

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

43rd Legislative Day

May 16, 1981

Speaker Ryan: "The House will come to order, and the Members will be in their seats. Our Chaplain today is Pastor Paul Flesner from the Grace Lutheran Church in Springfield. Reverend."

Pastor Flesner: "Let us bow our heads in prayer. Gracious God, we give You thanks for the gift of a new day with its new challenges and with its new opportunities. As we begin our work together, we pause to ask that we might sense Your Presence among us and that we might be guided by Your Divine Will. We pray today for all leaders throughout the world, especially for Pope John Paul that You might continue to return him to health and the full recovery from his wounds. Heal his body and sustain his spirit so that he might return quickly to his vital ministry to the whole world in Your Name. We pray, Oh God, for all people throughout the world who are in any kind of need. For victims of crime. For those overwhelmed by natural disaster. For the hungry and the starving, for the victims of oppression and injustice. Support them with Your Mighty Hand and call each of us to to a sensitivity to their needs so that our actions might reflect concern and compassion. Be present in our midths this day, Oh God, and bless the work we undertake. We pray in your Holy Name. Amen."

Speaker Ryan: "Thank you, Reverend. Representative Madigan will lead the Pledge this morning. Roll Call for attendance. Read the Journal, Mr. Clerk."

Clerk Leone: "Journal from 27th Legislative Day, Wednesday, April 22, 1981. The House met pursuant to adjournment. Speaker in the Chair. Prayer by Reverend Michael Hook, the First United Pentecostal Church of Harrisburg, Illinois. Representative DiPrima led the House in the Pledge of Allegiance. By direction of the Speaker, Roll Call was

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taken to ascertain the attendance of the Members as follows...174 present..."

Speaker Ryan: "Proceed with the reading of the Journal, please."

Clerk Leone: "Representative Madigan, Minority Leader, announced the following appointments to the Committee of Reapportionment: Representative Madigan, Spokesman, Representatives Chapman, Jones, McPike and Redmond. Temporary Committee assignments, the Speaker announced the following temporary Committee assignments..."

Speaker Ryan: "Representative Collins. Do you understand what the Clerk said?"

Collins: "I didn't understand a word that he said, Mr. Speaker, and I'd appreciate it if the Clerk would read the Journal and read it slowly and enunciate, please."

Speaker Ryan: "I understand he had a bad night. Mr. Collins."

Collins: "Mr. Speaker, I move that we dispense with the reading of the Journal, and that Journal Number 27 of April 22, Number 28 of April 23, and Number 29 of April 28, 1981, be approved as read."

Speaker Ryan: "You've heard the Gentleman's motion. All in favor will signify by saying 'aye', all opposed by saying 'no'. The 'ayes' have it, and the motion carries...Let me announce, 155 Members answering the Roll, quorum of the House is present. Representative Huskey."

Huskey: "Well, Mr. Speaker, I thought I might save a little future time of the House. The second Bill on the..off..on the priority of call on the Short Debate Calendar, I would just like to ask leave to put..to put this on the Interim Study Calendar."

Speaker Ryan: "What's the number, Representative?"

Huskey: "670, House Bill 670."

Speaker Ryan: "670?"

Huskey: "670. The companion Bill passed out yesterday, a Bill

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similar to that, so I just..."

Speaker Ryan: "House Bill 670 is..been moved to the Order of Interim Study."

Huskey: "Thank you, Mr. Speaker."

Speaker Ryan: "In the Calendar on page 13 under the Order of House Bills Third Reading appears House Bill 19. Representative Cullerton."

Clerk Leone: "House Bill 19, a Bill for An Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Ryan: "Representative Cullerton on House Bill 19."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. When this Bill was on Second Reading, there was some confusion as to whether or not it was a gun control Bill or not, and I told Representative Ebbesen that indeed it was not and I would no way use it as a vehicle for that. As a matter of fact, this Bill is endorsed by the Illinois State Rifle Association, and I do have a telegram from them indicating that they support House Bill 19 as amended. The exemptions clarify existing law in practice. We worked very hard on this Bill in terms of getting in the right language. We also have the support of the Illinois Wildlife Federation, the Illinois Gun Collectors Association. What the Bill does first of all is to make it clear that common carriers, that would be like for example, truck drivers who are bringing and transporting weapons within the State are not violating the law. There's some question right now with respect to the Unlawful Use of Weapons Statute as to whether or not they are exempted. So we do that. We also at the request of the Illinois Wildlife Association have included trappers as that..as having an exemption along with hunters and fishermen for being able to carry a weapon. Trappers use guns to dispatch animals after they are trapped. And also the

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final thing would be to define how we wish to transport weapons when we are not on our own land or in our own house or on our own place of business. And we're only talking about weapons that are not loaded. So we do not change the right to possess guns in any way in our home, in our own place of business, on our own land, or we have nothing to do with respect to changing the law with respect to rural areas, outside incorporated areas. All we're saying is that if you are transporting your gun, it must be in a case, a container or a box. If it's in a vehicle, it must be unloaded and in a container or a case. But what we do say is that if you're walking in a city, down the street with an unloaded gun in the open, right now, that's legal, and what we're saying with this Bill is that that should not be legal. Again as I said, I worked..the language was, the Bill was virtually drafted by the Illinois State Rifle Association. I have also spoken with members of the National Rifle Association in Washington. I have their support for the Bill, and I'll be happy to answer any questions."

Speaker Ryan: "Any discussion? Representative Kosinski."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, I examined this legislation as amended. I see no threat or danger to the legal ownership of firearms. In terms of carrying an unconcealed weapon across the street, the city can well be a shotgun for a stickup of a bank. I think it's a law enforcement measure which in no way endangers. We who are..who support the legal owner or ownership of firearms. I commend the Sponsor for cooperating with the Illinois Rifle Association of the NRA, and I think this Bill should pass."

Speaker Ryan: "Any further discussion? The Lady from Marshall, Representative Koehler."

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Koehler: "Mr. Speaker, Ladies and Gentlemen of the House, would the Sponsor yield? Representative, I wanted to ask you. Did I hear you correctly that this refers generally to loaded guns? What reference does it have to the unloaded gun?"

Cullerton: "The Bill doesn't change law with respect to loaded weapons. The law stays the same."

Koehler: "Perhaps I heard you incorrectly, but I thought you said that you can..you have to have a..an unloaded gun in a case now when you carry it on the street. Is that correct?"

Cullerton: "That's correct. In a city."

Koehler: "In a city."

Cullerton: "Right, that's what the law would do. In another words, say you're going out to hunt. You put your gun in a..unloaded, you'd unload it, you'd put it in any kind of a container or case and put it in the car."

Koehler: "Okay, and this...and..but what about carrying it on the street?"

Cullerton: "It has to be in a..."

Koehler: "It has to be in a case."

Cullerton: "...case. Right. Only if it's in the city. If you're out in the..outside of an incorporated area, you can have it in the open. Okay? But if you're on the street, walking down the street with a gun unloaded, it would be against the law."

Koehler: "Okay. I..okay, thank you very much."

Speaker Ryan: "There any further discussion? Representative Neff."

Neff: "Thank you, Mr. Speaker, Representative, I'd like to ask Representative Cullerton a question or two."

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

Neff: "Representative, you've got something here that far as I'm concerned is on the books now, and it's been on there for

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years. I..at least I checked it out a few years ago, and I found this on the books. Just what you trying to do here?"

Cullerton: "I didn't quite hear him."

Neff: "I say the Bill that you have here, I don't see what it's doing, because this..there's a law now in the books where you can't carry a loaded gun in your car.."

Cullerton: "Well, this..this refers to unloaded guns."

Neff: "Well, you're talking about unloaded guns, but any gun that you carry right today in a car must be unloaded and it must be in a case."

Cullerton: "Well, as a matter of fact, there's some confusion in the law, and I thought that's what the law was too, and that's why I put this Bill in, because it's not. And that's what I'm trying to do with this Bill is to make it clear."

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

Katz: "Mr. Speaker and Ladies and Gentlemen of the House, the distinguished Gentleman from Chicago, Representative Kosinski, my friend for many years, has assured the House that he has examined the Bill and had it examined by the National Rifle Association and the Illinois Rifle Association, and that there's nothing here that endangers the right of citizens to bare arms. I wish to tell the Members of the House that I too have examined the Bill, and I can assure you and the society of Illinois and the newspapers of the State and the people of the State, there's nothing in this Bill that will do a thing to really deal with the problem of firearms. A problem of handguns that enable people to shoot great figures like our distinguished President and our distinguished Pope. And I wish to tell you that this Bill is not..is an alright Bill, but it really is like hitting a fly amidst pestilence. We have a society in which handguns are readily available for

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everyone in which the whole society really is falling apart as a result of our unwillingness to face this issue. And so I assure all of you and assure the people of this State that House Bill 19 will not do anything about correcting that problem. And I hope this General Assembly will one day face up to the responsibilities that it has to do something about this national scourge of handguns."

Speaker Redmond: "Is there any further discussion? Representative Polk."

Polk: "Will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Polk: "In Representative Darrow's area, he has a lot of ethnic group people who hunt pigeons downtown quite a bit. Now what if they want..if they seriously are attempting to eradicate a..this vermin, these pigeons who have a tendency to make an unsightly downtown, because of their natural...what if they're down there shooting pigeons downtown?"

Cullerton: "Well, I want you to know, Representative Polk, that I share your concern. I am definitely not pro-pigeon. I think they're little rats with wings. And..but I would suggest in the long run it would be much more intelligent to me to feed them contraceptive corn then it would to go out and shoot them. However, this Bill is again, has nothing..no change in the law with respect to shooting pigeons."

Polk: "Okay, thank you."

Speaker Ryan: "Representative Dunn. Ralph Dunn."

Dunn, Ralph: "Thank you, Mr. Speaker. I wonder if the Gentleman would yield for a question? I'd like to have the definition of a pigeon again for us."

Cullerton: "They're little rats with wings."

Dunn, Ralph: "Okay, I wanted to be sure everyone understood what

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a pigeon was. You say you have an endorsement of or the okay of the Illinois Rifle Association?"

Cullerton: "I have a telegram right here from the Illinois State Rifle Association supporting House Bill 19, and it says the..and Kosinski and plus that Harold Katz is against it, so I can't see any reason why you wouldn't want this Bill passed."

Dunn, Ralph: "Fine, thank you, thank you, Mr. Speaker."

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

Richmond: "Thank you, Mr. Speaker. One more question of the Sponsor if..."

Speaker Ryan: "Indicates he'll yield."

Richmond: "Is the Illinois Rifle Association affiliated with the NRA, National Rifle.."

Cullerton: "Well, yes, they are, and also I've been on...I haven't received a telegram yet from NRA, but I did talk to them yesterday. In Washington they said they're in support of the Bill."

Speaker Ryan: "Representative McClain."

McClain: "I move the previous question, Sir."

Speaker Ryan: "The Gentleman moves the previous question. All in favor signify by saying 'aye', all opposed 'no'. The 'aye's have it. And the motion carries. Representative Cullerton to close."

Cullerton: "Thank you, Mr. Speaker, I would appreciate your support with this Bill. I've carefully drafted it so that I feel that it does do something. It clarifies the problem we have right now with common cures with transporting weapons. Makes it certainly clear that they are not bothering the law. It allows trappers to carry weapons and for the purpose of dispatching animals. And it also clarifies the fact that in this State when you're

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transporting your guns in your vehicles in the city, you should have them in a container or a case. As I said, it's been supported by the National Rifle Association, the Illinois State Rifle Association, the Wildlife Federation and the Illinois Gun Collectors Association. I'd appreciate a favorable Roll Call."

Speaker Ryan: "The question is shall House Bill 19 pass. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Ropp to explain his vote."

Ropp: "Mr. Speaker, thank you, and Members of the House, I just thought in terms of a question, I didn't think that these unloaded guns ever hurt anybody."

Speaker Ryan: "Representative Ebbesen to explain his vote."

Ebbesen: "Yes, Mr. Speaker, perhaps the Sponsor, Representative Cullerton, what is the penalty if you're found guilty if this was law?"

Speaker Ryan: "We're on explanation of vote, Representative."

Ebbesen: "I thought maybe he could explain his vote and answer that. That's all."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 107 voting 'aye', 32 voting 'no', and 4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 79. Representative Catania. Representative Catania. Out of the record on House Bill 79. House Bill 89, Representative Deuster. Out of the record. House Bill 114, Representative Currie. Want your Bill read, Representative? Read the Bill."

Clerk Leone: "House Bill..."

Speaker Ryan: "Representative Stiehl in the Chair."

Clerk Leone: "...114, a Bill for An Act to amend The Election Code. Third Reading of the Bill."

Speaker Stiehl: "Representative Currie."

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Currie: "Thank you, Mr. Speaker, Members of the House, House Bill 114 came out of the Elections Committee with a very substantial majority. It is a Bill to change the date of the primary election from the third Tuesday in March to the last Tuesday in April. It's a five or six-weeks extension of the time that we now vote in primary elections in the even numbered election year. The Bill obviously has great value for our constituents. It means that instead of senior citizens slipping over the ice and snow in order to cast their ballot in party primaries, it means that the weather will be better. It means too that we'll be asking people to make their selections for state and federal offices a good deal closer to the time that those people that they choose to nominate will actually have an opportunity to serve them. Decreasing the time between the election..between the election and the primary election and the general election is a good thing from the point of view of the voter in terms of their willingness and interest in participating in the election. This is a Bill that will increase voter turnout. Voter turnout is a problem we've been facing increasingly in this country, and we as elected public officials have a responsibility to do whatever we can to see to it that we can provide more interest and more opportunity to participate to the voters. This Bill has the support of the League of Women Voters, of the Independent Voters of Illinois. The County Clerk's Association of the State of Illinois supported this Bill in Committee, and I would appreciate your support."

Speaker Stiehl: "Is there any discussion? The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is a good Bill and has been a long needed reform. To move the date to warmer weather to hold

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elections will mean that more constituents, as Representative Currie said, can get out and vote. It'll be easier for all people concerned, and another by-product is you lengthen you shorten the time within which our constituents have to put up with the campaign cycle. It's easier on the candidates. It's easier on the constituents and it promotes a larger voter turnout. And I strongly urge an 'aye' vote."

Speaker Stiehl: "The Gentleman from Cook, Representative Peters."

Peters: "Madame Speaker, I move the previous question."

Speaker Stiehl: "The previous question has been moved. All in favor say 'aye', opposed. The 'ayes' have it. The previous question has...Representative Currie to close."

Currie: "Thank you, Mr. Speaker, I would just encourage an 'aye' vote. We now have the earliest primary for state offices in the country. This..this change would put us very much in line with Indiana, Pennsylvania, other agricultural and industrial states, and I would appreciate your support for this Bill which was in fact a Subcommittee Bill in the Elections Committee and came out with enthusiastic support from all sides. Thank you."

Speaker Stiehl: "The question is shall House Bill 114 pass. All in favor signify by voting 'aye', opposed 'no'. Representative Piel to explain his vote."

Piel: "Thank you, Madame Speaker, Members of the House. I was Chairman of this Subcommittee, and as Representative Currie said, we did vote this out as a Committee Bill initially, then we realized that we could not have a Committee Bill. And so this is the same as our Committee Bill that we were going to submit to the House, and it passed 4 to 1 out of Subcommittee, and it passed with overwhelming support out of the regular Committee."

Speaker Stiehl: "Representative Giorgi to explain his vote."

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Giorgi: "Just to..just to announce to the General Assembly that 102 county clerks will appreciate this, because they won't be busy during the Christmas Season following your petitions and worrying about election laws. They'll have a decent Christmas era."

Speaker Stiehl: "Representative Wolf."

Wolf, J.J.: "Thank you, Mr. um, Madame Speaker. I see we have the necessary votes up there. Thank you."

Speaker Stiehl: "Further explanation of vote? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 122 'yes' votes, a hundred..Representative Koehler, for what reason do you rise? Would you turn on Representative Koehler's microphone?"

Koehler: "Excuse me, I don't want to..I don't have a problem, but I have...I mean I don't want to cause a problem of order, but I had my hand on my 'yes' button, and it did not record."

Speaker Stiehl: "Vote Representative Koehler 'aye', please. On this question there are 122 voting 'aye', 20 voting 'no', 2 'present' and 33 absent. This Bill having received the Constitutional Majority is hereby declared passed. Representative Leverenz, for what reason do you arise?"

Leverenz: "Question of the Chair. You recorded Representative Koehler as 'aye'. You announced it as 122. Which is it?"

Speaker Stiehl: "It...what is the count, Mr. Clerk? The record will show...indi..so indicate that there are 123 voting 'aye'."

Leverenz: "Thank you."

Speaker Stiehl: "House Bill 128. Representative McGrew. Read the Bill, Mr. Clerk. Representative McGrew, do you want your Bill called? Out of the record. House Bill 144, Representative Zwick. Representative Zwick, do you want

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your Bill called?"

Clerk Leone: "House Bill..."

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

Clerk Leone: "House Bill 144, a Bill for An Act to amend the Surface-Mined Land Conservation and Reclamation Act. Third Reading of the Bill."

Speaker Stiehl: "Representative Zwick."

Zwick: "Thank you. Mr. Speak..Mr. Speaker, Ladies and Gentlemen of the House, House Bill 144 passed out of the Energy and Environment Committee unanimously. It amends the Surface-Mined Land Conservation and Reclamation Act with regards to local zoning power so that the location of sand, gravel, limestone and other non-organic mineral mining operations would be subject to the local zoning power in case there would be a conflict between the State and the local zoning. And I would appreciate your support on this. It arose out of a problem that we had in my district. We've passed other similar Bills out before, and I ask for your favorable vote. Thank you."

Speaker Stiehl: "Further discussion? The Minority Leader, Representative Madigan."

Madigan: "Question on the order of call. I believe that we are moving numerically on the Order of House Bills Third Reading. But I understand that you skipped over some Bills. For instance House Bill 115, 139 and 140."

Speaker Stiehl: "Mr. Madigan, the Chair was informed by Representative Wikoff that he wanted those taken out of the record."

Madigan: "Then...alright, fine, thank you."

Speaker Stiehl: "Representative Vitek."

Vitek: "Madame Speaker, I wanted the young Ladies that are newcomers and the others that have addressed you as Mr. Speaker, welcome to our class."

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Speaker Stiehl: "Representative Madigan."

Madigan: "Could...in instances where a Sponsor does not wish a Bill called, could you simply announce at the time that the Sponsor asked that the Bill not be called. I only asked that, because there are many Sponsors who are concerned about whether their Bill will be called. And they understand the rules, and it's important to them that if we're following a certain section of the rule that we follow it explicitly. And we understand if a Bill is not to be called, fine. No one objects that, just if you could say it."

Speaker Stiehl: "Your point is well taken, Sir. Further discussion on House Bill 144? Representative Darrow. Is there any discussion? If..if not, the question is shall House Bill 144 pass. All those in favor signify by voting 'aye', those opposed 'no'. Representative Getty to explain his vote."

Getty: "This is an inquiry of the Chair. How many votes will be required to pass this?"

Speaker Stiehl: "Representative Getty, will you explain your point, please?"

Getty: "Yes, I..I think that there is an incongruity. It says in the body of the proposed legislation that the Act is not intended to preempt. However, it says in the event of conflict between this Act and a zoning ordinance of a municipality, county or township with respect to the location of any such sand, gravel, limestone or other non-organic mineral mining operation the more restrictive provision shall control. I am suggesting that in..in that context if the State provisions were more restrictive, they would indeed preempt, although it attempts in the former statement to say it does not preempt. And therefore, raises a conflict within the legislation, and I think that

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this ought to be addressed."

Speaker Stiehl: "Representative Zwick, would you come to the podium, please. Representative Zwick."

Zwick: "Thank, thank you, Mr. Speaker. The in...I appreciate your calling my attention to the matter that there may be some..some conflict in there as to the home rule. It was not the intent of the legislation, and I do not wish the legislation to address the home rule question. And I would certainly hope that on my word that, that will be removed before this arrives in the Senate through Amendment. I would appreciate hearing this Bill now."

Speaker Stiehl: "Representative Getty."

Getty: "Alright then, Representative Zwick, you're saying this is not intended to be a limitation on home rule powers and that if there is an ambiguity in the legislation, you would cure it in the Senate. Is that correct?"

Zwick: "Absolutely. It was inadvertently done if it is in there, and I was not aware of it, and it was not my intention at all to limit home rule. And I will absolutely, through Amendment, take it out in the Senate."

Getty: "Okay."

Speaker Stiehl: "The requirement is 89 votes."

Zwick: "Thank you. And I'd really appreciate your affirmative votes. I guarantee that the home rule question will be straightened out."

Speaker Stiehl: "Representative Kosinski, for what purpose...to explain his vote."

Kosinski: "Mr. Speaker, I...if I understand the Lady correctly, should there be any ambiguity as pointed out by Mr. Getty, it will be corrected in the Senate, because it was not her intention to cause any overrule of home rule powers. On that basis and considering that..her first Bill, I'm voting for it."

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Speaker Stiehl: "Have all voted who wish? Have all voted who wish? Ex...Representative Robbins to explain his vote."

Robbins: "I rise reluctantly to oppose the Bill, because also in this is the possibility of two counties with different types of rulings taking control, with different zonings, taking control of one mining operation. This is..there is nothing to allow for this in the Bill."

Speaker Stiehl: "Have all voted who wish? Have...Representative Vinson."

Vinson: "Thank you, Madame Speaker, Ladies and Gentlemen of the House. I would urge an 'aye' vote on this Bill. As I understand the Bill, it's totally consistent with the ongoing tradition that we've had in this State of where the State involves itself in land use decisions. It also respects the right of local government to involve itself in land use decisions. To vote 'no' on this, I think in some sense, is a vote for the principle that the State is going to abrogate land use decisions on further items like zoning and so forth. So I would urge an 'aye' vote on the Bill."

Speaker Stiehl: "Representative Preston."

Preston: "Thank you, Madame Speaker, Ladies and Gentlemen. Besides all those terrifically good reasons to vote for this Bill, this is the Lady's first Bill, and I would encourage an 'aye' vote on this, the same kind of courtesy that you would want if this were your first Bill."

Speaker Stiehl: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. Representative Daniels, for what purpose do you rise?"

Daniels: "I was interested in looking at the legislation here before casting by green vote in favor of passage of this Bill. I noticed very carefully that the Lady has stated that she'll work very hard with the Members over in the Senate if this Bill passes. And I think that the merits of

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the Bill are such that it would be very important to place this in passage stage and send it over to the Senate. I would certainly hope that we could all join in giving this Bill a green vote and assisting it in its passage so that this can become law."

Speaker Stiehl: "Clerk will take the record. Representative Zwick, for what purpose do you rise?"

