

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

129th Legislative Day

June 23, 1982

Speaker Ryan: "The House will be in order and the Members will please be in their seats. The Chaplain for this morning is the Reverend Anthony Tzortzis, St. Anthony's Hellenic Orthodox Church of Springfield. Father Tzortzis."

Reverend Tzortzis: "Blessed be our God, always, now and ever and on ages of ages. Amen. Holy God, in all humility we pray to You who are the Source of wisdom, to bless and grant perfect health of mind and body to all our state Representatives and all loyal officers of our government of our country. Direct their thoughts, Lord, in the way of truth and they may enact, order and enforce those things that are true, those things that are pure, those things that are just, heading towards all excellence and virtue. Enlighten them to confirm and to lead our people in the ways of Your righteousness for You are Holy, now and ever and unto ages of ages. Amen."

Speaker Ryan: "Thank you, Reverend. We'll be led with the Pledge today by Representative Zwick."

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

Speaker Ryan: "Roll Call for attendance. Representative Hastert, for what purpose do you seek recognition?"

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like to rise for purposes of an introduction. We have with us today the Mayor of Bolingbrook, Mr. Ed Rosenthal."

Speaker Ryan: "Welcome to the Illinois House, Mayor. Take the record, Mr. Clerk. Representative Getty, do you have any excused absences?"

Getty: "No, Mr. Speaker. No requests."

Speaker Ryan: "Representative Telcser, do you have any excused

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absences?"

Telcser: "None."

Speaker Ryan: "On the Calendar on page ...Did I announce...With 173 Members answering the Roll, a quorum of the House is present. On page two of the Calendar under the Order of House Bills, Third Reading, appears House Bill 2461. Representative Davis. Want the Bill read? Read the Bill."

Clerk Leone: "House Bill 2461, a Bill for an Act relating to the Department of Central Management Services. Third Reading of the Bill."

Speaker Ryan: "Representative Davis."

Davis: "Mr. Speaker, I yield to Representative Hallock.."

Speaker Ryan: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. House Bill 2461 is a Bill which seeks to implement the Executive Order #1 which has already taken effect. What this Bill does, it creates the Department of Central Management Services by merging the Department of Personnel and Administrative Services. The idea is to make this Department much more efficient and put all management and support services in one agency. As I said before, this already is in effect. This Bill only implements the Executive Order #1, and I would ask for your support. Thank you."

Speaker Ryan: "Any discussion? The question is, 'Shall House Bill 2461 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question...On this question there are 153 voting 'aye', 2 voting 'no', none voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2517, Representative Davis. Read the Bill."

Clerk Leone: "House Bill 2517, a Bill for an Act relating to the

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Illinois Criminal Justice Information Authority. Third Reading of the Bill."

Speaker Ryan: "Representative Hallock."

Hallock: "I'd take this Bill out of the record at this time."

Speaker Ryan: "Out of the record. On page two under the Order of Senate Bills, Third Reading, Short Debate Calendar, appears Senate Bill 1256. Representative McAuliffe. Out of the record. Senate Bill 1452, Representative Telcser. Want the Bill read? Read the Bill."

Clerk Leone: "Senate Bill 1452, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Ryan: "Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, Senate Bill 1452 provides that the Teachers' Pension Funds can invest in Israel bonds. It also provides that the money market funds would be put on a list of acceptable investments should House Bill, I think, 2516 passed. That's the Bill that had a lot of new ideas and reforms about how to handle pension money investments. The Bill also provides that someone who...was employed by a...a town or a village and they worked for another system could pay in that time as a trustee and pay both the employer, and I believe, the employee into the contribution. And the Bill also provides that a Member of the Assembly who did not chose to participate in the system, but later changed their mind, would have the opportunity to pay in with interest up until January of 1983."

Speaker Ryan: "Any discussion? The question is, 'Shall Senate Bill 1452 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 110 voting 'aye', 29 voting 'no', 13 voting 'present'. And this Bill, having

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received a Constitutional Majority, is hereby declared passed. Senate Bill 1562, Representative Giorgi. Want to read...Want your Bill called, Zeke? Read the Bill, Mr. Clerk."

Clerk Leone: "Senate.."

Speaker Ryan: "1562."

Clerk Leone: "Senate Bill 1562, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Giorgi: "Mr. Speaker, this is the Bill that would allow county clerks to ..to extend tax bills when the adjoining counties haven't turned them in on time. This Bill was passed two years ago and we're just continuing their authority for a couple more years until the Governor's Tax Commission reports. I urge the support of this Bill."

Speaker Ryan: "Is there any discussion? Representative Brummer. Representative Brummer, are you an opponent to the Bill?"

Brummer: "Yes."

Speaker Ryan: "Representative Brummer, in opposition."

Brummer: "I would like to ask the Sponsor a question."

Speaker Ryan: "Proceed."

Brummer: "Could you explain that with a little more detail, Representative Giorgi? Under what circumstances can they extend taxes, and how do they determine the amount of taxes to extend?"

Giorgi: "It's just as the Digest says it, Representative Brummer. It's a Bill we debated fully two years ago and this just extends the authority. It amends the Revenue Act of 1939 to eliminate provision prohibiting for 1982 and the subsequent tax years the use of estimated valuations or estimated rates in counties which have overlapping tax districts which extend to other counties."

Brummer: "Does it have a sunset year on it? Does it remove the year indefinitely?"

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Giorgi: "We're removing the sunset clause now because the..the Tax Commission that was supposed to address this problem haven't reported as yet. But they expect a report momentarily. So this...this takes it off permanently."

Brunner: "And...And what do they use for an assessed valuation figure when they don't have the figures in from the adjoining counties?"

Giorgi: "Well, typically the county clerk of a county which is the locus of a taxing district extends into another county or counties must await the assessed valuations for the overlapped portions of that district from the counties containing such portion before setting the rate. When such assessed valuations are delayed, for whatever reason, the entire property tax system, especially billing and collections, is delayed in the county of locus. This is the case even when assessed valuations in the county of locus are by far the major portion of an overlapping district's valuation. Thus, other taxing districts which do not overlap are also penalized. The entire situation results in the need to borrow against tax receipts and the payment of interest, grossly delaying billing and tax....convenience. Now, Public Act 81-1556 permitted these county clerks who requested, but failed to receive, assessed valuations to use estimated valuations."

Brunner: "Thank you."

Speaker Ryan: "Representative Giorgi to close."

Giorgi: "I just urge the adoption of the Bill."

Speaker Ryan: "The question is, 'Shall Senate Bill 1562 pass?'.

All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 162 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared

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passed. Senate Bill 1593, Representative McMaster. Read the Bill."

Clerk Leone: "Senate Bill 1593, a Bill for an Act to amend the Secretary of State Merit Employee Code. Third Reading of the Bill."

Speaker Ryan: "Representative McMaster."

McMaster: "Thank you, Mr. Speaker. Senate Bill 1593 came from the Secretary of State's Office and the purpose of it is to clarify the definition of 'rule' for the purposes of rule-making pursuant to the Secretary of State Merit Employment Code. It incorporates the definition used in the Administrative Procedure Act and it is an administration Bill from the Secretary of State. The Bill passed the Senate 54 to nothing. And I would urge your support of it in the House."

Speaker Ryan: "Any discussion? The question is, 'Shall Senate Bill 1593 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 157 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 15..1652, Representative Watson. Read the Bill. Representative Daniels in the Chair."

Clerk Leone: "Senate Bill 1652, a Bill for an Act in relationship to fees for wall certificates. Third Reading of the Bill."

Speaker Daniels: "Representative Watson."

Watson: "Thank you, Mr. Speaker. Thank you, Mr. Speaker. Senate Bill 1652 simply allows the Department of Registration and Education to set up an account for wall certificates. They currently send out when...a licensee when they receive a ..a certificate from the Department, they get a wallet sized card and a four by five computerized print out. Many

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individuals are interested in having a decorative type wall certificate, and this would provide that mechanism. There is no cost at all in the production of mailing this because it will be borne by the licensee. There were Amendments placed on the Bill. Amendment #1, in Committee, repeals ..or actually accelerates the repeal of the Tree Experts Licensing Act and then Floor Amendment #3 just simply alters the definition of personal services with regard to appropriation matters to include employer contributions for early retirement without a discount to state universities. I know of no opposition. It passed the Senate 52 to nothing. And I would appreciate an affirmative vote."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves the passage of Senate Bill 1652. The question is, 'Shall Senate Bill 1652 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On this question there are 159 'aye', none voting 'no', 3 voting 'present'. Senate Bill 1652, having received the Constitutional Majority, is hereby declared passed. On the Calendar on page seven on the Order of Consideration Postponed is Senate Bill 1487. Repre..Oh, excuse me. Senate Bill 1401? Representative Telcser? Out of the record. Senate Bill 1487. Read the Bill, Mr Clerk."

Clerk O'Brien: "Senate Bill 1487, a Bill for an Act to provide for the prevention of..preservation of Illinois farmland. Third Reading of the Bill."

Speaker Daniels: "Representative Bower."

Bower: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To refresh the memories of all of action taken yesterday, the Amendment that Representative Rigney attached on conservation tillage was removed. The Bill

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that you are now considering is the Farm Land Preservation Act without any additional language added to it. The Bill establishes an inner agency Committee of governmental agencies chaired by the Director of the Department of Agriculture. These agencies shall be required to submit policy statements regarding farmland preservation and impact statements regarding farmland conversion. An agricultural impact study must be prepared if the Director of Agriculture determines that a state funded capital project which will lead to conversion of farmland to nonagricultural purposes is not in compliance with the agency's policy statement. This is to make statutory the Governor's Executive Order of two years ago which has worked very effectively. This is supported by all farm organizations as amended. It has the support of the Illinois Municipal League. I know of absolutely no opposition to the Bill in its current form."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the passage of Senate Bill 1487. The question is, 'Shall Senate Bill 1487 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. There are 161 'aye', none voting 'no', none voting 'present'. Senate Bill 1487, having received the Constitutional Majority, is hereby declared passed. Senate Bills, Third Reading, page two of your Calendar. Substantive Bills, Senate Bill 1292. Read the Bill, Mr. Clerk. Representative Pullen? Out of the record. Senate Bill 1367, Representative Terzich? Read the Bill."

Clerk O'Brien: "Senate Bill 1367, a Bill for an Act to exempt from taxation receipts from the sale of gas and electricity, transmission of messages to school districts.



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Third Reading of the Bill."

Speaker Daniels: "Representative Terzich."

Terzich: "Mr. Speaker, yesterday the Bill was called and there was some objections by Representative Ewing and Vinson about the religious denominations, and I have an Amendment that I submitted this morning. But I don't believe it has been printed and distributed. So, would it be alright if we come back to this a little later?"

Speaker Daniels: "Out of the record. Senate Bill 1387. Representative Getty? Out of the record. Senate Bill 1492. Representative Meyer? Out of the record. 1534, Representative Watson? Out of the record. 1559, Representative McAuliffe? Out of the record. 1656, Representative Telcser? Oh, I'm sorry. 1588, Representative Barkhausen? Read the Bill."

Clerk O'Brien: "Senate Bill 1588, a Bill for an Act to amend the Snowmobile Registration and Safety Act. Third Reading of the Bill."

Speaker Daniels: "Representative Barkhausen."

Barkhausen: "Mr. Speaker, I'd ask leave to have this Bill taken back to the Order of Second Reading for the purpose of an additional Amendment."

Speaker Daniels: "The Gentleman requests leave to return the Bill to Second Reading. Are there any objections? Hearing no objections, leave is granted. Senate Bill 1588, Second Reading..."

Clerk O'Brien: "Amendment #2."

Speaker Daniels: "Are there any Amendments?"

Clerk O'Brien: "Barkhausen..."

Speaker Daniels: "Representative Barkhausen, Amendment #2."

Barkhausen: "I'd ask that Amendment 2 be withdrawn."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Barkhausen..."

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

Barkhausen: "Mr. Speaker and Ladies and Gentlemen of the House, the purpose of Amendment #3 to Senate Bill 1588 is to clarify language in the Bill. It's an agreed Amendment worked out by staff members on both sides. I'd be happy to answer any questions. Otherwise, would move its adoption."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves the adoption of Amendment #3. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Number 3 is adopted. Further Amendments?"

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

Speaker Daniels: "Representative Barkhausen, Amendment #4. Representative Barkhausen?"

Barkhausen: "Mr. Speaker, I'm sorry. I'm going to have to ask leave of the Body to..to table.."

Speaker Daniels: "The Gentleman moves to table Amendment #3..."

Barkhausen: "...Because it was out of order and would ask..."

Speaker Daniels: "All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #3 is tabled. Now, on Amendment #4, the Gentleman moves for the adoption of Amendment #4. Representative Barkhausen?"

Barkhausen: "Mr. Speaker, Amendment #4 is identical to 3 other than that the words are properly underlined as they should be in the Amendment."

Speaker Daniels: "All those in favor of the adoption of Amendment #4 signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #4 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. Would you care to move for the passage of the Bill now, Sir? Out of the record. 1656, Representative Telcser? 1656? Out of the record. 1685, Representative Pullen? Out of the record. Senate Bills, Second Reading, Short Debate Calendar, Senate Bill 1599.

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Representative Piel? Out of the record. Senate Bill 1667?  
Representative McBroom? Out of the record. 1672,  
Representative Olson? Out of the record. On page three of  
your Calendar, Senate Bills, Third Reading, Senate Bill  
1387. Representative Getty. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1387, a Bill for an Act to amend the  
Criminal Code of 1961. Third Reading of the Bill."

Speaker Daniels: "Representative Getty."

Getty: "Mr. Speaker, Members of the House, the other day this  
Bill was called. Representative Leinenweber asked me a  
question. We didn't have the information readily  
available, although I said I thought we could get it. We  
have that information now. This is a Bill that would  
conform Illinois law to the Federal prescriptions  
concerning microwave transmissions and the black box or  
decoding by pirate boxes of microwave transmissions.  
Representative Leinenweber's question was, what is the  
Federal offense and what penalty does it carry? The answer  
to Representative Leinenweber's question is, it's one year  
in jail and a ten thousand dollar fine. That is the same  
penalty in terms of the incarceration that the Illinois law  
would have. It would be one year and a one thousand dollar  
fine. This Bill also, to refresh your recollection,  
Members of the General Assembly, would specifically  
prescribe the stealing without a meter of electric or gas  
service that's delivered as well as prescribe the use of  
pirate decoding devices to intercept microwave  
transmissions. I would ask for your support in passage of  
this legislation which is urged by the Federal Government."

Speaker Daniels: "Any discussion? The Gentleman from Macoupin,  
Representative Hannig."

Hannig: "Thank you, Mr. Speaker and Members. Will the Sponsor  
yield?"

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Speaker Daniels: "Indicates he will."

Hannig: "I had an occasion in my district recently to visit some people who were in the business of selling what they were called disks, which were, in effect, I suppose, microwave receivers. I represent a rural area and these individuals were trying to sell these to farmers. I believe them to be legitimate operators. My question is, would your Bill in any way make these ...these illegal?"

