the power to have fines as well as that to have suspensions and revocations. So I think this is a good Bill to have the local Commissioners to have this power also and I would also urge an 'aye' vote."

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

Preston: "Very briefly, I think this is one of the unusual types of Bills where everyone affected is a winner by its passage and I would again urge your 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 390 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, the voting is open. Peters, 'aye'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 154 voting 'aye', 1 voting 'nay', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Preston."

Preston: "Representative Pullen also."

Speaker Peters: "House Bill 457, Representative Vinson. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 457, a Bill for an Act to amend Sections of an Act to revise the law in relation to counties, Third Reading of the Bill."

Speaker Peters: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think this is another relatively uncontroversial Bill that did not get much attention in Committee. What the Bill would do would be to authorize County Boards to retain an attorney to represent the Board and its Members

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as well as Departments and agencies in civil matters. The purpose for the Bill is that quite frequently, well almost always we elect State's Attorneys on the basis of our judgement as to their ability to prosecute criminals. And one of the failings in the current system is that there is a substantial inadequacy of resources devoted to the civil side of representing the County Board. This would permit the County Board to do in essence the same thing as municipalities do and to retain their own attorney for civil matters. I would solicit your 'aye' vote on the Bill."

Speaker Peters: "Any discussion? Representative Yourell."

Yourell: "Thank you. Would the Gentleman yield?"

Speaker Peters: "He indicates he will."

Vinson: "Yes, Sir."

Yourell: "Representative, I think we heard this Bill in Counties and Townships Committee of the House..."

Vinson: "Yes, Sir."

Yourell: "...and I'm trying to recall the testimony but would you suggest that if you had a Republican County Board in the majority and a Democratic State's Attorney that the Republican County Board could hire a Republican attorney to represent them when the State's Attorney is the chief, is the attorney for the county. Could this be used to circumvent the Democratic State's Attorney or in the other case if it was Democratic County Board that those members could then hire Republican State's Attorney to represent their interest?"

Vinson: "Well, I could give you three responses to that, Representative. Number one, anytime you have a breach of faith or breach of trust between an attorney and his client that's a substantial problem and that attorney can never represent that client in a good fashion. Number two, in

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most municipalities, at least in my part of the state, I do not find that the criteria for hiring a municipal attorney in the same fashion as this is based on politics. I've just not experienced that in the areas of the state I represent. I don't know about what your situation is. And number three, I would say to you that if somebody wanted to misuse this authority, this privilege they can always do that just like they can any privilege."

Yourell: "So what you're suggesting is that they could indeed bypass the attorney who should be representing the County Board by one of their own. Be it Democrat or Republican, right?"

Vinson: "I'm saying that anybody that wants to abuse any privilege can do that."

Yourell: "Thank you."

Speaker Peters: "Representative McMaster."

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

Speaker Peters: "He indicates he will."

McMaster: "Sam, you made the statement in the beginning of your debate that this received very little attention in Committee. Is that right?"

Vinson: "Yes, Sir."

McMaster: "Did you remember what the vote in Committee was on that Bill?"

Vinson: "No, Sir, I don't."

McMaster: "It was 10 to 5. I would suggest that you were erroneous in saying that it had very little attention because I think it did receive attention. Secondly, Sam, would you suppose then that every County Board, of the least more affluent counties, would right away run out and hire an attorney to represent them full time?"

Vinson: "No, I wouldn't suggest that. I think you'd have to go on a county by county basis on that and I wouldn't presume

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to judge what individual County Boards would do anymore than I would presume to judge what this Body would do on a given day."

McMaster: "Well, we know that right now with the municipalities having the right to hire a city attorney that I would imagine most of them keep one on a retainer. Is that not right?"

Vinson: "In some form or another I think any municipalities of any size do, yes."

McMaster: "And I think many of the smaller ones do also. I can't think of one that does not, in fact. At least in my area. Mr. Speaker, may I speak to the Bill?"

Speaker Peters: "Proceed."

McMaster: "We have, I think, had this Bill before us periodically for a number of Sessions. I have, I think argued against it just about every time. I think it has two probably frailties to it. I think that we will be taking away from the rights of the State's Attorney of each county who is elected and has the duty of representing the County Board as one of his duties. If the County Board wishes special attention, someone assigned more closely to the County Board they have the right to allocate more funds to the State's Attorney's office to provide that service to them by a special deputy of the State's Attorney representing the County Board. I think the legislation is unnecessary and I am urging a vote against it."

Speaker Peters: "Representative Klemm."

Klemm: "Will the Sponsor yield?"

Vinson: "Yes, Sir."

Klemm: "The question I have, Representative, is since the State's Attorney is really the legal attorney for the County Board itself in many of its department, how do we get around the problem of the State's Attorney still being charged with

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the defense of the county in the County Board even when you retain a special attorney for consultation? I mean, the law still seems to be clear of the statutes but the State's Attorney still is the attorney for the county."

Vinson: "Well, this would be another law in the statutes and this would permit the County Board to hire a council for the, separate council in civil matters to do that."

Klemm: "All right, but the State's Attorney's statutes doesn't require that they defend and they will prosecute. Does this delete that part of the State's Attorney?"

Vinson: "It deletes nothing on the State's Attorney. It's totally permissive legislation, Representative. It does not mandate that a county do that and if you don't mandate that a county does it I don't think you can mandate that a State's Attorney or prohibit a State's Attorney from defending the County Board."

Klemm: "All right, I have run across occasions, as you know, as a former County Chairman where the State's Attorney has determined that he and only he has the right to defend or prosecute and that is his ruling and that is a very difficult position to put any County Board in."

Vinson: "But, he could only render that ruling to you because of existing statutes. With this statutory authority he could not render that ruling to you."

Klemm: "All right, fine, thank you."

Speaker Peters: "Representative Richmond."

Richmond: "Thank you, Mr. Speaker. Would the Gentleman yield for a question?"

Vinson: "Yes, Sir."

Richmond: "Representative Vinson, I've been contacted by some county officials down in my part of the state and they make some comments on this Bill in opposition to it that I would like for you to respond to if you will. They say that the

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Bill would waste public funds for it's wasteful to pay an attorney to do what the State's Attorney's already paid to do, represent the County Board and the public. That's one statement they make."

Vinson: "Well, the simple fact of the matter is that State's Attorneys in most counties spend very little time on the civil side. If they don't spend time on the civil side they're not spending money or wasting manpower on the civil side. Now, that means that you're not wasting money. You're not duplicating functions or something of that sort. But any county that felt that there was a duplication, that it was unnecessary would not be required to do this. This is permissive legislation. I think one of the things that you're running across is that we have a plural executive in the counties. We have the County Board on the one hand and we have the elected officials on the other hand. Now, county officials always fight with the County Board or virtually always fight with County Boards over appropriations. And what one of the concerns here is, is the possibility that by having the separate attorney he would be useful in that appropriation business. And County Boards want that and elected officials don't want that. You got to make a draw on that basis. I won't suggest to you that county officials in the main are going to be happy with this. I would suggest to you that County Board Members will be."

Richmond: "One other point to make that I'd like for you comment on. Since while other elected county officials must use the State's Attorney. Why single out the County Board and its members, departments, chairmen and agencies and allow them to have their own attorney while the denying that same right to the County Clerk, the County Recorder and the County Treasurer and the like."

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Vinson: "This Bill does not deny anybody any right. It just permits, and again I emphasize is permissive, the County Board to have that right. Now, if you want to introduce legislation to grant that right to somebody else I think that would be perfectly appropriate and I'd be glad to vote for that legislation. I'd be glad to vote for that legislation for the simple reason that it seems to me that if a client doesn't trust his lawyer, if he can't have faith in his lawyer then that's a hopeless situation to ever get to."

Richmond: "Thank you."

Speaker Peters: "Representative Stanley."

Stanley: "Now, I've talked to, I represent four counties, Representative Vinson, and the State's Attorney, including the one in Cook County are definitely against it because they feel that their rights are being abrogated here in their functions. And I would encourage people to vote against this Bill."

Vinson: "Yes, I would say that State's Attorneys probably won't like the Bill."

Speaker Peters: "Representative Bower."

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

Vinson: "Yes, I'd be glad to."