Zwick: "May I, may I put it on Postponed Consideration, please?"

Speaker Stiehl: "Postponed Consideration. House Bill 155, Representative Stearney. Representative Stearney? Out of the record. House Bill 156. Out of the record. House Bill 179. Out of the record. House Bill 186. Representative O'Brien. Representative O'Brien? Out of the record. House Bill 198. Representative O'Brien. Out of the record. House Bill 210. Representative Schuneman. Out of the record. House Bill 211. Representative Vinson. Out of the record. House Bill 217. Representative Hallock."

Clerk Leone: "House Bill 217, a Bill for An Act in relationship to debts owed to and by the State of Illinois. Third Reading of the Bill."

Speaker Stiehl: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. What House Bill 217 does is allow the State to collect debts that are owed to the State by different individuals state-wide. At the present time, there's about \$25,000,000 in student loans that are owed to the State that have not been recollected. The procedure in this Bill would allow the State to offset any income tax refund with the money owed to the State and the balance will be due to the State. It's a good Bill, and I ask for your favorable support."

Speaker Stiehl: "Is there any discussion? Representative Schneider."

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Schneider: "John, does this mean..are you talking about student loans?"

Hallock: "Essentially, the bulk of the money owed to the State is in the area of student loans, yes."

Schneider: "So students who are default or who are judged to be in default, I don't know if that's the right word, or have not at least returned or paid on those loans, the next step for the State of Illinois is to assume that that person, if I'm reading the synopsis right, the next step would assume that if that person owes money to the State on the basis of not having paid back a loan that you would take it from a refund check in the income tax?"

Hallock: "Yes. In, you know the procedure..."

Schneider: "Has the agency, the Department of Revenue, offered this Bill? Have they indicated to you support or opposition in terms of the book work?"

Hallock: "The Comptroller supports it. We've amended it so the Comptroller and the Department of Revenue would work on this jointly. Oregon and Georgia do it very well. Oregon last year recaptured about \$4,000,000. They're a very small state. There's a lot of debt out there that's owed to the State, and this is the best way to recapture that debt."

Schneider: "I guess I missed the answer though. Did the Department approve, endorse or not endorse?"

Hallock: "Revenue, I think, is ambivalent, although they probably don't want the paper work."

Schneider: "Alright, then one other projection. What would be the anticipated return in revenue on this?"

Hallock: "It's hard to tell, but as I said in student loans alone, the debt owed to the State is over \$25,000,000."

Schneider: "Alright, thank you."

Speaker Stiehl: "Gentleman from Macon, Representative Dunn."

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Dunn, John: "I'd like to ask the Sponsor what procedures there are to establish, whether the debt is really owed and whether the amount alleged to be owed is correct before a setoff takes place?"

Hallock: "The procedure would call for each department state-wide, every agency which feels it has some debt owed to it by some individual, whether it's student loan or some other purpose, would notify the Comptroller and the Department of Revenue of that debt. And then they would pursue the offset procedure."

Dunn, John: "What notice is there to the debtor that the amount is going to be setoff? What advance notice is there to the debtor that the amount will be setoff or that the debt is in fact owed at all?"

Hallock: "I believe the Department of Revenue would notify the person of the debt owed much as they try to do now, but they don't. And then if that person doesn't pay the debt, they'd notify him he'd be offset."

Dunn, John: "Isn't it a basic principle of law that before you're forced to pay something, you're entitled to notice and a hearing to..before an offset is made?"

Speaker Stiehl: "Further discussion? Representative Ebbesen."

Ebbesen: "Well, yes, Mr. Speaker and Ladies and Gentlemen of the House, it was questioned here to the Sponsor of the Bill about..is the department for this Bill, the Department of Revenue or whatever. And you know, I think, too often in this legislative body, we're always wondering whether the department is for or against something. You know, the Legislature makes these decisions what should be done, and they're at an administrative capacity, and if we think it's good legislation, it doesn't make any difference to me whether they're for it or against it. If we think it's practical and reasonable, that's what we ought to base our

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decision on. I think it's good legislation. It ought to be supported."

Speaker Stiehl: "Representative Getty."

Getty: "Would the Gentleman yield?"

Speaker Stiehl: "He indicates he will."

Getty: "Representative, I think we want to clear up a bit of legislative intent here. I wonder if you could ask the Gentleman who's standing between us to sit down. In the event, I want to be sure I understand that and see if hopefully this does not apply to certain circumstances. For example, the State of Illinois pursuant to a Public Act has made loans to certain public bodies. Is it your intention that this Act would apply to those loans made pursuant to a Public Act?"

Hallock: "This applies, my intent is that this applies only to persons. It would not apply to public bodies."

Getty: "Thank you."

Speaker Stiehl: "Representative McAuliffe."

McAuliffe: "I move the previous question."

Speaker Stiehl: "The question is shall the main question be put. All in favor say 'aye', opposed 'no'. The 'ayes' have it. Representative Hallock to close."

Hallock: "Yes, Madame Chairman, I would ask that Representative Ropp be allowed to close. Thank you."

Speaker Stiehl: "Representative Ropp to close."

Ropp: "Thank you, Madame Chairman and Members of the House. What we are attempting to do here is to recover funds that the State has given forth and have not received fair return or payment of those funds. We're in the process of attempting to try and locate some \$200,000,000 in the Governor's budget. This will proceed to bring in dollars that the State is due so that we can begin to pay off some of the programs that we vitally need. Currently in Washington, in

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our Federal Government, is doing the same program to try and bring back to the Federal Government dollars that they have provided to people throughout this country either in overpayment and money that is due them. I urge a favorable vote on this. This will begin to bring back moneys into our State Treasurer that are actually due the State, but currently is not being taken care of or is not being gone after to make sure those loans are good. I urge your favorable vote, please."

Speaker Stiehl: "The question is shall House Bill 217 pass. All in favor vote 'aye', all opposed, 'no'. Representative Bowman to explain his vote."

Bowman: "Yes, thank you, Madame Speaker, I'm sorry I didn't get a chance to ask a question in debate, because there is one thing in here that does concern me. It appears that the intent of the Sponsor is not to have this apply to transactions between public, local public bodies and the State. In..however, it appears that school districts would, in fact, be covered. The Bill simply excludes units of local government, but school districts under our Constitution are not defined as units of local government. They have a separate status. Moreover, the school aid formula is not administered by the Department of Revenue. It is administered by the Office of Education, and so the exclusion that pertains to programs and distributions under the Department of Revenue would not apply to the school aid formula. It appears to me that moneys owed by school districts of the State could simply be deducted from their school aid formula claims. That possibility concerns me. If that is not the intent of the Sponsors, I would hope that they would clear it up in the Senate, cause it does look like this is going to pass."

Speaker Stiehl: "Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Clerk will take the record. On this question there are 141 'ayes' and 12 'nos'. This Bill...and 4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 229, Representative Huskey. Out of the record. House Bill 240, Representative Davis."

Clerk O'Brien: "House Bill 240, a Bill for An Act to amend the Regional Transportation Authority Act. Third Reading of the Bill."

Speaker Stiehl: "Representative Davis."

Davis: "Thank you, Madame Speaker. The..House Bill 240 came out of the Committee on Transportation with more than a partisan vote. And..simply allows townships in the Regional Transportation Authority in only referring this case to the collar counties to disconnect by Resolution from the RTA authority. If no daily regularly scheduled demand services offered in those townships. It really only affects the very rural far-out townships along the borders and perimeters of the collar county areas. Those areas don't produce any sales tax usually for the RTA, because the people that live in them don't have the commercial enterprises in which to shop and spend their money. They usually go North to the townships that do have service. It was thought to be a pretty good idea that if you start mitigating the effects of that particular transportation problem and image up there that it would go a long way toward mitigating the objections to mass transit in general and the RTA, of course, in particular. So I recommend it to you. It's a pretty good idea."

Speaker Stiehl: "Is there any discussion? Representative Levin."

Levin: "Madame Speaker, Ladies and Gentlemen of the House, I must rise in opposition to House Bill 240. When we were considering the Governor's package a few weeks ago, there

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was indeed a disconnect provision in it. That disconnect provision was by county. When on our side of the aisle we put together our alternative approach, we recognized the disconnect probably makes sense at this point, but again after considerable discussion on the Democratic side, we came to the conclusion that the county is the appropriate level for disconnect. If you go to the townships you can end up with a rather helter-skelter approach. You're going to have one township in the middle of a county that disconnects. You're going to have the rest of the county...the rest of the townships that are, in fact, continue to be a part of this system. We need to come up with some sort of a comprehensive overall approach that makes sense. I'm sympathetic with the intent of the Sponsor. I think that whatever legislation ultimately passes will contain a disconnect feature. But I think the county is too small a level to allow a disconnect. Accordingly, I would urge a 'no' vote."

Speaker Stiehl: "Representative Ewell."

Ewell: "Mr. Speaker, the Sponsor's given us a little bit of a 'Jolly Roger' Bill. He's running under a false flag. There's no condition under which I think any of the outlined area Representatives are willing to vote for a Regional Transportation Authority. But in this Bill, they're saying we want out when we out, but all we have to do to get back in is pass another Resolution."

Speaker Stiehl: "Excuse me, Representative Ewell. Representative Giorgi on a point of order. State your point, Representative."

Giorgi: "Yes, Madame Speaker, on a point of order again. Yesterday there were serious charges made about tomfoolery in the Clerk's Office changing Roll Calls. About ten days ago, Mrs. Balanoff, Representative Balanoff, had a Bill

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that dealt with spare tires. The Bill was put on Postponed Consideration. She went up to the well to get a Roll Call, and they wouldn't give it to her, but Madame Zwick this morning already has a Roll Call of a Bill that's been put on Postponed Consideration. These are the very things we charged yesterday about the impriorities and what's going on in the Clerk's Office. We resent it. And I wish the Speaker would come out and make a decision whether he's investigating all these allegations, because they are serious allegations. We're fed up with it. We're tired of putting up with this favoritism bipartis...nonbipartisanship."

Speaker Stiehl: "The Speak...Representative Collins."

Collins: "Yes, thank you, Mr. Speaker, I just wanted to inform the Gentleman that the Speaker has appointed me as a Committee of One to look into this."

Speaker Stiehl: "Representative Vinson."

Vinson: "Well, I would like to inform the Gentleman that if he had looked at that Roll Call on the board, the Speaker of the House voted against Representative Zwick's Bill. And there can be no indication that there's bipartisan...that there's any non..that there's any partisanship involved in the Clerk's Office in that case. The Gentleman is trying to take something completely out of context. If somebody running the Clerk's machine, and I happen to know right now that Mr. O'Brien is behind the Clerk's desk, has given a Roll Call to Representative Zwick, it certainly is not because of the Speaker or because of any Republican party position. And I would suggest that we get on with calling Member Bills so that we can make some progress and get down this Calendar, so that each Member can have a chance to call his Bills and move forward."

Speaker Stiehl: "Speaker announced last night that he was

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investigating this situation, Representative Giorgi, and I would suggest that we move on with the business of the House. No. Representative Friedrich."

Friedrich: "Mr. Speaker, will the Sponsor yield to a question?"

Speaker Stiehl: "He indicates he will."

Friedrich: "Madame Speaker, Madame Speaker, I stand corrected by my colleagues..."

Speaker Stiehl: "Oh, oh, I'm...I'm sorry, Representative Ewell."

Ewell: "I mean I don't mind being walked on, but don't step on me too. Listen, what we're talking about is the...this Bill as I read it is simply one to provide a taxi cab service for the certain townships. They're saying when we want it all we have to do is vote ourselves in, when we don't want it we vote ourselves out. That's a little bit ridiculous. You can't have it both ways if you want out, stay out."

Speaker Stiehl: "Excuse me, Representative Ewell. For what purpose do you rise, Representative Satterthwaite?"

Satterthwaite: "Speaker, on a point of order. There was a question raised, not the same question about recording votes in the Clerk's Office. A new question has arisen in regard to the procedures. We know that there has not been made available published records for Bills that go on Postponed Consideration. But preferential treatment seems to be given so that some Sponsors are able to get a copy of their Roll Call and of, Mr. Speaker, other Sponsors are not able to. That is a new point of inquiry as to what policy of the Clerk's Office is, and some Resolution of that problem needs to be given."

Speaker Stiehl: "Representative, this will be taken under advisement by the Speaker of the House, and I suggest that we get on with the business. We have a number of Bills. Representative Ewell. Representative Ewell, have you completed your remarks?"

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Ewell: "I've...I've had a lot of help."

Speaker Stiehl: "Representative Murphy, for what purpose do you rise?"

Murphy: "Madame Chairman, this question was brought up...are other people going to be treated all alike on this floor or not? Why should we stay here if you're going to have a one game down here? Roll Calls are given to certain people, and Roll Calls are not given to other people. And now that is not a way to run this House. Everybody is entitled to a Roll Call if it's put on Postponement."

Speaker Stiehl: "Representative Ewing."

Ewing: "Mr. Speak...Mrs. Speaker, but I get excited. I wish those people on the other side of the aisle would move this on. They know how they ran it last time. They know who got the Roll Calls when they controlled the Chair. Why don't they be quiet, and let's get on with the business."

Speaker Stiehl: "Representative Telcser."

Telcser: "Call the next Bill, would you please, Madame Speaker."

Speaker Stiehl: "Representative Ewell to complete his remarks on House Bill 240."

Ewell: "Mr. Davis has promised to make the remarks for me and to be fair, so I quit."

Speaker Stiehl: "Further discussion? Representative Friedrich."

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

Speaker Stiehl: "He indicates he will."

Friedrich: "I guess he gave up after all the clamor over there. You can't pass a Bill with all that going on."

Speaker Stiehl: "Representative Davis."

Friedrich: "One of the Members on the other side said that referred to a plan that they had advanced and so on which was contrary to this. I'm wondering, are you aware of any Bills introduced on the other side of the aisle to solve the RTA problem?"

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Davis: "No, Representative Friedrich, I'm not."

Friedrich: "I wasn't either, thank you."

Speaker Stiehl: "Representative Johnson. Representative Johnson. Representative Katz. Representative Katz, do you wish to speak on the Bill? Your light is on, Sir. Representative Vinson."

Vinson: "I move the previous question."

Speaker Stiehl: "The question is shall the main question be put. All in favor signify by voting...by saying 'aye', opposed 'no'. The 'ayes' have it. The quest...Representative Davis to close."

Davis: "Well, thank you, Mr. Speaker. Simply in closing, I would say to you that even Representative Garmisa who speaks for the Regional Transportation Authority in this House voted 'present' in Committee. He thought the idea wasn't all bad. What we're talking about basically are small rural townships on the borders and perimeters of the collar counties. In many cases less than a thousand people have not even a grocery store or a gas station in which to shop or spend their money. The RTA themselves testified that the impact financially is nil to negligible to none. And I even suggest that politically to Representative Garmisa that it's not all a bad idea, because those are the very constituents who have never seen a RTA bus, never even seen one any place within the township borders that they're in. That if they're allowed to disconnect by Resolution until such time that daily service was implemented some place in the township that they could see it and feel comfortable with paying the quarter cent sales tax that their opposition to the RTA would be mitigated, and they would quit beating on all of us down here about the RTA. It's as simple as that. Now I don't know what's going to happen with the RTA. It may survive as an agency so I suggest

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it's not a bad Bill, and I solicit your support."

Speaker Stiehl: "The question is shall House Bill 240 pass. All in favor signify by voting 'aye', opposed 'no'. Clerk will take the record. Representative Greiman to explain his vote."

Greiman: "Well, thank you, Speaker. The problem with township is that the railroad station and the commuter railroad in Will County or in far-out McHenry or some place like that. Maybe in one township and the next township people don't have any service daily. Yet they're well served, but the service doesn't happen to come through their township, and they go over a few blocks and there they are in the next township riding the commuter railroad to Chicago and opting out. Why not? You get the service, you get the best of both worlds. You don't pay for the service on one hand and you..and you only drive a few blocks to the next township. Why not? Great idea if you happen to live in that kind of township."

Speaker Stiehl: "Representative Davis, to explain his vote."

Davis: "To explain my vote. First place, people who live in my neck of the woods don't even know what in the world a block is. They've never seen a block. They go by section lines and township roads and so forth. And they don't know what a block is, but I can tell you that they spend their money in townships that are populated where there is service. That's where they go to shop, because that's where the shopping centers are. So it seems to me a very effective way to mitigating some of the opposition to the RTA. And if you don't want to mitigate the opposition of the suburbs to the RTA, you ought to vote 'no'. And if you want to mitigate it, you ought to vote 'yes'."

Speaker Stiehl: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Leinenweber

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to explain his vote."

Leinenweber: "Well, Representative Davis is absolutely right. I come from that county, and we have some townships which have never, as he says, have never even seen a bus and don't want to see one. The hatred for the RTA is so intense there that nobody in these areas can even go in there and say that they would ever have voted for anything that anything remotely to do with the RTA. So if you people want, and I say this to the people of Chicago, if you want to do anything about changing the view in the outlying areas, then you better give us this minimal little bit of relief so that people who scream absolutely the loudest, and they're heard by other people, and that causes a clamor in other areas and give us this small bit of relief."

Speaker Stiehl: "Have all voted who wish? Representative Kelly to explain his vote."

Kelly: "Yes, I'd just like to point out to my suburban colleagues especially those living outside of Cook County that at least they enjoy the benefits, because the taxes that are collected have to be spent in those outlying counties. In Cook County, we know where that money is being spent, primarily it's in Chicago. Suburbanites are the ones in suburban Cook County that's carrying the major burden of this RTA system, and don't let anybody forget it."

Speaker Stiehl: "Representative Bowman to explain his vote."

Bowman: "Madame Speaker, simply to request that if this does receive 89 votes, I wish a verification of the Roll Call. I hate to do it on a Saturday, but this is a very, very important issue."

Speaker Stiehl: "Have all voted who wish? Take the record, Mr. Clerk. This Bill having received 8...on this question there are 86 voting 'yes', 52 voting 'no', 5 voting

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'present'. Representative Davis."

Davis: "Well, you know, I poll the absentees if we go through a verification. I'm not sure all the votes are here. Just let the Bill go down, Madame Speaker. It's an important Bill to the collar counties, it's an important Bill actually for the RTA. And I think Garnisa understood that. And apparently I haven't articulated the point very well. Let it go down and we'll try it again if the RTA stays around next year."

Speaker Stiehl: "This..on this question there are 86 voting 'aye', 52 'no', 5 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. House Bill 244. Representative Yourell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 244, a Bill for An Act to amend Sections of the Civil Administrative Code. Third Reading of the Bill."

Speaker Stiehl: "Representative Yourell."

Yourell: "Thank you, Mr...Madame Chairman and Ladies and Gentlemen of the House, I don't want to start til the Chairman of the Executive Committee gets back to her seat, because I know that she's vitally interested in this legislation. And I don't want to do anything to preempt her from taking a good shot at it. What this Bill does, it's nothing new in this House. We've introduced it in the past three sessions. What it does is create a five member commission to replace the Director of the Department of Conservation. I might say at the outset I certainly have nothing against the present Director, Doctor David Kenney, who I have the greatest respect for and who I have worked with very closely and I have always found him to be a certainly acting on all on occasions in the best interest of the State of Illinois and all of its citizens in matters

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relating to conservation. And so this is in no way to be construed or intended as a threat to his expertise, talents and his abilities and certainly his dedication and responsibility to..thank you, Mme...to dedications, responsibility to his statutory responsibility. I might point out, however, that Doctor David Kenney when he was a delegate to the 1970 State Constitution did originally broach this idea to the convention delegates. So although Doctor Kenney as far as I'm concerned has not corresponded with me this session relative to this legislation, but it's my understanding the last two times I presented this Bill, he assumed a neutral position. Now what the reason for the legislation is quite simple. Prior to Doctor David Kenney's term as Director of the Department, we had seven directors in a period of nine years. Seven directors in a period of nine years. This did not in any way provide a sense of continuity in what we consider to be our expendable resources. We have to have individuals in the Department of Conservation at all times who have that thought in mind. That our dwindling resources have to be treated by those who are most competent to do so. And what the Bill provides is that the..would eliminate the position of the Director and establish in its place a five-member conservation committee appointed by the Governor with advice and consent of the Senate. No more than three of the five commission members may be of the same political party. All members must have at least ten years of a professional experience in the natural science, sciences. Initial appointees will serve staggered terms expiring in yearly intervals beginning with 1983 and through 1987. I might suggest to you that the Illinois Wildlife Federation is in support of this legislation as well as every other conservation and hunting and sporting group in the State of

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Illinois. I might also tell you that it is a product of a study within a House Subcommittee chaired by former State Representative Joe Mudd. It is also based upon a recommendation to adopt a bipartisan commission formulated on the study done by the Wildlife Management Institution at the request of Governor Stevenson in 1950. There are several states who have already adopted this principle. I would hope that this General Assembly in this Session would find it possible to vote for a Bill of this kind. I ask for your favorable response to Roll Call to House Bill 244 and will answer any questions you might have."

Speaker Stiehl: "Further discussion? Representative Friedrich."

Friedrich: "Mr. Speaker, Members of the House, someone told me one time that a camel was a horse put together by a committee. And I think that's about what you're doing here. You're trying to put something together by a committee. We tried this at the State Fair. It didn't work. If you want Government, pinpoint responsibility, don't farm it out to a bunch of eggheads who are responsible to nobody."

Speaker Stiehl: "Representative Schraeder."

Schraeder: "Mr. Speaker and Members of the House, I don't know whether this is a power play or what it is, but it's obvious that this is a special interest piece of legislation for some unknown reason. I happen to believe that you can't have five heads running an agency of state government. And if it's a means of getting control of the Conservation Department by some groups. And I don't know of a single conservation, hunting or sporting group that promotes this kind of activity in control of the Department. If you aren't satisfied with the Director, then you should do something about the Director. And I...in the history of it, we've not always had good

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directors, but I happen to think that Director Kenney has been doing a good job with the attitude of many people in the State. And I say that we don't want double jurisdiction, in this case five people trying to run a single department. It would be chaotic. And I don't think we should give in to this special interest group seeking this type of a commission. Vote 'no'."

Speaker Stiehl: "Representative Barkhausen."

Barkhausen: "Will the Sponsor yield?"

Speaker Stiehl: "He indicates he will."

Barkhausen: "Representative, is there any particular reason you single out the Department of Conservation for the creation of a commission? It's been suggested for a number of other code departments as well."

Yourell: "I didn't hear the question, Sir."

Barkhausen: "Is there any particular reason that the Department of Conservation is singled out for the creation of a code department, because the same suggestion has been made for a number of other departments as well."