Getty: "No. That's.. That's the..The disk is perfectly legal. This would not affect that at all. What is illegal is intercepting through decoding devices. The disk or dish is just like a television antenna. It receives the signal. It's perfectly proper to receive the signal. It is only subscription television that is coded or scrambled. You may subscribe and the person providing that service will give you a decoding device. That's perfectly legitimate. What is illegitimate is to buy on the black market a decoding device and not pay the person providing that subscription service for the reception of that transmission. In the same way that this General Assembly made it illegal for you to go to a cable company's distribution system to their line and hook on to that, this would be made illegal and it would not affect the people in your area who use dishes to receive transmissions."

Hannig: "Thank you."

Speaker Daniels: "Further discussion? The Lady from Marshal, Representative Koehler."

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

Speaker Daniels: "Indicates he will."

Koehler: "Representative, now I see where this does make it a criminal offense..."

Getty: "Excuse me, Mr. Speaker. I can't hear the Lady."

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Koehler: "Thank..."

Speaker Daniels: "Please have some order."

Koehler: "Thank you, Representative. Could you please tell me what would be the penalty for violating this...making it..for violating this provision?"

Getty: "Well, in my opening comments I indicated to you that the Federal penalty right now is one year in jail and a ten thousand dollar fine for doing exactly the same thing. The Federal Government has asked that the states incorporate in their laws the specific prohibition that is already a Federal law. We have done so, and the fine would be, rather than the ten thousand, federal fine, is a one thousand dollar fine and the same one year in jail. That is, a classical Class A misdemeanor."

Koehler: "Therefore, if one violated this...this provision then you could receive a year in jail or a thousand dollar fine if you hooked up illegally to a microwave transmission with some sort of device that you had made yourself."

Getty: "It would not be as common to have made it yourself as to buy it on the black market."

Koehler: "Well, how would there..."

Getty: "There are....There's a regular market in stolen microwave equipment so that you can buy one. I imagine some people could figure out how to do it themselves. It's my understanding, however, that they are becoming more and more sophisticated and what happens is, people ...there's a regular market in fabricating or stealing these instruments and then selling them to individuals so that they can get around having to pay the subscription price."

Koehler: "Well, is this particular provision to get out the person...to weed out the person who is selling these or the person who has...the ...perhaps the individual who bought this and put this in their home?"

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Getty: "It's the same. It's the same offense."

Koehler: "Okay. Well, how would they find this in my home?"

Getty: "I'm sorry?"

Koehler: "How would they find this if this were in some individual's home?"

Getty: "Well, it's highly unlikely that it would be found in your home unless the police were to get a search warrant. I don't think that that would be very common. What you're really trying to get at is the people who illegally market these, who steal them and then market them, to make that illegal."

Koehler: "Yes. Well, I can certainly appreciate that particular portion of it, but I'm concerned about the individual who might have something like this in their home."

Getty: "Well, it's just as illegal under federal law now for you to have one of those things in your home that's a pirate box or a black box or whatever you want to call it. If you were to have it in your home, you'd be violating federal law. You could go to jail for a year under that federal statute right now. Okay? It's the same thing in Illinois if you were to have...let's say you're in an apartment building and your next door neighbor has cable television, but you don't want to subscribe to cable television. So, you splice in to your next door neighbor's cable television. And you run a wire into your home and the you get free cable television because it's right there at your building. That's illegal in this state. We made it clearly illegal I think three, four years ago to steal that. It's illegal for you to go into a store, by the way, and steal a television from a store and bring it home and put it in your house and then watch television for nothing. Well, this is the same sort of thing. We...we all agreed that it was illegal for you to go to a store and steal a

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television set and bring it home and watch television for nothing. And then we said, well, it's illegal for you to go to your next door neighbor's house and splice in to his cable because the cable company owns that cable. The cable company provides it as a service. The cable company is charging in order to recoup its capital investment, and you're stealing that service if you hook into their cable and it's a line that comes from your next door house into your house. Okay, now this is the next step. We've advanced in technology again. So we have to keep up with modern times. Now, they don't need the cable in order to broadcast that signal. They broadcast it and they scramble it. They broadcast it through microwave transmission. They scramble it so that it is not like Channel 2 or Channel 5 or 7 or 9. It isn't broadcast in clear because it's not intended for general audience. It's not supported by sponsors. It is supported by the people who subscribe to that system. So they...they scramble it when they send it out, and if you want to subscribe you can pay the subscription rate and they'll give you a box so that you can unscramble it, so that when it comes into your house it will decode it. And you will pay them whatever their fee is if you want that service. But there are some people who don't want to pay. They want to steal. They want to steal the service just like some people want to go into a store and steal a television or go to their next door neighbor and steal the cable system. Here they want to steal the system that the person has put out and scrambled. So they buy a black market black box or pirate box that decodes and descrambles. Then they set it up in their home and they get free microwave transmission. That's what we want to prescribe. It's illegal under federal law. This will conform Illinois law to that federal law. The federal

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court...the federal FCC has asked that we conform our laws to...to that. Already more than half our states have done so. The rest are considering it."

Koehler: "Thank you."

Speaker Daniels: "Representative Hoffman. Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I have one question of the Sponsor."

Speaker Daniels: "Proceed."

Hoffman: "You defined this as a classic misdemeanor, a classic Class 1 misdemeanor?"

Getty: "No. No. I said this is a Class A."

Hoffman: "A classic Class A misdemeanor."

Getty: "That's right."

Hoffman: "Is there another kind of Class A misdemeanor?"

Getty: "No."

Hoffman: "Than a Class...They're all classic."

Getty: "No. There are Class A, B, C and D. This is a Class A."

Hoffman: "But there's only...All Class A misdemeanors are classic Class A misdemeanors. Right? There are neo-renaissance or...Thank you."

Speaker Daniels: "Representative..."

Getty: "Certainly..."

Speaker Daniels: "Terzich."

Terzich: "Yes, Mr. Speaker, Members of the House. Representative Getty, you know, this appears to be the same way that, you know, like Illinois Bell. They wanted a monopolize all of the telephone systems, the wires, the cables and so on. Why don't we have a Bill that will get the pushers rather than the users like, you know...What happens to these poor people that have these little black boxes and are enterprising to do these things? Why do these systems own all of these rights to these airways and microwaves? Do we



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go for the pushers rather than the users?"

Getty: "I..I take it that you asked a question, Representative?"

Terzich: "Yes."

Getty: "This...This makes it illegal to push these. That's really who we're after. We're after the people who are breaking into our homes to steal these boxes or who are stealing carloads of them and then selling them to individuals, usually innocent individuals like yourself, Representative,..."

Terzich: "Thank you."

Getty: "...Who would not know that this is an offense. And this isn't really aimed as much at people like yourself, Representative, as those who are stealing boxcar loads of these things that are in transit, interstate transit...interstate transit and so forth and breaking into homes in your neighborhood to steal from your neighbors who have them or into the fire houses even."

Terzich: "They wouldn't have them in fire houses, would they?"

Getty: "Well, I thought that's what you mentioned."

Terzich: "No, they get it from Radio Shack I understand that..."

Getty: "Right.."

Terzich: "Radioshack sells them..."

Getty: "Yes.."

Terzich: "...and Pacific Stereo. This is a very enterprising system that these electronic wizards would do such a thing, and this Bill - I don't know - it's just these poor people that want to get these little black boxes to enjoy a movie or something like that and to have it an offense and put them in jail is terrible."

Getty: "Well, it's the same poor little people who want to go the neighborhood store and steal a television from them."

Speaker Daniels: "Representative Tuerk."

Tuerk: "I move the previous question."

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Speaker Daniels: "The Gentleman has moved the previous question.

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

Getty: "Mr. Speaker and Members of the House, to recap and...Representative Leinenweber, I note, is now on the floor. I don't know if you heard my prior explanation concerning your question of the other day. The Federal Act provides for a one..one year in jail and a ten thousand dollar fine. As to the Bill, this is a Bill which brings us up to date in this modern electronic age. As it is illegal to steal a television set from a store, to steal the transmission from a cable system.."

Speaker Daniels: "Excuse me, Sir. Could the Gentleman please have your attention? Proceed, Representative Getty."

Getty: "As it is illegal to steal a service from a merchant who provides a service to you, it is...it should be and is illegal, federally, and the state should make it illegal to steal a scrambled microwave transmission. These microwave transmissions are used in order to provide a subscription service for which people are asked to pay. It should not be permitted that you could go out and buy on the black market a decoding device, probably stolen from the subscription service, and then receive it free. You ought to pay for the services that you get. Equally, we should have a specific prohibition against bypassing the meter that comes into a home or business and getting free electricity or free gas service. This would provide that prescription. I would ask for your support. I think that the State of Illinois can't afford not to say that stealing is illegal."

Speaker Daniels: "The Gentleman moves for the passage of Senate Bill 1387. The question is, 'Shall Senate Bill 1387

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pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. To explain his vote, the Gentleman from Will, Representative Van Duyne. The timer's on, Sir."

Van Duyne: "Thank you, Mr. Speaker. Mr. Getty has made a big fuss about stealing. Now, I'm one of these fellows he's talking about and I daresay that there's a lot more just like me out there. I did not...I did not steal my black box from some...some interloper who stole it from somebody else by the carload. This thing was manufactured by somebody who's in business making these things and he sold it to a distributor and I bought it through the distributor. And I did not steal it. But nevertheless, I'm still subject to a Class A felony, a thousand dollar...a ten thousand dollar fine or a year in jail. Now, I submit to you, just because the Federal Government made this thing illegal does not necessarily make it right for us to compound the inequity and so I'm going to vote 'no'. And I want everybody on this floor to know what they're doing."

Speaker Daniels: "Representative Bower to explain his vote. No? Representative Ewell to explain his vote. The timer's on, Sir."

Ewell: "Mr. Speaker, Ladies and Gentlemen, we already have the major felons in this area. It's a federal prohibition. I have faith that the Federal Government can go out and get those people who would be what you'd call wholesale thieves. But I think, to have the possibility of having the police officer searching every home and every apartment and every building simply to see if somebody's got a little decoder device, I think that this is not the type of way to go. I think it's adequately covered under the federal law, and for us to spend our time and effort to prosecute this

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type of thing is a little bit ridiculous. I think there's enough hard core crime out in the street that we have to get at and let the Federal Government take care of the major pirates. A 'no' vote would be the best vote on this matter, or at least 'present'."

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

Leinenweber: "I wasn't going to say anything on this Bill till Representative Getty made a rather astounding statement which I'm trying to figure out exactly what it was. He said something to the effect we can't afford not to say something that's illegal which, the way I count, is about three negatives. And I'm trying to figure out whether or not we're being for something or against something when we have a triple negative."

Speaker Daniels: "Have all voted who wish? Representative Dick Kelly and the snapping fingers."

Kelly, Dick: "Thank you, Mr. Speaker, Members of the House. I'm voting against this Bill because I don't like cable television systems. I happen to think that they're a moral decayent. I happen to think that they have an adverse effect upon the thinking patterns of our young people and upon adults in general. And I...that's why I'm voting against the Bill, and I...I think this is probably one of the only ways that you get into a cable system. But I do know, in my district and I do know across the state that most people favor cable television. But they're bad news."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Take the record. There are 129 'aye', 19 'no', 22 voting 'present'. Senate Bill 1387, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1492, Representative Meyer, Ted Meyer? Out of the record. 1534, Representative Watson? Out of the record.

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1559, Representative McAuliffe. Out of the record. 1656, Representative Telcser? Out of the record. 1685, Representative Pullen. Out of the record. Senate Bills, Second Reading, Senate Bill 1231, out of the record. Senate Bill 1251, Representative Peters? Out of the record. Senate Bill 1289, Representative Barnes? Out of the record. Senate Bill 1299, Representative Birkinbine. Out of the record. Senate Bill 1503, Representative Stanley? Out of the record. Senate Bill 1558, Representative McAuliffe? Out of the record. 1654, Representative Telcser? Out of the record. 1665, Representative McBroom. Representative McBroom? Out of the record? Out of the record. Page 8 of your Calendar on the Order of Concurrence, House Bill 1243, Representative McAuliffe? Out of the record. 1302, Representative Bowman? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1302, a Bill for an Act in relation to reports required to be submitted to the General Assembly together with Senate Amendment #1."

Speaker Daniels: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1302 was amended only technically in the Senate. It was...The Bill, you may recall, to try and clear our desks of some of the paperwork by requiring approximately 100 state agencies to send all of their annual reports and other reports of the General Assembly to the State Library and then the State Library would monthly give us a list of all the reports they've received and then we could order from them any reports that we wish. We would not then have our in boxes stuffed full of useless reports that we...that we throw away and waste. The...The Senate added an Amendment that simply provided that the Legislative Council should do indexing, prepare synopses of

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these reports and should be the unit, rather than the library, to inform us of the availability of these reports. The library would still remain as the government report distribution center, and it is a minor change. And I urge the House...I move that the House now concur in Senate Amendment 1 to House Bill 1302."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves the House concur in Senate Amendment #1 to House Bill 1302. All those in favor will signify by voting 'aye', opposed by voting 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 156 'aye', 4 voting 'no' and none voting 'present'. And the House concurs in Senate Amendment #1 to House Bill 1302. House Bill 1955, Representative Levin? Representative Levin? Out of the record. House Bill 1971, Representative Davis? Out of the record. 1998, Representative Oblinger? Read the Bill."

Clerk O'Brien: "House Bill 1998, a Bill for an Act to amend the Illinois Vehicle Code together with Senate Amendment #1."

Speaker Daniels: "Representative Oblinger."

Oblinger: "Mr. Speaker, Members of the General Assembly, Senate Amendment #1 is a technical Amendment. When the Bill went over from the House, Amendment #1 was tabled, but it went over as tabling Amendment #2 which would have ruined the Bill. They put Amendment #2 back in and took Amendment #1 out to make it the way we really intended to pass it. And I would ask for concurrence on House Bill 1998."

Speaker Daniels: "Any discussion? Being none, the Lady moves that the House concur ...I'm sorry, Representative Pullen. Representative Pullen?"

Pullen: "Mr. Speaker, since this is final passage of a Bill I wonder whether the Lady would tell us very briefly what the

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Bill is."

Speaker Daniels: "Representative Oblinger, Representative Pullen would like you to explain the basic Bill."

Oblinger: "The basic Bill requires the inspection of vans carrying more than 12 people..12 elderly. They're to have the placards on them. They will be inspected at the Secretary of State's truck inspection. This exempts privately owned cars where volunteers take senior citizens to and from their activities."

Speaker Daniels: "Further discussion? Being none, the Lady moves that the House concur in Senate Amendment #1 to Senate...House Bill 1998. All those in favor signify by voting 'aye', opposed by voting 'no'. This is final action on the Bill. Have all voted who wish? Have all voted who wish? Take the record. On this question there are 163 'aye', 2 voting 'no', none voting 'present'. The House concurs in Senate Amendment #1 to House Bill 1998. House Bill 2005, Representative Collins? Representative Capparelli? Out of the record. House Bill 2181, Representative Vinson? Out of the record. 2242, Representative Barkhausen? Read the Bill."