Bower: "Mr. Vinson, it is my correct understanding that this is a discretionary power in the County Board to hire private counsel?"

Vinson: "Yes, Sir."

Bower: "What criteria would you set forth to allow them to hire private counsel?"

Vinson: "I'm not sure quite what you meant. They would make the decision."

Bower: "What I mean, at what times would they and at what times could they not hire private counsel? In other words, when

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would the State's Attorney be responsible for civil matters and at what time would their private counsel?"

Vinson: "The County Board would be able to hire private counsel when in their judgement they were dissatisfied with the State's Attorney's representation."

Bower: "Mr. Speaker, may I address the Bill, please?"

Speaker Peters: "Proceed."

Bower: "Well, I think, Mr. Vinson, that therein lies a very significant problem. I think what your comment to Representative Stanley may be true in some cases that some State's Attorneys might very well not like to see this power taken from them. On the other hand, I think that there are an awful lot of State's Attorneys that might have civil duties that if they were relieved of them and received the very same nice, substantial paychecks that they do now particularly after our very generous pay raises to them would be very, very happy. I think that when you have a situation where in some cases a State's Attorney is going to be responsible for civil litigation and in other cases he is not is going to only add confusion to the entire situation. I'd like to point out at the state level that the Attorney General of Illinois or one of his assistants, and those assistants can be specifically employed for special cases, is responsible for coordinating all litigation for the State of Illinois. I think that the power currently exists for a State's Attorney if he does not have the ability to, within his own staff, to do the work he has, he can hire additional counsel and make them special assistant State's Attorneys under his direct coordination. I think it's a very bad Bill and would urge its defeat."

Speaker Peters: "Representative Van Dwyne."

Van Dwyne: "Thank you, oh, excuse me. Thank you very much."

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Really, Sam said it before. Where are your allegiances? I was just talking to Mike back here. Everyone gets on their mike on this floor and says, 'well I was talking to my State's Attorney, he doesn't like it'. Why doesn't somebody stand up and say, 'I called my County Board Chairman. I called the County Board members that represent me and my district and they have been fighting with the State's Attorney traditionally while the State's Attorney held them hostage for their appropriations for years and years and years, party having nothing to do with it.' I serve under all three regimes, Republican State's Attorney and Republican County Board, Democratic State's Attorney and Democratic County Board and the alternates of that. Where you had a Republican State's Attorney and a Democratic County Board and it didn't even, no, only one. And it didn't make any difference. It was the profession that was arguing the point rather than the parties. The State's Attorney wants to hold the County Board hostage for his requirements and his quota of assistant State's Attorney? And unless the County Board prostitutes itself to the State's Attorney he will not give them the legal advisor that they need in Committee. The State's Attorney will not even take care of the mundane issues that come before the Committees every day. He doesn't want to. But he, nevertheless, will not give up this club that he holds over the County Board in order to get his appropriation. That's all that's at stake. It has nothing to do with party. As I said, I served there for ten years and watched it happen every year, every single year that appropriation time came up. I don't see why someone other than me and Sam don't get up here and say, 'Hey, I believe the elected officials that represent the people of the whole county on the County Board have an obligation and the conscience to

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do a good job too for their people.' Why does everybody lay down in front of the State's Attorney and said, 'my State's Attorney called me and therefore, I can't vote for this Bill.' It's ridiculous. We have twenty-seven members on our County Board. We have a responsibility to those people too to make sure they can do a good job for their people. And I could only say to you. I know it's going to lose one more time. It was my Bill in 1975. It lost then too because of this aversion to go against the State's Attorneys in our county. So I wish that sometime we would at least, one time and give us a decent vote."

Speaker Peters: "Representative Jack Dunn."

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

Speaker Peters: "The question is, 'Shall the main question be put?' Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Representative, who sponsored this? Representative Vinson, to close."

Vinson: "Thank you, Mr. Speaker. I will simply in closing propound to the Members of the House a situation. A situation that can and has occurred in a number of counties. You can have a situation where the judges in a judicial circuit want to build a new courthouse. And where the County Board, in defense of the taxpayers, doesn't want to build a new courthouse. Now, the County Board's attorney in that matter under the current law is the State's Attorney. And if the State's Attorney wants to build that new courthouse then what kind of representation do you think he's going to give to the County Board and the taxpayers who don't want to build that new courthouse. And I would suggest to you that people who might think that this has some negative fiscal aspects, will you think about that situation. You might reconsider your vote. I would just ask you for an 'aye' vote for the simple proposition

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that nobody ought to be saddled with an attorney he doesn't like."

Speaker Peters: "The question is, 'Shall House Bill 457 pass?' Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk. To explain his vote, Representative Schraeder."

Schraeder: "Well, Mr. Speaker, I don't know why the Gentleman on the other side didn't sponsor legislation to take the election of the State's Attorneys away from the electorate if he wants the County Board to pick who is going to be their Representative. This is an infringement on the electors right to pick their County Board or the State's Attorney for the county. The County Board doesn't and shouldn't have this jurisdiction. They have enough power under their own right as Legislators. And they certainly don't need the attorney's rights as well."

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

Oblinger: "Mr. Speaker and Members of the House, I'll take an opposite example from the Sponsors. As elected County Clerk, I occasionally had occasions to have the State's Attorney represent me and I was perfectly willing for him to. Do you mean if the County Board came along and told me I had to have another person represent me as an elected, independent official I can't have the State's Attorney? It's exact opposite of what he's saying. I think this is a bad Bill. You're forcing an attorney on elected officials and they don't even want them."

Speaker Peters: "There are approximately a dozen Members still seeking recognition. If that's your pleasure, I will call on you. Representative Preston, to explain his vote."

Preston: "Mr. Speaker, I just want to announce a potential conflict and I will vote my conscience."

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

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Ropp: "Thank you, Mr. Speaker and Members of the House. What is the situation in our particular area is where an elected official and the County Board are at different ends of a situation particularly here as it pertains to a lawsuit and the State's Attorney cannot hardly represent both.."

Speaker Peters: "I'm sorry, proceed."

Ropp: "The State's Attorney, in my opinion, is not in a position to represent both sides of the case when they are at opposite ends and has withdrawn himself and now who is to represent either one of them. So this by permissive legislation does permit the suit to be carried on and be represented by an attorney that either side may hire. And currently under the statutes they cannot do it, this would give them that authority. It is permissive legislation and the voters ultimately would be able to say whether or not they approve with this or not at the next election."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 25 voting 'aye', 116 voting 'no', 2 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 508, Catania. Representative Catania. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 508, a Bill for an Act to amend Sections of the Illinois Public Aid Code, Third Reading of the Bill."

Speaker Peters: "Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. House Bill 508 provides that on the statewide Advisory Committees and the County Welfare Services Advisory Committees that the Department of Public Aid has there will be balanced representation of recipients, service providers, representatives of community and welfare advocacy groups, representatives of local governments dealing with public

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aid and representatives of the general public. The Public Aid Department assures us that this is the kind of thing that it is doing now. It has no objection to the Bill, as a matter of fact, they came in with an Amendment which we adopted in Committee which exempts their Professional Advisory Committees, the doctors, the dentists and so forth and I would ask for your support for this Bill."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 508 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 103 voting 'aye', 27 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Greiman, House Bill 513. House Bill 513, Representative Greiman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 513, a Bill for an Act in relation to the Dissolution of Marriage, Third Reading of the Bill."

Speaker Peters: "Representative Greiman."

Greiman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill and the next Bill come from the Illinois State Bar and Chicago Bar Associations. Suggestions not are particularly controversial about Amendments to the Dissolution of Marriage Act and basically they are to explain some provisions and to straighten out some difficulties. For example, one of the questions was whether marital property where there's an increase in the value of marital, original marital.. property owned by one spouse, who gets that increase. And this Bill would make it clear that it goes with the ownership so if there's some property which is not marital property owned by an individual increased in value that increase in value would

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be.. a law go along with the person who owns that individual property. There are some other issues. For example, allows the court to take tax consequences into consideration when making settlements, provides for alimony in gross which we've always had in this state, things like that. I'm ready to answer any questions you might have."

Speaker Peters: "Representative Robbins."

Robbins: "Question of the Sponsor."

Greiman: "Sure."