Yourell: "Yes, before I answer that and during the course of my answer, I must reply to a former Speaker who said something about the present Director of the Department of Conservation. I made it very clear that this Gentleman has done an excellent job and has probably been the finest Director of the Department of Conservation in the history of the State of Illinois. So this is not directed at him. This is a product of a study made not only in this State but by the Constitutional Convention in 1970 as well as what's happened in other states. The only purpose is to provide the citizens of Illinois with those people who are professional in their experience and their application to the duties and their responsibilities of the Department of Conservation. Now I'm not concerned with any other code

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department. I'm only concerned with this department, because of the fact that it has had political appointees, seven, for example, in a period of nine years. I want to see that there's expertise and talent in this Department of Conservation to see to our dwindling resources in the State of Illinois."

Speaker Stiehl: "Excuse me, Representative Yourell, for the purpose of an introduction. We have a very distinguished visitor here on the floor of the House, Congressman Paul Findley, the Father of Representative Craig Findley. Congressman Findley. We're pleased to have you, Sir."

Barkhausen: "I don't mean to cut the Gentleman off, but I believe he answered my question."

Speaker Stiehl: "Continue, Representative."

Barkhausen: "I should continue?"

Speaker Stiehl: "Proceed, Representative."

Yourell: "I answered the question, Madame Speaker. I don't know what..."

Speaker Stiehl: "Representative Barkhausen."

Barkhausen: "Yes, Madame Chairman, Ladies and Gentlemen of the House, I would agree that Director Kenney is at least as good a Director of the Department of Conservation as my Father was and probably better. But this idea has been kicked around for a number years including during my Father's tenure. And as I suggested by my question, I don't see any particular reason for singling out one code department for the creation of a commission. After all, the same suggestion has at various times been made for the Department of Children and Family Services and the Department of Transportation in the creation of a highway commission back when the Department of Transportation was the Department of Public Works. I think that when we create commissions, we have a tendency to take the

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executive branch of State Government or any government away from the people who elect their representatives. I think if the people are going to be disapproving of the way particular code departments are run, I think they ought to be electing two chief executives of whatever government we're talking about. For that reason, I think this is a false idea. I think it will tend to increase bureaucracy and decrease accountability in State Government, and for that reason, I believe we ought to oppose this Bill."

Speaker Stiehl: "Representative Zito."

Zito: "Madame Speaker, if it's appropriate, I move the previous question."

Speaker Stiehl: "The question is shall the main question be put. All in favor say 'aye', opposed 'no'. The 'ayes' have it. Representative Yourell to close."

Yourell: "Thank you, Madame Speaker, Ladies and Gentlemen of the House, I think that the subject matter has been well discussed not only on this occasion but on two other occasions during different sessions of this General Assembly. I do, however, have a hyphenated Cosponsor, Representative Jack Davis, who what I ask, who I would now ask to close."

Speaker Stiehl: "The..the question is...I'm sorry, Representative, who is to close?"

Yourell: "Representative Davis will close."

Speaker Stiehl: "Oh, Representative Davis."

Davis: "Well, thank you, Mr. Speaker and Members of the House. I close because I'm a Chief Cosponsor of the Bill. I'd like to clear up a misconception from the Representative from Peoria. I happen to think Doctor Kenney is one of the best directors the Conservation that we had..he's..that we've ever had. Maybe the second best next to Director Barkhausen. But the truth of the matter is there is no

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personal axes to grind, Representative Schraeder. There are no other issues embroiled in this issue. I want to personally assure you of that. The one to which I think you were referring is a quarrel issue that has nothing to do with the Department of Conservation. I will say to you this, however, that I'm not much for commissions either, but the way this Bill is structured after the Missouri model that the Missouri model is working very well along the lines of the commission. And the commission is structured so that you have to have, we've done it with the Department of Nuclear Energy. We have to have commissioners appointed by the Governor, and there's your accountability, commissioners appointed by the Governor with the advice and consent of the Senate that are qualified in the areas of conservation, ecology, water or wildlife management or other areas that are integrally concerned with conservation of natural resources in this State. The people that bring you this Bill are the sportsmen in this State. The people that suggested are the sportsmen in this State. The Illinois Wildlife Federation has been pushing this concept for years. The sportsmen in this State want this. And let me tell you why. Because in that, in those nine directors that we've had in the last seven or eight years, each one puts his own personal stamp on policy sometimes reversal of the prior policy. They're all embroiled in personalities and politics of the Governor in the chair at that time. This is one area that conserve wildlife resources and that conserve wild lands and natural lands in this State that you've got to have a consistent year in and year out policy. The Commission would not govern the Department of Conservation. The Bill calls for them to hire an Executive Director that would be again approved by the Commission who's approved by the Senate and

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the Governor. But that Executive Director must also have at least ten years qualification in the same areas. The Commission would only set the general tone of the policy in this State. And terms are staggered. The accountability is there, and it's the only way we're ever going to have a consistent approach to wildlife management, parks, to snowmobiles, to every other recreational facility in this State. It's a good idea. It's a good Bill. It's working so well in Missouri. About twenty other states are looking at the idea, and it's time Illinois did."

Speaker Stiehl: "The question is shall House Bill 244 pass. All in favor signify by voting 'aye', all opposed 'no'. Representative Macdonald to explain her vote."

Macdonald: "Thank you, Madame Speaker, Ladies and Gentlemen of the House, I certainly..reluctantly rise, because of the two fine Sponsors of this Bill. And since they have no objection and also reluctantly have presented this Bill having great respect for the present Director of the Department of Conservation, I will say that I am opposed to this Bill because an Executive Director would again be once removed from the General Assembly. We would have no direct control in this Department as we have now. I think that all of the directors have given, under all administrations, have given adequate protection to the State of Illinois, and I am glad to see as many red lights up there as there are. This is a bad Bill."

Speaker Stiehl: "Representative Giorgi."

Giorgi: "Madame Speaker, I'm going to support this Bill, because, you know, we're talking about appointments. You're talking about appointments to the Department of Conservation. And I come from Winnebago County, which has been so loyal to the Republican Party that we get no appointments from them. I think the Governor must think we have Republican mental

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midgets up in Winnebago. We don't have anybody in the State Board of Elections. We don't have anybody in the Prison Review Board. We don't have anybody in the Environmental Control Board. We don't have anybody on the Commerce Commission. The Winnebago County has been a Republican County for the last hundred years. In my congressional district we never won a count in a congressional fight in a hundred years. They're so loyal, I got to pick up the conscience for the Republicans. Let's appoint some Republicans from Winnebago so we can get some Rockford mentality down here in Springfield. It's really sad. There's thousands of people appointed to these boards. I'm for this so we ought to get an appointment out of it. I'm really crying, pleading with you. Please, let's pass this Bill, so I might get an appointment for Rockford and Winnebago County Republicans."

Speaker Stiehl: "Representative Winchester."

Winchester: "Thank you, Madame Speaker and Ladies and Gentlemen of the House. I see..I think I see what the intention of the Sponsors is. And that's to make sure that there's continuity in the policies and the general direction of the Department of Conservation, but this is not new legislation. It's been around for several years. I happened to serve on a subcommittee two or three years ago with other Members of this Body who went around the State taking testimony on the idea of setting up a commission form of the Department of Conservation. I can assure you that only those special interest groups were there to testify and support. The true sportsman and fisherman is completely satisfied with the present system that we have. The Directors fail to tell us and I would be..I would like to know what the salaries would be for the commissioners. And I would imagine it would be pretty high, and it would

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just be another form, another addition of bureaucracy that would be, that we would be adding to State Government. I don't understand why Conservation is being singled out as the only agency, the only code agency to have this type of system. And it's reported that Missouri has a commission system that works quite well. It does work quite well, but I remind you that the State of Missouri is a much smaller state and much different than the State of Illinois. They are more complications, more problems within our State. Continuation of programs of one director and being changed by another director, well unfortunately, that's just our system. There are bad policies that I'd hate to see get locked in to a five to ten year program, and we could not change it, so therefore, I would ask for a 'no' vote on this Bill."

Speaker Stiehl: "Representative Ropp."

Ropp: "Thank you, Madame Speaker and Members of the House. To correct one of the statements that was made during one of the debates in that we had tried this with the State Fair. That was not necessarily true. Last Session there were two Bills...there were four Bills passed out of the General Assembly. Two were commission Bills and two were not that dealt with the State Fair for some of the same reasons that we have in this particular issue. At that time about ten years ago we had four different State Fair managers over a period of four years. This would, like those intended to do, provide greater continuity, provide for more balance on the commission itself and to provide better service to the people of the State of Illinois."

Speaker Stiehl: "Representative Kelley."

Kelley: "Thank you, Madame Speaker. I would like to remind my esteemed colleague from across the aisle from Winnebago County that I fully agree with him. We get nothing under

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Governor Thompson, but I also want him to remember we got nothing under Dan Walker. So maybe we should form a Committee of Two and see what we can do about it, Zeke."

Speaker Stiehl: "Have all voted who wish? Have all voted who wish? Representative Yourell."

Yourell: "I do have the opportunity, of course, to explain my vote as the Sponsor, but I really don't want to do that. I think that the temper of the House and the mood of the House is such that things haven't changed in the past six years, three terms. This is my perennial loser, and I commend the House for their consistency."

Speaker Stiehl: "Have all voted who wish? Take the Roll, Mr. Clerk. On this Bill there are 52 'yes' votes. 97 'no'. None voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. Ladies and Gentlemen of the House, not only are we very honored to have Congressman Findley with us this morning, we also have his very lovely wife, Mrs. Findley. We are very pleased to have them here. House Bill 253, Representative Yourell."

Clerk O'Brien: "House Bill 253, a Bill for An Act to amend sections of An Act in relation to State revenue sharing with local governmental entities. Third Reading of the Bill."

Speaker Stiehl: "Representative Yourell."

Yourell: "Madame Chairman, Ladies and Gentlemen of the House, I do have a hyphenated Chief Cosponsor of this legislation, and I would like now to have Representative Koehler proceed with House Bill 253."

Speaker Stiehl: "Representative Koehler."

Koehler: "Thank you, Madame Speaker, Ladies and Gentlemen of the House, House Bill 253 seeks to require that towns, villages and townships levying taxes for libraries do in fact

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distribute to the libraries a proportionate share of the personal property tax replacement funds which towns and townships receive. The problem is that since local libraries are not taxing districts, they are not eligible to receive money under the replacement fund. This Bill is legislation which specifically requires incorporated towns, villages and townships to pay over to their respective local libraries a proportionate share of their replacement funds. I would appreciate your favorable consideration."

Speaker Stiehl: "Is there any discussion? Representative Conti."

Conti: "Well, Mr...Madame Speaker and Ladies and Gentlemen of the House, both of these Sponsors I have the upmost respect for. But here's another good example of what the 'Reaga-nomics', the revenue sharing being cut from the Federal Government where we're going to have to share. And we don't know by the budget that we've prepared how much the revenue sharing is going to affect some of these municipalities. I predict that some several months back that we're going to have some six or seven hundred New York cities in the State of Illinois if that formula was ever changed. I can recall in one township alone where there are seven municipalities that when they do have a surplus they have taken care of the library boards. Now maybe in the City of Chicago where the library is appointed by the Mayor that responsibility is theirs to take care of the library. But the people in the municipalities elect their library directors. We set their budget for them. For twenty-five years they tried to build a library. They didn't have the funds to build a library. We had the federal revenue sharing funds, we built them a beautiful 15,000square foot library. The township governments have also gone in and helped out with every agency that doesn't come under the formula of revenue sharing. But to put in a

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Bill like this and mandate some municipalities with the 'Reaga-nomics' uncertainty of how much money these local governments are going to get are going to add to the chaos, financial chaos, that we're going to already anticipate in the ensuing year. I ask you to hold off on this Bill. Hold off on this Bill. If there's ever a Bill that might affect these municipalities and create the New York Cities in the State of Illinois, this Bill might do it. I know it's not mandatory. I know that's the answer that it's going to be. It's going to be permissive. But if you ever get a group of parents that are concerned about their libraries and their towns, there will be so much political pressure put on these municipalities, fire your firemen, fire your policemen, fire..stop some of your services, but don't affect our libraries. And this one Bill, this one Bill here could create a tremendous financial burden on municipalities, and especially in metropolitan areas. I urge a 'no' vote on this Bill."

Speaker Stiehl: "Representative Yourell, for what purpose do you rise?"

Yourell: "Yes, I'd like to address the Bill, please."

Speaker Stiehl: "I thought, Representative Yourell, you had yielded your time to Representative Koehler."

Yourell: "No, we don't do that. She..I'm still a Member of the House, and I do have time available to me to either explain my vote, address the Bill, speak to the Bill or do whatever I want."

Speaker Stiehl: "Proceed, Representative."

Yourell: "Thank you. I do want to speak at this time to correct my good friend, Representative Conti's interpretation of the Bill. There's nothing to do with revenue sharing funds, Representative Conti. This has to do with personal property replacement funds, not revenue sharing funds, so

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please don't be confused by that description of what might happen, because that is not what the Bill does. It has nothing to do with revenue sharing funds. And, I might suggest to you also, that the intent of this Bill is similar to a Bill that we passed last session that does the same thing with townships. So really, what we're doing is extending to municipal corporations...to libraries, the same things we did...the same thing we did to townships. I might suggest to you now, that the 96th district library has received their proportionate share of the corporate personal property tax fund, directly from the State. Of the remaining four hundred and eighty-four public libraries, all of them are receiving these funds from them, but ninety-one are not and we want to be certain that these ninety-one are being taken care of along with the four hundred and eighty-four presently receiving those funds. This is only doing what we've done for the townships and I find no fault with this legislation. It has nothing to do with federal revenue sharing, state revenue sharing, it has only to do with the distribution of the personal property replacement funds."

Speaker Stiehl: "Representative Conti, for what purpose do you rise?"

Conti: "For the purpose my name was mentioned in debate. I definitely do understand the Bill, that it is replacement property tax, but I referred to the federal revenue sharing fund that's going to affect the finances and if you're going to take away the replacement property tax the...prop...personal property tax now, along with the federal revenue sharing funds. And, that's the reason why I mentioned federal revenue sharing funds. I understand the Bill very well, but this is just another avenue, another way of depleting some of the funds that we are

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anticipating we're not going to get this year."

Speaker Stiehl: "Representative Pullen."

Pullen: "Madame Speaker, Ladies and Gentlemen of the House. For the Gentleman on the other sides information, this is the one. This Bill would segregate a certain amount of money from municipal treasuries and require municipalities to use it for a specified purpose regardless of the desire of the members of the City Council. It would interfere with the decision making authority of the City Council for its own monies purposes. Many of the municipalities which control libraries in this State, as the Gentleman mentioned, are already sharing their personal property tax replacement funds with the library. A few of them are not. That is a decision that has been made by the City Council as one of its budgetary decisions, because it is in control of the library, just as it is in control of every other department of city government. Are we going to be next telling them how much they have to spend specifically on the fire department, how much they have to spend specifically on the public works department? This Bill is absolutely wrong and I urge its defeat."

Speaker Stiehl: "Representative Brummer."

Brummer: "Yes. I move the previous question."

Speaker Stiehl: "The question is, shall the main question be put? All in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The ques... Representative Yourell, to close. Representative Koehler, to close. I'm sorry."

Koehler: "Thank you. This Bill only requires what the Legislature intended to do in the first place. It requires local authorities to distribute to libraries what is intentionally and rightfully theirs. I would appreciate your favorable consideration."

Speaker Stiehl: "The question is, shall House Bill 253 pass?"

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Take the Roll, Mr. Clerk. All in favor signify by voting 'aye', opposed 'no'. Representative Davis, to explain his vote."

Davis: "Well, I agree that the libraries are being short circuited on part of the corporate personal property tax. It is raising itself as soon as we're back on track at a great rate. I would also suggest to you and the increase in revenues would certainly take care of this, I would also suggest to you that, there is an Amendment on this Bill that affects new taxing districts created after the corporate personal property tax was replaced. There are approximately eleven fire districts that were created after this corporate personal property tax was replaced, that are affected in this Bill, in an Amendment sponsored by the Department of Revenue which I put on the Bill, that would address that issue, because those ten or eleven taxing districts scattered around the State and a lot of legislative districts are going to be cut off from all of their rightful corporate personal property tax revenues and most of them are small new rural fire districts, are going to be cut off if this Bill is not passed. And, the money is not great in the one that happens to be in my district that eleven thousands dollars, but in a total of a fifty thousand dollar budget, it's a great deal of money. So, I suggest to you, that those of you who are interested in those new fire protection districts that are going to be...because it fell through the cracks in the prior legislation, are going to be severely harmed by the defeat of this Bill."

Speaker Stiehl: "Representative Dunn."

Dunn, Ralph: "Thank you, Madame Speaker. I would urge more 'aye' votes on this Bill. It only says that libraries should get what they have been getting before the personal property

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replacement tax was enacted. I think it's a shame that we set here in the Legislature and say that people shouldn't have libraries, or that we would keep them from having libraries. I would urge more 'aye' votes, so that they're guaranteed to be able to keep their libraries."

Speaker Stiehl: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Yourell."

Yourell: "Yes, thank you, Madame Speaker. Since this is a very important legislation, it's the Lady's first Bill. I would hope that you would poll the absentees, see if we can't get six, seven more votes."

Speaker Stiehl: "Mr. Clerk, poll the absentees. Mr. Conti, for what purpose do you rise?"

Conti: "If it should get the 89 votes, I'd like a verification of the Roll Call."

Clerk O'Brien: "Poll of the absentees. Bluthardt, Capparelli, Catania, Deuster, Domico, Epton, Flinn, Garmisa, Hanahan, Hoffman, Jones..."

Speaker Stiehl: "Representative Jones, 'aye'."

Clerk O'Brien: "Katz, Krska, Kulas, Laurino, Lechowicz, Leverenz, Margalus, Matijevich, Oblinger, O'Connell, Pierce, Redmond, Margaret Smith, Stuffle, Telcser, Terzich, Vitek and..."

Speaker Stiehl: "Representative Smith."

Smith, Margaret: "Smith, votes 'aye'."

Speaker Stiehl: "Representative Smith, 'aye'. Representative Terzich, 'aye'. Katz...Representative Katz, 'aye'."

Clerk O'Brien: "Concluding the poll of the absentees. Woodyard..."

Speaker Stiehl: "What's the count, Mr. Clerk? On this question, there are 86 'ayes' and 60 'noes'. Representative Rea."

Rea: "...my recorded?"

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

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Rea: "Please record me as 'aye'."

Speaker Stiehl: "Record the Gentleman as 'aye'. Representative Catania, 'aye'. What is the count, Mr. Clerk? On this question, there are 88 'ayes' and 59 'noes'. Representative Leverenz."

Leverenz: "Record me 'no'."

Speaker Stiehl: "Record the Gentleman as voting 'no'. Representative Hudson."

Hudson: "I...ah...a question of the Chair. I am confused Madame Chairman, as to...Madame Speaker, as to whose Bill this really is. The digest lists it as Representative Yourell's, yet he has indicated that it is Representative Koehler's first Bill and all I'm seeking are the facts. Could I have a clarification on that, please?"

Speaker Stiehl: "Representative Yourell."

Yourell: "Yes. I filed a slip with the Clerk's office about two or three weeks ago asking that Representative Koehler be signed on as the Chief Cosponsor. You can ask Representative Koehler that."

Speaker Stiehl: "Representa...Representative Hudson."

Hudson: "Does that therefore make that her first Bill? Is she merely a Cosponsor on the Bill? She's already had her first Bill. Is that my understanding?"

Speaker Stiehl: "Representative Koehler."

Koehler: "Yes, Representative, this...this...I have already had a first Bill. This is not my first Bill. It's my first library Bill."

Speaker Stiehl: "Representative Meyer."

Meyer: "Vote me 'no'."

Speaker Stiehl: "Vote the Gentleman 'no'."

Clerk O'Brien: "'Aye' to 'no'."

Speaker Stiehl: "Representative Klemm."

Klemm: "Change my vote 'no'."

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Speaker Stiehl: "Vote the Gentleman 'no'. Representative Flinn.

Vote the Gentleman 'aye'. Representative Deuchler."

Deuchler: "Vote me 'aye', please."

Speaker Stiehl: "Vote the Representative 'aye'. Representative Conti."

Conti: "Madame Speaker, just to clarify this. This would preempt home rules...this also would include home rule municipalities. It would take 107 votes to pass this Bill."

Speaker Stiehl: "Mr. Clerk, let me see the Bill. Mr. Clerk, would you please change Mr. Rob...Representative Robbins from 'aye', to 'no'. The ruling of the Chair, is that this Bill does not preempt home rule powers and will require 89 votes. What's the count, Mr. Clerk? 87 'ayes' and 67 'noes'? 64 'noes'. Take the record, Mr. Clerk. Have all voted who wish? What's the count, Mr. Clerk? 87 'ayes', 64 'noes' and how many 'present', Mr. Clerk? 4 'present'. Representative Frederick. Vote Representative 'aye'...vote Representative Frederick 'aye'. There are now 88 'ayes', 64 'noes', 4 voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. Read the Bill, Mr. Clerk. House Bill 257, Representative Wolf."

Clerk O'Brien: "House Bill 257. A Bill for An Act to amend the State Mandates Act. Third Reading of the Bill."

Speaker Stiehl: "Representative Yourell, for what purpose do you rise?"

Yourell: "I know that you went to the next Bill unintentionally, before recognizing me, Madame Speaker. All I wanted to do is direct your attention to what is my prerogative on this House floor, to ask for Postponed Consideration."

Speaker Stiehl: "Representative Yourell, I'm sorry, but you did have time to seek Postponed Consideration and the Bill has

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already been declared lost. Representative Wolf, on House Bill 257."

Wolf, J.J.: "Thank you, Madame Speaker and Members of the House. House Bill 257, you probably got a lot of mail earlier on it in opposition. The Bill as amended, has deleted everything after the enacting clause, so that the Bill no longer repeals the State's Mandates Act. As it currently stands, the...it makes technical changes in the Act. The changes were agreed to by the Municipal League and the Department of Commerce and Community Affairs, which administers the Act. What it does now, is just deletes the requirement that a statewide statement of policy objectives be filed by the Sponsor on the Bills designated by the LRB as being a mandate. It was thought that the statement really doesn't serve much of a useful purpose. If you fail to do it, the Clerk's office now has to notify the Sponsor. You have to file this as a separate statement. We're leaving that requirement in however, for agencies which promulgate rules and regulations, so that they have to file the statewide statement of policy, but those Members of the General Assembly are no longer required to do so. The second provision, cleans up two conflicting statements. One area says, a disclaimer can be filed on a separate statement and another says it has to be in the Bill. So, we deleted the separate statement provision and the inconsistency is now eliminated and of course now again, there isn't that much paper work to take care of. The third thing, it puts a time limit on the fiscal notes provided by the agency. Currently, as the Act now stands, a Committee cannot even hold a hearing on a Bill, or take testimony until that fiscal note is provided. What we've done here, it says the fiscal note must be provided within thirty days by the...by the...whoever has to file it,

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usually the Department of Commerce. If it isn't, the Committee can hold a hearing and vote the Bill out, if it is not provided within thirty days. However, it must remain on Second Reading until such fiscal note is provided. I ask the Bill as amended. I think we've removed all the opposition. I know of no opposition. The Municipal League and others now, support it and I would ask your favorable consideration and vote."