Clerk O'Brien: "House Bill 2242, a Bill for an Act to amend Sections of the Criminal Code together with Senate Amendment #1."

Speaker Daniels: "Representative Barkhausen."

Barkhausen: "Mr. Speaker and Members of the House, Senate Amendment 1 to this House Bill 2242, which you will all probably remember was a Bill to provide for certain penalties for shoplifters and to make it easier for victims of retail theft to go after the perpetrators of these crimes. This is essentially a clean up Amendment. It limits coverage provided in the Bill to cases involving shoplifting and price switching and clarifies the

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provisions on parental liability to exclude court appointed guardians so that one who had...who had taken on the responsibility of a court appointed guardian could not be, in any way, liable under the parental responsibility provisions of this Bill. I'd ask for your concurrence in Senate Amendment 1 to this Bill."

Speaker Daniels: "Representative Preston."

Preston: "Thank you. Would the Gentleman yield for a question?"

Speaker Daniels: "Indicates he will."

Preston: "Representative Barkhausen, does the Bill with this, as we would concur in it...what is the dollar limit that parents are responsible for?"

Barkhausen: "That's not changed. It's still a thousand dollars."

Preston: "And this would permit the retail merchant to go after the...to sue civilly the parent for the amount that is taken by a youth?"

Barkhausen: "Yes, with that limitation provided."

Preston: "And this would only provide that retail merchants could do it. If I were burglarized or if somebody took something belonging to me, since I am not a retail merchant, I can't then go sue that..that individual's parents. Is that right?"

Barkhausen: "Well, you'd have a general civil right of action against the minor, but you..."

Preston: "...But not against the parents..."

Barkhausen: "...You're correct in suggesting that under this Bill it's specifically aimed for victims of retail theft."

Preston: "Okay. Mr. Speaker, if I may speak to the Bill. I'm in opposition to this Bill. This is special legislation which singles out retail merchants for special remedies that you don't have, that I don't have, that nobody in this General Assembly has. If I'm in some business other than being a retail merchant, perhaps I'm a wholesale merchant,



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perhaps I sell goods at wholesale, and if I have something that is taken from my warehouse, I don't have the remedies that are provided in this Bill for a retail merchant. And because it's special representation...special legislation, I'd ask you to..to vote 'no' on it. If we're going to pass a Bill that permits you to do it, fine. Permit it for everyone who is ripped off by a youthful offender. But to pick out retail merchants as being the only group that is deserving this protection, I think that's unconstitutional. And I'd ask you to vote 'no'."

Speaker Daniels: "Representative O'Connell."

O'Connell: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this concurrence of the Amendment as well as support of the Bill, itself. In response to the earlier, the previous speaker. I would suggest that the retail merchant is in a most unique position where his exposure is far greater than you or I. I would also suggest that this enforcing and strengthening of our current retail theft law is of advantage to not only to the merchant himself, but to all parents and to young people, teenagers particularly. The crime of retail theft has become a rampant problem. And it hits hardest in the home. It hits hardest at the teenager who's faced with a lifetime of a criminal record for what has been too often termed a whimsical experience. We need to strengthen and to keep strengthening the retail theft laws to provide, not only protection for the merchant to...to avoid the high costs, the million dollar losses that are experienced each year in the state, the high cost to the consumer, but we've got to provide a deterrent to the young impressionable person who thinks that shoplifting is not a crime. I wholeheartedly support this Amendment, and I wholeheartedly support this Bill."

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Speaker Daniels: "Further discussion? Representative Huskey."

Huskey: "Well, Mr. Speaker, I don't want to prolong the issue, but I certainly am in favor of this Bill. It's a long overneeded Bill. The retail merchant is a victim of many people. It's the victim of the dope addict who's easy access...the retail merchant's easy accessible for the addicts and the thieves to supply their habits. It's a...They're asking for a Roll Call. I will hope you give it your favorable vote. Thank you."

Speaker Daniels: "Representative Beatty."

Beatty: "Mr. Speaker, Members of the House, a few years ago the General Assembly accepted the concept that a parent would be responsible for the torts or wrong doing of their minor youngsters. This idea goes contrary to hundreds of years of common law. Normally, under the law, you're responsible for what you do, not for what someone else does. When we embarked on this course I thought it was bad. I think that..I can agree that I should be responsible for my acts. And I think that people generally should be responsible for what they do. I think that we are wrong...we were wrong in changing the law making a parent responsible for the actions of their youngsters. I think that the common law was good and there were many reasons for it. Now, we've embarked on a further change. And this change is worse, making us...We're now working for the merchants. Well, it's good that they've got some Representatives here that are interested in seeing that they don't have big losses. I can agree that theft from stores has been increasing, but I don't see the need for parents now to be further responsible and have to pick up the tab for youngsters going in and stealing. I think the basic concept in the law should be, you should be responsible for what you do, not for what someone else does, and I'm going to vote

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'no'."

Speaker Daniels: "Representative Johnson."

Johnson: "I think it's important to point out, as I did the last time we voted on this...Some people kind of dismissed this as being irrelevant. But I think it's really important if you're really concerned about deterring retail theft, to talk about two extremes, both of which are absolutely applicable under this Bill. The first of which is, a child who steals a thirty cent candy bar. This Bill would mandate that that individual not only pay restitution and attorney's fees, but a minimum of 100 and a maximum of a thousand dollar punitive damages for a thirty cent theft. That's a little bit out of reason. But on the other extreme, a master thief, a theft ring that perpetrates, let's say agricultural thefts of agricultural machinery in the millions of dollars, would have a cap on the amount of punitive damages you could recover against them of a thousand dollars. I think in that case it would be entirely appropriate for a court to assess punitive damages as the law allows now in the amount of multi-thousands of dollars. This Bill doesn't do one thing to change what the law is, other than to make it more complex and other than to make it harder to prosecute retail theft. Right now, if you commit the tort of conversion, the court's allowed to assess punitive damages. They can assess it anywhere from a dollar to a million dollars. All this Bill does is make an unrealistic range of sentences, not sentences, but an unrealistic range of penalties that really serve the opposite purpose that Representative Barkhausen wants to serve. And I think, for those reasons and for the reasons that Representatives ...Representative Beatty and others have pointed out, this is a well intended Bill. But it's a poorly worded Bill that doesn't do

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anything to accomplish its objective. And I urge a 'no' vote or at least a 'present' vote."

Speaker Daniels: "Further discussion? Representative Barkhausen, to close."

Barkhausen: "Mr. Speaker and Members of the House, I'm not sure it's necessary at this point to engage again in the argument that we had on May 13th when the Bill passed out overwhelmingly 134 to 28. What we should be talking about if anything is, is what this particular Senate Amendment does. And if anything it restricts the potential liability that the Bill would impose because it exempts court appointed guardians from the parental responsibility provisions of the..of the Bill. And, for that reason, I think those of you who would tend to oppose this Bill should have less reason to do so now. And I would hope that the 134 votes that it..that the Bill got the first time through would..that that number would be increased. And I would move for concurrence in Senate Amendment 1."

Speaker Daniels: "The Gentleman moves that the House concur in Senate Amendment #1. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. This is final action. 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 143 'aye', 23 'no' and 4 voting 'present'. And the House concurs in Senate Amendment #1 to House Bill 2242. 2284, Representative Levin? Read the Bill."

Clerk O'Brien: "House Bill 2284, a Bill for an Act to amend Sections of the Condominium Property Act together with Senate Amendment #1."

Speaker Daniels: "Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that the House do concur in Senate Amendment

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#1 to House Bill 2284. This Amendment does two things. First of all, it makes a numbering change and secondly, it deletes the word 'unit owners' in one place where the...where it currently says, 'unit owners association'. This is the Senate simply trying to put its imprimatur on this Bill. It makes no substantive changes. And I urge the adoption of the Amendment."

Speaker Daniels: "Any discussion? Representative McPike."

McPike: "Mr. Speaker, I would request the same thing that Representative Pullen requested earlier. This is final action on these Bills. And I think the Sponsor should explain at least something about the Bill instead of simply saying that it's a technical Amendment. It would help move along the House, I think, if they would just explain the Bill briefly and then explain what the...what the Amendment does. I would request that of this and of all Sponsors."

Speaker Daniels: "Representative Levin, you've been chastised by your Leader."

Levin: "Okay."

Speaker Daniels: "Will you consent to explain the Bill?"

Levin: "Absolutely."

Speaker Daniels: "Proceed, Sir."

Levin: "The Bill amends the Condominium Property Act to correct certain problems that arose as a result of legislation that we passed last year that required all unit owners to have the right to attend association board meetings. There were no exemptions to that right. And the situation arose where there was litigation pending and unit owners were requesting a right to be present when there was discussion of that litigation. This legislation deals with that situation. It also deals with a notice problem which has come up in the suburbs in an attempt to comply with the law that we passed last year. In addition, the legislation

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makes it easier for easements for cable television cable, provides a mechanism whereby there can be a dedication of common elements by the members of the association to the villages in which they're located."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the concurrence of the House and Senate Amendment #1 to House Bill 2284. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 164 'aye', none voting 'no', 2 voting 'present'. And the House concurs to Senate Amendment #1 to House Bill 2284. House Bill 2340, Representative Nelson? Read the Bill."

Clerk O'Brien: "House Bill 2340, a Bill for an Act to amend Sections of the Real Estate Brokers and Salesmen's License Act together with Senate Amendment #1."

Speaker Daniels: "Representative Nelson."

Nelson: "Thank you, Mr. Speaker, Members of the House. I move that the House do concur with Senate Amendment #1 to House Bill 2340 which we passed a short while ago. The Bill, itself, does two things. Basically it amends the Real Estate Salesmen's License Act, and it provides that the earnings on investments in their fund which we created last year, the Real Estate Research and Education Fund, that the interest earnings go back into that fund and are deposited there. Also, the Bill goes on to provide that a per diem and expense money will be paid to members of the Real Estate Examining Committee. And there was concern on the floor expressed by Representative Getty when we were discussing this Bill that there should be a reasonable limitation placed upon that per diem and that expense. And so the Amendment that went on in the Senate does just that."

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It says, very briefly, that in an amount established by the department by rule shall be a part of the Bill in order to set a reasonable limitation on this amount of money. It was the concern and I think we have answered that concern, and I would ask for your concurrence in Senate Bill #1 (sic, Senate Amendment #1)."

Speaker Daniels: "The Lady moves that the House concur to Senate Amendment #1. Any discussion? Being none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2340?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 169 'aye', none voting 'no', none voting 'present'. And the House concurs in Senate Amendment #1 to House Bill 2340. House Bill 2359, Representative Giorgi? Read the Bill."

Clerk O'Brien: "House Bill 2359, a Bill for an Act..."

Speaker Daniels: "Out of the record. House Bill 1243, Representative McAuliffe? Read the Bill."

Clerk O'Brien: "House Bill 1243, a Bill for an Act to amend the Illinois Vehicle Code together with Senate Amendment #1."

Speaker Daniels: "Representative McAuliffe."

McAuliffe: "Well, Mr. Speaker, Ladies and Gentlemen, I would move to concur in Senate Amendment #1 to House Bill 1243. Senate Amendment #1 is, in effect, the Sunday closing Bill for automobile dealers."

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

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

Speaker Daniels: "He indicates he will."

Leinenweber: "Suppose a dealer in defiance of House Bill 1243 sought to remain open. What are the penalties associated with that activity?"

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Speaker Daniels: "Representative McAuliffe."

McAuliffe: "Secretary of State's Office would take action against them."

Leinenweber: "What would be...What type of action could the Secretary of State's Office bring and what kinds of penalties would be assessed?"

McAuliffe: "Suspend his dealer's license."

Leinenweber: "It would put him out of business if he was open on Sunday?"

McAuliffe: "Yes."

Leinenweber: "Does the Bill regulate any other aspect of the automobile business other than what day it can remain open?"

McAuliffe: "Not to my knowledge."

Leinenweber: "Thank you."

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

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

Speaker Daniels: "Indicates he will."

Yourell: "Representative McAuliffe, is this the same Bill that's been defeated twice in the House?"

McAuliffe: "It is."

Yourell: "Does this exempt any other businesses that deal in automobile parts or accessories or service stations' repair shops?"

McAuliffe: "To my knowledge it only affects automobile dealers."

Yourell: "It exempts auto accessory shops. Is that correct?"

McAuliffe: "It does."

Yourell: "Representative Leinenweber asked a question as to what would happen if a dealer decided to remain open on Sunday, and the answer, I believe, was that he would lose his license to operate by the Secretary of State. Is that correct?"



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McAuliffe: "That's my understanding, yes, Sir."

Yourell: "What would happen to his local municipal corporation license?"

McAuliffe: "I didn't hear what you said."

Yourell: "What if a dealer refused to close on Sunday? What would happen to the license that he would have been given by the unit of local government in which the business is established?"

McAuliffe: "I can't answer that."

Yourell: "That would have no effect on the dealer?"

McAuliffe: "I don't know, Representative."

Yourell: "What would happen to an automobile agency that did not as the Bill states, close on the seventh day of the week or the first day of the week? I'm referring to Saturday."

McAuliffe: "...it only affects Sunday."

Yourell: "So, because of religious reasons, such as the Jewish faith, if the sabbath is on a Saturday, they would be required to remain open?"

McAuliffe: "They don't have to stay open on Saturday. It says they have to be closed on Sunday."

Yourell: "In your judgment, is this a slap at the free enterprise system in the State of Illinois?"

McAuliffe: "In my judgment, I don't think it is."

Yourell: "It is?"

McAuliffe: "I don't think it is, no."

Yourell: "You don't think it is. Well, Mr. Speaker, I'd like to speak to the Bill. This is a Bill that's in direct opposition to the present administration, both state and federal, that wants to deregulate as much as possible and as far as practical business, commerce and industry in the State of Illinois and in the entire country. We heard campaign speeches when President Reagan was running for President that the trouble with the country today, one of

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the main problems was that there was too much governmental interference, and that we should get back to the principle of free enterprise and let businesses regulate themselves as they used to do. Now, we come along with a mandatory Sunday closing law that certainly is considered to be advantageous to certain dealers, but I don't think that they really want to close on Sunday forever, because some of the letters that I've received asking me to vote for this legislation said that because of the high interest rates and because of the poor economy that they would like to have this legislation so as to decrease competition and completely do away with competition. But if business should suddenly become better and interest rates go down, they would certainly be back and ask us to repeal the law. So, Mr. Speaker and Ladies and Gentlemen of the House, I think we're doing things that we should not be doing. Let business seek its own level of competition and not do away with that competition by further regulation of businesses and mandating they are closed on certain days. It's a next step to mandate that restaurants are going to be closed and doctors can't perform on Wednesday's, and if this Bill had any merit it certainly would also mandate the closing of all other businesses that are related to the automobile business. Now, one of the Sponsors of the Bill before you got it, Representative McAuliffe, exempted in the Bill in special interest legislation the type of business that he himself was engaged in, and I think that's totally wrong. And I think if we're going to have special interest legislation it should cover all of the facets of the automobile industry and not just the sale at retail or wholesale of automobiles. And I would ask that you again revert back to what you did on the two previous occasions when this Bill was brought before this House. Defeat it

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because it's destroying the free enterprise system in the State of Illinois."