Speaker Peters: "Excuse me. Representative DiPrima, come on up here a second. Proceed, Sir."

Robbins: "In this means that you own property in your own right and the increase in value of the property during the marriage will apply only to you. Is that correct?"

Greiman: "That's right."

Robbins: "Then, in what about your federal inheritance laws and that kind of stuff which allots 1 25th a year to your wife?"

Greiman: "Well, you know, you could obviously make transfers. This wouldn't impact on that. This only impacts when there's a divorce. It doesn't have anything to do with situation where there's no divorce so that wouldn't make any difference. It wouldn't impact on your federal estate tax because it only impacts when there's been a divorce, in fact."

Robbins: "I understand that."

Greiman: "Right. And that only applies to joint tenancy property in any event. That's right. And this is individually owned property applied. It just doesn't apply."

Robbins: "All right, thank you."

Speaker Peters: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Would the Gentleman yield?"

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Speaker Peters: "He indicates he will."

McClain: "Alan, if.. let's take a man who owns a farm and it's non-marital property and he gets married and the spouse now helps him with the property and enhances the value of the property. With this Amendment to the Dissolution Act you would exclude that from being considered as marital.."

Grieman: "No, I don't think so, Mike. That's with the old law. What's precisely that if she came along and she helped and enhanced the value I suspect that a court would, in fact, hold that she's entitled to some equity. At least the equity that she's helped to enhance which is what the old law always was for the Act and I don't think anything's changed in that regard. So that what this does do though, if she does nothing and sits like a princess then, indeed, there would be.. it would remain his and the increase in value would not attributable to her. But if it's attributable in part to her efforts in a store or farm or wherever in a business then she'd be entitled to some of the benefits of increase. Maybe not all of it but some of it anyhow."

McClain: "But that would be your intention that she would have some.. with this Amendment you're not excluding that from marital consideration."

Greiman: "No, no."

McClain: "You still could consider that, yes."

Speaker Peters: "Representative Fawell."

Fawell: "Thank you, Mr. Speaker. Will the Gentleman on the other side yield for a question?"

Speaker Peters: "He indicates he will."

Fawell: "Okay. Representative, aren't you basically speaking of inherited property. Isn't this the kind of property that you are talking about where say if I inherited a company from my father and the stock went from \$100 to \$1000

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until... and when I became divorced the property was worth \$1000 I would be able to keep not only the \$100 that I have been given but the profit from it?"

Greiman: "Right. That's right. Yeah exactly."

Fawell: "Thank you."

Speaker Peters: "Any further discussion? There being none, Representative Greiman, to close if he so desires."

Greiman: "Thank you. Thank you."

Speaker Peters: "The question is, 'Shall House Bill 513 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. 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 130 voting.. 130 voting 'aye', 3 voting 'nay', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 515, Representative Greiman."

Clerk O'Brien: "House Bill 515, a Bill for an Act to amend Sections of the Illinois Marriage and Dissolution of Marriage Act, Third Reading of the Bill."

Greiman: "Thank you, Mr..."

Speaker Peters: "Representative Greiman."

Greiman: "Thank you, Mr. Speaker. This is a continuation of the Illinois State Bar and Chicago Bar package and this does some of the things that they have suggested as well. Changing the.. well, first, it establishes the ground rules for what we used to call separate maintenance and there was some provision that might have been considered a no fault which has been amended out. There is no shred of that in here. It has been amended out of the Bill by Amendment #1, I believe. So there is a discussion of and ground rules for a separate maintenance. It makes some technical changes, non... linguistic changes. It permits the

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removal of children out of state after the burden has been met similar to the Grossi Bill which we passed today earlier. It conforms with that and is not in conflict with that and it provides that permission of judicial supervision of upbringing of children shall be the best interest of the children and I'm prepared to answer any questions you might have."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 515 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? Peters, 'aye'. It is postponed. That is postponed consideration. Have all voted who wish? Take the record, Mr. Clerk. On this question.. Take the record. On this question there are 131 voting 'aye', 11 voting 'nay', 8 voting 'present'. This measure, having received the Constitutional Majority, is hereby declared passed. House Bill 521, Representative Mays."

Clerk O'Brien: "House Bill 521, a Bill for an Act to provide for community industrial building and interest assistance loans, Third Reading of the Bill."

Speaker Peters: "Representative Mays."

Mays: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 521 create a Community Industrial Building Interest Fund which provides local not for profit development corporations loans to cover interest costs of financing the construction of shell industrial buildings. The basic mechanism is set up in this Bill and is as follows: the local development corporation which submit an economic feasibility study and application to the Department of Commerce Community Affairs. If approved, the department will, through the fund, enter in agreement with the lending institution to pay the interest on the loan the

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lending institution has provided to the local development corporation. The loans for the interest payments cannot exceed over \$30,000 a year or \$90,000 for a maximum of three years. During the three year period, local development corporations will then construct and then sell the building. The money obtained will pay the principle and the interest provided by the state. Interest money once returned would then be available to be reloaned to other local development corporations. The Department of Commerce and Community Affairs and the lending institutions will also work out an agreement on primary and secondary interest to insure repayment should default occur. And then, also to assist the Department of Commerce and Community Affairs an Advisory Board will be selected by the Director. I'd appreciate your favorable vote on this measure."

Speaker Peters: "Any discussion? Representative Klemm."

Klemm: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. I arise in support of this Bill. I think here is an opportunity where we can start creating some more jobs. Many of these industrial revenue bonds that we have issued is solely for creating new construction so that our contractors can get to work, create new jobs to create a greater tax base for our communities and municipalities and this, in fact, will do it. And I must...I wish to just add that it does not take any tax dollars. The initial money that would have to be appropriated would be repaid to the state and it does go through commercial lending institutions. So I think it's something of all worlds that we can have on this Bill. It's a good Bill. I certainly hope you all vote for it. Thank you."

Speaker Peters: "Representative Kulas."

Kulas: "Will the Sponsor yield?"

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Mays: "Yes, Representative."

Kulas: "Could you define or give me an example of what a nonprofit development corporation is?"

Mays: "Yes. On page one of the Bill, '...local development corporation means any not-for-profit corporation incorporated under the laws of Illinois provided it has at least three Directors. It is designed to contribute to the planned economic growth of the community. It is at least 75 percent controlled by persons who live or do business in the community and one of its purposes is to provide..or to promote and assist small businesses in that community..'"

Kulas: "Are there any existing nonprofit development corporations?"

Mays: "Yes, there are."

Kulas: "Thank you."

Speaker Peters: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Would the Gentleman yield?"

Speaker Peters: "Indicates he will."

McClain: "Is this your first Bill?"

Mays: "Yes, it is, Representative."

Speaker Peters: "Representative Schuneman."

Schuneman: "Thank you, Mr. Speaker. I, too, rise in support of this good Bill. This Bill would create the possibility for many of our local communities to attract industry that could create new jobs in Illinois and I think we all recognize that that's the name of the game now. We need to create employment and this provides some mechanisms for communities through the traditional financing methods and I think that the Gentleman has an excellent Bill here. It passed out of the House Labor and Commerce Committee on an eight to nothing vote. And I would urge your support."

Speaker Peters: "Any further discussion? Representative Stiehl,

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Cissy Stiehl."

Stiehl: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a very important Bill for the economic development of this state. Over 65 percent of the companies looking to relocate are looking for a specific building. They're looking for an improved site with a building. Now, if we give the authority to local industrial development corporations to build these speculative buildings, we will be far more successful in attracting new industry and new jobs to this state. I, too, would like to ask for an 'aye' vote."

Speaker Peters: "Representative Mays to close if he so desires."

Mays: "I would just ask for a favorable Roll Call on this."

Speaker Peters: "The question is, 'Shall House Bill 521 pass?'. Those in favor will vote 'aye'; those opposed 'no'. The voting is open. Peters, 'aye'. Have all voted who wish? Have all voted who wish? Representative Nelson, wishes to be recorded as voting 'aye'. Have all voted who wish? Take the record, Mr. Clerk. On this Bill there are 144 voting 'aye', 2 voting 'nay', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Abramson, 541. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 541, a Bill for an Act to add Sections to an Act to provide for the appointment of successor trustees in land trust agreements. Third Reading of the Bill."

Speaker Peters: "Representative Abramson."