Speaker Stiehl: "Is there any discussion? If not, Representative Wolf to close."

Wolf, J.J. "Just ask for a favorable Roll Call."

Speaker Stiehl: "The question is, shall House Bill 257 pass? All in favor signify by voting 'aye', opposed 'no'. Representative Wolf, to explain his vote."

Wolf, J.J.: "Well, maybe I don't speak English very well. All the Bill does now, is expedite the orderly flow of legislative process. All the known objections have now been removed since the Amendment has struck everything after the enacting clause. We spent a lot of weeks with the Municipal League people, with the Department of Commerce and Community Affairs, working out this. It is agreed by everybody. It saves a lot of paperwork, it helps expedite the orderly flow of legislative process. An unfriendly administration can no longer screw up your Bill by not providing the note within a proper period. You want to defeat the Bill, I don't know."

Speaker Stiehl: "Representative Yourell."

Yourell: "Yes. Representative Wolf is exactly right. The original content of House Bill 257, would have repealed the State Mandates Act and we of course, those of us who worked for many years, were opposed to that concept. So, Representative Wolf after conversations with many organizations including the Municipal League and others,

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did do what he says he did with this Bill, make a lot changes in the mandated programs provisions that are advantageous to the State and to the General Assembly. So, at first flush, don't be fraid...don't be afraid of the number 257. This does not do what it originally intended to do. It's a good Bill now, and I ask for your favorable vote."

Speaker Stiehl: "Representative McClain, to explain his vote."

McClain: "Thank you very much, Mr. (sic) Speaker, Ladies and Gentlemen of the House. Maybe if Mr. Wolf would say again on his closing argument, that he would not except any Amendments in the Senate to repeal the State Mandates Act, this Bill would easily fly out. But, that's what most of us fear, Jake, as it will repeal some of the provisions of the State Mandates Act, when it comes back from the Senate. So, if you could honor us with your word that that will not happen, then I would think it would fly."

Speaker Stiehl: "Representative Wolf."

Wolf, J.J.: "Well Representative McClain, you certainly have my word on that. I did introduce as you know under a separate Bill, an area that would be removed from the Mandates Act. That's in another Bill. I have no intention, I will resist all Amendments to this Bill. We want to keep it only to expedite the orderly flow of the legislative process."

Speaker Stiehl: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The question is, shall House Bill...take the record, Mr. Clerk. On this question, there are 96 voting 'aye', 49 'no', one voting 'present'. This...and this Bill having received the Constitutional Majority, is hereby declared passed. House Bill 262, Representative Levin."

Clerk O'Brien: "House Bill 262. A Bill for An Act relating to the filling of vacancies in the Office of Alderman in the

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City of Chicago. Third Reading of the Bill."

Speaker Stiehl: "Representative Levin."

Levin: "Thank you, Madame Speaker, Ladies and Gentlemen of the House. House Bill 6...262 relates to the filling...filling of alderman vacancies in the City of Chicago. Under the current law, if there is a vacancy in the four year term and that vacancy occurs with less than twenty-eight months in that term, the Mayor of the City of Chicago makes an appointment. There is no opportunity for an election. We recently had an experience in the forty-fourth ward of the City of Chicago where this law ended up in litigation. The residents of the ward were interested in electing their alderman and ended up having to go to court in order to get this law interpreted so that we were able to elect our alderman, former Senator John Merlo. What this Bill would do, would be to modify the current procedure, so that where there was a vacancy, that vacancy could be filled at the next consolidated election date. There are three such dates in the odd years. In February, April and November. There are two such dates in the even years in March and November. It would provide moreover, that in the interim, the Mayor of the City of Chicago would be authorized but not mandated to make an interim appointment and it would require that if there was an appointment, it be of a resident of the ward, somebody who has...had resided within the boundaries of the ward for a period of one year. This matter is currently in litigation in the federal courts, before Judge McMillian. He has indicated serious problems with the existing law. This law...this proposal gives the General Assembly the opportunity to revise the law, to put it in the form that it thinks bes...best. It applies only to the City of Chicago and I urge your support of this legislation."

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Speaker Stiehl: "Is there any discussion? The Gentleman from Cook, Representative Piel."

Piel: "Move the previous question."

Speaker Stiehl: "The question is, shall the main question be put? All in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Levin, to close."

Levin: "I would just ask for your favorable consideration. I recognize there is significant controversy here. All we're asking for, is fairness for the residents of the City of Chicago, so they have the opportunity to appoint...to elect the person that is going to represent them in the City Council. An alderman is elected for a four year term. We in the General Assembly only serve for two years. I urge your vote."

Speaker Stiehl: "The question is, shall House Bill 262 pass? All in favor signify by voting 'aye', all opposed by voting 'no'. Take...Representative Cullerton, to explain his vote."

Cullerton: "Thank you, Mr. Speaker...Madame Speaker and Ladies and Gentlemen of the House. I just wanted to explain that this Bill will become law when the federal courts rule that the present law is unconstitutional. Right now, federal...right now, the Mayor can appoint someone for over twenty...over two years, which is even longer than our term and also allows...to give you an analogy, it would...it would be like Governor Thompson appointing all the vacancies that occur in the General Assembly. That is a violation of the separation of powers and that's why the present law is going to be unconstitutional. I just thought it would be nice, if we could pass...make the change ourself, but perhaps we'll just wait until the court makes the change."

Speaker Stiehl: "Representative Leverenz, to explain his vote."

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Leverenz: "I thank you, Mr. Speaker....Madame Speaker, sorry.

This does not have a residency requirement in it, so even though we'd like to help our friends in the City of Chicago, I see that he has made the Century Club. I'd like to also request a helmet and a flack jacket. I understand they're coming from the Adjutant General. Thank you."

Speaker Stiehl: "Let's give the Gentleman some order. And, whistling is clearly out of order. Representative Bowman, to explain his vote."

Bowman: "Well, this is clearly lost. I would like to point out that something is happening here, besides the substantive...a defeat of the substantive Bill. This is very similar legislation which has passed this House any number of times, only to get killed over in the Senate. And, I regret that a number of people saw fit to change their votes. Thank you."

Speaker Stiehl: "Representative Winchester."

Winchester: "Thank you, Madame Speaker. As the Chairman of the Elections Committee, I worked very diligently to help the Gentleman get this Bill out of the Elections Committee. But after last night, after speaking against my good friends from the City of Chicago on the RTA issue, I hate to do it again and I think this is an issue that the boys of the City of Chicago ought to resolve and I vote 'no'."

Speaker Stiehl: "Have all voted who wish? All voted who wish? All voted who wish? Take the record, Mr. Clerk. On this question, there are 36 voting 'aye', 107 voting 'no', 3 voting 'present' and this Bill having hereby failed to receive the Constitutional Majority, is hereby declared lost. Representative Peters in the Chair."

Speaker Peters: "House Bill 264, Representative Van... Excuse me, Representative Vitek, for what purpose do you rise?"

Vitek: "Mr. Speaker, on a point of personal privilege. I think

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Cissy Stiehl done a good job as a temporary Speaker. We ought to give her a hand."

Speaker Peters: "House Bill 264, Representative Van Duyne. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 264. A Bill for An Act to amend sections of the Waukegan and Joliet Metropolitan Exhibition Auditorium Authority Act. Third Reading of the Bill."

Speaker Peters: "Representative Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. The reason for this Bill is, that the people on this board are appointed. They serve without pay. There are seven members and they have trouble once in a while getting a quorum. Right now, it takes five votes out of seven to do any type of business with this authority at all. The attorney for the authority asked me to Sponsor this Bill. All it does, is simply reduce the votes necessary to do business from five to four. And, I ask for your vote."

Speaker Peters: "Any discussion? There being none, the question is, shall House Bill 264 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? Mr. Clerk, take the record. On this question, there are 123 voting 'aye', 8 voting 'nay', 1 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. House Bill 267, Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 267. A Bill for An Act to license and regulate public adjuster's. Third Reading of..."

Speaker Peters: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill passed unanimously out of the Insurance Committee. It has the full backing of the Director of Insurance. It creates the Public Adjuster

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Regulatory Act. It defines the occupation of public adjuster and provides that no person may adjust loss or damage under a policy of insurance unless that person is a licensed public adjuster. The Bill defines soliciting and is generally designed to protect the public from some unscrupulous people in this area. There's only, I believe, fifty to a hundred adjuster's in the State of Illinois. It has minimal fiscal impact because there is a fee that's associated with the Bill. I'll be happy to answer any questions and I would ask for a favorable Roll Call."

Speaker Peters: "Any discussion? Representative Schuneman."

Schuneman: "A couple of questions to the Sponsor, Mr. Speaker. Representative, this applies only to public adjuster's, is that right?"

Cullerton: "That is correct."

Schuneman: "It does not apply to the adjuster's who may be employed by an insurance company?"

Cullerton: "That is correct."

Schuneman: "And, what kind of testing procedure is established, or are you leaving that to the department?"

Cullerton: "I believe that it is up to the department, yes it is."

Schuneman: "Well, Mr. Speaker, I rise in support of this Bill. I think it's probably a good idea to have some state control over people who hold themselves out to be adjuster's who are independent from both companies and the public, but it's important that we have people in those positions who are well trained and who have some testing by the oversight department, which is the Department of Insurance. And, I would join the Gentleman in asking for your support for this Bill."

Speaker Peters: "Representative Hastert."

Hastert: "Would the Sponsor yield?"

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Speaker Peters: "He indicates he will."

Hastert: "What is this deal with agriculture...in the area of agriculture, where you have rain and hail and crop adjuster's and you have independent groups, or independent companies that do adjust for a group of other companies. Will this affect these people?"

Cullerton: "As pointed out in testimony in Committee, it does not affect that group. That's my understanding. It does not affect that group."

Hastert: "Thank you."

Speaker Peters: "Representative Balanoff."

Balanoff: "Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Balanoff: "Ah yes. You say that the insurance companies adjuster's do not have to be regulated. Is that correct?"

Cullerton: "Well, no one...no public adjuster's are regulated now. This only applies to public adjuster's, it doesn't apply to those employed by the insurance company. Now, that is perhaps a subject matter of additional legislation, but that's not what this particular Bill does."

Balanoff: "Well, I understand...then you're completely eliminating the adjuster who represents the individual who had a fire as opposed to the insurance company's adjuster. Isn't that correct? You're..."

Cullerton: "When your saying completely eliminating, I don't understand."

Balanoff: "Well, you're saying only he has to be certified, or licensed, but the insurance company's adjuster doesn't have to be licensed."

Cullerton: "That's correct, because the purpose is to protect the consumer from unscrupulous adjuster's that come...arrive with the fire truck and sign people up and then end up conning them out of money. And, that's why it's been...the

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purpose of the Bill is in effect, a consumer protection Bill and that's why the Director of Insurance is in favor of it, as well as the entire insurance community that voted on it unanimously."

Balanoff: "Ah...I'd like to speak to the Bill."

Speaker Peters: "Proceed."

Balanoff: "Yes. I think this is not a consumer's Bill. Invariably when a persons house gets on fire and the insurance adjuster comes out, he tells the homeowner what the insurance company is willing to pay for the fire to help make the owner whole. The independent adjuster, independent of the insurance company, invariably gets a much higher price for the homeowner. And, I don't think we should put any limitations on him. I don't think we should do anything which limits his capacity to represent the homeowner. And, it seems very unequal to require the independent adjuster to be certified, but not require the insurance adjuster to be certified. So, I would urge a 'no' vote."

Speaker Peters: "Representative Brummer, then Wolf, Dunn and Sandquist. Brummer. Representative Brummer."

Brummer: "I move the previous question."

Speaker Peters: "Question is, shall..."

Brummer: "I'll withdraw that, if the Chair desires."

Speaker Peters: "That's your decision, Representative Brummer. We have three more people asking...wanting to ask questions."

Brummer: "I withdraw my motion."

Speaker Peters: "Alright. Representative Wolf, Dunn and Sandquist and that'll be it. Representative Wolf."

Wolf, J.J.: "Thank you, Mr. Speaker, Members of the House. I'm going to rise in support of this excellent legislation. Let me tell you a little experience I had, not too long ago

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with a person who was an insurance client. They had a little fire and they called the board up...emergency boarding up company and out came an independent adjuster. And, he said, just sign this contract and we'll take care of everything for you. So, the people did sign the contract. The next thing you know, they're getting all kinds of problems with it. The insurance company wanted to make out the check. The adjuster wanted the check made out to him. The insurance company called me, I says don't make it out to the adjuster, if you want, make out a joint check. So, they did between the claimant and the adjuster. Well, they had a problem, because putting the money in a bank account. So, the adjuster said, in our good faith, I'll tell you what. You sign over the check to us, we'll issue a check for the...a certain amount of money right now, and you pay the rest when the work is done. So, the client did that in good faith, the check bounced and they're holding the bag. I think licensing these adjuster's is good a way to keep people on the straight and narrow and it is in fact consumer legislation. I think it's an excellent Bill and should receive the required number of votes."

Speaker Peters: "Representative Ralph Dunn."

Dunn, Ralph: "Thank you, Mr. Speaker. I'd like the Sponsor to yield."

Speaker Peters: "He indicates he will."

Dunn, Ralph: "Would this apply to my attorney, if I called him, I had a loss and I called him and I said I want you to adjust this for me, you represent me. He wouldn't have to be licensed, would he?"

Cullerton: "Certainly not."

Speaker Peters: "Representative Cullerton."

Cullerton: "It specifically exempts attorney's in the Act."

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Dunn, Ralph: "I thought it would have, you're an attorney. If I ask Dwight Friedrich to represent me though, he's not an attorney, and I said, Dwight, I want you to settle this claim for me, he would first have to come to Springfield and get a license to be a licensed adjuster before he could represent me. Is that correct?"

Cullerton: "If he's a public adjuster and holds himself out to be a public adjuster."

Dunn, Ralph: "No, he's not a public adjuster, he's just a good friend and I think he's a pretty smart operator and I want him to kind of represent me and then he'd have to be licensed."

Cullerton: "Well, I don't agree that Dwight Friedrich is a smart oper...I wouldn't call him a smart operator, but..."

Dunn, Ralph: "I think he is."

Cullerton: "I define a public adjuster in the Act, as a person who represents the insured claimant and is engaged in the business of adjusting insurance claims."

Dunn, Ralph: "As long as he's not...as long as he's not a...works for the insurance company, nor an attorney, then he has to be licensed. I just think the concept probably is alright. I think we have enough people licensed, Mr. Speaker, but I'm afraid that...I'm afraid that we're getting into here where we're kind of locking in our friends from the 'Barsters' and the insurance companies and the poor guy that's going to have a claim. He's not going to be able to find anybody in Perry county that's a licensed adjuster. He might have to call Springfield or Chicago. And, I just think it's kind of a concept who's time maybe hasn't arrived or doesn't develop quite enough. I'm going to vote against the Bill."

Speaker Peters: "Representative Sandquist."

Sandquist: "Ah yes, Mr. Speaker. Will the Sponsor yield?"

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Speaker Peters: "He indicates he will."

Sandquist: "Representative Cullerton, you did receive a notice to appear before the Sunset Commission on this Bill, isn't that correct?"

Cullerton: "Yes, that's correct."

Sandquist: "And ah...but that meeting was never held. Correct?"

Cullerton: "Right. The problem was that they were going to meet this past week and we were in session, so they never met."

Sandquist: "Well, you had received an earlier notice, though too. Correct?"

Cullerton: "Right. And it was our position that the best way to handle it, would be to first go to the Committee and see whether the Committee was going to pass the Bill or not. And, if they weren't, then it would be moot in terms of going in front of the Commission. I'm more than willing to go in front of the Commission and to present the Bill at any time that they can meet when we're not in session and I've talked to the Chairman about that."

Sandquist: "Right. Yes, directing it to the Bill, Mr. Speaker. I do believe this certainly should come before the Sunset Commission under its sunrise provisions. The Sunset Commission has tried to have a hearing on the Bill and I believe at the present time, I'm going to have to vote 'present', because of that."

Speaker Peters: "Representative Cullerton, to close."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Just in answering some of the points raised, first of all with Representative Dunn, I can assure you that it does not apply to someone who is not engaged in the business of adjusting insurance claims. So that if he had a personal friend that wanted to handle it for him, he certainly wouldn't have to come to Springfield to be licensed. To the other objections, it is clearly designed

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not to give a public adjuster a disadvantage with...in dealing with insurance companies but rather to protect the consumer from unscrupulous people that may operate in this field. It has the complete approval of the Director of Insurance and, as I said, it had passed unanimously out of the Insurance Committee and I would be happy and plan on going to the Sunset Committee for their approval and I would ask for a favorable Roll Call."

Speaker Peters: "The question is shall House Bill 267 pass? Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question there are 100 voting 'aye', 20 voting 'nay', 8 voting 'present'. This Bill having received Constitutional Majority is hereby declared passed. House Bill 281, Representative Deuster. Gentleman in the chamber? Out of the record. House Bill 282, Representative Stuffle. Out of the record. House Bill 291, Representative Capparelli. Representative McAuliffe for what purpose do you rise?"

McAuliffe: "Representative Capparelli asked me to handle this Bill for him."

Speaker Peters: "Does the gentleman have leave? Being no objection, leave is granted. House Bill 291, Representative McAuliffe for Capparelli. Read the Bill Mr. Clerk."

Clerk O'Brien: "House Bill 291. A Bill for An Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Peters: "Representative McAuliffe."

McAuliffe: "Well, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill that would increase the widow's minimum pension from \$200 to \$250 for Chicago police officers' widows, and for retired police officers from \$350 to \$450 a

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month."

Speaker Peters: "Any discussion? There being none the question is shall House Bill 291 pass? Those in favor will signify by voting 'aye', these opposed by voting 'nay'. Representative Catania."

Catania: "Thank you, Mr. Speaker. It really does say widows in the synopsis. Is that what it says in the Bill, so it doesn't cover the widowers? There are a lot of women on the force. Well, it says widows in the synopsis. What does it say in the Bill, Representative McAuliffe? I think widowers are entitled to the pension, too. And we certainly have a lot of women on the Chicago police force. The Bill says surviving spouse. And if by chance it does not say surviving spouse you will amend it in the Senate to be sure that it does?"

Speaker Peters: "Representative McAuliffe."

McAuliffe: ".....parelli to do that, because it's not my Bill, it's his Bill."

Catania: "Okay, but you give us your word that it will say surviving spouse...."

McAuliffe: "I'll give you my word, and I'll give you his word that we'll have surviving spouse in the Bill."

Catania: "Thank you, Representative McAuliffe."

Speaker Peters: "Have all voted who wished? Take the record, Mr. Clerk. On this question there are 124 voting 'aye', 13 voting 'nay', 3 voting 'present'. This Bill having received...received the Constitutional Majority is hereby declared passed. House Bill 293, Representative Satterthwaite. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 293. A Bill for An Act relating to an increase in the Driver's Education Fund. Third Reading of the Bill."

Speaker Peters: "Representative Satterthwaite."

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Satterthwaite: "Mr. Speaker and Members of the House. House Bill 293 deals with reimbursement for school districts for Driver's Ed Programs. Driver's Education instruction is mandated by the Federal Highway Safety Act of 1966, and it was officially mandated in the State of Illinois in 1969. The Driver's Ed Program is funded by monies collected from driver's license application fees. The state then reimburses the school district through the Driver's Education Fund for part of the prior year's cost of that program. The percentage reimbursement has been falling over the last several years because there has not been an increase in the fees going into the Driver's Ed Fund. This Bill seeks to remedy that by infusing additional funds raised from an increase in the price of the driver's permits and original licenses. The Secretary of State is supportive of this concept. The Bill was heard in Sub-Committee and Committee received strong support there. I urge your support."

Speaker Peters: "Any discussion? There being none the question is shall House Bill 293 pass? Those in favor will signify by voting "aye", those opposed by voting 'nay'. The voting is open. Have all voted who wish? Representative Barkhausen to explain his vote."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House. It appears to me that in...in time of increased needs for our highways, that if we're going to be raising highway related revenues, such as driver's license fees, that this money ought to be going into the Road Fund and going to highways rather than to going into a program which many of us feel should be de-mandated."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. I rise in...in support of the Bill. Don't read the synopsis, that confuses things. What

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the Bill does, is raise the first time driver's license. That is the license being gotten by the kid who's taken driver's education and puts that money. Doesn't raise anybody else's driver's license, don't get confused. Raises that....puts that money into a fund to help with Driver's Education. It's a user fee for that purpose. It doesn't in any way affect anybody else's driver's license. We are not in fact, whatever we may think, at this point immediately going to de-mandate this program, and in the meantime the school districts are having a great deal of trouble running it and I think we should support this Bill."

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

Schneider: "Thank you, Mr. Speaker, Members of the House. The de-mandating question relating to Driver Ed is really related to the capability of the district to fund the program. That funding is enhanced by this proposal and it deals as Representative Reilly has indicated with that mechanism for collecting dollars. It does not, again....the synopsis does not properly reflect it, so it's not a question whether to offer or not to offer the program in terms of its capacity to educate better drivers, but rather it's a question of where are we going to be...be funding and this funding goes back to those persons who are first time driver's license applicants as the increase. So I think it makes sense to provide the money from that source and all that....that's all this does. And I would encourage an 'aye' vote."

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

Dunn, John: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I introduced a Bill to help support the Driver's Education Program at the local level which would have provided for an increase in traffic fines. That Bill

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unfortunately did not pass out of Committee. I think that is a better concept, but I do believe strongly in the support of Driver Education Programs at the local level. Sometimes people say you may not like the ball game, but it's the only one in town. I think if we really believe in Driver's Education, we're going to have to stand up and pass this legislation and maybe some other Bills to provide the funding at the local level for beleaguered elementary....for beleaguered secondary schools so they can provide this needed service to our youngsters who become of driving age. I would request.....we have plenty of 'aye' votes so I'll be quiet, let's pass this Bill."

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

Satterthwaite: "Mr. Speaker, thanks to the Members for their votes up there. I just want to reassure people that even with this additional funding we will only be going back to a reimbursement level similar to what we had in 1977 and thank you for your support."