Speaker Daniels: "Representative McBroom."

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

Speaker Daniels: "Could you hold that for a second, Sir? Would you mind? Representative Johnson."

Johnson: "Mr. Speaker and Members of the House, let me preface my comments by saying, as I think the Sponsor knows, that I have as much respect for Representative McAuliffe as probably any Member of this House does. But in all due respect to the Sponsor, and I think he knows it, this has got to be one of the worst Bills that's ever been proposed before the Illinois General Assembly. What's really...What's really sad is, if you talk around to people on the floor - and I'm not going to mention any names in debate because I think there's so many victims of it that it's hard to really name any - everybody will tell you this is a horrible Bill. The supporters of it, some of the Sponsors of it, everybody will tell you this is one of the worst Bills that's ever been introduced in the Illinois General Assembly, just absolutely terrible. But then they always say, 'Well, but I'm going to vote for it anyway because some of my car dealers in my district want it and they're good supporters', and so forth. These same people who are going to vote for this Bill, at least some of them are, are the same people who've run around the state - and I think, in all sincerity, for ten years or more - and talked about government limitation on free enterprise. I'd just ask you for once to vote a matter of principle in this thing. This is just unbelievable. Why we are picking out Sunday, I guess, is because the majority of people in a...this majority Christian society choose Sunday as a day of sabbath. But there's certainly a good many religious

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bodies and otherwise who don't regard Sunday as their sabbath. I think to impose on them these values and a necessary closing is absolutely horrendous. In addition to that, why are we picking out car dealers? I don't open my law office on Saturday or Sunday. Some of my competitors do. And I think they get an advantage by doing that. They get farmers who come in on Saturday. And Saturday morning and afternoon who come into the law office on Saturday. We don't open our office on Saturday. But I don't think it's up to me or a dentist or a doctor or a car dealer or anybody else to choose to wipe out competition in the way that they're doing in this case. It hurts little businesses. It hurts people who are working people. It hurts people who shop and want to shop on a Sunday. And we're just saying, and we're really returning to the 18th century, we're saying, because a majority of people don't want ...people in a given profession don't want to have competition, they don't believe in free enterprise or they believe it in ..except in limited areas, they're going to shut everybody else down too. It just absolutely makes no sense at all. And I defy you to tell me one reason, by the Sponsors of the Bill, by the supporters of the Bill or by the..by the association that's supporting this, why they really believe this ought to be passed other than just absolute, pure corporate socialism. I want to apologize publicly to Representative Giorgi because I criticized him I guess a couple of years ago for the Chrysler Bill. I guess I'd still oppose that, but at least in that case there was some legitimate state interest in trying to support an industry. This Bill is absolute, unadulterated, pure corporate socialism in every sense of the word. And compare this Bill to Chrysler would be like comparing apples to oranges. That Bill was a gem compared to this

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Bill. This Bill defies every concept of free enterprise. It absolutely does everything..an injustice to everything that most of the Members of this society believe in. And I'd just urge you to look inside your consciences and your principles - at least on this vote - and say that ..that you ought to vote the way you know you believe and that is that this Bill ought to be defeated with 177 votes."

Speaker Daniels: "Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, let me first tell you that this Bill has nothing to do with the free enterprise zone or the Christian society, and I've had almost the same feelings as the last speaker and the previous speaker did about the Bill until I got a few phone calls explaining why this Bill was necessary. It has nothing to do with the free enterprise zone. The automobile dealers...of course, the last Gentleman that spoke is from Champaign County or whatever county it is down in Champaign. There aren't too many automobile dealers there. But I wonder if he's aware that there's some 440 automobile dealers in the City of Chicago that's now been reduced to 40? You know why it's been reduced to 40? First of all, because of the sales. Secondly, because of the salesmen would have to be unionized and the salesmen on working on Sunday....their figures would be astronomical that they couldn't afford it. It would be more automobile dealers closing up on..in the City of Chicago. From 400 automobile dealers we're down to 40 and I don't know what happened to the suburbs, but I know the suburbs has reduced as many automobile dealers as the City of Chicago. This is an economic situation that is unbearable for those people in the City of Chicago or in the County of Cook. You will have to go outside of Cook County to buy an automobile, especially now that in the City of Chicago

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they're paying a 7% sales tax. You people outside of Cook County are enjoying a 5 1/12% sales tax. You're getting all of our business the way it is now, and if you don't pass this Bill there isn't going to be an automobile dealer that's going to afford to pay his salesmen to stay open in that County of Cook. After this Bill was explained to me, I understood it a lot more. Now, let me ask you something, the Gentleman on the other side of the aisle. How did you vote to..to ..on the Wrigley Field?. Sure, this is class legislation. Sure, we're aiming our ...our legislation at one business. But we seem to be doing that quite often. We're trying to tell the City of Chicago that they can't have lights over at Wrigley Field. We stuck our nose into that. It passed the House here overwhelmingly, and yesterday it passed the Senate overwhelmingly. So, when you stand here and call this a horrible Bill, you're talking about economics. You're talking about an automobile dealer that has thousands and thousands and thousands of dollars invested that will not be able to keep their doors open unless this Bill is passed."

Speaker Daniels: "Representative DiPrima."

DiPrima: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I really agree with Elmer Conti in his statement and the automobile agencies are all moaning the fact that business is down and they have to stay open on Sundays. By Sunday closings they would make it uniform and nobody would have the edge on anybody else. And I'm in favor of this Amendment."

Speaker Daniels: "Representative McBroom."

McBroom: "Mr. Speaker, I renew my Motion."

Speaker Daniels: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes'

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have it. And, Representative McAuliffe to close."

McAuliffe: "Well, Mr. Speaker, Ladies and Gentlemen of the House..."

Speaker Daniels: "Proceed, Representative McAuliffe."

McAuliffe: "A little order, please. Mr. Speaker and Ladies and Gentlemen of the House, I'm sorry to have caused such an uproar here. I did not want to bring the most horrible Bill of the Session before the Legislature. But let me assure you, I, personally, have no interest in this. I don't own a car dealership, although I wish I did. I have no relatives that own car dealerships. There is McAuliffe Buick in Chicago, but it's no relation to mine unfortunately. So I would say that I brought this Bill before the Legislature to help the car dealers in my district who are suffering financially. And I have had requests from car dealers of every nationality and every religion who approached me in favor of this Bill and asked me to present the Bill and that's why I did it. I ask for a favorable vote."

Speaker Daniels: "The Gentleman moves for the concurrence of the House to Senate Amendment #1 to House Bill 1243. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. This is final action. Representative Jones to explain his vote."

Jones: "Mr. Speaker, I rise on a point of personal privilege."

Speaker Daniels: "State your point."

Jones: "It's ironic that you sit in the chair - and when you sit in the Chair you're supposed to be fair to each and every Member in this House. You went to Representative McBroom twice. My light was on from the...from the inception of when you first started the debate on this issue. But you went to him twice. Now, I only have one pair of eyes. You have two up there. Now, if you want me to come to the

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podium to get you to recognize Members on this side of the aisle, I will do that. But don't go to one Member on that side of the aisle twice and ignore someone on this side of the aisle. And that is what you've done, and if necessary, I will come to the podium."

Speaker Daniels: "Representative Preston to explain his vote."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. For the reasons that were eloquently given by Representatives Johnson and Yourell, I am voting against this very bad Bill, and if it should get the required number of votes I ask for a verification."

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

Darrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I wish I had more time to discuss this issue and speak on it during debate. I would point out to this Body that earlier this month we passed legislation that required school board elections to be held on Saturday. At that time the issue was raised that that was the Jewish sabbath. Many Jewish members of our communities would not be able to vote. Yet, we are closing car dealerships on the Christian sabbath. I don't feel that this is fair. I think that we're trying to run crusades through the State of Illinois, run rough shod over the Moslems, the Hindus, the Jews, the Seventh Day Adventists and all those who are not Christians. I see no relationship between car dealerships and the Christian sabbath. I think this Bill should be defeated. Thank you."

Speaker Daniels: "Representative Bullock to explain his vote. The timer's on, Sir."

Bullock: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I support this Bill, but I'm not going to explain my vote in support of the Bill. I'm going to vote 'aye'. But I just want to say, Mr. Speaker, to you,



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personally, I've known you to be a fair guy, Lee. But I think any time a Member in the Leadership seeks recognition that you ought to afford them the courtesy of recognizing them. Representative Jones resides in the Leadership on this side of the aisle and he should be properly recognized and properly designated by you, to rise on a point of personal privilege and state his position. I think it's only fair, and I think you demean yourself when you don't adhere to that fairness."

Speaker Daniels: "Representative Steele to explain his vote. The timer's on, Sir."

Steele: "Well, thank you, Mr. Speaker. I think this is a good Bill, contrary to some of the other comments made. It's such a good Bill that it's ...It's the same Bill that's already in effect in Missouri. It's such a good Bill. It's the same as is in effect in Iowa, the same as the laws have in Wisconsin, the same as they have in Indiana. So let's support this Bill and have the same rules that apply here in Illinois as do in all our surrounding states. You know already, these car dealers are open eighty hours a week. If you can't find a car during the evenings and on Saturday's and if you can't find a car in eighty hours during the week, then you really don't need one or you really aren't looking too hard. So, let's put more green lights and bring our law in conformity with Missouri and with Wisconsin and Iowa and Indiana."

Speaker Daniels: "Representative Mautino to explain his vote."

Mautino: "Thank you, Mr. Speaker. This is a classic example of people within an industry that can't get their act together. I see no reason why the General Assembly should execute a statute telling a private enterprise when they can open and close. Private enterprise means having your own key to open and close at your own prerogatives. I'd

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like to point out as well, car salesmen work on commissions, not on salaries. The busiest day of their week is Sunday. There's no reason to do this. But let me tell you what will happen. In downstate little cities where there's a Ford and a Chevy dealership, if your car happens to be in there for repair and you can't get it till Sunday, you ask the boss or one of the salesman to open the..open the establishment to get your car out that's been repaired and the guy down the street calls the local chief of police. They're going to send somebody to the other agency and have you arrested under this statute. This is absolutely incredible. What's the matter with this General Assembly? Didn't have you a..."

Speaker Daniels: "Representative Ralph Dunn, to explain your vote, Sir? The timer's on."

Dunn, Ralph: "Thank you, Mr. Speaker. I've had my light on since the Bill was called. I appreciate your recognizing me at this time. I would urge, too, that this is a bad Bill. There's no law now that say car dealers can't close on Sunday. They can close Saturday, Friday, Thursday, Wednesday, Tuesday. Some of these days we'll have it down...we'll have it..."

Speaker Daniels: "Excuse me, Sir. Excuse me. Could the Gentleman please have your attention? Representative Dunn, proceed."

Dunn, Ralph: "Thank you, Mr. Speaker. I think it's a bad Bill. I know it's got a lot of votes up there, but I think there's some other reason. People don't ordinarily vote for such terrible Bills. This House usually has better sense. I would like to ask this Chair if this would take 107 votes. It preempts home rule? Take 107 votes to pass it?"

Speaker Daniels: "Mr. Clerk, can we see the Bill? The

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Parliamentarian advises me that it is not a constitutional prohibition against home rule, and therefore, it will only take 89 votes to pass. The Gentleman from Cook, Representative Ewell, to explain his vote. The timer's on, Sir."

Ewell: "Mr. Speaker, very crudely, it amazes me that you can sit at the bench and tell how we have two-thirds, because that's the requirement to shut off debate. Now, I know you're not really going to save any time by just simply automatically shutting off debate on this issue. This is a critical issue. It's a fundamental issue as to principles. And I think that this is truly one of the worst Bills that's ever hit the Session. It represents nothing more than a special interest Bill. There is nothing to prohibit the car dealers from closing if they want to, and to make it mandatory by us is certainly an aggression upon the right of car dealerships. It's a bad Bill and it ought to be treated accordingly."

Speaker Daniels: "Representative Ebbesen to explain his vote. The timer's on, Sir."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, in explaining my 'no' vote, it seems to me we're subjecting here - if this was to be acted upon favorably, approving this Amendment - subjecting everyone in the entire state. Now the County of Cook and the City of Chicago are home rule units and that's where the lion's share of the problem exists. They can certainly act accordingly and do what they have to do there by ordinance or resolution or whatever it takes. But to subject everybody in the entire state to this legislation is absolutely ridiculous. Everybody up there in green ought to giving consideration to voting negative on this. It's a terrible, terrible piece of legislation."

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Speaker Daniels: "Representative Balanoff to explain her vote.

Timer's on."

Balanoff: "Business is always yelling about getting government off their backs. Now they're asking for regulation, but not for themselves. They want to regulate the competition. Today it's car dealerships; tomorrow it'll be car parts; the next day it'll be hardware sales; the next day it'll be no flea markets on Sunday, and then there will be no campaigning on Sunday. This is a terrible Bill. It's a gross infringement on private enterprise and we should all be voting 'no'."

Speaker Daniels: "Representative Tuerk to explain his vote. The timer's on, Sir."

Tuerk: "Mr. Speaker and Members of the House, my seatmate to the left of me, two seats, indicated to me that it would probably be as ludicrous to vote on this Bill as to outlaw combs. I told him that if he brought a Bill like that I would probably support that because I have no use for a comb."

Speaker Daniels: "Representative Robbins to explain his vote. The timer's on."

Robbins: "If..If this is such a good Bill I feel like it should be brought back to Second and amended to include Walmart Stores, all grocery stores, all restaurants and close the state down so everyone don't have anyplace to go on Sunday. I would even recommend that we add the golf courses so that we will close the golf courses down on Sunday, too. That..that way if this is a fair Bill for the auto dealers, it's a fair dealer..a fair Bill for the golf courses. I recommend a 'no' vote."

Speaker Daniels: "Representative Hoffman to explain his vote. The timer's on, Sir."

Hoffman: "Thank you, Mr...Thank you, Mr. Speaker, Ladies and

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Gentlemen of the House. This Bill is a good illustration of..of an adage which we've heard here frequently, and that is that there are occasions in everyone's life when they have to rise above principle."

Speaker Daniels: "Representative Margalus to explain his vote. The timer's on, Sir."

Margalus: "Mr. Speaker, Members of the House, all the letters I have received were 100% for this Amendment. They said that they would appreciate one day off a week to take their families out to a picnic, go fishing or golfing like the rest of us appreciate to do one day a week if we can. And therefore, I'm voting 'yes' on this Amendment."