Abramson: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 541 removes a vestige of the common law from our modern real estate law. It allows a land trust to convey a piece of property directly to another land trust. Presently what you have to do if you have a piece of

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property in a land trust and you want to convey it to another land trust, you have to convey it first to a secretary who's a spinster, that's an unmarried secretary, so you don't have any title problems, who then transfers that to the new trust. It's a clean up Bill and I ask for a favorable Roll Call."

Speaker Peters: "Any discussion? Representative Miller."

Miller: "I have a question for the Sponsor."

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

Miller: "This would still require a deed to be signed by the trustee, would it not?"

Abramson: "Yes it would."

Miller: "Thank you."

Speaker Peters: "Have all voted who wish? Representative Abramson to close if he so desires."

Abramson: "I would ask for a favorable Roll Call."

Speaker Peters: "The question is, 'Shall House Bill 541 pass?'. Those in favor will signify by voting 'aye'; those opposed by voting 'nay'. Mr. Clerk. The voting is open. Peters, 'aye'. Peters, 'aye'. Thank you. Harold? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 144 voting 'aye', 3 voting 'nay', 8 voting 'present'. This measure, having received the Constitutional Majority, is hereby declared passed. House Bill 554, Representative Daniels."

Clerk O'Brien: "House Bill 554, a Bill for an Act to amend Sections of an Act in regard to Attorney General..."

Speaker Peters: "Out of the record. Out of the record. Out of the record. House Bill 571, Representative Deuster. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 571, a Bill for an Act to amend Sections of the Illinois Public Library District Act. Third Reading of the Bill."

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Speaker Peters: "Representative Deuster."

Deuster: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 571 came out of the Counties and Townships Committee with a vote of 15 to nothing. It's supported by the Illinois Library Association. I know of no opposition. And what the Bill does is this, it broadens the terms for installment agreements that the Library Districts enter into for the construction of libraries or the purchase of sites. It makes four changes. One, it allows the libraries to spread their financing over 20 years rather than ten years as it is under existing law. Also it allows them to borrow it or to finance it an interest rate that's the same as for local governments. Under existing law they can only finance 50 percent of the cost of the project. This would increase that to 75 percent. It also allows them to enter into refunding loan agreements which are refinancing. At the request of Chairman McMasters, I added an Amendment to make sure that the aggregate period for financing could not exceed 20 years for the same property or construction project. I would urge your support for House Bill 571."

Speaker Peters: "Is there any discussion? There being none, the question is, 'Shall House Bill 571 pass?'. Those in favor will signify by voting 'aye'; those opposed by voting 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 1..Representative...Mr. Clerk, add Representative Karpel voting 'aye'. On this question there are 150 voting 'aye', 1 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. That's all I wanted to know. Thank you. House Bill 581. The Gentleman from Bureau, Representative Mautino."

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Clerk O'Brien: "House Bill 581, a Bill for an Act to amend Sections of an Act relating to alcoholic liquors. Third Reading of the Bill."

Speaker Peters: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 581 came out of Committee with a 13-0 vote of which it was assigned. This legislation eliminates the prohibition of a local public official from holding office if he has an indirect interest in the distribution of an alcoholic product. The legislation was a result of an Alderman who was elected to office in the City of Peru, Illinois and had his office...election to that office contested because he drove a truck from a distributorship in Peru, Illinois to Peoria, Illinois to bring a product back and forth. It seems to me rather ridiculous that someone that does not have a direct interest in that particular industry should be barred from holding public office. He had an indirect interest because of the definition which says, '...distribution of alcoholic beverages..'. I would be happy to answer any questions. This legislation is addressing that local official who has an indirect...those persons that have a direct interest are prohibited from holding public office."

Speaker Peters: "Any discussion? Representative Johnson? Representative Sandquist."

Sandquist: "Yes, Mr. Speaker. Ladies and Gentlemen of the House, I arise in support of this legislation. It passed out of the Registration and Regulation Committee on a 13 to nothing vote. It is a good piece of legislation and I urge an 'aye' vote."

Speaker Peters: "Representative Jack Dunn."

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

Speaker Peters: "Reluctantly."

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Dunn: "Does this mean that local elected officials could have a direct beneficial interest?"

Mautino: "No, Sir. It does not. Direct is still in it. It's indirect. In the case that I cited you was the example for the legislation. A person who worked driving a truck that was not related to the distribution of it, but was..had his election contested."

Dunn: "It's a fine Bill."

Mautino: "Thank you."

Speaker Peters: "Representative ...Any further discussion? There being none, Representative Mautino to close if he wishes."

Mautino: "Favorable Roll Call."

Speaker Peters: "The question is, 'Shall House Bill 581 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? We're here. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 144 voting ...On this question there are 144 voting 'aye', 7 voting 'no', 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. For the basketball fans here, the final score ...House Bill 604, Hallock."

Clerk O'Brien: "House Bill 604, a Bill for an Act .."

Speaker Peters: "The score was 101 to 92. No, it wasn't. Representative Neff..."

Clerk O'Brien: "...A Bill for an Act in relation..."

Speaker Peters: "House Bill 604.."

Clerk O'Brien: "....of the Office of Governor. Third Reading of the Bill."

Speaker Peters: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. This is a gubernatorial succession Bill and the need for it is thus. The Illinois Constitution currently provides in

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Article V if the Governor for some reason cannot assume his duties that the Lieutenant Governor assumes that duty and next the elected AG, then the elected Secretary of State. As you all are aware, in Illinois currently we no longer have an elected AG or an elected Secretary of State. They are both appointed individuals. What this Bill would do is insert into the state statutes language which would insert that the Comptroller comes next, the elected Treasurer comes next, then the President of the Senate, then the Speaker of the House. And then, actually, we should have the 34th District. But, that's not the case. The case then goes to ...everyone wants to know, right? That's as far as we go. In any case, this is a very necessary Bill. I would urge your support for it because, as I said, we currently do not have an elected AG or an elected Secretary of State. We have to provide for further succession and I would ask for your support. Thank you."

Speaker Peters: "Representative Preston."

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

Speaker Peters: "He indicates he will."

Preston: "Representative Hallock, I don't think I understand what this Bill does. If there should be a vacancy in the Office of Governor, does the Lieutenant Governor of Illinois then take over the powers and duties of that office?"

Hallock: "Yes, he does. Then he's next in line under this Bill and under the Constitution. But if he should somehow not be available, then this Bill takes affect. And I should point out that the Lieutenant Governor's position is not one that's being filled by appointment. So if somehow that position should become vacant, we will have a vacancy there. There will be no Lieutenant Governor and we would have no one to succeed to the Governor's Office."

Preston: "So, does this Bill...this Bill just applies to the

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situation when a line of succession when there are not people who have been elected who are filling those state offices."

Hallock: "This Bill will take effect if somehow the Lieutenant Governor leaves the state or does not assume that duty and we have no elected AG, we have no elected Secretary of State, as is currently the situation."

Preston: "If we did have an elected AG and an elected Secretary of State, how would the line of succession proceed after the Lieutenant Governor..."

Hallock: "The succession then goes from Lieutenant Governor to the AG to the Secretary of State to the Comptroller and to the Treasurer."

Preston: "Thank you."

Speaker Peters: "Any discussion? Representative Cullerton, having a possible conflict of interest, nevertheless has a question."

Cullerton: "I just have a question. If for any reason the Governor and the Lieutenant Governor right now left to, say, take a position in the Reagan administration, if your Bill passed, would that mean that Roland Burriss would be our Governor?"

Hallock: "If, for some reason, the Lieutenant Governor were to leave the state, take another position, and Governor Thompson would do the same thing, our next Governor would be Roland Burriss if this Bill were to pass."

Cullerton: "It's a good Bill."

Hallock: "Now we all assume, of course, that won't happen."

Speaker Peters: "Representative O'Brien."

O'Brien: "Yes, I'd like to ask the Sponsor a question. This Bill only takes effect if the Lieutenant Governor vacates his office? Is that...Is that correct?"

Hallock: "This Bill only takes effect if we have no Lieutenant

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Governor. The Lieutenant Governorship in Illinois cannot be replaced. If, for example, our Lieutenant Governor were to resigns, for whatever reason, that would not be replaced. Thompson cannot appoint a successor. There would be a vacant position. It would next go then to the AG. And we have no elected AG. It would next go to the elected Secretary of State of which we have no person in that position either."