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

Kelly, Dick: "Yes, Mr. Speaker. I suppose the Body is being consistent because they did oppose the measure where I tried to eliminate the program. But I want to point out that Representative Huskey, when he tried to pass this Bill yesterday, pointed out that 29 percent of the sixteen year olds are involved in accidents. Well it...it's just about an equal number of young people that are seventeen and eighteen are involved in these accidents. And what we're doing is perpetuating the Driver's Education Program which isn't doing one thing to cut down on accidents or deaths on the highways."

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

Flinn: "Well, Mr. Speaker, I support the Bill but if one more

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person who favors the Bill gets up and explains it with 109 votes up there, I'm going to vote 'no'."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there's 111 voting 'aye', 31 voting 'nay', 7 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. The Gentleman from St. Clair, Representative Flinn, does make a...a good point. The Bill has received over one hundred votes, the Members should be guided as to whether they feel their further discussion will add or subtract from...the situation. Representative Brummer for what purpose do you rise?"

Brummer: "Inquiry of the Chair. Is it the Speaker's intention to stay on the Regular Calendar all day?"

Speaker Peters: "It is the Speaker's intention to stay on this Calendar until he may receive word to do otherwise. House Bill 328, Representative Leverenz. Leverenz. Representative DiPrima for what purpose do you seek recognition? I'm sorry, to House Bill 326, Representative DiPrima."

Clerk O'Brien: "House Bill 326. A Bill for An Act to amend Real Estate Brokers and Salesmen's License Act. Third Reading of the Bill."

Speaker Peters: "Representative DiPrima."

DiPrima: "Yes, Sir. Mr. Speaker, Ladies and Gentlemen of the House. This Bill would exempt any person from adhering to the licensing requirements for real estate brokers if, by January 1, 1983, they have had ten years of experience as an auctioneer and can show evidence of such experience. Experience could be proven by business or tax records. The Illinois Auctioneers Association and the Illinois Association of Realtors are in support of this Bill. I would appreciate your vote."

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Speaker Peters: "Any discussion? Representative Ewing."

Ewing: "Mr. Speaker, I wonder if the Sponsor'd yield for a question?"

Speaker Peters: "He indicates he will."

Ewing: "What would this do now to auctioneers? This require them to have a license? A brokers license, real estate brokers license?"

DiPrima: "Yes."

Ewing: "And if they didn't have the real estate brokers license they couldn't sell real estate at auction?"

DiPrima: "Correct."

Ewing: "Right. Now, you say the Auctioneers Association is in favor of it."

DiPrima: "Yes, Sir."

Ewing: Do you know how many members are in that association?

DiPrima: "Have no....I have no idea."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. In the six years that I've been in this Body, I know for a number of those years we have been kicking around licensing auctioneers. I can only tell you of my reaction to this Bill for the district that I represent. But in my part of the country our auctioneers are hired by people who want to sell real estate at auction. There isn't the same kind of relationship that you have with a broker. When somebody wants to sell real estate in my part of the country, their lawyer and the client hire an auctioneer. All the auctioneer does, is get up and cry the sale. All of the paper work is done by the attorney. Now the auctioneer will do that, and here's the kicker Ladies and Gentlemen, the auctioneer will do that for one or two percent. And that, many times, is why that client chooses to use him. Because it only costs one or two percent. When he knows if he goes to his friendly broker it will cost him four, six

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or seven percent to sell that farm. I have not heard of anyone who has been cheated by an auctioneer. The realtors want this, the Auctioneers Association wants it, but beware, the Auctioneers Association only has a small percentage of the members who are auctioneers. Now if we believe in a free country and a free society, and any freedoms left to do business, we will put a 'no' vote up there. It's not needed Ladies and Gentlemen. And I would ask you to look at the Bill closely, even with all due regard to this Sponsor, before we pass it out. Thank you."

Speaker Peters: "Representative Zito. Representative Zito."

Zito: "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 DiPrima to close."

DiPrima: "Yeah, well, I don't see where's any problems with this here...only turns the State upside down probably, but this is a good piece of legislation. It carries a grandfather's clause, and as I said the Illinois Auctioneers Association and the Illinois Association of Realtors are in support of this Bill, so I'll appreciate an affirmative vote."

Speaker Peters: "The question is shall House Bill 326 pass?

Those in favor will vote 'aye', those opposed will vote 'nay'. To explain his vote Representative Sandquist."

Sandquist: "Ah, yes, Mr. Speaker and Ladies and Gentlement of the House. This is one Bill that the Sunset Commission has not only looked at once, but it's looked at twice. We looked at it last year and we looked at it again this year. And the things that Representative Ewing has said we found to be very true. And despite my good friend Representative DiPrima, and the members of the real estate lobby and that, we found that this is not needed, there's no need for public protection to license these people, it's an added

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burden to the State and therefore I would urge a 'no' vote."

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

Swanstrom: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's good to see so many green lights up there for this terrific Bill that's been offered by Representative DiPrima. I don't know why Representative Ewing and Sandquist have such problems with this fine legislation. This is a Bill that has been worked out in complete agreement by the Illinois Association of Realtors, the Auctioneers Association and I would just urge a few more green lights up there. Thank you."

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

Darrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A few years ago we heard a lot about sunset legislation and sunrise legislation. In response to this you passed legislation setting up a Sunset Commission. As Representative Sandquist stated we have heard this Bill on a number of occasions. We have gone by the guidelines you have established for us in determining whether these Bills should be approved or disapproved. If you don't want to have us make these recommendations, if you don't want to consider our recommendations, fine, but then change our mandate and change our guidelines. You're wasting the time of the Sunset Commission unless you give us guidelines that you wish us to follow. We unanimously voted not to support this legislation after hearing from the auctioneers and the real estate folks. Thank you."

Speaker Peters: "Further discussion? Representative Robbins."

Robbins: "Having been around auctioneers for a good while and having sold property this way....I had a piece of ground in Arkansas listed for a period of one and a half years with the real estate brokers, I got tired of waitin' on them

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jockeyin' and trying to cut my price and what have you, so I set it up with an auctioneer, the auctioneer brought me \$4,000 more than I had it listed for. When you have a sale at an auction, you have the...not only the smart people but the fools a-biddin' agin' ya. And a...an auctioneer, to do a good job, has to study and work and know how to advertise and sell. Now, most of them do a good job of their job. They do not...you don't see them goin' out and trying to make the real estate people come to their auction schools or make them become....."

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

Kane: "Mr. Speaker, Ladies and Gentlemen of the House. All we've heard in the last year is we ought to get government off our backs. Well, this is an opportunity that...where we can keep government off our backs. The only time it seems that...there has been absolutely no showing why this Bill is needed. The only thing that the proponents have said is that, well the auctioneers have agreed to it and the realtors have agreed to it. Well, that's no reason why we should put this Bill into..into the statute. I'd urge a 'no' vote. There's no showing that the public health and safety has to be protected, we're protected now. There is no abuse, and I think that this Bill should be defeated soundly."

Speaker Peters: "Representative Ralph Dunn to explain his vote."

Dunn, Ralph: "Thank you, Mr. Speaker. I too think that this is a...probably the best Sponsor in the House and the worst Bill. And...and I'd...."

Speaker Peters: "Representative Brummer to explain his vote. Oh, I'm sorry, Representative Dunn. Proceed, Sir."

Dunn, Ralph: "That's alright, I didn't have very much to say anyway. But I compliment the realtors on their foresight on how to pass a Bill in this House. It's to get Larry

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DiPrima mumble it through. And if I had a Bill like this, I wouldn't...I would want Larry DiPrima to sponsor it myself. Because I think it's next to the worst Bill in the House, and that's by one of the previous speakers has the worst Bill. Thank you. I'm going to vote 'no'."

Speaker Peters: "Representative Koehler to explain her vote."

Koehler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to congratulate the Sponsor of this Bill. I too think that he is a fine man. However, I do believe also in the principle of less government rather than more. And this is just one small step in the right direction. We give lip service so many times to the principle of less government rather than more. But this is just a small step, and it's in the right direction. I would urge more of you to put your votes behind what you are saying when you're out there talking with your people. This is just one step in the right direction. I would urge more of you to vote against this."

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

Stuffle: "Yes, we always show deference to Representative DiPrima and we should. But this isn't a veterans Bill, Representative DiPrima. And I feel obligated for once to oppose one of your Bills. I know the Auctioneers Association's come out for this Bill, but I would point out for example in my district only about ten percent of the auctioneers belong to that organization. We've talked, Representative Woodyard and I and I think Representative Miller, too, to most of them in our district. We've got thirty some and we can't find anybody who supports the Bill."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Representative Ewing for what purpose do you seek recognition?"

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Ewing: "I would like to request a verification of the Roll Call."

Speaker Peters: "The Gentleman asks the verification of the Roll.

Have all voted who wish? Take the record, Mr. Clerk. On this question there are 95 voting 'aye', 49 voting 'nay', 7 voting 'present'. The Gentleman requests a verification of the Roll, Representative DiPrima asks a poll of the absentees."

Clerk O'Brien: "Poll of the absentees. Bluthardt, Capparelli, Catania, Deuster, Domico, Epton, Garmisa, Hanahan, Hoffman, Huff, Krska, Laurino, Lechowicz, Levin, Margalus, Matijevich, O'Brien, O'Connell, Pierce, Redmond, Irv Smith, Terzich, Turner, J. J. Wolf and Woodyard."

Speaker Peters: "Proceed with the verification, Mr. Clerk."

Clerk O'Brien: "Abramson, Ackerman, Alexander, Barkhausen, Barnes, Bartulis, Beatty, Bell, Bianco, Birkinbine, Boucek, Bullock, Carey, Collins, Conti, Cullerton, Daniels, Deuchler, DiPrima, Doyle, Ebbesen, Ewell, Farley, Fawell, Flinn, Virginia Frederick, Dwight Friedrich, Getty, Giglio, Giorgi, Hallock, Hallstrom, Henry, Huskey, Jackson, Jones, Karpiel, Keane, Jim Kelley, Dick Kelly, Klemm, Kosinski, Kucharski, Kulas, Kustra, Leon, Leverenz, Macdonald, Madigan, Martire, Mautino, Mays, McAuliffe, McClain, McCormick, McGrew, McPike, Murphy, Neff, Oblinger, Ozella, Peters, Piel, Polk, Pouncey, Preston, Pullen, Reed, Rhem, Richmond, Rigney, Ronan, Saltsman, Schraeder, Margaret Smith, Stanley, Stearney, E. G. Steele, C. M. Stiehl, Swanstrom, Tate, Telcser, Topinka, Tuerk, Vinson, Vitek, Watson, White, Wikoff, Winchester, Sam Wolf, Younge, Yourell, Zito, Mr. Speaker."

Speaker Peters: "Representative Birkinbine asks leave to be verified. Representative Alexander asks leave to be verified. Representative Abramson asks leave to be verified. Alright. Abramson, Alexander and Birkinbine.

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Proceed Representative Ewing."

Ewing: "What is...."

Speaker Peters: "Excuse me. Representative Turner."

Turner" "Mr. Speaker, could you record me as 'aye'?"

Speaker Peters: "Record the Gentleman as voting 'aye'. Turner
'aye'. Representative Zwick for what purpose do you seek
recognition?"

Zwick: "Thank you. I'd like to be recorded as voting 'aye',
please."

Speaker Peters" "Change the Lady from 'no' to 'aye'. Before we
proceed any other changes? Representative Ropp. From 'no'
to 'aye'. Representative Ackerman. From... Representative
Ackerman from 'aye' to 'no'. The count now, Mr. Clerk? 97
'ayes', Representative Ewing. Proceed, Sir.
Representative Ewing. The count is 97 'aye'. Proceed."

Ewing: "Representative Bluthardt."

Speaker Peters: "Representative Bluthardt. The Gentleman is not
recorded. Excuse me. Representative Jack Dunn."

Dunn, Jack: "I'd like to change my vote to 'aye'."

Speaker Peters: "The Gentleman changes from 'no' to 'aye'. Jack
Dunn, 'no' to 'aye'. Representative Leon asks leave to be
verified. Leave is granted. The count is now 98 'aye'.
Proceed, Sir."

Ewing: "Representative Rigney."

Speaker Peters: "Rigney. How's the Gentleman recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Bianco."

Speaker Peters: "Representative Bianco. The Gentleman in the
chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Beatty."

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Speaker Peters: "Representative Beatty. Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Farley."

Speaker Peters: "Representative Farley. Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Bullock."

Speaker Peters: "I'm sorry."

Ewing: "Representative Bullock."

Speaker Peters: "Representative Bullock. Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Giglio."

Speaker Peters: "Representative Giglio. Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Ewell."

Speaker Peters: "Representative Ewell. Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Hallstrom."

Speaker Peters: "Representative Hallstrom. Lady's in her seat."

Ewing: "Representative Pullen."

Speaker Peters: "Representative Pullen. Is in the rear."

Ewing: "Representative Henry."

Speaker Peters: "Representative Henry. Is the Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Catania."

Speaker Peters: "Representative Catania. Is the Lady in the chamber? How's she recorded?"

Clerk O'Brien: "The Lady's recorded as not voting."

Speaker Peters: "Remove her from the Roll."

Ewing: "Representative Mautino."

Speaker Peters: "Representative Mautino. Is in his seat."

Ewing: "Representative Hoffman."

Speaker Peters: "Representative Hoffman. Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Re....not voting."

Ewing: "Representative Kustra."

Speaker Peters: "Representative Kustra. Is in the rear. One..one second Representative Ewell. Mr. Clerk, return Representative Henry to the Roll. Representative Christensen wishes to be recorded as 'aye'. 'Present' to 'aye'. Representative Jones do you seek recognition? Jones. Alright. Henry, return to the Roll. Christensen, from 'present' to 'aye'. Proceed, Representative."

Ewing: "Representative Stearney."

Speaker Peters: "Representative Stearney. Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Irv Smith."

Speaker Peters: "Representative Irv Smith. Gentleman in the chamber? How's he recorded?"

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

Ewing: "Representative Ronan."

Speaker Peters: "Representative Ronan. In the rear."

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Ewing: "Representative Younge."

Speaker Peters: "Representative Younge is in her seat."

Ewing: "Representative Pouncey."

Speaker Peters: "Representative Pouncey. He's in his seat."

Ewing: "Representative Katz."

Speaker Peters: "Representative Katz. The Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll. One second, Representative. Representative Nelson, for what...pardon? Who did? Katz is recorded as voting 'no', Representative. Representative Nelson?"

Nelson: "Would you please vote my 'aye', Mr. Speaker?"

Speaker Peters: "Representative Nelson from 'no' to 'aye'. Representative Van Duyne from 'no' to 'aye'. Proceed."

Ewing: "Did we check Representative Katz? Did we remove him?"

Speaker Peters: "Representative Katz is recorded as voting 'no'."

Ewing: "Representative Johnson. Did you remove Katz from the...?"

Speaker Peters: "He is recorded as voting 'no', Sir. Representative Johnson, is the Gentleman in the Chamber? How is he recorded?"

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

Ewing: "Representative Yourell?"

Speaker Peters: "Representative Yourell? Is the Gentleman in the Chamber? How is he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Abramson."

Speaker Peters: "Representative Abramson? Is the Gentleman in the Chamber? I'm sorry, Abramson has been verified."

Ewing: "Representative Kosinski."

Speaker Peters: "Representative Kosinski is in his seat."

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Ewing: "Representative White?"

Speaker Peters: "White?"

Ewing: "White."

Speaker Peters: "Representative White, is the Gentleman in the Chamber? How is he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Richmond."

Speaker Peters: "Representative Richmond? The Gentleman is in the Chamber."

Ewing: "Representative Polk."

Speaker Peters: "Representative Polk? Is the Gentleman in the Chamber? How is he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Jackson."

Speaker Peters: "Representative Jackson is in his seat."

Ewing: "Let's see, could have the count?"

Speaker Peters: "90 'aye', 45 'no'."

Ewing: "Did we take Representative Abramson?"

Speaker Peters: "He was verified, Sir."

Ewing: "He was verified. Representative Ropp."

Speaker Peters: "Representative Ropp? Is the Gentleman in the Chamber? Hold on a second."

Ewing: "No, I think Representative Ropp changed his vote, did you....?"

Speaker Peters: "Representative Polk has returned. Restore him to the Roll. We are now at 91 and Representative Klemm...."

Ewing: "I called for Representative Ropp, what did we do with that?"

Speaker Peters: "How is the Gentleman recorded?"

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

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Speaker Peters: "Remove Representative Ropp from the Roll. Restore Polk. Take off Ropp, verify Klemm. Next stop Representative Ewing."

Ewing: "I have no further questions."

Speaker Peters: "Representative Slape wishes to be changed from 'present' to 'aye'. Representative Ackerman wishes to be changed from 'no' to 'aye'. Representative Bradley from 'no' to 'aye'. Representative John Dunn from 'no' to 'aye'. Representative Donovan from 'no' to 'aye'. Do we have all that, Mr. Clerk? Give the Clerk a minute to catch up. Restore Representative Yourell to the Roll. Representative Kociolko from 'no' to 'aye'. Representative Roland Meyer from 'no' to 'aye'. Do we have all that, Mr. Clerk? Representative Vinson, would you come to the Chair please? Representative Stuffle from 'no' to 'aye'. Representative Hudson, were you seeking recognition? Representative Hudson from 'no' to 'aye'. Restore Representative Ropp to the Roll. Where's Representative Ropp? Representative Ropp, how are you on this Bill? 'Aye', restore him as 'aye'. Representative McMaster?"

McMaster: "Please change me from 'no' to 'aye'."

Speaker Peters: "From 'no' to 'aye'. Any further changes? What's the count, Mr. Clerk? Representative Hastert from 'no' to 'aye'. Did we change Representative Hastert? Any further changes? Representative Ewing, the count is now 103 'ayes'. Representative Stewart. Change Representative Stewart from 'present' to 'aye'. Any further changes? Representative Ewing, Representative Ewing. Yes, Sir."

Ewing: "Mr. Speaker, I had asked all my questions. I had signed off a while ago and the lobbyists are in the balcony and they have duly seen how everybody's changed. I think it's just fine."

Speaker Peters: "What is the count, Mr. Clerk. On this question

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there are 104 voting 'aye', 35 voting 'nay', 4 voting 'present'. This measure having received the Constitutional Majority is hereby declared passed. House Bill 328...Representative DiPrima for what purpose do you rise?"

DiPrima: "Yes, Mr. Speaker, Ladies and Gentlemen, I'm completely overwhelmed and I'm very grateful to all of you and I want to thank you for keeping my record in tact. I have never lost a Bill in the House in 19 years and I appreciate that. Thank you."

Speaker Peters: "House Bill 328, Representative Leverenz. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 328, a Bill for an Act to amend an Act relating to the acquisition, possession and transfer of firearms and firearm ammunition. Third Reading of the Bill."

Speaker Peters: "Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 328 would provide that the Department of Law Enforcement would not receive the applications for firearm owners I.D. cards and it would repeal the entire program. I have found a number of instances in which the program simply does not work. The Department of Law Enforcement is not opposed to the repeal of the Act. The Department of Conservation is not opposed to the repeal of the Act. The Department of Law Enforcement specifically has had great difficulty in processing the cards. It takes two, three or four months to handle that. It also takes about the same length of time to issue a renewal. The insert newspaper to the Chicago Sun-Times did provide the excellent rationale for the repeal of the Act. An editor chose to send six phony applications to the Department of Law Enforcement for firearm owners I.D. cards. They went through the two checks that they are to make, found that

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the persons in the last five years were not an inhabitant of an institution in the state, nor were they convicted of any felony in the last five years. I think the only one of the six that they did not send out on the phony applications was to Al Capone. They did provide a gun card, as I understand it, for the star that played in the movie, The Godfather. If there are any questions I will answer them. Since we have been unsuccessful however in trying to do what the Act provided to begin with, it should no longer exist. It would be effective in Jan...July 1 of 1982. I ask for your 'aye' vote."

Speaker Peters: "Representative Winchester."

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The name, Winchester, is synonymous with the greatest firearm manufactured in the world. And there's no way, shape or form that Bob Winchester would support any legislation that would put any controls on any type of firearm manufactured in this country. However, this is the...This is a piece of legislation that does not control firearms. It controls people. It is a system in which we can identify those who are ex-felons, those who are mental health patients, those who are under the age of 21 who do not have the consent of their parents to own or possess a firearm. It would restrict them from being able to obtain a firearm. I think that's important. I think it's important the fact that it's only a waiting period of 24 hours in order to obtain a long gun. There's a 72 hour waiting period to obtain a hand gun. If someone who is having a dispute, a family dispute, and they want to kill someone, if we don't have a law like this on the books then yes, they could go to the nearest gun dealer and purchase a firearm and perhaps go back and shoot a spouse. This would prohibit that. It gives 72 hours in which that person

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would have to wait and cool down. But, more importantly, this is the only, the only law that we have on the books that resembles in the slightest way even though it's not that effective, slightest way, puts some kind of control. And if we take it off the books, then we have nothing on the books and it will give those liberals down the road the time to come up with a stronger piece of legislation that would do even worse than what we, as people who oppose any type of controls on guns, will be maybe forced in a position of having it rammed down our throat. I'm surprised that the Department of Law Enforcement would support a Bill like this and I'm surprised to hear that the Department of Conservation would support it. I know for a fact that the Illinois Wildlife Federation doesn't support it because I have a note here from Dick Lockhart who says that they don't. And I'm sure that the people, the sportsman, the true hunter, the guy who owns the firearm or the long rifle for legitimate purposes, he, too, once he understands what might happen here by repealing this Act, he, too, will oppose it. And I ask everyone to vote 'no'."

Speaker Peters: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. I'm sympathetic to Representative Leverenz's concerns. It's quite clear that the firearm owners identification card system does not work in the State of Illinois to ensure that only people who should be able to buy guns are in fact able to do so. He's absolutely right that under present regulations the Department of Law Enforcement has no reason to deny a gun or a permit to buy a gun to Che Guevera or Joseph Stalin or Al Capone. The problem...My problem with this piece of legislation is that I think it's the wrong cure for a problem that is, itself, absolutely clear. There are proposals that have been introduced in this

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Session of the General Assembly to tighten up the firearm owners identification card system, to bring it in compliance with federal rules and regulations about who may own a gun, to require fingerprinting so that the Department of Law Enforcement would have an opportunity to find out whether indeed a Che Guevera or an Al Capone fits our statutory requirements for gun ownership. It seems to me that what we should do with this piece of legislation is to kill it so that we will be having opportunities in the future to tighten up a system that in fact doesn't work at all. Representative Leverenz is absolutely correct. It doesn't work. But our answer, if we're concerned about the kinds of problems that we face in this society about hand gun violence in particular, we must not give up the system right now. We must work to improve it. And anyone who votes for this Bill I think is suggesting that it's time for us to give up. I appreciate Representative Leverenz's own concerns and I understand why he brought this measure before us. But it seems to me what this measure should remind us of is the inadequacy of our current attempts to control hand gun abuse, the kind of abuse that is killing people day-in and day-out in the city of Chicago and in the State of Illinois. I urge a 'no' vote, not because the Sponsor isn't absolutely correct in his indictment of the present system, but only so that we can use this program as a starting place to improve our record when it comes to hand gun violence."