Speaker Daniels: "Representative Giorgi? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 105 'ayes', 65 'no' and 5 voting 'present'. And the Gentleman, Representative Preston, requests a verification of the Affirmative Roll. Is that correct, Representative Preston? No? Withdraw it? The Gentleman withdraws his request for a verification. And the House does concur in Senate Amendment #1 to House Bill 1243. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Collins, did you want to...House Bill 2005. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2005, a Bill for an Act to provide for the transfer of the Chicago Park Districts of interest to the State of Illinois and certain lands together with Senate Amendment #1."

Speaker Daniels: "Representative Collins."

Collins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2005 which was joint sponsored by Representative Capparelli and myself would provide for the transfer of certain submerged lands to the Chicago Park

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District for the construction of a waste soil facility so that the Calumet River could be dredged as is required by federal standards so that the river would be navigable up the Calumet port. There is no change in the basic Bill that came out of this House with an affirmative vote of 124 'aye' votes. The Senate Amendment is...was done as an accommodation to Senator Geo-Karis in the Senate which would incorporate the provisions of House Bill 2601 that passed this House and would allow for the transfer of Forest Preserve Districts in Lake County which is dealing with the Serbian Church in Lake County. If there are any questions as to Senate Amendment #1 I would defer to Representative Barkhausen. But lacking any questions, I would move for concurrence in Senate Amendment #1."

Speaker Daniels: "Any discussion? Being none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2005?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Representative McGrew to explain his vote. The timer's on, Sir."

McGrew: "Thank you very much, Mr. Speaker. Representative Collins, I'd just like to know if you were the original Sponsor when we bought this submerged land?"

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 154 'aye', 6 voting 'no', 5 voting 'present'. And the House concurs in Senate Amendment #1 to House Bill 2005. 2181, Representative Vinson? Out of the record. 2359, Representative Giorgi? Out of the record. On page two of the Calendar, House Bills, Third Reading. 2517, Representative Davis? Out of the record. Senate Bills, Third Reading, Short Debate Calendar. 1256, Representative McAuliffe? 1256. Read the

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Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1256, a Bill for an Act to amend an Act providing for housing assistance to disabled veterans. Third Reading of the Bill."

Speaker Daniels: "Representative McAuliffe."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 1256 (sic, Senate Bill 1256) grants aid to veterans in obtaining homes for disabled veterans. I move for concurrence."

Speaker Daniels: "Could you explain the basic Bill, what the Bill does itself, Sir?"

McAuliffe: "House Bill 1256 (sic, Senate Bill 1256) amends an Act providing for housing assistance to disabled veterans. Authorizes the Illinois Department of Veterans Affairs to provide financial assistance to disabled veterans for remodeling their residences to meet the needs of their disabilities. Limits assistance to those veterans eligible for grants under Title 30-A of the U. S. Code and approved by such grants by the administrator of veterans affairs."

Speaker Daniels: "The Gentleman moves for the passage of Senate Bill 1256. It's on Short Debate. Is there anyone in opposition? No opposition. The question is, 'Shall Senate Bill 1256 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 172 'aye', none voting 'no' and none voting 'present'. Senate Bill 1256, having received a Constitutional Majority, is hereby declared passed. Senate Bills, Third Reading. Senate Bill 1292? Out of the record. 1367, Representative Terzich? Out of the record. Senate Bill 1492, Representative Meyer? Out of the record. 1534, Representative Watson? Out of the record. 1559,

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Representative McAuliffe? 1559, out of the record. 1588?  
Representative Barkhausen? 1588, Sir. Out of the record?  
1656, Representative Telcser. Out of the record. 1685,  
Representative Pullen. Out of the record. Page eight of  
your Calendar, on the Order of Concurrence, House Bill  
2181, Representative Vinson. Read the Bill."

Clerk O'Brien: "House Bill 2181, a Bill for an Act to amend the  
Consumer Fraud and Deceptive Business Practices Act  
together with Senate Amendment #1."

Speaker Daniels: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. I believe you will recall this Bill, as it passed  
out of the House, current law, as interpreted by one  
Appellate Court in this state, would imply a standard on  
real estate brokers that, even if a real estate broker  
innocently made the mistake of misrepresenting a fact, that  
he would be personally liable to the purchaser in the sale.  
The Bill has been amended in the Senate. The effect of the  
Amendment is to make is very clear that a knowing  
misrepresentation, the real estate broker is still liable;  
but, if it's an innocent misrepresentation, he would not be  
liable. And I would move for passage of House Bill 2181."

Speaker Daniels: "Any discussion? Gentleman from Peoria,  
Representative Tuerk."

Tuerk: "Would the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Tuerk: "I noticed here that Senate Amendment #1 struck everything  
after the enacting clause to attack the same problem in a  
different way from the original Bill. I support the  
concept, but was it necessary to completely rewrite the  
Bill to offer a simple Amendment? Basically, that's my  
question."

Speaker Daniels: "Representative Vinson."



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Vinson: "Representative, in my judgement, no, but the Senate Amendment does accomplish exactly the same purpose. And, if they believe their artistry is better over there and they do accomplish the same purpose, which they in fact do, then I'm not going to argue over which particular strategy for changing the law we use."

Tuerk: "But it actually does, basically, the same thing as the House Bill that went out of here some weeks ago."

Vinson: "Yes, Sir."

Tuerk: "Thank you."

Vinson: "Further discussion? Representative Greiman."

Greiman: "Thank you, Mr. Speaker. A question of the Sponsor. Very often, when we deal with professional people, we have sort of a standard of what they ought to know. In other words, that they can't be reckless in making statements and be put blinders on. Would you say, Representative Vinson, that if a broker just didn't pay any attention to his work, didn't get into it, and while he may not have been deceptively false, he just knew or should have known, would he be liable? Would he ... Would he be still in the Act?"

Vinson: "No, Sir. That, as a matter of fact, is the precise purpose for adoption, one of the precise purposes for adoption of this legislation. I... The should-have-known kind of language, I believe is inappropriate in this case. That's the kind of language that has been imported into the law in Securities Law, and I do not believe that a Securities Law standard is appropriate in the case of a real estate broker."

Greiman: "Well, so then... Okay then, just momentarily on the Bill, thoughtfully on the Bill. We then come to a situation where we are really reducing the standard of professional service of real estate brokers. We're telling them, 'You don't have to know anything at all about the

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real estate that you handle. You could pretty much ignore making any investigation, and you're really protected. Don't bother to make due inquiry about the premises; because, unless... and, as a matter of fact, if you don't know anything, then you can say anything you want to. And, if you get into it, and you really find out something about the building and you say something, then you might be in trouble. So, just don't say any... don't find out anything at all. Operate sort of in ignorance, and you will be better off." I think that's what this Bill is telling real estate brokers, and it's unfortunate that the real estate people are for this Bill; because, they are destroying their own standards with this kind of Bill. It is, however, better than.. a better version than the one that we passed, however."

Speaker Daniels: "Representative Leinenweber."

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

Speaker Daniels: "He indicates he will."

Leinenweber: "Unfortunately, I didn't hear all of your remarks, and I'm not exactly... I recall what the Bill did, because it was amended in Executive Committee, at that time, and we had a hearing on the Bill. And it was to remove the Consumer Fraud and Deceptive Practices Act as a tool to bring a fraud action. Wasn't that gist of the Bill, as it left the House?"

Vinson: "Yes, Sir."

Leinenweber: "Now, the Senate has apparently made some substantial changes, and is that still the gist of the Bill, or does it attack that particular problem in a different way or what?"

Vinson: "Representative Leinenweber, the structure of the Bill, as it left the House, was to remove in-state situated real property from the ambit of the Consumer Fraud Act. The

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structure of the Bill, as amended by the Senate, is that it includes innocent misrepresentations as an exemption to the Act. It does the same thing in a different fashion. The one... the one... the one fashion was to say that something wasn't covered. The current fashion, in which the Bill has been redrafted, is to say that there's an exemption for a certain kind of activity."

Leinenweber: "Well, one of the problems with this approach, and I understand we're in the waning hours, that part of the effort to sell this Bill originally, when I say sell, to present the Bill originally was to present evidence that the original... the drafters of the Consumer Fraud and Deceptive Business Practices Act did not legislatively intend to cover real estate transactions. Now, what apparently we're doing, if we go along with the Senate Amendment, is to ignore the legislative intent that we established in the House, and then agreeing that the Bill was intended to cover real estate transactions; but, because we think it's too broad."

Vinson: "Well, Representative, I would say that you're right in saying what the original legislative intent was. There are two ways of correcting that problem. One is to exempt certain classes of property from the Act. The second is to exempt certain kinds of conduct from the Act. They have the equivalent result, in my judgement. While I drafted the Bill originally to exempt certain kinds of property from the Act, because in my judgement the result is equivalent, I'm willing to accept a Bill that exempts certain kinds of conduct from the Act. And I believe that it has the same effect of effectuating the... the original legislative intent."

Leinenweber: "Well, as I recall correctly, innocent misstatements of fact would never be fraud, either in a common law or

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under the statute anyway, while deliberate fraud... the problem was that it, as I understood, that it was.. they were charging deliberate fraud and then getting a statutory remedy in addition to the common law one; because, under the statute, it was an easier way to... or it was a more simplified procedure."

Vinson: "That's not entirely correct. With the Act as interpreted by the Appellate Court, prior to this legislation, a purchaser of real estate would have a common law fraud remedy, would have a remedy under the Consumer Fraud Act and would have a third remedy under this Real Estate Licensure Act. What the Consumer Fraud Act remedy granted the purchaser that was somewhat in addition to the other two remedies, or made it easier to act on, was that the reme... the misrepresentation could be totally innocent. Now, as you know, under common law fraud, you have to have scienter. I believe that, to a substantial degree, that requirement is preserved in the... in the Licensure Act; but, as interpreted by the Court, the Consumer Fraud Act would have permitted an action absent scienter. A totally innocent misrepresentation would have resulted in liability. Now, the purpose of the Bill was to eliminate that untoward result. The Bill, as it passed out of the House, would have done it in one fashion, as I've described. As the Senate changed the Bill, it would have done it in a different fashion."

Leinenweber: "Are the same proponents of the Bill still proponents of the Bill, as it's presently drafted?"

Vinson: "Yes, Sir."

Leinenweber: "Thank you."

Speaker Daniels: "Further discussion? Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, I think Representative Vinson's well portrayed the situation the Bill that he and

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I have here. As it left, the House did do a little differently than this version does; however, it's important to note that we still maintain the basic situation that the realtor has to... realtor has to have an intentional action to be sued under this particular Act. It is true that, when it left the House, we took more out than this particular version does with regard to the Consumer Fraud Act. So, the situation, under this, is such that it would have to be a knowing, deceptive, intentional act to be sued under this Act, but the standards still apply that you could be sued under common law, or applicable federal law, or under the Licensing Act with regard to another Supreme Court decision last year. The key point, however, on Representative Leinenweber question, is this. The court... A court case caused this Bill to be put in; wherein actually the Court did indeed hold the salesman to a standard in such that he was held accountable and liable for an action that was not willful or intentional at all and unknowing. And that's why this particular Amendment is now in, at the request, I understand, of the Attorney General, and I think it's a livable one; and, as Representative Leinenweber asked, the same parties who supported the Bill still do. And, lastly, on the point of application of the Consumer Fraud Act, it was stated by me on the floor that the intention of the Senate Sponsor, Senator Gottschalk, and the House Sponsor, Representative Burdit, at the time that that law was passed was to exclude the in-state sales from coverage. We're in the middle now on this, but we still accomplish the same thing in a form, I think, that's ever more acceptable to more people than the original form. And for those reasons and for those cited by Representative Vinson, the other Sponsor, I would ask for an affirmative vote in concurring on this Amendment to House Bill 2181."

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Speaker Daniels: "Further discussion? Representative Getty."

Getty: "Mr. Speaker, I rise in support of the Motion to concur.

I think that there's absolutely no question that the underlying law was intended to exclude real estate brokers. I think that there is no question that the Bill, as it passed out of here, was a proper Bill. I think, however, that the fact that we now, in adopting the Senate Amendment, would make a knowing act by a real estate broker or salesman an offense that would be violative of the Consumer Fraud Act, is a good step. I think that we are going forward in protecting the consumer; and at the same time not making somebody who doesn't know that there is a false or misleading statement, who is not aware of it, guilty of an offense any more than we would make somebody under other circumstances, where there must be a specific intent and knowledge to commit a crime, a guilty party. I think that this is a very good move. It's fair. It's fair to the consumer, and it's fair to the real estate salesman who's working for a living. And I would encourage an 'aye' vote."

Speaker Daniels: "Representative Kane."

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

Speaker Daniels: "He indicates he will."

Kane: "The Amendment, as it's now written, includes only knowingly false representation. Is that not correct?"

Vinson: "Yes, Sir."

Kane: "What about... Would it cover a situation in which a broker or an agent made a statement that the broker or agent did not know whether it was true or false but just made up an answer? Would that be knowingly... Would that be covered?"

Vinson: "No."

Kane: "So, a broker or an agent could just make up an answer that

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may or may not be false or may or may not be true, and that would not be covered."

Vinson: "Well, Representative, I would make two responses to that. Number one, the common law right of action, which requires scienter, would be an available action in the case you're talking about; and, if you were able to present evidence to that effect in the common law action, I think you could establish scienter. Number two, the.. what the plaintiff has... would have to prove to hold a defendant guilty, liable under this standard, would be that he actually knew the falsity of his statement. Now, you can prove falsity in a variety of fashions. You can prove falsity with circumstantial evidence or direct evidence. You can prove falsity through a pattern of conduct - in a variety of ways, but the... to be liable under the structure we now have with this Bill you would have to prove that the defendant knew that he was lying or making a misrepresentation."

Kane: "Well, would the... say the question of the perspective buyer is, 'How much does it cost to heat this piece of property', you know. 'What are the utilities costing?'"

Vinson: "I'm sorry, I didn't hear the predicate."

Kane: "Say... Say the question is, 'How much does it cost to... for utilities to heat this property', and the broker doesn't know and just makes up a number without checking. Is that knowingly false under this kind of law?"

Vinson: "I would say that that would be knowingly deceptive behavior."

Kane: "So that, if the broker or salesman person makes a statement that is completely made up, not on any basis, not on any representation of the owner, that would be knowingly fal... knowingly false under this law."

Vinson: "Well, what he makes up, what he fabricates may in fact

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be accurate. It's not a question of how he arrives at the decision. It's a question... It's a question of whether he knows or whether the information is wrong. Now, if... if I, out of the clear blue sky said in the example you propound to me, that the cost of heating that piece of property is 25 dollars a week, and in fact it was 25 dollars a week, I wouldn't be... have any liability."

Kane: "No, but what if... I guess, in a situation in which the person has not checked, has no basis for making the statement and makes a statement without any basis or representation by the owner, does that come under the... the instance of being knowingly false?"

Vinson: "I would say, under that... under that circumstance, he would have committed scienter under... under the common law fraud remedy. The remedies are always joined when the plaintiff brings the case, and you could hold that kind of a defendant liable for common law fraud."