O'Brien: "Mr. Speaker and Members, I rise in support of this Bill. I think that this is an excellent Bill. There was an oversight for the 1970 Constitution and they didn't go any farther than the Governor and Lieutenant Governor, Secretary...Attorney General and Secretary of State. The Bill fills what I would consider and many of you a very real void. Since there is no line of succession for Lieutenant Governor and that office cannot be filled, should the Lieutenant Governor leave and take a position in Washington, and I understand he has spent the last week in Washington, then we would be in a very difficult situation if anything happened to our present incumbent elected Governor whereby our Secretary of State and our Attorney General are both appointed and therefore do not qualify under the 1970 Constitution. This is a good Bill."

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

Friedrich: "I just want to compliment the Sponsor for putting the Speaker of the House in the order ahead of the President of the Senate. Thank you."

Speaker Peters: "The question is, 'Shall House Bill 604 pass?'. Those in favor will signify by saying..voting 'aye' and those opposed by voting 'no'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Representative Vinson, will you please register a vote for

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yourself and Representative Daniels? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 149 voting 'aye', 4 voting 'nay', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 616, Representative Collins. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 616, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Peters: "Representative Ronan, you're next. Proceed, Representative Collins. Proceed."

Collins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 616 is a very simple Bill. In 1979 we plugged the loophole in the election law which..and passed the law which would require independent candidates to file their petitions at the same time as candidates of political parties. At that time it was never contemplated that the sham would be used to create phony new political independent parties. So this Bill would prohibit any candidate who did run in the primary election of a political party from filing as a candidate of a new independent party for the fall election. I would entertain any questions and ask for your favorable consideration."

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

Stewart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill, having had the experience of winning a primary and not being supported by that party in the general election and having that candidate continue to run and running in back to back primaries is not fun. I think also that if you identify closely enough with the party to run in its primary, then you should abide by the ..by the wishes of the voters in that party. And so I would request an 'aye' vote. Thank

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you."

Speaker Peters: "Repres...Any further discussion? There being none, Representative Collins to close if he wishes. I'm sorry. Representative Sam Wolf. I didn't notice your light, Sir. Representative Wolf, Sam Wolf."

Wolf: "Thank you, Mr. Speaker, Members of the House. I think the Synopsis only refers to legislative races, but I think you'll find that you've had a lot of trouble in county board races all over state because of the statutes as they are presently written. This law will change that as much as it will the legislative races."

Speaker Peters: "Representative Collins to close."

Collins: "I would just thank Representative Stewart and Representative Wolf for their support and hope that everyone in the House joins us."

Speaker Peters: "The question is, 'Shall House Bill 616 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? Representative Jones to explain his vote."

Jones: "Yes, thank you, Mr. Speaker. After checking with the only true independent in the House, Taylor Pouncey, he says it's all right. So I vote 'aye'."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 144 voting 'aye', 8 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 622. Representative Ronan. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 622, a Bill for an Act to amend Sections of the State's Attorneys Appellate Service Commission Act. Third Reading of the Bill."

Speaker Peters: "Representative Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. This is a

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fine piece of legislation like most of the Bills I sponsor. What it does, is it expands the powers of the Illinois State's Attorneys Appellates Services Commission. It basically gives them authority to prosecute and work in a number of different areas that they are not presently allowed to work in. As everyone knows this agency is crucial for downstate State's Attorneys to do their job. It's got bipartisan support. Our great friend, Kenny Boyle, the Executive Director of this fine Commission, and in sympathy for me and Kenny Boyle and all the people that are cosponsoring this fine Bill, I move for its passage."

Speaker Peters: "Any discussion? Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, this is a fine Bill that Representative Ronan has worked very hard on bringing it to your attention. It has the support of the State's Attorneys Association and we certainly would appreciate your favorable support of this very fine piece of legislation."

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

Ronan: "I move for the passage of this fine piece of legislation to protect the citizens of the State of Illinois."

Speaker Peters: "The question is, 'Shall the citizens of Illinois be protected?'. Shall House Bill 622 pass? All 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? Mr. Clerk... Representative Breslin to explain your vote. 120 votes."

Breslin: "I have a conflict of interest and therefore will be recorded as not voting. Thank you."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 132 voting 'aye', 16 voting 'nay', 5 voting 'present'. This measure, having

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received the Constitutional Majority, is hereby declared passed. The Gentleman from Stephenson, the Bard of Red Oak, Representative Rigney. House Bill 628. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 628, a Bill for an Act relating to non-resident alien ownership of real property used for farming, Third Reading of the Bill."

Speaker Peters: "Representative Rigney."

Rigney: "Mr. Speaker, I'm amazed that House Bill 628 is not a Consent Calendar Bill seeing how it did pass out of the Agriculture Committee without a dissenting vote. In fact, I think all of the Members were Cosponsors as I recall. In any event, what it does is to prevent non-resident alien ownership of farmland. It's patterned very similar to the Iowa law that is doing such a fine and successful job in that state. We do have, I think, a growing problem. As more of our money is falling into alien hands it's coming back to buy some of our farmland. In fact, over eighty sales have been made in the last two years' time. I think, unfortunately, there may be a few people that will not support this legislation but I do hope that when they get up to speak they'll tell us how Illinois Agriculture and how the American consumer is going to be better served when we get more and more of our land into the hands of alien ownership. And if you want to address the question from that point I would be happy to hear your arguments."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "Yes, I have a question. I notice in Section 3.."

Speaker Peters: "Excuse me, excuse me. Representative Pierce, I certainly would not want... How about, I thought we just were on that sign. I'm sorry, Representative Leinenweber. I infuriated Representative Pierce."

Leinenweber: "Well, I would certainly yield to Representative

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Pierce. He and I, I think, agree on this Bill and that, which isn't very often, he gives a better speech than I do about the communist intent of this type of thing. But I will, I do have a couple of questions. It appears under Section 3, a non-resident alien may buy land if he promises to take it out of farming. Is that correct?"

Rigney: "Yes the purpose of this is to protect the farmland. Now if you are of a mind that you want to prohibit all type of alien ownership and activity in this country, you know, that could be the subject of another piece of legislation. I am only addressing the farmland issue and what we are saying is that if he is buying this for any other reason, he wants to establish a shopping center or some industry, he wants to convert it to a non-farm use, that would be allowed."

Leinenweber: "Well, let me look at it from the standpoint of the American citizen such as yourself or others who happen to own a piece of land here in the United States but for some reason perhaps tired of farming it yourself or you want some cash or you want to diversify your holdings and you want to get rid of it. Now, you look around and most of the Americans don't have enough money to buy it and they don't want to go to the bank and borrow at 20% so you find a foreigner who happens to have some cash, perhaps because he sold some oil. You can't sell it to him unless he will agree to take it out of farming. Is that correct?"

Rigney: "Yes, that would be the intent of the Bill. He would have to be buying it for a non-farming purpose and he would have to establish this non-farming purpose within three years of the time that he purchased that."

Leinenweber: "Well, wouldn't that therefore, work a little bit contrary to your intent which I understand is to protect farmland for farming purposes so that we have enough corn

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oats and that sort of thing?"

Rigney: "Well, certainly I would be hoping that we would be keeping as much of our land and the farming purposes that we possibly can. However, as a practical matter we know that not every acre of Illinois farm land will be kept in an agricultural use. But we want to make it clear that we are moving here to in every way to protect the Illinois farmer and the legitimate family farm."

Leinenweber: "All right, what is, on page two, a non-resident alien who has currently owns a farm is engaged in farming may continue to farm provided he does not violate any provision of an Act concerning aliens and to regulate their right to hold real and personal estate and to ratify and confirm titles, etc. That's on page two, lines eight through..."

Rigney: "That refers to a Section that's currently in the statutes."

Leinenweber: "What does that Section provide?"

Rigney: "Well, that Section provides for the selling of land, I think it's within a six year period as I recall. Really, for any land owning. Now this is a Section of the statute that apparently has not been enforced down through the years and, of course, one of the loopholes in that I think, as you are well aware is the fact that it only pertains to individual alien ownership. It doesn't address the corporate partnership structure. Trust arrangement and all of those various means of holding farmland."