Speaker Peters: "Representative Davis."

Davis: "Well, I won't take a lot of time because it seems that both sides of a lot of things are opposed to this. I don't think it's going to pass. I wanted to ask the Sponsor one question. Were the concerns that were evidenced by the Wildlife Federation, since they get three dollars

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apparently of every gun registration card that's sold in the state, were those funding laws concerns met at any time subsequent to the Committee? Representative Leverenz."

Speaker Peters: "Representative Leverenz. Leverenz."

Leverenz: "I heard the beginning, but I didn't hear the end of your question."

Davis: "My question was, there's a funding mechanism within the Wildlife ...within the gun owners registration card that goes to the Wildlife Federation. And that's a severe loss of dollars to a very outstanding program in the State of Illinois. Has that funding mechanism been addressed subsequent to the Committee hearing when you indicated you were going to try and work it out?"

Leverenz: "Yes. I'm glad you brought the point up and as a matter of clarification, the three dollars of every five dollars does not go to the Wildlife Federation. It goes to support certain projects within the Department of Conservation, but not to the Wildlife Federation..."

Davis: "But, I understand that. I'm sorry..."

Leverenz: "...by now. My agreement ...My agreement was one of two things. That we would find an alternative funding mechanism for those programs for the Department of Conservation or we would provide that this Act would not take immediate effect and the current programs would remain funded for the next year, up until July 1 of 1982 and we have taken the second method. We have changed the enactment date. But, you have raised a good point in that the main opposition is from a special interest group not concerned with the card, but concerned with the money that is taken from the citizens pocket."

Davis: "Well, Representative Leverenz, I wasn't going to speak any further because I just wanted to clarify that point. But I think you're somewhat erroneous in this special

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interest group remark and I sort of think that was off the mark a little bit. You've obviously heard from other opponents on other issues of repeal in this. Representative Winchester was right and I think what I heard Representative Currie say was right. I simply oppose the Bill."

Speaker Peters: "Representative Bell."

Bell: "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 'ayes' have it. The question is...er..Representative Leverenz to close. That's the question. That is the question."

Leverenz: "Thank you, Mr. Speaker and to the distinguished Representatives, ,two I think, that stood in opposition of the Bill, the one pointed out that the firearm owners I.D. card only resembles some semblance of control and it does not do anything to absolutely....for absolute control. The main opposition does come from the organization that I pointed out because they came to me and said, 'We don't really go one way or the other on the repeal. But we want to continue getting the three dollars from each person that buys a card.' And that's a horrible hoax to take money out of the pocket of a person. A few days ago also you'll remember that a Representative stood and we passed a Bill to remove the picture from the card so there is no absolute identification if that passes. Further, time and time again even my own veterinarian in the town that I live in went and purchased a gun without showing the card. I would not try to tamper with this at all if it worked, but clearly it does not work and it was a cheap way of saying, 'Yes, we're paying attention to the issue'. I would ask for your affirmative vote and we have a year to work on a

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new program. If they want to talk about fingerprints, they'll find that the way to go on fingerprints doesn't work because the Police Department cannot get a fingerprint check from the Illinois Department of Law Enforcement in less than 40 days on the average. So that's not going to make it any better either. I've discussed that with the Director. We've got a year to find a new method in that time. We don't need something that doesn't work. Again, I solicit your 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 328 pass?' Those in favor will vote 'aye'; those opposed will vote 'nay'. Mr. Clerk, Peters, 'no'. To explain his vote, Representative Kosinski."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, I have been on top of this issue from the time I got a half million dollars to put the criminal records into the computers, since the time I pierced the mental codes so the mental patients could be applied to this. This Bill is a bad Bill despite my friend's attempt to pass it. What I think it will do is if you get out of an insane asylum, if someone gets out of an insane asylum they'll be able to walk across the street and buy a firearm. And I don't think that's good and I solicit your 'no' vote on this Bill."

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

Katz: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I was touched by Mr. Winchester's remarks that if we do not have the legislation that this seeks to repeal, that the fellow who wants to assassinate the President of the United States will have to wait 72 hours in Illinois before he can get a gun to assassinate the President or if he would like to shoot the Pope the next time the Pope comes to Illinois, he will have to wait 72 hours before he can shoot the Pope."

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I certainly want to commend the General Assembly for the wonderful protection that they're affording the President and the Pope and I can understand that we need such legislation because certainly a fellow should have to wait 72 hours before he does assassinate the Pope or the President."

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

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'm voting 'aye' for this legislation and for some very significant reasons. From the very beginning in the inception of this program it has not worked. The suburban Sun-Times..."

Speaker Peters: "I'm sorry, Representative."

Yourell: "About a year ago the suburban Sun-Times ran several articles relative to this issue. And they were able to secure from the Department of Law Enforcement gun owners..firearms owners identification cards for John Dillinger and every known criminal, either dead or alive. Now there's a fallacy that some people believe that by having this law on the books that you're going to prevent assassination of anybody or the prevention of anybody to get a gun. That's absolutely ridiculous. This has nothing to do with purchase of firearms. I can go to any sporting goods store in the State of Illinois and purchase the powder, the bullet and the brass to make any caliber bullet without showing my firearms owners identification card. If you want to buy a box of bullets, yes, you have to show the card. But you can buy the increments and the ingredients and make your own bullets and you don't have to have the card. This is a revenue raising measure...."

Speaker Peters: "There are nine more Gentlemen seeking to explain their votes. Representative Neff."

Neff: "Thank you, Mr. Speaker. I speak in favor of this

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legislation because the present law, all it's doing is placing the burden on good, honest gun owners. We all know that it has accomplished nothing. And you folks that talk about more gun controls and regulations, just take a look at what this is doing. It's accomplishing nothing, placing the burden on good, honest citizens and here is a chance to get some more regulations off of the books that are doing absolutely no good. This follows the administration's in Washington rules and try to get this type of regulations off. I would hope that we would have....I'm not sure, Ted, that we have at least 100 green votes up there on a Bill such as this."

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

Mays: "Mr. Speaker, in explanation of my vote it seems to me like we should be trying to promote effective government and weed out what is bad with the government we have currently. I am sure that the Department of Law Enforcement has much higher priorities that we could be spending our money on than this. And that is why I am an 'aye' vote on this and I would encourage more green votes on this matter."

Speaker Peters: "Representative Younge to explain her vote. Representative Younge? Your light is on, Ma'am. Representative Winchester on a point of personal privilege."

Winchester: "Thank you, Mr. Speaker. My name was used in debate. I just want to remind the Members that I...with a name like Winchester there's no way that I can support any type of controls on any type of gun. But I must remind those of you who are voting green that this might open it up for tougher laws down the road that we cannot prevent."

Speaker Peters: "Have all voted who wish? Take the record. On this question there are 42 voting 'aye', 98 voting 'nay', 3 voting 'present'. This Bill, having failed to receive the

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Constitutional Majority, is hereby declared lost. House Bill 335, Representative McClain. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 335, a Bill for an Act to amend to amend Trust and Trustees Act, Third Reading of the Bill."

Speaker Peters: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 335 amends the Trust and Trustees Act. Currently, trustees may manage property, real property and mixed of every kind. One of the problems for those trustees is they don't quite understand what the prudent person..."(cut off)

Speaker Peters: "Representative McClain."

McClain: "One of the problems with the current law is although it gives trustees the authority to manage and be partner in real property and mixed property of every sort, it does not delineate what actually can a trustee do. For instance, in this Amendment to the Trust and Trustees Act it lines items out what a trustee can do in order to manage, like a farm and also of mining operations. It does make some semantic changes in changing the 'prudent man rule' to the 'prudent person rule'. It changes the 'incompetent' term to 'disabled person' term and it strikes the word 'conservator' and puts in the term 'guardian'. It's a...basically a nonsubstantive change. It just delineates the 'prudent person rule' for a trustee and I would ask for the acceptance of this Bill, House Bill 335."

Speaker Peters: "Any discussion? Representative Preston."

Preston: "Thank you, Mr. Speaker. Would the Gentleman yield for a question? Representative McClain, is it your intent, by this Bill, among the other provisions of the Bill to effect liquor licensees who may die holding a liquor license? Would this permit a trust...a trustee to continue operating

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a liquor license establishment?"

McClain: "Well, just like a trustee may now act like a partner or manage or mixed property, this would not change this in any way, in terms of what a trustee is now currently able to do, in terms of managing property or being a partner in property."

Preston: "I'm thinking particularly in the area of somebody who leaves a testamentary trust and leaves all his property in the testament...a residual clause, leaving all his property to the trustee and part of that property may be a liquor license or an establishment. Would this Bill...is it your intent that the trustee can operate the liquor license....?"

McClain: "Yes, he would just still be able to manage that property, yes."

Preston: "Thank you. I think it's a good Bill, Mr. Speaker."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "I was just going to echo what the last Gentleman just said. The Judiciary Committee heard this Bill. It is a fine Bill and it's needed."

Speaker Peters: "Representative McClain to close."

McClain: "I would just ask for a favorable vote."

Speaker Peters: "Question is, 'Shall House Bill 335 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. 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 142 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby passed. House Bill 349, the Gentleman from Cook, our philosopher Legislator, Representative Jaffe."

Clerk Leone: "House Bill 349, a Bill for an Act to provide for the assistance of victims of violent crime, Third Reading

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of the Bill."

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Speaker Peters: "Representative Jaffe."

Jaffe: "Thank you, Mr. Speaker, for those kind words. In this General Assembly, I think we hear a lot about crime and we hear a lot about law and order. We hear really very little about the victim of crime and I think that this Bill that we are talking about today, House Bill 349, will really be the major step toward helping victims in the State of Illinois. It is a bi-partisan Committee....it is a bi-partisan Bill that has come out of the Rape Study Committee. It, basically, what it does is, it establishes the Violent Crime Victims Assistance Act and with that it creates the Violent Crimes Commission to study and to develop programs and legislation aimed at assisting the victims of violent crime, including the establishment of victim assistance centers, and I think the important thing about this particular Bill is that it comes forward and gives you a new of funding a program. We do not take one penny out of General Revenue Funds. What we are saying is, let the lawbreakers pay for the victims. What we do is, we assess additional fines. Let me give you an example; if you were convicted of a felony, you would pay an additional fine of \$25.00. If you were convicted of a misdemeanor you would pay an additional fine of approximately \$20.00 and then if you were, if you were convicted of some very serious traffic cases, well, the fine would be additionally \$3.00 to \$10.00, with minor traffic tickets getting, of course, no additional fine. I think what we have to realize is that there really is an unconscionable lack of necessary support services for victims of sexual assault and other violent crimes. You know that in this State, rape crisis hotlines and care centers have already collapsed because they have no funding. The 'Vitulo' Rape

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Evidence Collection Kit really survives from month to month because no one has the funds to really support that type of program. We really need a special 'Vitulo' kit for children. That has been identified and yet money has not been found, you know, to fund that type of program. I really think that this is a major piece of legislation. It comes forward with bi-partisan support. I know of no opposition to this particular program and it passed out of the Executive Committee 18 to nothing and if I can pass something out of the Executive Committee 18 to nothing it must be a good program. So, I would urge an 'aye' vote on it and I would be happy to answer any questions."

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

Fawell: "Thank you, Mr. Speaker and Members of the House. Will the Gentleman yield for a question?"

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

Jaffe: "I'd be happy to do so."

Fawell: "Number one, isn't there already an assistance program for victims of crimes....?"

Jaffe: "No, we do not...."

Fawell: "That can be paid up to \$10,000?"

Jaffe: "No, no, you're getting confused, Representative Fawell. What we have is a Crime Victims Compensation Act. This is a Crime Victims Assistance Act, this would do different things."

Fawell: "Alright, number two, could you tell me approximately how many people who go to jail have any money to begin with, because my experience is they're broke. That's the reason they're going to jail."

Jaffe: "Okay, I'm very happy that you asked that question. The way that we will get the money is, we would get it out of the bond money. This would come out of the bond money first and it would only come out if someone was convicted."

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So in other words, if someone put up a bond on a felony crime, the first money that would come out would be \$25.00...would come out of that money for the Crime Victims Assistance Program."

Fawell: "Did you realize that we have just passed a law recently that would refund that money, already, to the counties?"

Jaffe: "I don't think that that would actually apply. We could talk about that at some later time. This would come out of the bond money or the person would have to pay it themselves."

Speaker Peters: "Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, I would just like to point out that although this Bill did clear the Executive Committee, it was on the last day, and oh boy, the Executive Committee put a lot of bad Bills out the last day and this is another one. It creates a Commission, which I think this House has spoken against a number of issues and I hope you'll pay a lot of attention to this Bill and I'm pleased that the Gentleman is, sort of, stepping into the issue of restitution by criminals towards their victims but I don't think this does it the right way, and I hope we don't pass this."

Speaker Peters: "Representative Griffin."

Griffin: "There is much in this Bill that is addressing the problems of victims. I wanted to ask what...if the Sponsor yield for a question?"

Speaker Peters: "He will."

Jaffe: "Sure."

Griffin: "I heard you say something about rape and some other crimes but what would be the nature of some of the other kinds of assistance that you would image this Commission providing?"

Jaffe: "Alright, if you looked at the Bill, it would create

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service centers that would be determined by the Commission that would, one, assist the General Criminal Justice Agencies in giving more consideration and personal attention to victims of violent crime; B, 'sensitizing' law enforcement officials and others who come into contact with crime victims; C, attempt to decrease the incidents of unreported crime; D, assure that the victims are informed of the progress of the cases in which they are involved. You know it's very traumatic to be a victim and then have to go through the criminal justice system by yourself and that's what D addresses itself to. E, encourage public use of the services made under this Act. Then it goes on for many other things. I'll be happy to go further but if you look in the Bill, it's there."

Griffin: "One more question. At the present time, people do have certain civil actions they can take as victims of crime. How does this relate to this program, in other words, is there any overlap or...?"

Jaffe: "It has nothing to do with it. What we are talking about is, we're taking a victim of violent crime and we're trying to provide assistance for that victim of violent crime. We're trying to do a lot of things that help that victim. This has nothing to do with civil suits at all."

Griffin: "Well, if a person had civil action they could take would they get remedies through this?"

Jaffe: "It has nothing to do with civil actions. It talks about assisting this person as they go through the criminal justice system. It talks about, you know, giving them different types of assistance programs. It talks about sensitizing law enforcement officials who come into contact with crime victims. It talks about decreasing the incidents of unreported crimes. It assures that the victims are informed of the progress of the case in which

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they are involved. It has nothing to do with civil cases."

Griffin: "Okay, thank you."

Speaker Peters: "Representative Jack Dunn."

Jack Dunn: "What if these violent crimes are committed against other violent people? Are we going to find ourself in the posture of supporting the losers in a gang war?"

Speaker Peters: "Representative Jaffe."

Jaffe: "It has nothing to do with that, Jack. Here we're talking about assistance to victims of violent crime and I don't know what you're talking....We're not concerned in this particular instance, we're concerned with the victim, period. Alright? Do you understand that?"

Jack Dunn: "I do now. I just hope it works out that way. That people have a way of twisting things like that around."

Jaffe: "Well, if you read the Bill you'd see that..."

Speaker Peters: "Representative Barnes."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, while this is a product of the Rape Study Committee, the Illinois Investigating Commission also held public hearings that addressed this subject. Many parents came before the Commission and testified that they wished that they had centers of this type, that when their children have been sexually molested that they would know how to deal with the sensitivity of the problem, be assisted in knowing how the court system works, so that they could address the problems that their young children would feel; the psychological problems and they said sometimes if you can just talk to another parent that has had a similar circumstance it would make it easier for you to know how to help your own child, and that's why we have introduced this legislation. I would urge an 'aye' vote."

Speaker Peters: "Representative Johnson."

Johnson: "Question of the Sponsor. Representative Jaffe, am I

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correct in saying that this creates another Commission?"

Jaffe: "It creates a legislative Commission. Yes, it does."

Johnson: "Okay. At a time when we're trying to phase or sunset out other Commissions, correct?"

Jaffe: "Well, it depends on what you want to phase out. If you want to phase out horseshoers, I say that's a good idea. But if you want to phase in something for violent crime victims, I would say it's a bad idea."

Johnson: "Why do have to create a Commission? If these assistance centers are to be supported, why do we have to create a Commission and secondly...let me...you can answer both questions at once. Does the Commission intend to pay per diem expenses and the other expenses normally attendant to legislative Commission? Number one, and number two, are you going to have any support personnel, would there be any executive director, secretary, anything like that?"

Jaffe: "Okay, first of all, it happens to be a legislative Commission and the legislative Members receive no compensation and the reason that we have made it a legislative Commission is because in the Rape Study Committee we have constantly had trouble with the bureaucrats, regardless of whether or not it's a Democratic or Republican administration. What we've had is the Department of Public Health won't talk to the Department of Law Enforcement and Law Enforcement won't talk to the other departments. So, we have made it a legislative Commission. There is no funds actually for the Commissioner. Are we going to have support people? Of course, you're going to have some support people but that will be determined by the Commission and by this General Assembly."

Johnson: "This is not going to be without costs. You're going to pay per diem, I assume, and travel and soforth of the Members. You are also going to pay for any personnel that

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are attendant to the administration of another Commission, is that right?"

Jaffe: "I explained to you that there will be a cost to this Commission and I explained to you in the very beginning how it would be funded. It would not be funded out of General Revenue Funds. We would be funding this out of fines, additional fines that we have levied against law breakers and that has been the case in California and many other states who have done similar things. So we do not have any additional General Revenue Funds."

Speaker Peters: "Representative Johnson, bring your remarks to a close. Representative McAuliffe."

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

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 questions is, 'Shall House Bill 349 pass?' Representative Jaffe, to close."

Jaffe: "You know, Members of the House, I hear a lot of breast beating in this House about victims of violent crimes and I must tell you that this is the first time not only that we have come forward with something to help violent crime victims but we've also come forward with a new concept of how to fund the thing and we don't take a penny out General Revenue Funds and I've stressed that time and time again. This is a bi-partisan support, Conservatives and Liberals, hyphenated sponsors like Jake Davis, Jane Barnes and myself, a number of people. Look at the sponsorship of this particular Bill, I think you'll find it's a worthwhile Bill. Let's do something for violent crime victims for a change and I urge an 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 349 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, voting is open. Have all

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voted who wished? Representative Kelly, Dick Kelly to explain his vote. One minute."

Kelly: "Thank you, Mr. Speaker, Members of the House. I was listening on the Chicago radio station, I believe it was WIND radio, for about an hour and a half listening to Representative Jaffe explain this subject matter and he received numerous calls and one after another the callers were more concerned about what we're going to do with putting away the perpetrators of the crime, the criminals, not one person wanted to concern themselves with the victims of the crime. I think that's an important reason why we need a proposal like this because we, as Legislators, should be very cognizant of this problem."

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

Schraeder: "Thank you, Mr. Speaker and Members of the House. Well, it's quite obvious what the Sponsor is trying to do. We're trying to eliminate Commissions that are...have passed their time of need and apparently, the Rape Crime Commission that was established some years ago is running out of ammunitions so they're looking for new avenues and so they come up with this Bill, and they say they're not going to need any appropriation. Well, if you look at the Digest, it shows what they want to do. They want to study and propose legislation and programs. Now, when you get into that field you're talking about money and if you want to spend more money for another Commission that is not needed, they I say put your 'yes' vote up there. But if you're talking about an unneeded Commission then vote 'no'. And in addition, if you get a speeding ticket and are convicted, you get stuck for another fine and that's going to go in here and more money is going to be spent in a useless fashion. This is one of the worst pieces of legislation I've seen this term."

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Speaker Peters: "Representative Frederick. Representative Frederick."

Frederick: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like to explain my 'yes' vote. This is one Commission that I really support. It's a much needed Commission. In my district a number of very elderly women have been victimized by rape. Not only are they traumatized by the crime, itself, but the prosecution is impossible for women of this age, who have no experience with our court system. I urge more green votes."

Speaker Peters: "There are now 100 voting 'aye'. Further explanation? Representative Stewart."

Stewart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think that much of the opposition to this Bill really is misplaced. First of all, the Commission and the dissenters are funded through fines of convicted persons. If you look at the effect of crime today, you find that many people are left scarred and this point holds true not only for..."

Speaker Peters: "Excuse me, excuse me, Representative. Representative Schuneman, for what point do you rise?"

Schuneman: "Mr. Speaker, I think that all of us, as Members, when a Bill gets 100 votes if we don't quit explaining our votes I think that we should all vote 'no'."

Speaker Peters: "The... Representative Stewart, continue."

Stewart: "The point is well taken. I'm happy to see 104 'aye' votes."

Speaker Peters: "Representative Alexander to explain her vote."

Alexander: "I withhold my explanation of vote, I see we have enough."

Speaker Peters: "Take the record, Mr. Clerk. Excuse me, Representative Bradley to explain his vote."

Bradley: "Not to explain my vote, I want to ask Mr. Schuneman a

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question about his remarks, if I might? Mr. Schuneman, if the board shows that there's over 100 red lights then should we all vote green if they're still explaining their votes?"

Speaker Peters: "Mr. Clerk, take the record. Representative....Greg, Representative Braun's green light is on but it flashes up here. Now, I'm not sure whether she...when she wants to speak whether it's ... there's something wrong with that switch, see? Alright? Did you want to speak? It's your green light that's flashing here?"

Braun: "Oh, well, I have the speak light on. Thank you, Mr. Speaker. I would just like to, since we've just concluded...well, if you'd declare the result first, I would like to bring to the attention of the Members, today is Representative Jaffe's birthday and I hope everyone would join me in wishing Aaron Jaffe a very happy birthday and many, many, many more."

Speaker Peters: "On this question there are 105 voting 'aye', 49 voting 'nay', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Sandquist, do you wish...for what purpose does the Gentleman arise?"

Sandquist: "I was just going to say we no longer have Representative Geo-Karis over here to lead the singing but I think Representative Braun could lead the singing, Happy Birthday to Aaron Jaffe."

Speaker Peters: "Representative Ebbesen."

Ebbesen: "Mr. Speaker, we adopted a Resolution here at the opening of this Session. We shall have no singing, it's out of order."

Speaker Peters: "House Bill 369, Happy Birthday, Representative Jaffe. House Bill 369. Representative Robbins. Out of

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the record? Out of the record. House Bill 371, Representative Birkinbine. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 371, a Bill for an Act to repeal the State Prevailing Wage Law, Third Reading of the Bill."