Kane: "Well, I'm asking about under... under the Consumer Fraud Act. Would that also be liable under the Consumer Fraud Act, under this language that you're proposing today?"

Vinson: "Unless he knows and unless you can prove that he knows that he's made a misstatement, then he is not liable. If he knows, and if you can prove that he knows that he made a misstatement, then he's liable."

Kane: "Let me give the situ... Let me give the situation as, say, the question by the perspective buyer is, 'Is this property subject to flooding?'. If the owner has told the broker that it is not, and the broker represents what the seller has said, obviously, there has been some checking and he would not be liable. However, say the broker does not know, has not checked, has made no effort to check and tells the perspective buyer, 'No, it is not subject to flooding'. Is that covered... Would that be knowingly



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false?"

Vinson: "Not under the Consumer Fraud Act, but it would be I suspect under common law fraud, which would be a joined remedy, a joined allegation in the complaint."

Kane: "So, what this Amendment would do would be allow a broker, an unscrupulous broker, to say anything at all about a property without checking."

Vinson: "Unscrupulous brokers, I suspect, know they're wrong."

Kane: "Well, no. They wouldn't have to check. They would absolve themselves by not checking."

Vinson: "Under the Consumer Fraud Act, as it would be amended by this Bill, a broker would not have an obligation, imported by this Bill, to check or any standard of the sort 'should have known'. As a matter of fact, that's the... one of the purposes of the Amendment. The purpose is to explicitly say that we are not creating a statutory remedy in this state, and we have never intended to create a statutory remedy in this state that is of the Securities Law type - the should-have-known type. We're opposed to that, and this would repeal any intent to do so and make it clear on the face of the Consumer Fraud Act."

Speaker Daniels: "Representative Emil Jones. Representative Bower."

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

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

Vinson: "Thank you, Mr. Speaker. Property transactions, at both ends, buyer or seller, are among the most closely advised transactions anybody ever engages in. Both parties normally have a lawyer closing. There's normally title insurance involved. The financial institutions look very

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closely at the transactions. For those reasons, the buyer as well as the seller has a plethora of advise on the subject. Because of that kind of advise, it's totally wrong to place a standard on the buyer that is the kind of standard we have derived from Securities Law in this country. We ought place a standard on the buyer, a standard on the seller that does not require the seller to have an obligation to the buyer above and beyond common law fraud. The courts have interpreted the Consumer Fraud Act to imply an obligation on the part of the seller above and beyond common law fraud. The purpose of this Amendment is to remove that. Now, buyers of real estate can still resort to common law fraud remedies under the Real Estate Licensure Act and, in fact, to remedies under the Consumer Fraud Act, but any remedy that they derive under the Consumer Fraud Act has to be a remedy that requires they prove that the seller knew he was misleading the buyer. I believe that's the appropriate standard. That's the way the law ought to be in the state because of the information available to buyer and seller. If you impose a higher standard on the bu... on the seller, then what you in fact do is, I believe, chill much of the information necessary to normal real estate transactions. That information will simply not flow. Much of that information correct and right will not flow, because the buyer and the buyer's agent are too afraid of potential judicial remedies, rather than actually resorting to the realities of the marketplace transaction. For that reason, I believe you'll find realtors and anybody who is fairminded support this Bill. I would urge that the House concur in the Senate Amendment to House Bill 2181."

Speaker Daniels: "Gentleman, Representative Vinson, moves the House concur in Senate Amendment #1 to House Bill 2181.

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The question is, 'Shall the House concur in Senate Amendment #1?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 159 'aye', 6...160 'aye', 6 'no', and none voting 'present', and the House concurs in Senate Amendment #1 to House Bill 2181. Representative Hoffman."

Hoffman: "Thank you, very much, Mr. Speaker. I'd like to take this opportunity to introduce a member of the Class of 1967 of which Phil Collins, Art Telcser, Ray Ewell, and myself, and Ed Copeland were part of. He's Chairman of the State Board of Education right now. Ed Copeland, former colleague and Member of this esteemed Body."

Speaker Daniels: "... 1672. Read the Bill, Mr. Clerk. Senate Bills, Second Reading, Short Debate Calendar. 1672. Read the Bill."

Clerk O'Brien: "Senate Bill 1672, a Bill for an Act to amend... a Bill for an Act concerning the collection of child and spouse support and amending certain Acts herein named. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Levin."

Speaker Daniels: "Representative Levin, Amendment #1."

Levin: "Mr..."

Speaker Daniels: "I think you broke your microphone finally. Try Representative Bowman's microphone."

Levin: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I urge the adoption of Amendment #1. This Amendment is identical to House Bill 1119, the MANG spend down Bill, as it passed the House on May the 21st on a 99 to 51 vote. As we've discussed at length on previous occasions, virtually every Member of this House has heard

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from their constituents regarding the tragic effect of the Department of Public Aid's MANG spend down policy. As far as the effects on the senior citizens and the handicapped, the most vulnerable populations, and the effects on those who need out-patient chemotherapy treatment who are no longer able to get it, those who need out-patient dialysis treatment who are no longer able to get that and end up going into the hospital because their condition deteriorates. And the effect is not only one of tragic consequences on those that are affected, but it is a false economy. It's something which ends up costing the state substantially more money. The Department had proposed a six-month spend down policy. The Federal Courts in 'Brogin versus Miller' found that policy to be illegal for AABD recipients and ordered a one-month spend down policy. This Amendment, as well as House Bill 1119; tried to respond... tries to respond to a legitimate concern that the Department has expressed and, that is a one-month spin ... spend down may cost, in a pure form up to 200 million dollars, because it opens up eligibility to the seasonally unemployed. What this Bill does is it provides that, if the Federal Government accepts, there can be a six month eligibility period with a one-month spend down. This would save the Department a substantial amount of money over the status quo, which is the Federal Court decision, which was handed down in February and has been in effect during all this time. Now, the Department opposed 1119, and the Department opposes this Amendment. And they have... We heard last Friday, when this Amendment was offered on 1670 at the end of the day when a lot of people weren't around, and on a Bill which I found out later was the wrong Bill to offer it on, and I apologize for having offered it on that Bill, because I know I put some people in an awkward

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position. The Department's opposition is not for economic reasons. They've come in with a wild new fiscal note, but even if this Bill would save money, the Department does not want to have legislative input in the MANG spend down issue. We had extensive hearings in Committee, and the consensus in Committee and the consensus on the floor of this House was that the Illinois General Assembly would like to have some input in the MANG spend down policy, because they feel that the effects are dilatorious to the people who are being effected, the senior citizens and the handicapped. As I may ... indicated a couple of minutes ago, the Department has come in with a new estimate which we heard about last Friday that this was going to cost 29.8 million dollars. I just got that estimate subsequent to offering the Amendment on Friday, and the analysis of that estimate suggests that it is not accurate. I talked to the Director, and he told me that that estimate assumed the Department's policy of a six-month spend down was in effect. It did not assume the current Court decision. Now, the Court decision is currently the status quo, and he agreed with me that if you assume the Court decision as the status quo, then the effect of this Amendment will be to save money, because... as I have... explained it a couple of minutes ago, because it would eliminate seasonally unemployed, or if there is a cost it is substantially less than the 29.8 million dollars in the Department's latest estimate. It's more in the neighborhood of a maximum of four to five million dollars. The bottom line of this Amendment is that it is an opportunity to ease few in misery of the most vulnerable section of our population, and I know that many Legislators have heard from their constituents, are concerned about this and feel that we need to do something about it. Secondly, it will save

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money. We hear.... the Director himself has admitted that his latest estimates do not assume the status quo. They assume going back to the six-month spend down. It would save money, and it would provide for legislative input. If there are questions, I'll most be happy to answer them. I think this is an important Amendment. Unfortunately, House Bill 1119 did not get out of Senate Rules, and so this is our last opportunity to do something about this critical issue. And I urge your support of Amendment #1."

Speaker Daniels: "Any discussion? Representative Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to speak to the Amendment, as House Sponsor of Senate Bill 1672. I violently oppose this Amendment. The Bill that we offered was an administration Bill suggested by the Department of Public Aid to put us in compliance with the Federal Omnibus Budget Reconciliation Act of 1981. What we are looking at here is a 50 million dollar swing, the 22 million dollars in penalties which we will suffer in the State of Illinois if we do not have appropriate legislation in place, and the 29.8 estimate that we would have on the MANG spend down. I think that the Senate Rules Committee acted properly and with good fiscal responsibility in not passing this 1119 House Bill out of the Senate Rules and, therefore I strongly urge the defeat of this Amendment so that we may have in place the necessary legislation to implement the intent of Senate Bill 1672. Thank you, Mr. Speaker."

Speaker Daniels: "Representative Chapman."

Chapman: "Mr. Speaker and Members of the House, as Mr. Levin told you, this Body has already passed, as House Bill 1119, the contents of Amendment #1 to Senate Bill 1672. All of us in our legislative offices have had contact with individuals who have been adversely affected by the... the new spend

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down. This is an attempt to deal with the very practical problems of... of these individuals in the context of what the federal regulations are. It will relieve some of the hardship that is placed on your constituents and on mine. These are not individuals who are receiving cash payments, but these are people who are many times experiencing a chronic illness and who are living on... on pensions or on small payments which do not qualify them for public aid, but does leave them in a position where they are not able to pay for their medical expenses. I think we need to look too, at situations that on the surface, appear to save us money but in the long run cost money. If we do not respond to needs of... of individuals when they are experiencing chronic illness, we may be in the position of picking up 100% of the cost when we see people subjected to expensive hospitalization that can be incurred when we... we do not help them when their needs are of a limited nature. I'd ask that you vote 'yes' on Amendment #1 to Senate Bill 1672."

Speaker Daniels: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The cost of the Gentleman's Amendment is 28 million dollars. Now, that's for a different particular kind of medical services for a different client group of public aid. You have all heard the hospitals say, the nursing homes say, the doctors say that one of the problems we have in Illinois with the Medicaid Program in Illinois is that, by providing so many and such an exhaustive list of services for Medicaid recipients, that we are in the position of not being able to properly fund the core services those recipients really badly need. Now, what 28 million dollars does here, given the state of the state finances, is to take 28 million dollars away from hospital reimbursement, or 28 million dollars away from nursing home

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reimbursement, or 28 million dollars away from some other core medical need of the disabled. Now, we have to arrive at a policy in this state, if we're going to balance a budget, if we're not going to raise taxes, we have to arrive at a policy which funds really needed medical services for those people that cannot pay for them on their own. This Amendment defies that reality. It flies in the face of it. It's an Amendment that provides another 28 million dollars for a group far less in need than many other groups. Now, we are in the midst of litigation regarding the particular policy that the Amendment effects. The plaintiffs and the defendants and the Federal Government, which has been joined to that litigation, are involved in making recommendations to the Court on how this problem should be solved. I really question whether we should come along with one particular recommendation for solving that which costs 28 million dollars and takes that 28 million dollars away from something much more important, and impose that particular decision, particularly given the possibility that that particular decision may imperil millions of other federal dollars for the Public Aid Department and for the Medicaid Program. Finally, I would urge you to vote 'no' on the Amendment, because the Amendment really does one of the things that I don't believe we ought to do to any Member's legislation. Re... Senator Simms and Representative Olson have sought, with their particular Bill, to cure a problem that also is an important problem that relates to child support payments and their collections, a problem that could, again, necess... conceivably cost the State of Illinois a great deal of money if it's not solved, and could conceivably impose a great deal of hardship on children in need. What the Gentleman with the Amendment is doing is trying to take



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over their Bill. He is trying to appropriate their Bill, if you will, for his purposes. I don't believe that's appropriate. If the Gentleman has a concern, he ought to introduce a Bill of his own. He ought to come with that Bill and deal with that. And as a matter of fact, when the Gentleman's Bill got over to the Senate, the Rules Committee completely bottled it up in the Senate. I don't believe that he ought to take somebody else's Bill, turn it to his purposes and imperil the future of their Bill, when they've worked hard on it, and their Bill solves a legitimate problem for people in need. I would urge you vote 'no' against this 28 million dollar addition to the Cadillac."

Speaker Daniels: "Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. First of all, the previous speaker would have us believe that the status of Senate Bill 1672 belongs to some Member of this House. That Bill belongs to the House. This House is deliberating it at an Amendment stage. The Amendment that's offered to this Bill is a bipartisan Amendment, and the issue that's being addressed here is a bipartisan issue. The issue that's being addressed here is whether or not we have individuals who are medically indigent and those medical assistance no grants, whether or not these individuals are in fact to be protected and provided for by the Legislature. Now on the one hand the Gentleman that spoke previous to me would have us to believe that there are some type of good-will negotiations taking place while the issue is in litigation. He knows and I know and all of you know that just isn't true. The Courts have held and, on several instances, this administration has in fact stood in contempt of the Court when the Court makes a ruling to benefit the citizens of

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the state. The fact of the matter is, Representative Levin and Representative Oblinger are attempting to, in fact, do what this Body did on a previous occasion, to provide assistance to the medically indigent, without this legislation many of whom will die. Without this legislation, many of them will have to seek alternatives that you and I would not like to seek if we had a chronic illness and if we were, in fact, poor. So, I say to those of you on my side of the aisle, to the Democratic Members of this House, that you should watch very carefully this Amendment. You should vote for this Amendment, and I say to Members on that side of the aisle, who join with the progressives like Representative Oblinger and others, that you too should vote as you did before. Make this a bipartisan Amendment and pass Amendment #1 to Senate Bill 1672, and I urge an 'aye' vote."

Speaker Daniels: "Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise to support this Amendment. I am very sorry to have to disagree with some of the Members on my side, but I'm sure that the Gentleman who spoke about introducing a Bill of his own, of Representative Levin's own, knows that Representative Levin introduced the Bill and we passed it by quite a wide margin. I'm a Member of the Committee on Public Institutions and Social Services. I wish that all of you who are considering even voting 'no' on this Amendment could have been there to hear the individuals and their concerns and their problems. I also believe that this is a cost-effective Amendment, and I would urge your support."

Speaker Daniels: "Representative Oblinger."

Oblinger: "Mr. ... Mr. Speaker and Members of the General Assembly, just three brief points about the Bill and the

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fact that we're putting an Amendment or trying to put an Amendment on it. The person who spoke in opposition to this has done this so many times I don't know how the pot can call the kettle black. Number two, the Court has already agreed that we should have a one-month spend down instead of a six month with a six month eligibility. If you were a person in southern Illinois who gets 170 dollars a month on Social Security, and you're asked to spend down six months bills for your medical assistance before you can have help, you'll be doing it until hell freezes over, because you never can make that much money. We heard those people. I think we should be supporting them in the fact that they are trying to pay their own medical bills, come up with the matching funds, instead of discouraging from them. I think the Court is not making our laws. We're making them. They've made a suggestion. We should act on it. I'm surprised that people don't want to help those that want to help themselves."