Leinenweber: "Under Section 4, if a non-resident alien does happen to slip through the net and acquires a farm and the State's Attorney finds out about it, he is required, mandated to go into court and sell the property. Is that correct?"

Rigney: "Yes, if the alien.."

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Leinenweber: "Who gets the proceeds of the sale?"

Rigney: "The person who bought it minus the penalty for the sale of the land."

Leinenweber: "That's the Attorney's fee, is that right?"

Rigney: "That's correct."

Leinenweber: "Now, Representative, do you have any statistics or are there any studies made as to the effect of the market value of say your farms that this Bill will have, how much will it be decreased?"

Rigney: "Well, of course, that would be absolutely impossible to determine because we really don't know in this case who would be the high bidder. I might just comment though on the theory of the whole thing. I think probably...."

Leinenweber: "Well, I didn't ask you about the theory. I just asked you if you knew what effect, if any there would be on the market value of your farm."

Rigney: "I really, you know, couldn't answer that."

Leinenweber: "You don't know. Okay. Members of the House, I'm not standing up here with any thought that you won't pass this Bill out because I think it probably will pass out. However, I think this is a perfectly awful Bill. It takes away rights of American citizens to sell their land to the highest, to someone who may wish to purchase it. It also takes away from other people the right to buy land in the State of Illinois. There has to be an effect on the market value of people who, citizens of Illinois who happen to own land. This isn't a banana Republic. We don't have to take these types of steps. It just so happens that there isn't the market for land right now so there is some activity in trying to find some foreign people who might have enough money to buy it. There's a lot of scare stuff going out about how the country's going to be purchased out from under this. That's absolutely ridiculous. We can

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certainly regulate what people can do and people can't do. We do it all the time. So this Bill is a tremendous overkill. It won't and I can almost guarantee it won't solve any problems that the Gentleman is trying to do. As a matter of fact, it will probably encourage people who want to sell their land to get it out of farming which seems to be a peculiar way to save farmland in Illinois. So I do encourage a 'no' vote with the expectations that you won't vote that way."

Speaker Peters: "There are 18 individuals seeking recognition. I ask that the Members keep that in mind when they're asking their questions. Representative Pierce."

Pierce: "Mr. Speaker, I never thought that when American property rights were to be denied and taken away it would be done by the Farm Bureau of Illinois. I thought maybe a social estate, a commune estate, a totalitarian estate may tell the farmer we're going to tell you who you can sell your land to and who you can't sell it to. We're going to deny you property rights that your ancestors had to choose who you wanted to buy your property. I never thought it would come from Rose Bud or wherever he's from that would come from the Farm Bureau would tell the farmers and their widows and their orphans of this state you can't sell to that high bidder. He's a foreigner. You can't sell to that high bidder, he's a corporation. You can't sell to that one, it's a trust. That's one is a Chicago bank. No, you can only sell to me, your next door neighbor at the low price that I want to buy it from you from. And that's confiscation of property. I could see it coming from the socialists. I could see it coming from the communists and the Nazis but to come from the Farm Bureau and if the other farm groups and from the Gentlemen from the other side who are farm owners amazes me. Now, someday they may have a

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descendant or a nephew or a grandchild that wants to sell the farm or a widow and they'll be so restricted. You know these aliens only buy the farms when someone wants to sell it to them. No one makes you sell to an alien. If you're patriotic, if you have a flag on the front lawn, don't sell it to an alien. Just sell it to an American. But why should the State of Illinois tell you who you can and can't sell? This is really serious. I was joking a little bit but it's serious for this reason. It's a first time in the history of our state that the state tells you the government, big daddy tells you who you can sell your land to and who you can't sell it to. Right now, it's the farm. Will it be the house next? Will it be the store next? What else will government tell us we can sell and can't sell and to whom we can sell and to whom we can't sell. This is such a basic restriction on the right to property that I can't believe the people who believe in our form of government would even push this forward. It's a first step. It's a big step and the next step they'll tell me who I can sell my house to, who you can sell your store to, who you can sell your automobile to. Thank you, daddy, big daddy for telling me who I can sell my land to. We owe you a lot and so will that poor widow who can't sell to the three highest bidders because this Bill passes and she's forced to sell to scrooge neighbor, the only one who will buy her 160 acres and for that reason to preserve private property rights in this country, I'll vote 'no'."

Speaker Peters: "Representative Ropp."

Ropp: "Yes, thank you, Mr. Speaker and Members of the House. No matter which way you vote on this Bill I certainly want to correct some misnomers that the Sponsor may have indicated that it may protect the family farm. Let me assure you that by the time that the decision had been made to sell

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it, the family farm has been lost. And that I can assure you that the way to protect the family farm is to, for example, pass legislation that would abolish state inheritance taxes which some people have opposed in this House. That would be a step in order to preserve the family farm. And, furthermore, that in terms of eliminating forever foreign trade embargoes which reduces the price that farmers get for corn, soybeans and wheat will also help provide a more solid market for the products that they produce. A free market in which we buy and sell products will assist. This actually is a start of prohibiting buyers from around the world in a free enterprise system to purchase products here in the United States. This is a first step and I'm not sure that we're really ready for this. There are many counter actions that can happen around the world and I know that there are several countries that you can name that do not permit foreign ownership. But I can assure you that it is not, it is not an attempt to preserve the family farm in Illinois."

Speaker Peters: "Representative Ewing."

Ewing: "Yes, will the Sponsor yield for a question?"

Speaker Peters: "Please make way for the cleaning crew."

Ewing: "Mr. Sponsor, does this Bill deal with corporate ownership?"

Rigney: "If an alien owns stock in a corporation he may own up to 10% within that corporate structure."

Speaker Peters: "Excuse me, I would want someone to note that a man is walking into the women's bathroom. Proceed, Representative Ewing."

Ewing: "Yes, I'd like for the House to pay attention to the answer of the Sponsor."

Rigney: "He may own up to 10% within a corporate structure that is buying farmland for farm purposes."

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Ewing: "So a corporation can own farmland so long as the alien doesn't own over 10% of the corporation?"

Rigney: "That's correct."

Ewing: "Now, do you have another Bill that also deals with prohibiting corporations from owning land."

Rigney: "That's another Bill."

Ewing: "Yes, but I mean that's the next number."

Rigney: "That is not the next number."

Ewing: "629 is that Bill, right?"

Rigney: "Yes, but that's not next on the call."

Ewing: "How is that going to, how are the two going to mesh together when we have aliens with over 10%, or less than 10% they could own it one day and the next day if we pass the other Bill they'd have to get rid of it."

Rigney: "Well, those are two different subjects. I think we address the corporate Bill when we get there. The alien Bill is significantly different than the corporate farming Bill."

Ewing: "One final question. If we have aliens can't own land and corporations can't own land could you explain who can own land?"

Rigney: "Corporations, under that Bill if I have to explain that one at this time, you could own land under a corporate setup but you would be limited with a number of stockholders."

Speaker Peters: "Representative Brummer, for what purpose do you rise, Sir?"

Brummer: "Well, a point of order. We're not on 629. We're on 628, and I think the..."

Speaker Peters: "Your point is well taken, Representative. Representative Ewing, please confine your questions to the Bill under discussion. Any further discussion? Representative Ralph Dunn. The Gentleman left."

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Representative Richmond."

Richmond: "Thank you, Mr. Speaker. A question for the Sponsor."

Speaker Peters: "He indicates he will."

Richmond: "Harlan, did I understand you correctly when you said there was a three year development requirement for non-agriculture purposes?"

Rigney: "If they are buying farmland for a non farm purpose, they would have three years to either commence their non-farm purpose or to plant or at least zone the land for the non-farm purpose. In other words, to establish that they are not buying it for a farmland use."

Richmond: "Well, I have a very serious concern with that particular provision if it would do what I think it might and that would be to possibly hamstring the coal company operations where they would be buying property for future coal mining. Are you saying that they would have to start something within three years?"

Rigney: "They would be required to either start a non-farm use or else at least as I say, plat or zone or at least make an indication that they are buying it for some other legitimate use other than for the farming."

Speaker Peters: "Representative Ralph Dunn."