Speaker Peters: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let me begin by saying that the description of this Bill in the House Calendar is inaccurate. This Bill does not repeal the prevailing wage, rather it seeks to define the way in which the prevailing wage is determined so that it becomes a true prevailing wage in an area, an average wage in an area. To give you a little back ground, the prevailing wage which at the federal level is referred to as the 'Davis-Bacon Act' was instituted around depression times. In a matter of a few years construction in this country dropped from 11 billion down to 3 billion. There was a great deal of scrambling around the country for construction jobs. As a way of protecting contractors and protecting the kind of work that was done on government projects the 'Davis-Bacon Act' and the so-called 'Little Davis-Bacon Act' or State Prevailing Wage Acts were put into effect at the federal level and in about 40 states. The idea was to protect a certain area from having immigrant laborer come into an area and work for dirt cheap wages, thereby taking jobs away from local workers. That has been one of the arguments against repealing the prevailing wage or the 'Davis-Bacon Act' and as a result that's one reason why I choose not to repeal the prevailing wage, although it certainly does have a valid argument going for it. The Federal Prevailing Wage Act has been under attack for some time. I have here a report to the Congress by the Comptroller General from the General Accounting Office released in 1979. The title of which is,

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'The Davis-Bacon Act Should be Repealed'. It is significant to say that the Act results in unnecessary construction and administrative costs of several hundred million dollars annually. It concludes that such acts are inflationary and the consumer, the taxpayer, pays unnecessarily. Well, as I said again, I'm not trying to repeal it at this point but the old concept of prevailing wage, the 'Davis-Bacon Act, is falling out of repute. In addition to that General Accounting Office report, the New York Times which can hardly be considered a right wing organ in the media, last Monday had an editorial in its paper recommending that the 'Davis-Bacon Act' be repealed and be replaced with something just such as I'm recommending here. Additionally, in the present U. S. House of Representatives there's a group called the Democratic Forum; 44 Members of the Democratic Party in the Illinois House of Representatives, who have an agenda of what they would like to see take place over there the next two years that they are in the House. One of the which is the repeal of the prevailing wage. They see that it needs to be changed, if not outright abolished. That Bill, alone, has 80 sponsors in the U. S. House. Now, to look at the State laws, as I indicated there are about 40 states that have some sort of prevailing wage act. In recent years, repeals have taken place and changes have been tried in about 24 of those 40 states. States such as New Mexico, Utah, Florida and Arizona have repealed their prevailing wage. Additionally, changes have been made, changes such as I'm recommending here today, in the states of Colorado, Connecticut, Wyoming and Washington. It's a move that is taking place throughout the country and I suggest that Illinois join that move. Now, what this Bill would do, would be to try and determine an accurate average wage in

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an area. If you were to ask anybody on the street, probably anybody in this Legislature, what is the prevailing wage? Your answer would be, well, it's the average wage or the wage that's paid on construction projects in an area. Well, that's what it should be. Certainly, that's what the definition of prevailing would be. In actuality, the prevailing wage is determined by the Illinois Department of Labor is the union wage rate in each and every county. In testimony before the House Labor and Commerce Committee last year we had a man from the Illinois Department of Labor and I asked him, how do you determine the prevailing wage? Because that was part of this mans job. He said, we go into an area, into a county and we call on a public works prevailing wage project and see what they're getting paid and then report back to the Department. In other words, to determine the prevailing wage in an area they check on the prevailing wage projects in an area which is being paid union scale, the highest scale in an area and then they say, okay, that's the prevailing wage. Well, what that means is that you and I, as taxpayers, indeed, everyone in the State, is having to pay the highest wage on every public works project or every project which is partially or fully funded by State money, guarantee highest wage. The idea of a prevailing wage should be the average wage in an area. This Bill would call on the Illinois Department of Labor to determine the average wage in an area of a 30 mile radius. For example, if you were going to have a project that employed Illinois State Government funds in Decatur or Springfield, you would look at the projects that are presently or recently been underway in a 30 mile radius of that area, take an average of that and that would determine the prevailing wage. Now, this would be adjusted for the various classifications of

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work, be it carpenter, be it masonry, what have you. If a contractor, if a union disagrees with the wages that are determined by the Department of Labor there is an appeals process in the Bill. Now, the present practice is that a comparison of hourly wages for work of a similar character, limited to public works jobs, are considered. Thus, you are only looking at prevailing wage projects to see what the prevailing wage should be. It's distorted and as a result, the taxpayer is having to pay the highest wage on all projects. Now, you're going to hear a great deal of arguments; one, that this is an anti-union issue. That always seems to be the nature of response to anything. I suggest to you that this is a taxpayer an economy and government issue. Secondly, that this is unmanageable. I suggest to that it is not. We live in an era of figures coming out of our ears, in fact, figures overflowing our desks and certainly, the Illinois Department of Labor can easily determine the prevailing wage in an area and I'm willing to take whatever questions that might be arising...I don't know if there's any interest in this but should there be questions I'd be glad to try and answer them."

Speaker Peters: "Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, I rise in opposition to this Bill and I'm sure that comes as no surprise as most of the Members on this side will do. The Representative has gone through a litany of arguments about this wage base would be determined, not looking at the situation, I don't think, as it is now. Making it sound as though there is no consideration of what the real prevailing rate is in an area and, indeed, there is, by looking at the local costs, by talking to the people in the joint councils. He ought to say simply what this is. This is an effort to

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recalculate the base so that wages will go down in the trades. He knows that and we know that. Anyone who wants to look at the figures from studies in this country from Massachusetts Institute of Technology's own figures. They own arguments on 'Davis-Bacon' at the federal level indicate even with non-union contractors, non-union contractors making the argument that the wage base where the prevailing rate is used and calculated as it is now, is an indice that creates productivity. There's no question about that. Even non-union people argue that. It's clear, I think, if you look at the arguments on this Bill, that it's simply an attempt to gut the wage base. The same time that this is going on, the big businesses promoting this Bill and the other Bills before us are simply saying to these people, we want people to make as little as possible, we want people to make less but we still want to be able to charge whatever the traffic will bear in the sale of supplies and materials. The cost of construction in private industry relates to the cost of construction in the public sector and on public contracts, and I think if you look at recent figures and I won't bore you with many. It simply shows quite well that the wages aren't being driven up even to keep pace with inflation in this country. The wages aren't going up at all. What's going up is the cost of materials; the cost of profits; the cost of land; the cost of interest rates; the cost of doing business for those reasons and not for the reason of what we pay people. We ought to be looking at what the people make in this State who are administering programs; 50 and \$60,000 a year, in many cases, in public jobs. We're not looking at them, we're looking at people who in some cases are seasonal, in many cases are seasonal, people whose wages haven't kept pace with inflation. Call this Bill what it is. Argue if

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you will that it is an attempt to rewrite the structure and the method of determining the wage base. Please admit that it's an effort to gut the wage base. That's all it is. It's one of 31 Bills on this floor that's attempting to do that, to make similar changes that hurt working people. I happen to come from a family in which a father started a construction union. He said everytime we've gotten any where in this country, every time we've produced income, every time we've been more productive, every time we provided jobs, people want to cut our wages but they still want to charge us the same price as though everyone were a union member. I urge a 'no' vote on this Bill. I urge a vote on behalf of the working people in this State. I urge a 'no' vote because I think it's unfair to penalize working men and women while other people are making profits, other people aren't lowering their prices and other people who make far less...far more money than them aren't being looked at as to what they make in this State. Please vote 'no' for the working people of Illinois."

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 House Bill'...the question is, 'Shall the main question be put?' Those in favor will signify by saying 'aye', and those opposed? The 'ayes' have it. Representative Birkinbine to close."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, the commentary we just heard, I think, was a record that also played yesterday and it seems to pop up, virtually, every time we get into something such as this. Somehow he seemed to think we're dealing with the wage base here. In no way does this affect the union wage base. If it's set at a certain figure, fine, so be it. But what

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we're looking at is the average wage in an area. If, in this area of Illinois or in the area where you live, an average wage is being paid on projects, that's the wage that's going to be paid on future projects. It's not reducing it at all. It's...there's an interesting flow that comes anytime any Bill such as this comes out. The response is always, hey, this is anti-union and it's very sad because the arguments that come from the so-called friends and spokesman of the labor movement say that, for example, yesterday, on right to work that if it's made voluntary, the unions will die. Now, that's a pretty sad commentary coming from the friends of labor to say, unless they're coerced into joining they're going to die. Now, in this we're hearing that an effort to make a true average wage in an area on behalf of the taxpayers of this State is somehow anti-union, I think that they're hoping that a lot of knees are going to jerk on this floor. I know that the spectator of the AF of LCIO, the mine workers, what have you, seems to hang heavy over this Body but I would hope that perhaps for once on an issue in which the unions have gotten up and screamed that the Body might still consider the merits of the Bill and vote 'aye'. Thank you."

Speaker Peters: "The question is 'Shall House Bill 371 pass?' Those in favor will vote 'aye', those opposed will vote 'nay', those wishing to speak, hopefully, will be guided by whatever the result happens to be. To explain his vote, Representative Schuneman."

Schuneman: "Mr. Speaker, this Bill is not a repeal of the Prevailing Wage Act. Some of the Gentlemen on the other side have indicated that somehow big business is for this Bill. Nothing could be further from the truth. This is a Bill which would break the monopoly that is presently held by the large labor unions in this State. Now, Mr. Speaker,

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the debate was shut off on this Bill..."

Speaker Peters: "Excuse me, excuse me. Representative Bradley, you'll be recognized to make your point. Conclude, you have about 30 seconds left. Representative Schuneman."

Schuneman: "Mr. Speaker..."

Speaker Peters: "Representative Schuneman."

Schuneman: "I think when I made my comments it had 106 votes, I probably shouldn't say that but I'd simply like to say this, Mr. Speaker, that the change in the Prevailing Wage Act that is proposed here will help your small communities. The contractors in those small communities are prohibited from bidding on their own public jobs in those little towns. What happens is, that the big contractors from out of the area come in and bid on those jobs and when the job is completed and the big contractors leave town, who takes care of the maintenance of the buildings, the heating plant, the plumbing, and all the rest of the work? It's done by the..." (cut off)

Speaker Peters: "Does anyone wish to be recognized on this point? Representative Koehler."

Koehler: "Thank you, Mr. Speaker. I would just like to echo Representative Schuneman's word...words, in fact, in our own small town of Henry we were taking bids on our local library, and unfortunately, our own contractors in Henry, Illinois could not bid on this work due to this particular problem. And we had to import workers from Rock Falls, Illinois to build our local library. I think this is unfortunate and our small contractors are suffering. Thank you."

Speaker Peters: "I have about a dozen lights on, if anyone changes their minds and doesn't want to talk, please shut them off so I can be guided. Representative Bradley. Representative McGrew. Take the record. On this question

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there are 39 voting 'aye', 110 voting 'no', 1 voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. The House...if the...Greg...but turn on Representative Pierce's microphone. I recognize Representative Greiman for a short statement presentation."

Greiman: "Thank you, Mr. Speaker. There was... is a garage sale a few blocks away and for fifty cents a present was found which is probably the ugliest oil painting ever created by any person and we thought it would be fitting for Aaron to be presented with this wonderful garage sale oil painting of the ugliest art work ever made. You can all chip in for the fifty cents."

Speaker Peters: "I think you've got it upside down, Representative. Representative Jaffe."

Jaffe: "Mr. Speaker, I certainly want to thank the Members who gave me this award and I want to tell you that I don't think it looks bad. As a matter of fact, it looks like something one of my co-running mates from the Fourth District, a female, might have done through one of her therapy sessions."

Greiman: "Aaron, Aaron, it's the wrapper that we gave you. The picture...no, then we throw it away. Keep the wrapper."

Jaffe: "Yes, I do thank you. I will treasure this always and as a matter of fact, if you peel this away, there is a picture of the Speaker underneath, and we thank you. We're going to keep it forever.. Thank you very much."

Speaker Peters: "Thank you very much. Representative Collins wants to know if the Illinois Arts Council subsidized that? Representative Conti."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, if I can get on a serious note for...just for a minute, while there is a lull in the legislation. In the next six weeks we

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will be working late and I don't know if it's too late to introduce a resolution or just to inform the Secretary of State, there has been several muggings around the complex, the State complex, and last night, as early as we quit last night, there wasn't a yellow marker on the first step. It was so dark out there that we couldn't find our way to our cars. There are many women that are working late, as late as 12:00 at night. I don't know if it's going to take a resolution or what it might be. If we can inform the Secretary of State or the custodian of the buildings. There are several girls that has had to have the security guards walk them to their cars in the parking lots because our parking lots are very dim, in fact, they're not even lit at night, after 9:00 at night. Within the next six weeks and then if we can have it permanently, have these parking lots of the State complex, there was a lobbyist that had a knife stuck to his stomach and I'm going to clean up the boards but they told him, he says, Mister, you better have some money in your pocket, and fortunately, he did have some money in his pocket. And if we can keep the State complex lit at night it would help these women and help most of us get to our cars at night, safely."

Speaker Peters: "Thank you, Representative Conti, Representative, I know that the Secretary is aware of it and I think he would appreciate just the fact that you have brought it to the public attention so that when there is something discussed and said about it, the public, the media, the people involved will know exactly why certain things may have to be done. Representative Polk."

Polk: "Mr. Speaker, Ladies and Gentlemen, in the gallery, just getting ready to depart, 57 students from Lincoln-Irving in Moline, 6 of the 57 are handicapped students down here to watch us today. Mr. Larson is their teacher and I

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would...wish you would just recognize them, please. That's from Bell, Darrow and Polk."

Speaker Peters: "For another light moment in the proceedings, House Bill 403. Representative Levin. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 403, a Bill for an Act to amend the Election Code, Third Reading of the Bill."

Speaker Peters: "...In good faith, Representative. Proceed, Sir."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, it is with trepidation that I present this Bill, given my record on passing election Bills today on the floor. This Bill would deal with write-in voting on punch-card voting systems. It makes it easier for judges to tally write-in votes and for voters to cast such votes by authorizing the printing of a box in line in summary instruction on write-in voting on the inside flap of the ballot envelope. This is a ballot envelope, under the current law there is no authority for the printing of a box or a line or any summary information on how to write in. The language to go on the inside flap which is embodied in Amendment #1 was developed with Chairman Mike Lovell of the Chicago Board of Election Commissioners and with Amendment #1. He has no objection to the Bill. It passed out of Committee by a 13 to nothing vote. Amendment #1 also provides that County Clerks may use up any old ballot envelopes that they have. Thank you very much."

Speaker Peters: "The question is, 'Shall House Bill 403 pass?' 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? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 118 voting 'aye', 13 voting 'nay',

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3 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill...40...out of the record. House Bill 411, Representative Reilly. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 411, a Bill for an Act to amend Sections of an Act relating to meetings, Third Reading of the Bill."

Speaker Peters: "Representative Reilly."

Reilly: "Mr. Speaker, I ask leave to bring this Bill back to Second for the purpose of a Motion and an Amendment by Representative Leverenz."

Speaker Peters: "House Bill 411..."

Reilly: "Mr. Speaker."

Speaker Peters: "Yes, Representative Reilly."

Reilly: "Were you going... the situation which I kept with Representative... mentioned to Representative Getty sometime ago, it's a clerical error that the Bill does not appear at this point on the Calendar. The computer, every other record we have shows it on Third Reading. All we're doing is backing it up to take off an Amendment and put on a corrected version of that Amendment."

Speaker Peters: "Representative... the Gentleman asks leave to bring House Bill 411 back to the Order of Second Reading for the purpose of an Amendment. There are no objections. Mr. Clerk."

Clerk Leone: "Floor Amendment #17, Leverenz, amends House Bill 411..."

Speaker Peters: "Representative Leverenz."

Leverenz: "Mr. Speaker, yes, thank you. I appreciate everyone going along. What I would like to do is move to table Amendment 14 and 16, withdraw 17 and we're going with 18, is the corrected Amendment."

Speaker Peters: "The Gentleman moves to table Amendments #14 and 16. Those in favor will signify by saying 'aye', opposed

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'nay'. The 'ayes' have it. Amendments 14 and 16 are tabled. Amendment #17 is withdrawn. Amendment 18, Mr. Clerk."

Clerk Leone: "Floor Amendment #18, Leverenz, amends House Bill 411 as amended."

Speaker Peters: "Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker. This was the Amendment that put on an agenda with the meeting notice. It would provide for an agenda only for special meetings rescheduled or reconvened meetings and it provides absolute clarity worked out by Representative Katz. I would move for the adoption of Amendment 18."

Speaker Peters: "Any discussion? Representative Madigan. No. The question is, 'Shall Amendment... there being no discussion. The question is, 'Shall Amendment #18 be adopted?' Those in favor will signify by saying 'aye', those opposed. The opinion of the Chair the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 418. Excuse me. House Bill 418, Representative Birkinbine. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 418, a Bill for an Act in relationship to strikes by certain labor organizations, Third Reading of the Bill."

Speaker Peters: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. I request leave to place House Bill 418 in Interim Study in the House Labor and Commerce Committee. Leave for Interim Study, Mr. Speaker?"

Speaker Peters: "The Gentleman asks...the Gentleman puts House Bill 418 in Interim Study. House Bill 422, Representative Deuster. Out of the record. If anyone wishes to have their Bills placed in Interim Study, there are slips here

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that you can fill out and in some cases, it may be advisable. House Bill 429, Representative Pechous. Out of the record. House Bill 433, Representative Sandquist, read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 433, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act, Third Reading of the Bill."

Speaker Peters: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, House Bill 433 is the third in a series of three Bills that were brought to me by our former colleague, Judge Charles Fleck, of the...he's Chief Judge of the Domestic Relations Court in Chicago. These three Bills amend the Marriage and Dissolution Act and the first one was passed on the Consent Calendar, the second one is now pending on the Short Debate Calendar. And House Bill 433, what it does, it says that if you're going to...in a contested proceeding, if you're going to use a partition suit, you must file that partition suit at the time you make your first pleading. The reason for this, as Judge Fleck explained to the Judiciary Committee, is that when there are negotiations are going on in the part of settlements between two spouses they will be involved for a number of times and then when they are about to reach a time of settlement, one of the parties will then bring a separate...the partition issue and it starts all over again, as a joint tenant has a right to do. So, what he's trying to do is to get this...if you're going to use partition, you should use it at the time you file your first pleading. I know of no opposition to the Bill and ask your approval."

Speaker Peters: "Any discussion? Representative Leinenweber."

Leinenweber: "Well, the good Judge did come down with a package

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of Bills and this is about the only rock in the package and it really is not necessary and I really don't think that we ought to pass the Bill. People who own real estate have certain rights and have had certain rights for an awful long time, going back to England and one of those, if you own property adjoining with another, is your right, your absolute right to file for a partition. Now, this suit seeks to limit a person's absolute right to file a partition if they just happen to be engaged in a dissolution of marriage proceeding. There really doesn't seem to be a problem because of the fact that we have one unified court system. We don't have...we no longer have courts of equity and courts of law and if the party does file a partition suit there is no reason in the world why they couldn't be consolidated so that they could be considered at the same time. I think, however, for us to tie up a person's rights to file a partition suit at any time is a dangerous precedent and we ought not to do it."

Speaker Peters: "Any further discussion? Representative John Dunn."

John Dunn: "Mr. Speaker and Ladies and Gentlemen of the House, the last speaker is exactly right. If this Bill becomes law, I see no way for any party to a marriage and dissolution proceeding to protect themselves except to file a petition in every case for a partition. The practice and the experience of a lot of us downstate at the present time, is that parties continue to negotiate right up until the time the case is either put on the contested setting or the default setting and until the property settlement agreement is signed or not signed. Many times when the initial pleadings are filed the parties are still unsure whether it will be a contest or not. So, I don't think we should put this burden upon the person filing the initial

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pleading, to make a decision whether to forever forego the right to a partition action or to go to the extra expense of preparation of a pleading which might not be needed. Unfortunately, I would have to recommend a 'no' vote on this Bill."

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

Sandquist: "Yes, Mr. Speaker and my two learned fellow lawyers have given you some reasons why maybe you should vote 'no' but I'd like to point out that this is not taking away anyone's right. They have a right to the partition suit. All it is doing is saying if you're going to use this, you should use it at the time you're filing your pleading and not wait until you tie up the proceedings so that you can use it as a so-called blackmail purpose. That's the reason for it and Judge Fleck urges it and I urge it."

Speaker Peters: "The question is, 'Shall House Bill 433 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Sandquist. On this question there are 55 voting 'aye', 45 voting 'nay', 6 voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. House Bill 440, Representative Watson. Read the Bill."

Clerk Leone: "House Bill 440, a Bill for an Act to amend Sections of an Act to protect workers and general public from injuries and death during construction, Third Reading of the Bill."

Speaker Peters: "Representative Watson."

Watson: "Thank you, Mr. Speaker. This is the flagmen legislation that we've discussed prior to this time and the Bill reads

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now as, whenever the Department of Transportation or local authorities determine that a bridge or highway construction site requires a closing of a road to thru traffic, the contract documents relating to such construction may specify alternate procedures for flagging and controlling traffic when such procedures have been approved by the Department. We have taken out the clause regarding the '600 vehicles or less'. This was amended out. I know of no opposition. The County Superintendents of Highways support this legislation, the Department of Transportation supports this legislation. I think it brings some common sense to the current law and I'd appreciate a favorable vote."

Speaker Peters: "On the question, Representative John Dunn."

John Dunn: "Mr. Speaker, I'm still trying to find a file or a copy of the Bill as amended. Can you quickly tell us...I'm familiar with the Bill as it went through Committee but I don't know the form of the Bill as it is now. Would you review that again, please?"

Speaker Peters: "Representative Watson."

Watson: "What the Bill states now, is that there will be no flagmen required on highway projects in which the road has determined closed."

John Dunn: "Thank you."

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

Murphy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. When that Amendment was put on when we were arguing the Amendment on the Bill, there was some suggestions made around here that we don't need the flagmen out there. Believe me, flagmen on any job is very important. If you're standing on a road and the way these vehicles can go by you, you can be put out of commission real quick. The only thing that bothers me is that it's been a consistent

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movement to hurt, what you call basically the working guy. And I just can't see the contempt that some people have to try and take advantage of the guy that needs the job. I heard somebody say that it would be just as safe to put a flicker light out there. Well, those flicker lights got batteries. Those go out, nobody would check them. It is just not safe at all and I'd urge a 'no' vote on this Bill."