Speaker Daniels: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. I rise in opposition to the Amendment. Several Members have spoken to the details of the question and I defer to their wisdom on that. Representative Vinson, I believe, covered that very well. Let me outline for the House the practical realities of what we're doing here. Representative Olson has proposed an important, not earthshaking, but important Bill dealing with the technicalities of the Budget Reconciliation Act. We need that Bill. However, the fact is that if this Amendment goes on it is Representative Olson's intention to take the Bill out of the record. So, it is a meaningless act in the real world to put this Amendment on. All in the world it does is defeat the underlying Bill, and it defeats the attempt by Representative McClain to benefit the area

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agencies, and it defeats the attempt by Representative Currie and myself to put on an Amendment which will be helpful to distressed hospitals, which a lot of you have gotten support on. That's the only practical effect of putting this Amendment on is to defeat those things, because the Bill isn't going to be called. It isn't going to pass if this Amendment goes on. Now, you have already heard the reasons to vote against this; the cost, and that cost has to come from somewhere. And I'll tell you where it'll come from. It'll come from other kinds of services to poor people, other kinds of Medicaid services. That's the only place it can come from. So I think there are compelling reasons on the issue to vote 'no', but aside from that, the practical fact is there is no... it's not going to do anything to vote 'yes'; because if this Amendment should get on, and I hope it does not, then the Bill is not going anywhere. And the underlying Bill itself, plus the distressed hospitals wording, plus the wording that will be beneficial to the area agencies will be lost in the shuffle, and that's a bad result. So, I urge 'no' votes for all the reasons that have been given, plus the practical ones that I think I have attempted to outline. Thank you."

Speaker Daniels: "Representative Margaret Smith."

Smith: "Thank you... Thank you, Mr. Speaker and to the Ladies and Gentlemen of this august Body. I stand in support of this Amendment, because I'm reminded of the words of a saying that says, 'The forms of government let fools contest. What's best administered is best.' And my friends on the other side has talked highly against this Bill. They may not have had the occasion of being confronted with people who are plagued in this particular position, but I have had the experience all this year. People who are desirous to

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maintain dignity on the small income that is theirs to receive, but they are not able to maintain themselves because of their illnesses. And the MANG Program has been able to help them to survive. We have the spend down. Yes, a spend down; but, when they pay so much money for rent and little bit for food, what do they have to pay for their medical aids? And so they say... do not put this onto this Bill, 1672. This is a time that this situation would be best administered, and you step where you can when you can. And I want to compliment Representative Levin and Oblinger for taking the courage of placing this Amendment on this Bill. Don't put so much value in yourselves, but let things work out for themselves, and this is a Bill for people; people who are at home and who cannot come into these legislative halls and cry for themselves, but they are dependent on us who are down here seeking to represent them. I'm asking you out of the mintage of my heart that every Legislator, whether you have any people that are subjected to MANG or not, that you think of those who cannot help themselves and vote 'yes' for Amendment #1 on this House Bill ... Thank you."

Speaker Daniels: "Representative J. J. Wolf."

Wolf: "Mr. Speaker and Members of the House, reluctantly, I must also join in opposition to the Gentleman's Amendment. Now, the previous speaker commended the Sponsor of the Amendment for the courage to introduce it. Let me tell you, it doesn't take any courage to introduce a measure to spend 28 million dollars, and I'm not finding any fault with the program, because obviously they're all good programs. But I would like to point out to this General Assembly, at this present moment, we have already spent 110 million dollars over the Governor's budget, as introduced. There's also some speculation that there may be an additional shortfall

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in addition to that, and we're working very hard to try to make ends meet and try to come out here with some semblance of a balanced budget. Now, we have programs for the mentally retarded. We have community mental health programs. We have educational programs. We have drug programs for children. We have all kinds of programs. And the fact of the matter, plain and simple, is we don't have the money to provide money to fund all of these services at the level that many of us would like to see them funded. Obviously, there's only one way to vote on this Amendment and that is a 'no', unfortunately, but that's the way the real world is. And I would ask for a 'no' vote."

Speaker Daniels: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I think that there's a lot of people saying different things on this Amendment. As I understand or remember, just the other day, one of the eloquent speakers on the other side of the aisle opposed this very same Amendment on another Bill; but, since it's somebody else's legislation at this time, then it becomes alright. Let's vote this down and move on."

Speaker Daniels: "Representative Martire."

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

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

Levin: "Thank you, Mr. Speaker. There have been a couple of occasions in the last year and a half, when there have been cuts proposed by the Governor, that this House has found not to be cost effective. One was the day care cuts last fall. Another was the elimination of IVHI. This falls in the same framework. We heard a fiscal note that this was

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going to cost 28 million dollars and yet, we heard testimony in Committee that the people who could not get these services on an out-patient basis, when they get sick, sicker, are forced to go into the hospital which actually costs the state substantially more. We heard testimony from a number of witnesses documenting that this is not speculation. This is something that is happening right now as a result of the MANG spend down policy. So, it's a false economy. It's not going to save money to defeat this Amendment. It's going to cost money. Moreover, the fiscal note itself is a self-serving document. The Legislative Advisory Committee on Public Aid asked for a break down of the 29.8 million dollar fiscal note into categories, and the response that came back was, 'Well, we can't break it down. We put this together real quickly and it could be that our estimate is way high or way low, but we were under the gun to get something to justify opposition to this Amendment.' So, the fiscal note, the 28 million dollar figure, is a false figure. The Department of Public Aid simply is using it, because they do not want this General Assembly to have any input in the MANG spend down policy. You've heard from your constituents. This Amendment gives you an opportunity to vote for them, and I urge its adoption."

Speaker Daniels: "Gentleman moves for the adoption of Amendment #1. All those in favor will signify by saying 'aye', opposed 'no'. You wish... Do you have four friends, Representative Levin? I see three. Okay, Roll Call. All those in favor will signify by voting 'aye, opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? You spoke in debate, didn't you, Representative Bullock? Have all voted who wish? Representative Alexander."

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Alexander: "Thank you, Mr. Speaker and to the House. I'd like to address a subject that I just heard from the other side that there was a comparison between an Amendment coming up later and this particular Amendment, which I stand in support of. I would advise this House, if you've kept up with any of the hospital problems, that there is a vast difference between the medical spend down theory and the distressed hospital emergency matter that is coming up, and I agree with the fact that there will be disparity if we do not put this Amendment on at this present time. More persons will be going into the hospital for lack... lack of medical treatment prior to hospitalization."

Speaker Daniels: "Representative Olson."

Olson: "Mr. Speaker, I'd ask for a Poll of the Absentees and a verification of the roll."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Take the record. There are 84 'aye', 86 'no', 1 voting 'present', and the Gentleman, Representative Olson, requests a Poll of the Absentees. Whoops, I'm sorry. Excuse me, Sir. The wrong side. I guess Representative Levin requests a Poll of the Absentees, and then Representative Bullock wants a verification. Okay. Proceed with a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Bradley. Ralph Dunn. Kustra. No, it's Krska, not Kustra. McGrew. Stearney and Sam Wolf."

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

Davis: "Leave to be verified, Mr. Speaker."

Speaker Daniels: "Representative Davis requests leave to be verified. Representative Bullock. Where is he? Alright. Davis, Wolf, Johnson, Wikoff, McBroom, Fawell, Peters and Grossi, Terzich. I got them all down. Terzich, Koehler.



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Representative Pierce, I can't give you leave, because we aren't on a Verification of the Affirmative Roll. Can only verify those on the Negative Roll. Representative Brummer requests leave to be verified. Okay. Proceed with a Verification of the Negative Roll. Representative Ralph Dunn as 'no'."

Clerk O'Brien: "Poll of the negative vote. Abramson. Ackerman. Alstat. Barkhausen. Barnes. Barr."

Speaker Daniels: "Excuse me, Mr. Clerk. The Speaker has asked me to announce that, after this Bill is completed, we will break for two hours for lunch, and then we will return. He also asked me to remind each and every Member that we have Bills on the Calendar that must be moved; that there are chances that we can complete our work, and that we are asking each Member, during the two hour break for lunch, to review their Bills to see if we can move them when we return so that we can get the work of the House done. So, as soon as we're completed with this Bill, we'll take a two hour break. Alright, proceed, Mr. Clerk, on a Verification of the Negative Roll."

Clerk O'Brien: "Bartulis. Bell. Bianco. Birkinbine. Boucek. Bower. Brummer. Christensen. Collins. Conti. Daniels. Darrow. Davis. Deuster. Jack Dunn. Ralph Dunn. Ebbesen. Epton. Ewing. Fawell. Findley. Flinn. Dwight Friedrich. Griffin. Grossi. Hallock. Hastert. Hoffman. Hoxsey. Hudson. Huskey. Johnson. Karpel. Jim Kelley. Klemm. Kociolko. Koehler. Kucharski. Kustra. LaHood. Leinenweber. Margalus. Martire. Mays. McAuliffe. McBroom. McClain. McCormick. McMaster. Ted Meyer. R. J. Meyer."

Speaker Daniels: "Excuse me. Representative Jane Barnes over here asks... requests to be verified. Leave is granted. Representative Watson, leave to be verified. Alright."

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The... Representative Oblinger and Representative Bullock request that all Members please be in their seat so we can expedite the verification. Proceed."

Clerk O'Brien: "Miller. Neff. Nelson. Olson. Pechous. Peters. Piel. Pullen. Reed. Reilly. Rigney. Ropp. Schraeder. Harry Smith. Irv Smith. Stanley. E. G. Steele. C. M. Stiehl. Swanstrom. Tate. Telcser. Topinka. Tuerk. Vinson. Watson. Wikoff. Winchester. Jake... J. J. Wolf. Woodyard and Mr. Speaker."

Speaker Daniels: "Questions of the Negative Roll. Representative Bullock. The count is 84 'aye', 87 'no'. Representative Bullock."

Bullock: "Thank you, Mr. Speaker. Representative Bartulis."

Speaker Daniels: "Bartulis. In his chair."

Bullock: "Representative Christensen."

Speaker Daniels: "I'm sorry?"

Bullock: "Representative Ebbesen."

Speaker Daniels: "Who'd you say?"

Bullock: "Joe Ebbesen."

Speaker Daniels: "Ebbesen is in his chair."

Bullock: "Representative Huskey."

Speaker Daniels: "Huskey. Representative Huskey. Gentleman in the chambers? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Bullock: "Barr."

Speaker Daniels: "Barr. Powerful Chairman Barr is in the rear of the chambers."

Bullock: "Tuerk."

Speaker Daniels: "Tuerk. Representative Tuerk. How's the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

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Bullock: "Ropp."

Speaker Daniels: "Ropp is here."

Bullock: "McAuliffe."

Speaker Daniels: "McAuliffe. Roger McAuliffe. He's over here talking to Representative Yourell."

Bullock: "Kucharski."

Speaker Daniels: "Representative Tuerk has returned. Return Representative Tuerk to the Negative Roll. Your next question, Sir, was?"

Bullock: "Kucharski."

Speaker Daniels: "Kucharski. Representative Kucharski. Gentleman in the chambers? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Bullock: "Hallock... Hallock."

Speaker Daniels: "John Hallock. He's here. He's talking to Representative Nelson and Frederick and Deuster."

Bullock: "Martire."

Speaker Daniels: "Frank Martire? Representative Martire. How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Bullock: "McClain."

Speaker Daniels: "Representative McClain. Assistant Minority Leader. Representative McClain. How's the Gentleman recorded."

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

Speaker Daniels: "Remove him."

Bullock: "Huskey."

Speaker Daniels: "Excuse me. Here is Representative McClain over here. Return him to the Negative Roll."

Bullock: "Kelley, Jim. Kelley, Jim."

Speaker Daniels: "Return Representative Huskey to the Negative

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Roll."

Bullock: "Birkinbine."

Speaker Daniels: "Birkinbine is here on my left. Right up here."

Bullock: "Alst... Alstat."

Speaker Daniels: "What was your question?"

Bullock: "Oh, they found him in the back, Mr. Speaker."

Speaker Daniels: "Alright. Representative Stanley requests leave  
to be verified. Leave is granted."

Bullock: "Irv Smith. Irv Smith, Mr. Speaker."

Speaker Daniels: "Representative Smith."

Bullock: "Irv Smith."

Speaker Daniels: "Irv Smith. How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Bullock: "Representative Woodyard."

Speaker Daniels: "Woodyard is in his chair."

Bullock: "Did we have leave to verify Watson? I didn't get the  
last..."

Speaker Daniels: "Yes, Sir."

Bullock: "Watson, okay. Schraeder."

Speaker Daniels: "Schraeder. Fred Schraeder. He's in his  
chair."

Bullock: "Karpel."

Speaker Daniels: "Doris Karpel is in his chair as always."

Bullock: "Is Gene Hoffman down there?"

Speaker Daniels: "Gene Hoffman."

Bullock: "Yes."

Speaker Daniels: "Representative Gene Hoffman. How is the  
Gentleman recorded."

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

Speaker Daniels: "Remove him."

Bullock: "Representative Margalus. Is he in the back back there?  
Yeah, he's there. Alright."

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Speaker Daniels: "He's here."

Bullock: "Yeah. Christensen. Is he here?"

Speaker Daniels: "Christensen."

Bullock: "Raymond Christensen. I haven't called his name yet.  
...called his name."

Speaker Daniels: "Representative Christensen. Is the Gentleman  
in the chambers? How's the Gentleman recorded?"

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

Speaker Daniels: "Remove him. Representative McGrew, for what  
purpose do you rise, Sir? McGrew."

McGrew: "Record me 'yes', please."

Speaker Daniels: "Record Representative McGrew as 'yes'.  
Representative Sam Wolf. Sam Wolf."

Wolf: "Mr. Speaker, how am I recorded."

Speaker Daniels: "How's the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as not voting."

Speaker Daniels: "Not voting."

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

Speaker Daniels: "Record Representative Sam Wolf as 'aye'."

Bullock: "Mr. Speaker."

Speaker Daniels: "Representative Bullock."

Bullock: "Members on my side of the aisle don't want it. I have  
no more questions."

Speaker Daniels: "You have no more questions?"

Bullock: "Democrats going to vote for it. I have no questions."

Speaker Daniels: "... Robbins. Change Representative Robbins  
from 'aye' to 'no'. There are 85 'ayes', and 83 'nos', and  
the Gentleman, Representative Olson, requests a  
verification of the Affirmative Roll. Proceed with a  
verification. Representative Olson."

Olson: "Would you please ask the Representatives to return to  
their seats, clear the center aisle so we can have a proper  
verification."

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Speaker Daniels: "Alright, Representative Christensen has returned. So, return Representative Christensen to the Negative Roll. So, it's 85 - 84. Will all the Members please return to their seats? Will those not entitled to the floor please retire to the gallery? Representative Frederick, Virginia Frederick."

Frederick: "Mr. Speaker, would you please change my 'present' vote to 'no'?"

Speaker Daniels: "Change the Lady's 'present' vote to 'no'. What's the count, Mr. Clerk? There are 85 'ayes' and 85 'nos', and this Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Currie - Reilly."