Dunn: "Thank you, Mr. Speaker. I wonder if the Sponsor would yield for a couple of questions."

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

Dunn: "Harlan, you said it passed out of Committee 14 to nothing. Who's Chairman of that Committee?"

Rigney: "Well..."

Dunn: "Who holds all the votes? I'll ask you to answer that. I did want to make a remark about the Bill if I might, Mr. Speaker. Last year I think we had this same Bill. The year before last and ever since we've had it the statistics show that less than one half of 1% of Illinois farmland

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belongs to alien ownership and this is such a small part that I think that the man who is Sponsoring the Bill is worrying about something that isn't going to come to pass. One of the things that worries us in southern Illinois in the coal fields is that as Representative Richmond said, this will stop corporations. Many of our coal corporations have some foreign ownership. They have British ownership, they have, other nations have some ownership in the coal companies. This would stop them from that part from owning land that they intend to mine at some future date. I think it's a bad Bill and I'd certainly urge its defeat. I think that Representative Leinenweber was a little pessimistic to say that it was going to fly out of here. I don't think it's flown too high in the past. I'd urge that we vote 'no' on it."

Speaker Peters: "Representative Zito."

Zito: "Mr. Speaker, I move the previous question, period."

Speaker Peters: "The question is, shall the main question be put? Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Representative Rigney, to close."

Rigney: "Well, in closing, Mr. Speaker, I would like to answer at least a couple of the objections that were raised during the questioning period. I know a lot of you are concerned about the market for land and what are you going to do to my ability to sell my farm for the high dollar. Well, right now, for instance, I cannot just up and sell my farm for any purpose. I must, for instance, if I want to sell it for a non farm purpose that other individual that hopes to buy my land will have to have it rezoned. If he can't get it rezoned for his other use I probably have lost the chance to sell my farm for the high dollar. I'll have to sell it for an agricultural purpose. I don't see anything wrong with that. This is what's happening in the State of

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Iowa and the Dakotas and Nebraska and many of the other states of our nation. This is not an unreasonable requirement. I don't look upon it either as being any form of confiscation of land. I think we have to make the decision that we're going to try in every way possible to keep our land in the hands of legitimate farmers for a farming purpose. I just might make one other comment. They say well now who would support legislation of this kind in addition to the Agricultural Committee. Well, not only do we have every major farm organization in the state in support of this Bill we have such organizations as Illinois AFL-CIO and the United Auto Workers and Sierra Club and a lot of other folks in this state that are concerned about what's happening to Illinois farmland. So I think you will have some good company if you want to vote for House Bill 628."

Speaker Peters: "The question is, shall House Bill 628 pass? Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Do the Gentlemen wish to explain their votes? Representative Friedrich."

Friedrich: "Mr. Speaker and Members of the House, the problem with this Bill is the same problem that all of its predecessors have had. It's got so many loopholes in it any eighth grade kid could drive a truck through the loopholes. It isn't worth the paper it's written on because anybody that's got an ounce of brains or an attorney can figure out a way to get around it. An alien buys the land, he says he isn't going to use for, he's not going to farm it and in three years he sells it to his brother and on it goes and here you go. I've studied this thing and if it would stop alien ownership of land I'd be for it but this won't do it."

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Speaker Peters: "Representative Giorgi, from down home to explain his vote."

Giorgi: "Well, Rigney, I took a poll of some of the farmers in my district and I couldn't find anybody for it."

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

Robbins: "Thank you. I had my light on to talk in debate and I do want to say one thing. If and when the, they move in and they buy four or five or six thousand acres in one section of your county then you will think about, something about this Bill. In the United States they get the coal rights, the oil rights, and the mineral rights, in any other country in the world they don't. Now, you have voted to allow the foreigners to buy control of our companies. They're moving our patents and they're using them in competition against your laborories. It's time that you start to think about saving America for the working Americans."

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

Brummer: "Yes, very briefly, I think it's important that this has come up at midnight and all the people that spoke in debate were apparently opposed to this. It's a very serious Bill, we have passed before. It's a good Bill. It is supported by all the farm organizations. Most of (cut off)"

Speaker Peters: "Have all voted who wish? I'm sorry. Representative, I certainly.."

Brummer: "We should certainly pass this Bill as we have done before. It is an equally good Bill. It is a serious Bill. The debate has not been very serious regarding this matter. I guess it reminds me a little bit of some of the comments that were made by people who were buying foreign cars twenty years ago and were saying, well that's not really going to be a problem. Now, it's a problem we're restricting importing foreign cars while we're trying to

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bail out Chrysler Corporation. I feel we should definitely vote 'yes' on this to keep American land in American hands."

Speaker Peters: "Have all voted who wish? The Gentleman asks for a four more votes. 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 71 voting 'aye', 81 voting 'no', 7 voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. It is the intention of the chair... Representative Piel."

Piel: "Thank you, Mr. Speaker. I think that this Roll Call was very unusual and I think that from now on people should take a look at which Bills they are Cosponsoring because it so happens that three of the 'no' votes up there are Cosponsors of the Bill."

Speaker Peters: "Representative O'Brien, for what purpose do you rise?"

O'Brien: "Mr. Speaker and Members of the House, it's been brought to my attention that this one of the flag votes for the AFL-CIO. I'd like to know who's putting together their program."

Speaker Peters: "It is in the intention of the Chair to call one more Bill, the last one. House Bill 639, Representative Fawell."

Clerk O'Brien: "House Bill 639, a Bill for an Act in relation to the establishment, maintenance and operation of county law libraries. Third Reading of the Bill."

Speaker Peters: "Representative Fawell. Read the Bill, Mr. Clerk. He did. Representative Fawell."

Fawell: "Thank you, Mr. Speaker. You will be happy to hear this is a very noncontroversial Bill. This only concerns DuPage County and the law library. Because of the increase in our

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population, the law library will go into the hands of the county board and out of the hands of the attorneys and the judges unless this Bill is passed. I feel that the law library is better left in the hands of those who supposedly know what they're doing. I therefore ask for a favorable vote."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 639 pass?'. Those in favor will vote 'aye'; those opposed will vote 'no'. 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 125 voting 'aye', 4 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Collins, Resolutions. Resolutions, Mr. Clerk."

Clerk Leone: "House Resolution 300, Jack Dunn. 302, Beatty-Darrow, et al. House Resolution 304, Braun. House Resolution 306, Yourell. House Resolution 308, Ryan-et al."

Speaker Peters: "Representative Collins."

Collins: "Thank you, Mr. Speaker. House Resolution 300, Jack Dunn, congratulates a Rear Admiral Charles E. Gurney on his tenure at Great Lakes Naval Training Station. House Bill (sic, Resolution) 302, Representative Beatty congratulates the Brotherhood of Locomotive Engineers on their 118th anniversary. House Bill (sic, Resolution), 304, Representative Braun, congratulates Edward J. and Mary T. Chaney on their 50th wedding anniversary. House Bill (sic, Resolution) 306, Yourell, congratulates Norbert Jerling on his retirement as Superintendent of Orland School District #135. And House Bill (sic, Resolution) 308, Representative Ryan, et al, is the Resolution

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congratulating and expressing our best wishes to our colleague, James P. McCourt, who has been voted on the Circuit Court of Cook County. I move for the adoption of the Agreed Resolutions."

Speaker Peters: "The Gentleman has moved adoption of the Agreed Resolutions. All those in favor will signify by saying 'aye'; opposed? The 'ayes' have it. The Resolutions are adopted. Death Resolutions."

Clerk Leone: "House Resolution 276, Lechowicz, in respect to the memory of Benjamin Jacobson. House Resolution 290, Rhem, in respect to the memory of Clarence Smith. House Resolution 298, DiPrima, et al, in respect to the memory of Louis Garippoi. House Resolution 303, DiPrima, et al, in respect to the memory of Julian Dickerson."

Speaker Peters: "Representative Collins, adoption of Death Resolutions."

Collins: "Mr. Speaker, Ladies and Gentlemen of the House, I move for the adoption of the Death Resolutions."

Speaker Peters: "The Gentleman moves the adoption of the Death Resolutions. All those in favor will signify by saying 'aye'; those opposed? The 'ayes' have it? The Resolutions are adopted. General Resolutions."

Clerk Leone: "House Resolution 305, Braun."