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

Watson: "Well, thank you, Mr. Speaker. Representative Murphy brought up a good point but this Bill does not necessarily address that. This Bill addresses the fact that if the road is closed. That there will not be a flagman required. I think that's just common sense. The County Supervisors Highways have brought to my attention several different road projects that have resulted in high cost dealing with having a flagman available. One project, in particular, in Peoria County cost \$34,000 just to have a flagman on the project in which a road was closed. In another county, it was \$31,000, in other counties...we're talking about saving money for county government, township government which can be...ultimately used in road projects and road repair in these particular communities and areas. I'd appreciate an 'aye' vote. The laboring community is neutral on this. They are not opposing it and I'd appreciate a 'yes' vote."

Speaker Peters: "Representative Braun."

Braun: "I have a...no, my light wasn't working. I just have a question."

Speaker Peters: "There is problem with the switch up here."

Braun: "Will the Sponsor yield to a question?"

Speaker Peters: "He indicates he will."

Braun: "This Bill only applies to flagmen on roads that are

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already closed, where there's no traffic on the road?"

Watson: "Local traffic, only. The road is closed but for local traffic, people that live in the area."

Braun: "For local traffic. Alright. Thank you, Representative."

Speaker Peters: "The question is, 'Shall House Bill 440 pass?' Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk. Have all voted who wish? Representative Slape to explain his vote."

Slape: "Thank you, Ladies and Gentlemen. It might have escaped the attention of the House the other night, but this Bill was brought back from Third to Second Reading and the Amendment that received a lot of debate here on the House floor was adopted to the Bill and I...this Amendment came, in fact, from the Labors International Union and I'm sure they've dropped all opposition to this Bill. So, I favor a 'yes' vote."

Speaker Peters: "Representative Slape to explain his vote...I mean Stuffle to explain his vote."

Stuffle: "Yes, what Representative Slape said by way of clarification, is that the Amendment was put on by persons opposing the Bill. The Amendment, Representative Slape indicated, came to him from the Union people to clarify the Bill and for that reason I'm voting 'aye' as are others who initially opposed the Bill."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 135 voting 'aye', 9 voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 454, Representative Bowman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 454, a Bill for an Act concerning child care, Third Reading of the Bill."

Speaker Peters: "Representative Bowman."

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Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. At the end of last year, the Auditor General produced a report on day care in this State and made a number of recommendations. The Bill that I'm presenting to you now is a response to those recommendations. We had another Bill by Representative Peters, 525, which passed this House unanimously. It was also responding to those recommendations but from a somewhat different angle. The Bill when it was presented in the Committee, the Department testified on it and said they were supporting part of it and opposing part of it. In response to the Department's position, I have done a couple of things to the Bill that I would like to point out. There is an Amendment on the Bill. So if you're looking at your staff analysis or your synopsis and digest, I want to make sure that you catch the changes. First of all, all reference to title '20' is taken out of the Bill. There is no transfer of title 20, oversight from Public Aid to CFS. That is out of the Bill. There is no special exemption for universities or colleges, that is out of the Bill. There is no entitlement of program feature in the Bill at all. That is out of the Bill. There is no change with respect to the relationship between the state and local units of government. That is out of the Bill. However, there is one thing that is in the Bill, remains in the Bill that is...I think very important and want to call to your attention. The guts of the Bill...it picks up a recommendation made by the Auditor General to require the Department to classify their rules and regulations by priority; not to make new rules and regulations, simply to take the ones they have and classify them so that the top priority be given to protecting children and that we not permit people who have findings of child abuse and neglect to serve as care givers in day care

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centers or homes. We have an intermediate category which protects the health and safety of the children and then a lower category that relates to programming other kinds of center operations. The penalties for violating different categories of rules and regulations are appropriate to the severity of the offense. So, that if there is child abuse going on in a center or a home, if there is child abuse going on or someone who is a known child abuser is a direct care giver, they have to get out of the business. We close them down but we will not tolerate, for an instant, child abusers providing care to children. That is the guts of the Bill. The Department doesn't like that, quite frankly, but it seems to me that they ought to classify the rules and regulations. The Auditor General made that recommendation and we have the same kind of classification scheme with respect to other licensing laws in the State. I see no reason why we shouldn't have it with respect to day care, so we can guarantee that child abuse and neglect be dealt with promptly and summarily. The Bill is supported by the Day Care Action Council, the Illinois Association for the Education of Young Children, and the Committee of the Nurses Association is registered to support and also the Hospital Association. I ask for an affirmative Roll Call. Mr. Speaker, I ask for an affirmative Roll Call."

Speaker Peters: "Any discussion? Representative Barkhausen."

Barkhausen: "Question of the Sponsor?"

Speaker Peters: "Representative Barkhausen."

Barkhausen: "I had a question of the Sponsor?"

Bowman: "Go ahead."

Barkhausen: "I wondered if...I'm just looking at the analysis, Representative Bowman and it talks in terms of reimbursable services. I wonder what those services are now as compared

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to what they might be under your proposed Bill?"

Bowman: "Okay. Two things on that point, first of all, there had been a long running dispute as to whether day care was something for which services could be reimbursed and this clarifies that and makes it quite clear that day care is in fact reimbursable service. Now, in the present statute there's a whole list of service...specific activities which are reimbursable. So, for...you know and objects like postage and things of that nature. The only additions which I have provided to that list are to backstop the provision which was Representative Peter's Bill too which would allow the State to designate day care agencies and have them provide certain kinds of services that the State now provides. For example, suppose you had a day care center doing licensing of day care homes. If you had a center that was designated by the State as being able to license day care homes then I think that service which is now done by the State ought to be reimbursable. So, I added that into the list. If a center or a agency reviews the eligibility of certain care recipients for Title 20 reimbursement or something like that, that is something the State does for almost all other...in all cases. But to that extent that they...it is picked up or done by a local center or agency then I think that ought to be reimbursed too and I put that in there. So to that extent there is no increase in cost. What we are doing is picking up the cost of the State what otherwise would be shifting to local entities, that's all."

Barkhausen: "And are you adding family counseling as a reimbursable service?"

Bowman: "Oh, by the way, family counseling is in the law already in another list and in comparing the list that is in one place of the law with the list that's in another place in

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the law, I discovered that omission and I put it in. Just to make sure that the law in every Section was consistent with itself. That is not a new addition to the statute. It's a new addition to that Section but not to the statute."

Barkhausen: "And can you explain what I'll read to you in my analysis here...?"

Bowman: "Okay."

Barkhausen: "It says, 'the Section which creates an entitlement to day care services..'"

Bowman: "Wait, stop right there. That's amended out. Any reference, any reference to an entitlement is amended out. I see Mr. Hall of your staff over there, I think he can confirm that. I hope he'll confirm it."

Barkhausen: "Thank you."

Speaker Peters: "Representative Wolf."

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

Bowman: "Yes."

J.J. Wolf: "Representative Bowman, I believe last...yesterday, I think it was, we passed House Bill 525 dealing with this subject matter?"

Bowman: "Yes, Sir."

J.J. Wolf: "And I'm trying to find out, it appears there's some conflict between the two. Could you, maybe, explain the differences?"

Bowman: "Well, they are different kinds of Bills. I do not think they are in conflict in the legal sense. In other words, if both Bills were to become law, I think they could both be...live with one another. In fact, what I did in adopting Amendment #1, I took an awful lot out of 525 which I thought was very good. Representative Peters has a terrific Bill, especially in certain respects. I took all of that and amended it into my Bill. So, right now many of

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the provisions of my Bill are identical to 525. There are some differences and I'd be happy to...."

J.J. Wolf: "That's what I want to know. I'm not worried about the similarities, I want to know what the differences are."

Bowman: "Okay. For example, in the...we de-licensed certain day care homes. Now, Representative Peters also de-licensed certain day care homes, the smaller ones so that the department doesn't have to make use of scarce resources to check up on small homes. Now, the way Representative Peter's Bill implemented that, he said that homes that have one or two children in them are to be...don't have to have a license and homes that care for children from just one family don't have to have a license. Well, I think a dual standard for de-licensure is very awkward. I think it would be much clearer to have a single standard. So, what I chose was to say that if a home cares for children from one family, then regardless of the number of children, they don't have to have a license. I would point out that my choice covers almost all cases of one and two children homes. Obviously, one child can only come from a single home not from more than one home, and most cases of two children homes, those are siblings."

J.J. Wolf: "Under your proposal here, will more or less homes be de-regulated?"

Bowman: "Probably, somewhat fewer would be de-regulated but they would be only those homes...only those homes that care for one child from one household and another child from a different household, and I think that those are very unusual cases. In most cases where there are only two children being cared for, they're usually from the same home, same household."

Speaker Peters: "Representative Boucek."

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

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Speaker Peters: "The question is, 'Shall the previous question be put?' Those in favor will signify by saying 'aye', those opposed 'nay'. The 'ayes' have it. The question is, 'Shall House Bill 454 pass?' Representative Bowman to close."

Bowman: "Thank you. I think the question-answer period was really a very good one and it did clarify that my Bill and 525 are not really in opposition with one another. They, in fact, I consider them to be companion pieces of legislation. I think Representative Barkhausen's questions did clarify that the analysis of the original Bill which in a lot of peoples books includes a lot of stuff that was taken out. Title 20 is out, the entitlement program is out, I think this is a Bill that everybody can now support and I move for its passage."

Speaker Peters: "The question is, 'Shall House Bill 454 pass?' Those in favor will vote 'aye', those opposed 'nay'. Mr. Clerk. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative...on this question there are 81 'aye', 47 'no'. Representative Bowman."

Bowman: "Mr. Speaker, with all due respect, I do think that there were green votes...were still going on the board. I would like a Poll of the Absentees or maybe to take another Roll Call."

Speaker Peters: "Does the Chair have leave to dump this Roll Call? There's objections. Poll of the Absentees. Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Alexander. Alstat. Bluthardt. Bradley. Braun. Brummer. Bullock. Capparelli. Chapman. Deuster. DiPrima. Domico. Ralph Dunn. Epton. Ewell. Fawell. Flinn. Garnisa. Hoffman. Huff. Dick Kelly. Kornowicz. Krska. Laurino.

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Lechowicz. Macdonald. Margalus. Matijevich. McMaster.
O'Connell. Pechous. Pierce. Redmond. Robbins. Slape.
Stearney. Telcser. Terzich. Topinka. Woodyard. Younge.
Mr. Speaker."

Speaker Peters: "Hold on. Mr. Clerk. At the beginning count, there's 81 'aye'. Now, Representative Alexander wishes to be recorded as voting 'aye'. Representative Chapman wishes to be recorded as voting 'aye'. Excuse me. Representative Braun wishes to be recorded as voting 'aye'. Anyone else? Representative Macdonald wishes to be recorded as voting 'aye'. Representative McBroom."

McBroom: "Yes, Mr. Speaker, I'd like to be changed from 'aye' to 'no'."

Speaker Peters: "Representative McBroom from 'aye' to 'no'. Representative Brummer wishes to be recorded as voting 'aye'. Are we...just a second...are we all set, Mr. Clerk? Are we up to this point? Mrs. Macdonald, Representative Macdonald, you voted 'aye'? It's a little tough here with the Clerk. He's got to add and subtract and what have you, so....are we okay, Jack? Alright now, Representative Kustra from 'aye' to 'no'. Representative Mays from 'aye' to 'no'. Representative Hallstrom from 'no' to 'aye'. Representative Meyer from 'aye' to 'no'. Are we okay, Jack? Roland Meyer. Representative Jack Dunn from 'aye' to 'no'. Representative Jim Kelley from 'aye' to 'no'. Representative McMaster....I'm sorry I...Representative McMaster?"

McMaster: "I'm not recorded, Mr. Speaker. Will you please vote me 'no'?"

Speaker Peters: "Representative McMaster votes 'no'. We all set? Representative Bower?"

Bower: "Mr. Speaker, if this Roll Call reaches 89, I would want to verify the affirmative vote."

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Speaker Peters: "Any other changes? Representative Friedrich, your light is on, Sir. Representative McClain, your light is on. No? Representative Bowman."

Bowman: "Yes, Mr. Speaker, a couple of things. First of all, I would like to have this placed on Postponed Consideration and I would like the courtesy of receiving a copy of the Roll Call. I would also say that I am distressed that this has become a partisan political issue. This...child care should not be a partisan political issue. We passed out one Bill here unanimously and in...this Bill is not in opposition to that Bill. I voted for that Bill and I supported that Bill..."

Speaker Peters: "Excuse me, Representative. Representative Friedrich, for what purpose do you rise?"

Friedrich: "I just want to ask under what right....? He's speaking on the Bill at this point."

Speaker Peters: "Representative Bower."

Bower: "Well, Mr. Speaker, we've heard an awful lot of ballyhoo the last few days about abiding by the rules. I believe that the rules of this House provide that a Roll Call, a recorded Roll Call is not to be made available if a Bill is put on Postponed Consideration and does he have 70 votes?"

Speaker Peters: "Representative Bowman."

Bowman: "I think a lot of people are voting on this Bill and don't even know what's in the Bill. The one thing that this Bill does, is it guarantees that people who are child abusers will not be involved in giving care in day care centers."

Speaker Peters: "Representative, I'm getting all kinds of signals here. This Bill having received...on...81 voting...I'm sorry what's the count? On this Bill there are 81 voting 'aye', 53 voting 'no' and the Gentleman asks that this be put on Postponed Consideration. I'm not sure how that's

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going to be handled and I would just as soon have Representatives Madigan and the Speaker and the Clerks decide what they're going to do with all these future Roll Calls from now on. Okay? Because the instructions to both of the Clerks to this point are to wait to see what decisions are made betwixt the parties here, i. e., the Minority Leader and the Speaker. Representative Kane."

Kane: "Mr. Speaker, if there has to be 70 votes in order to put a Bill on Postponed Consideration there would have to be some record of those 70 votes, would there not be, and is that Roll Call journalized?"

Speaker Peters: "Mr. Clerk? No, it is not journalized. Representative Bowman."

Bowman: "I thought I made it quite clear in my request for Postponed Consideration that I wanted the Roll Call now. If I can't get the Roll Call, I'll let the Bill go. I'll let it go down."

Speaker Peters: "Representative Bowman, I am...what I am trying to indicate is that because of the objections that were raised earlier in regard to the manner in which Bills on Postponed Consideration and the Roll Call were handled, all that the Chair is saying, at this point, is until that problem is resolved by discussion between the Speaker and the Minority Leader, the Chair would rather not get involved as to say whether you get it or you don't get it."

Bowman: "Okay then, Mr. Speaker, I let it go. I want that Bill declared lost."

Speaker Peters: "What's the count, Mr. Clerk? What's the count, Mr. Clerk? How many present? Any present? House Bill 454, there are 81 voting 'aye', 53 voting 'no', 6 voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. Representative McAuliffe, for what purpose do you rise,

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Sir?"

McAuliffe: "Mr. Speaker, inadvertently, I think you passed up one of my Bills and it's an emergency measure. I'd like to have that Bill called."

Speaker Peters: "The Bill was in the order but because of it...the fact it was an appropriation Bill, we did pass it. The Chair was not aware of the time or the emergency nature of the Bill. The Chair is willing to call it if there are no objections from the Leadership on either side. House Bill 439, Representative McAuliffe. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 439, a Bill for an Act making appropriations to the Data Information Systems Commission, Third Reading of the Bill."

Speaker Peters: "Representative McAuliffe."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, this is an appropriation...a supplemental appropriation of \$21,000 for a Data Processing Commission. They had some extra hearings this year and spent more money than they had and if they don't get this appropriation passed they won't have any money to pay their employees for the month of June. I ask for your favorable consideration."

Speaker Peters: "Any discussion? Representative Ronan."

Ronan: "Yes, Mr. Speaker, this is not a partisan issue. We've worked it out with Leadership on both sides of the aisle. We worked it out of the Appropriations Committee. It came out unanimously. This is the type of good government that we need in the State of Illinois."

Speaker Peters: "The question is, 'Shall House Bill 439 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 99 voting 'aye', 27

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voting 'no', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Dunn."

Dunn John: "Mr. Speaker, will the next Bill be our last Bill of the day? It's 2:55."

Speaker Peters: "It is the directions to the Chair that the House will adjourn at some point between 3:00 and 4:00. So, we will be here for probably another half hour to 40 or 45 minutes. On the Priority of Call, House Bills, Third Reading, Short Debate. House Bill 874, Representative Reilly. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 874, a Bill for an Act..."

Speaker Reilly: "Representative Reilly."

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

Speaker Peters: "Representative Brunner."

Brunner: "Yes, Mr. Speaker..."

Speaker Peters: "Excuse me. Representative Madigan."

Madigan: "Mr. Speaker, I'm told that when you left this order of call yesterday that we were on House Bill 1224 and that therefor we should begin at House Bill 406."

Speaker Peters: "I'm sorry, Sir. I've got two lines on here, and I read them wrong. Go ahead. Representative Reilly."

Reilly: "Well, I believe the Gentleman is right about what he said where you left off. I don't want to cause any difficulty but as the Clerk will confirm, yesterday when the Short Debate Priority of Call came out mistakenly, 874 was put at the end. I went up and pointed out, it shouldn't be at the end but put back at the beginning, meanwhile you had passed it. So I've been, through no fault of my own, skipped twice. I'm now further away than when I...I should have left it at the end if that's the case. I would appreciate the indulgence if we could go to

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that."

Speaker Peters: "The Clerk informs the Chair that what Representative Reilly says is correct. So unless there is objection we would go to his Bill and then go to 406. 874, Representative Reilly."

Reilly: "Thank you, Mr. Speaker. House Bill 874 does two fairly simple things. One is, for handicapped kids it provides that their graduation, determination, their diploma determination must be based on their individualized education program which is basically already required by law. The second thing is, Representative McClain asked that we add an Amendment that takes care of a situation in his school district to allow the Regional Education Superintendent there to run at the request of the local school board, special education classes for kids in an orphanage. I'd be glad to answer questions, otherwise, I would ask for a favorable Roll Call."

Speaker Peters: "Anyone in opposition? Representative Pullen."

Pullen: "I'd like to ask the Sponsor a question, please. Does this Bill relate to giving handicapped students standard diplomas without the use of minimal competency examines?"

Speaker Peters: "It says that they're...whether they get the standard diploma depends on whether they meet the standard set in their individualized education program. Basically, what it's saying is that you can't run a kid through 12 years of a special program and then give them a test made for kids in a completely different education program and use that to decide whether he graduates or not."

Pullen: "Well, Mr. Speaker, Ladies and Gentlemen of the House, it used to be, and I'm not sure what the situation is on this or whether this Bill completely changes that situation but it used to be that special education students, unless they met the normal graduation requirements would receive a

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certificate of completion rather than a standard diploma. And I don't believe that giving a special education student who is not able to meet standard requirements, a standard diploma is fair, either to children who are not in special education programs and receive standard diplomas because they are able to complete the standard requirements or to the special education student who receives under this Bill a diploma and goes out into the world feeling that he is prepared to take on any job because he's got his diploma, just like any of the other kids, but he is not adequately prepared. He has completed his own program of instruction which instructs him to the limit of his ability but he has not, under this Bill, qualified in the same way for a standard diploma that other children have qualified for. I don't think it's fair to the prospective employers, to the students who are not special education or indeed to the special education graduating student. And I can't support this Bill for that reason."

Speaker Peters: "To remind the Members, just...the rules governing Short Debate are two minutes for the proponent or the Sponsor, two minutes for a opponent and one minute for the Sponsor to close. Representative Reilly to close, for one minute."

Reilly: "Thank you, Mr. Speaker. In most school districts, I must differ from Representative Pullen, that is not true, that they don't get a standard diploma. You've...many of you've...and I think Representative Schneider, the Democrat Spokesman on Education, will confirm that. Many of you have received letters from various groups representing handicapped kids, supporting this Bill. It only seeks to do, I think, simple justice and really doesn't change what 99% of the school districts are doing anyway. I would ask for a favorable Roll Call."

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Speaker Peters: "The question is, 'Shall House Bill 7...874...'
Question is, 'Shall House Bill 874 pass?' Those in favor
will signify by voting 'aye', those opposed by voting
'nay'. Representative Schraeder to explain his vote."

Schraeder: "Well, Mr. Speaker and Members of the House, I'd just
like to point out that this is a mandated program on local
school boards and you're taking away their jurisdiction to
determine whether or not a certificate shall be given or
diploma given or whether they shall have special programs
covering this type of thing and I think it's...I really
think it's a local school issue that ought to be resolved
there and the stand I'm taking now, certainly is not going
to be popular with my special ed. parents, who are friends
of mine. But I think this is a local issue. We've been
fighting it in my district for a couple of years and I
think it's a little inappropriate that we pass this at this
time and I would just say hold off a year or two to see if
this can be worked out on the local districts rather than
making a statewide issue when it shouldn't be."

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

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen
of the House, I hate to differ with Mr. Schraeder. This
Bill, notwithstanding my Amendment, but this Bill deals
with individualized educational programs for those kids
that are handicapped. What's happening now days is that
some school districts are testing all kids alike and they
must all pass the same examination in order to get their
diploma. Handicapped kids, like Mr. Reilly suggested,
are...they have specialized training throughout the entire
twelve years, then they're required by that local system to
take a different examination than they've been trained for
twelve years. There's only 25 or 30% of those kids that
are getting diplomas. This is a very important item. What

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you're telling some kids, although they might have certain specific handicaps, is because you don't have a diploma, you might not become a truck driver, you might not get this job, you might not get that job. A lot of employers now require diplomas. This is a very significant Bill for those kids that we've trained for years and years, especially and now require...."(cut off)

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

Schneider: "Thank you, Mr. Speaker, Members of the House. You know the Illinois Constitution provides that children be entitled to free and appropriate public education. Special education children are identified as special education whether it's a handicap of physical nature, mental or let's say at a level, what we call learning disabled child. Each of those children then fit into a program that we identify in the education community as an individualized education program. Which means if they complete those programs then they are moved accordingly to the appropriate program of their incapacity. When they reach the point of graduation, like any other student who may have gone through an advanced program, a program of a middle tract, let's say, in U.S. History as compared to advanced history programs, they receive the appropriate diploma. I don't think this imperils that...."

Speaker Peters: "Representative Polk, for what reason do you rise?"

Polk: "I would point out the board is 103, Sir."

Schneider: "Well, thank you very much."

Speaker Peters: "Representative Schneider, continue. Any further discussion? Representative Reilly? Take the record. On this question there are 113 voting 'aye', 26 voting 'nay', 2 voting 'present'. This Bill having received the

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Constitutional Majority is hereby declared passed. For the good news, the Chair recognizes Representative Telcser."

Telcser: "Mr. Speaker, I now move the House stand adjourned until 7:00 p.m. tomorrow evening."

Speaker Peters: "You've heard the motion. House adjourned until 7:00 p.m. tomorrow evening."

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