Speaker Peters: "Committee on Assignments. Any announcements? Representative Huskey."

Huskey: "The Motor Vehicle Committee will meet at 9:30 in the morning at a special meeting in room 122-A. Motor Vehicle Committee."

Speaker Peters: "Representative Zwick."

Zwick: "Thank you, Mr. Speaker. I would like to request leave to be removed from the Roll Call on House Bill 334. It was ..I'm sorry. I was not here and somehow, inadvertently, my 'present' button got pushed. And I request leave to be

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removed from that Roll. Pardon me? Okay. Whatever it was, I would like to be removed because I wasn't in the chamber at the time."

Speaker Peters: "Representative Giorgi."

Giorgi: "Mr. Speaker, rather than having another rhubarb, there's over 65 vote changes on that desk up there and we don't feel that we're going at this in the right manner and it's a little haphazard. So we're going to...I'm objecting to all of the vote changes tonight until we have a better system. I'm objecting to that request also."

Speaker Peters: "Representative Giorgi, so we know we've got two things here. I'm not suggesting what should or should not be done. Just so that we know where we're at. We have the changes that are up here to which you have objected. And, secondly, Representative Zwick asked leave to be removed from House Bill .."

Zwick: "334."

Speaker Peters: "334, having been listed as voting as 'present'..to be removed."

Giorgi: "We'll object. There will be a time later on to get it cleared up. But we feel there are too many...there are 65 vote change requests. We feel we're going at it too haphazardly. People are putting press releases out. They're coming in maybe a couple of days later changing their votes. We don't feel that's a proper way to do things. I object."

Speaker Peters: "Representative Giorgi, the Lady's point is that she was absent this afternoon and someone pushed her vote."

Giorgi: "She'll have to study what happened or she'll have to call the FBI or somebody at this point because we object."

Speaker Peters: "Representative Madigan. Representative Madigan."

Madigan: "Mr. Speaker, it's a good lesson for the Lady. When she

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leaves the chamber she can take her key with her."

Speaker Peters: "Representative Hudson."

Hudson: "Mr. Speaker, I don't know what all the slips are there that you have and what they include. But I do know that we had a vote on a Bill earlier this evening, some of us were out of the chamber and some of those slips do not represent changes in votes, but they represent an original vote. And I want to be sure that those are protected. And I'm talking about House Bill 462, for example. I was off the floor, came back in here and made out a slip and put it in. Cast my vote on that issue and I want to be sure that that's cast that way."

Speaker Peters: "Representative, there is no action being taken now on the requests for the changes or..."

Hudson: "...Not a change.."

Speaker Peters: "..Changes or additions. Representative Giorgi objected to any action on that today.."

Hudson: "All right.."

Speaker Peters: "And he just ..he just wants the..Representative Hudson, just a second. It's not that he's objecting to you. What he would like to do since there's a stack of them, he would like to have the opportunity to look through them so that he can make a determination tomorrow for his Leadership what action they might want to take. He's taking no action on any individual Motion at this point. Representative Daniels."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, for the record, it's my understanding that Representative Zwick is saying that she was unfortunately out of the Capitol at the time the vote was cast on 334. She is notifying the Chair and for the record that she was not present at the time that vote was cast and somebody had pressed her switch as 'present'. Now, if she were here,

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she might have voted in a different way. But the fact of the matter is she was not here so that the record is clear. And, Representative Madigan, when you don't vote people's switches then you can go around and talk like that."

Speaker Peters: "Representative Tuerk. Representative Matijevich. Representative Breslin."

Breslin: "Mr. Speaker, is there a rule covering this situation? I mean, I really believe that in Representative Zwick's case that is not a change of vote. The record should be made clear that she was absent from the chamber."

Speaker Peters: "The record is clear that she was absent from the chamber. The question now comes, she has asked leave for the change to be made on the verified Roll Call and objection has been made to that change. Representative Matijevich..."

Breslin: "I don't think that's..."

Matijevich: "Well, Mr. Speaker, I feel for her, but the problem is we've got a rule. And believe me, if we were going to allow her to do this on a verified Roll Call, many others are going to use that and they are going to have that as an excuse. I believe you. However, we have this rule on a verified Roll Call. We just can't suspend it. If all of us say, 'God bless you. Do it.'. We can't do it. That's the rule. It's right here. We're on record that you weren't here, but we can't suspend that rule. We're sorry, but we can't do it. Mike Madigan can't do it. Lee Daniels can't do it. Nobody can do it. And the Rule is 50-C. This Rule shall not be suspendable. That's it."

Speaker Peters: "Representative Bowman."

Bowman: "Yes, I think, you know, one has to consider the purpose of the rules. And I think in this case..."

Speaker Peters: "Representative Bowman, I don't know that we will get that point settled right now.."

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Bowman: "Okay. Maybe we should do it tomorrow, huh?"

Speaker Peters: "The Gentleman has objected.."

Bowman: "Why don't we do it tomorrow?"

Speaker Peters: "The Lady will have the opportunity to discuss her situation with the objectors and hopefully it can be resolved tomorrow. Further discussion is not going to change it right now. All right? Is there any other announcements? Is there an announcement, Representative Turner?"

Turner: "Mr. Speaker, I was just curious. Which tomorrow are you talking about? May 15th or May 16th?"

Speaker Peters: "Well, no, it's just later on today, Representative Turner. There's no double dipping per diem, Representative Ronan. Representative Pierce, for what purpose does the Gentleman arise?"

Pierce: "Mr. Speaker, to announce last call, last round at the State House Inn. We have half an hour."

Speaker Peters: "Representative Maragos would like to announce a meeting of the Revenue Committee. (joke) No further announcements? We'll be...we'll have the Adjournment Resolution in ten seconds. The temporary Speaker however will leave the Chair when that's made. Representative Mulcahey, for what purpose do you seek recognition?"

Mulcahey: "Well, Mr. Speaker, I hope when the real Speaker does get up there that he'll let the Membership know exactly what his plans are for us for the next 72 hours."

Speaker Peters: "I think that's what he intends to do. Representative Cullerton, do you seek recognition? Representative...Speaker Ryan in the Chair."

Speaker Ryan: "The schedule will be 10:00 a.m. to 10:00 p.m. tomorrow. Ten a.m. to 3:00 p.m. Saturday, 7:00 p.m. until 10:00 p.m. Sunday night and 10:00 a.m. to 12:00 midnight Monday. Friday that's tomorrow. Ten o'clock

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tomorrow morning we will convene and adjourn somewhere around ten o'clock tomorrow night. Saturday we will meet here at 10:00 a.m. and adjourn somewhere around three o'clock Saturday afternoon. Sunday we'll be back from seven to ten Sunday evening and back in here at ten o'clock on Monday morning and work until midnight when the ax will fall. Tuesday will be the day of rest. Representative Madigan."

Madigan: "Mr. Speaker, after those closing remarks by Representative Daniels, I've seen the light and I wish to withdraw my objection to Representative Zwick's request."

Speaker Ryan: "Are there any other objections? Hearing none, leave is granted. Remove the Lady from the Roll Call on the Bill that was stated. Representative Wolf, do you seek recognition?"

J.J.Wolf: "I just wanted to serve notice I have filed a written Motion earlier today, Mr. Speaker, and the Motion calls for the creation of a new Order of Business called 'Explanation of Vote' which will occur immediately following adjournment at which time those that wish to explain their votes can all explain it to each other. And I thought it would be a good idea. I hope that will expedite the flow of the legislative process."

Speaker Ryan: "Thank you, Representative Wolf. We'll take that up right after we adjourn. Representative Telcser."

Telcser: "Mr. Speaker, I move the House stand adjourned until 10:00 a.m."

Speaker Ryan: "Recess, Representative Telcser."

Telcser: "I'm not sure, recess or adjourn for your per diem on the Roll Call. But it's until 10:00 a.m. today. However the Clerk wants to put it in the Journal is fine by me. Just so everybody gets on a per diem Roll Call at 10:00 a.m. or thereabouts."

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Speaker Ryan: "The Gentleman moves the House stand adjourned until 10:00 a.m. tomorrow morning. All in favor signify by saying 'aye'; all opposed 'no'. The 'ayes' have it. And the House now stands adjourned."

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