Speaker Daniels: "Representative Currie, Amendment #2."

Currie: "Withdraw Amendment #2, please."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, McClain - Olson."

Speaker Daniels: "Representative McClain, Amendment #3. Representative Olson."

Olson: "Mr. Speaker, Amendment #3 is withdrawn."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk O'Brien: "Amendment #4, Fawell - McClain."

Speaker Daniels: "Representative Fawell, Amendment #4. Representative Fawell. Representative Olson, do you want to handle that one?"

Olson: "I'd prefer to have Representative McClain or Representative Fawell handle it. This Bill involves Representative Fawell's county. Could we pass to Amendment..."

Speaker Daniels: "Representative Fawell, Amendment #4."

Olson: "She's coming in now. Thank you."

Speaker Daniels: "I see her. Amendment #4, Representative Fawell."

Fawell: "Thank you, Mr. Speaker. This is a pretty simple

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Amendment. It merely codifies exactly what's happening right now as far as the regions are concerned. It just places in the statute what different counties are in the different regions. And that's all it amounts to."

Speaker Daniels: "Any discussion? Yes, Sir. Representative Oblinger."

Oblinger: "Mr. Speaker and Members of the House, since I've been in the House and I've listened to a number of these Bills, I think you ought to be aware of what has gone on. When I became Director of the Department on Aging in 1977, we had 13 area agencies. At that time, the County of DuPage petitioned to be made an individual area agency. I agree that they had problems, and we worked on it. They have continued working on it until this day. The County Board of DuPage County that was going to take this over cannot agree on how they're going to do it. To mandate... to allow this would be a travesty, because Cook County is the only other county. Cook County already has this. It's part of the Mayor's Office in the City of Chicago. Pardon? This is not necessary legislation. It can be done under the Federal Older Americans Act, which allows you to have the planning and service areas the state department deems necessary. This is unneeded legislation. It just clutters it up, and I'm surprised, when we're talking about child support and the spend down didn't belong on this Bill, why area agencies belong on child support Bills."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Thank you, very much, Mr. Speaker, Ladies and Gentlemen of the House. In response to, I believe, a legitimate criticism made by the previous speaker, I would like to point out that this legislation does not mandate a separate area. It gives... it does, however, make it possible for the County Board to become a separate region if they wish

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to be. It doesn't mandate that they do it, and I would encourage support for the Amendment."

Speaker Daniels: "Further discussion? Representative Fawell, to close."

Fawell: "Thank you, very much. I would like to assure the Members that originally this was not my Amendment. It was Representative McClains, and I think it's a good Amendment. It merely puts into statute exactly what's happening right now. There's nothing different in it, and I would ask for a favorable vote."

Speaker Daniels: "Lady moves for the adoption of Amendment #4. All those in favor signify by saying 'aye', opposed 'no'. Lady moves for the adoption of Amendment #4. All those in favor signify by voting 'aye', opposed by voting 'no'. Voting's open. Have all voted who wish? Have all voted who wish? Representative Fawell, to explain her vote."

Fawell: "I would just like to... if Representative McClain is here, I wish he would speak on this and assure his Members on that side that this was his Amendment. And this is what his Party seemed to want."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Take the record. 76 'ayes', 72 'no', 2 voting 'present', and Amendment's adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Reilly."

Speaker Daniels: "Representative Reilly, Amendment #5."

Reilly: "Thank you, Mr. Speaker. This is really Reilly and Currie. Representative Currie and I have been working on this. What this does is put into the substantive language the Distressed Hospitals' Fund that you've heard a great deal about from your hospitals. Basically, we appropriated last year, for the first time, a small amount of money, a little over 6 million dollars, to provide a cushion if a hospital got in trouble financially because of the amount



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of impaction that came from the public aid rates and the way they were paid and so on; that there would be a cushion, an extra amount that they could receive. That's worked fairly well. What we are doing now is, first of all, in the appropriation Bill, which we will get to at some point in the Session, we have upped that amount to 20 million dollars instead of 6. Second of all, we are here putting into the substantive wording, which has been worked out with the Hospital Association, signed off on by the Department, and I'm not to say that the Department supports the Amendment. They do not, but they have agreed to the wording at least. The fact is, the wording now provides the standards for spending that money for helping the distressed hospitals. As I say, this has been agreed to by the Hospital Association, is supported by them. And, of course, I'd be glad to answer questions but otherwise I would ask for a favorable vote."

Speaker Daniels: "Any discussion? Gentleman moves for the adoption of Amendment #5. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #5 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. Agreed Resolutions. Representative Olson asks leave to leave the Bill on Short Debate. There any objections? Hearing none, leave is granted. Agreed Resolutions."

Clerk O'Brien: "House Joint Resolution 96, DiPrima - et al. House Resolution 1016, Topinka; 1017, Ryan; 1020, Topinka; 1021, Loftus; 1022, Terzich; 1023, DiPrima; 1024, Katz - Pierce; 1025, Wikoff; 1026, Olson - Rigney; 1027, Bianco; and, 1030, Margaret Smith."

Speaker Daniels: "Representative Conti."

Conti: "Mr. Speaker, the Clerk inadvertently left off 1019."

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1019, do you have that? House Joint Resolution..."

Clerk O'Brien: "Yes, 1019, Koehler - Findley."

Conti: "You..."

Clerk O'Brien: "It's included."

Conti: "Yes, but you didn't include it in your call. So, I was just going to show you."

Clerk O'Brien: "I missed it."

Conti: "House Joint Resolution 96, DiPrima - et al. David Finkle, resident of northside Chicago, Illinois was unanimously elected Illinois Department Commander of the Jewish War Veterans of the United States on Sunday, June 6th. House Resolution 1016, Topinka. Frank Jirka, Jr., M.D. a urologist practicing in Barrington and Berwyn, was recently named President-Elect of the American Medical Association. House Resolution 1017, Ryan. Three job fairs were held, over 4,000 senior citizens were brought together with some hundred perspective employers in the State of Illinois to discuss job opportunities available for older workers in the state. House Resolution 1019, Koehler and Findley. It has come to the attention of this House that the First United Presbyterian Church of Green Valley celebrated the 150th year of its founding on June 13, 1982. House Resolution 1020, Topinka. We commend the Mexican-American Veterans' Association on its most worthwhile and noble objective of paying tribute to those forgotten acts of valor performed so that a nation and its people might forever live free in the serenity and democracy. House Resolution 1021, Loftus. The Boys Gymnastics team of Illinois, Addison Trail School, coached by Fred Dennis, this year continued its monopoly over high school gymnastics in 1982 in the State High School Gymnastics Championship. House Resolution 1022, Terzich - Kornowicz - Beatty - Madigan. Father Norman Trela is

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leaving St. Bruno's Parish for a new assignment. House Resolution 1023, DiPrima - Ryan - et al. It has come to the attention of this House that Rhine Post #2729, Veterans of Foreign Wars, will celebrate fifty years of continuous service to the community in October of 1982. House Resolution 1024, Katz - Pierce - Hallstrom - Birkinbine. Whereas, the House has learned that Robert B. Morris will be retiring from his position as Village Manager of Glencoe. House Resolution 1025, Wikoff. It has come to the attention of the Members of this chamber that Doctor Marcus Hedgcock, Sr. will retire from practice of medicine on June 30, 1982. House Resolution 1026, Olson and Rigney; that the citizens in the Village of Paw Paw, Illinois and the surrounding community will celebrate the Village's 100th Anniversary during the week of June... July 20 - 25, '82. House Resolution 1027, Bianco - Ryan - Madigan - and all Members. The Summit Volunteer Fire Department in Summit, Illinois will observe its 75th Anniversary with 2 days of festivities on July 3rd and 4th of 1982. House Resolution 1030, Margaret Smith. The Pilgrim Baptist Church, which is located at 3301 South Indiana Avenue in Chicago, was named a Chicago Landmark by the City Council of Chicago at the request of the Second Ward Alderman, William Barnett. Mr. Speaker and Ladies and Gentleman of the House, I move for the adoption of the Agreed Resolutions."

Speaker Daniels: "Representative Conti moves the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Agreed Resolutions are adopted. Death Resolution."

Clerk O'Brien: "House Resolution 1028, Bullock - et al. With respect to the memory of Mr. Will Davis."

Speaker Daniels: "This is a Death Resolution. Representative

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Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. If Representative McClain is in the sound of my voice, he might want to come out and have remarks on this particular Resolution, House Resolution 1028. It was brought to my attention on Monday, when we arrived, that a personal friend of mine, and a gentleman who worked for this Body for several years, Will Davis. His funeral is tomorrow in Jefferson City, Missouri. I don't know how many of you had an opportunity to meet Will. I met him when I came to this Legislature. I discovered that Will, in addition to being a fine journalist, was a gentleman that had a very unique touch. One of the things that I recall quite vividly that Will Davis would do is that he would always encourage you. Irrespective what happens here on the floor, when I went back to my office; and at that time his office was located adjacent to mine, he always provided me additional insight at times when I think it was sorely needed. He is survived by his wife. The thing that I think he was most proud of, basically, is that he was in the Air Force; and, as the Resolution indicates, he flew over 80 some missions throughout Africa and other parts of the world. But the thing that he was perhaps most proud of, in addition to that, is his work with the Democratic Party, and I certainly don't think he has anything to be ashamed of in that regard. Mr. Speaker and Ladies and Gentlemen of the House, I would request leave that all Members of the House join in sponsoring this Resolution, and we will do the best that we can to expedite the Resolution once it's approved, to his widow. And, certainly, on behalf of the House, I will make known that all of the Members do join in sponsoring the Death Resolution."

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Speaker Daniels: "Gentleman asks leave that all Members be joined as Cosponsors. Are there any objections? Hearing none, leave is granted. On the Resolution, Representative McClain."

McClain: "Thank you, very much, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to say a few words. You know, my dad once told me some time ago that if you die and you have five good friends, you've lived a good life. And back when he told me that, I was around 18 or 19, and I told him how wrong he was and I clicked off about 30. And it's amazing how smart they get, the older I get. And Will Davis is counted as one of the five for me. He was a gentleman in the truest sense of the word, and his word was just ultimate to him. I appreciate Larry giving me the opportunity to be a Cosponsor with him. Will Davis, when I first was elected after my dad died, Will Davis and I shared an apartment together and we became very close. He was a scholar, academic, and his wife, Cal, will sorely miss him, as all of us will. He loved the Democratic Party. I'm sure the other side of the aisle know many people that are just totally committed to the philosophies of the Party, and he was the State Director in Missouri for the Democratic Party. He was proud of the Party, proud of what we stood for and proud to work on our House Democratic Staff. The Gentleman was a friend of many of ours, and he will be missed by everybody who ever passed his path, and I thank you, Mr. Speaker, for allowing me to talk."

Speaker Daniels: "Representative Conti."

Conti: "I move for the adoption of the Death Resolution."

Speaker Daniels: "Gentleman moves for the adoption of the Death Resolution. All in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Death Resolution is adopted. Representative Telcser."

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Telcser: "Mr. Speaker, I now move that the House stand in recess until the hour of ..."

Speaker Daniels: "Four."

Telcser: "Four o'clock."

Speaker Daniels: "Gentleman moves the House stand in recess with the appropriate time for the Clerk for Perfunctory Session. He needs about five minutes. All those in favor signify by saying 'aye', opposed 'no', and the House will stand in recess until the hour of 4:00. Motion adopted. Please, all Members be ready to move their Bills when they return at 4:00 so we can get some good work done this afternoon and this evening. Study your legislation. Be ready to move when you get back at 4:00 so we can move the Bills off of Third or onto Third. Thank you."

Clerk O'Brien: "Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #31, Birkinbine - Hallstrom. Resolved by the House of Representatives of the 82nd General Assembly of the State of Illinois, the Senate concurring herein, there shall be submitted to the electors of this state, for the adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution, a proposition to amend Sections 2 and 3 of Article IV of the Illinois Constitution to read as follows: Article IV, Section 2 - Legislative Composition. A) One Senator shall be elected from each Legislative District, immediately following each decennial redistricting. The Legislative and Congressional Redistricting Firm appointed under Section 3 of this Article, shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years. Senators from the second group for a term of four year, two years and four

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years. And Senators from the third group for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equal over the state. B) Each Legislative District shall be divided into two Representative Districts. In 1982 and each two years thereafter, one Representative shall be elected from each Representative District for a term of two years. C) To be eligible to serve as a Member of the General Assembly, a person must be a United States citizen, at least 21 years old; and, for the two years preceding his election or appointment, a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resides at the time of the redistricting and re-elected, if a resident of the new district he represents, for 18 months prior to re-election. D) Within 30 days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than 28 months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political Party as the person he succeeds. E) No Member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity from time... for time during which he is in attendance as a Member of the General Assembly. No Member of the General Assembly, during the term for which he was elected or appointed, shall be

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appointed to a public office which shall have been created for the composition... compensation for which... for which shall have been increased by the General Assembly during that term. Section 3 - Legislative and Congressional Redistricting. A) Legislative Districts shall be compact, contiguous and substantially equal in population, and Representative Districts shall be compact, contiguous and substantially equal in population. Congressional Districts shall be compact, contiguous and substantially equal in population. The Districts shall be substantially... shall substantially retain, in order of... in order of priority, municipal township and county boundaries, period. Legislative Representatives in Congressional Districts located within municipalities of 500,000 or more inhabitants shall retain community and neighborhood boundaries as such boundaries are defined in the United States Bureau of Census. B) In the year following each federal decennial census year, a Legislative and Congressional Districting Firm shall redistrict the Legislative Districts, period. The Representative Districts and Congressional Districts ... the Legislative and Congressional Districting Firm shall be appointed not later than April 1 of that year. Prior to April 1, the year following each federal decennial census year, the Governor, President of the Senate and Speaker of the House of Representatives shall meet as a Committee for the purpose of letting out bids to firms experienced in data processing and computer programming and for the purpose of evaluating bid submissions and awarding a contract to a firm which has submitted the lowest, responsible bid. The Committee shall be a ... shall, by a majority vote of its Members, determine the manner of letting out bids, evaluate bid submissions, establish criteria for ascertaining the



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qualifications of firms who submit bids, determine that the bid constitutes the lowest, responsible bid by a majority vote shall award the contract. The meetings of the Committee shall be public meetings, and all the records of the Committee meetings shall be available for public inspection. C) The Firm appointed under Subsection B of this Section shall program a computer with demographic data derived from the federal decennial census relating to the State of Illinois. The Firm shall utilize the standards enumerated in Subsection A of this Section to establish Congressional, Legislative and Representative Districts. The Firm shall submit its redistricting plan to the Secretary of State, State Board of Elections and Supreme Court by August 1 or one month after receipt by the Governor of the federal decennial census data relating to the State of Illinois. D) The General Assembly shall appropriate sufficient funds to pay for the costs of the data processing and computer programming activities of the Firm. E) Each of the two political Parties, which have received the greater number of votes cast for Governor in the preceding general election, may appoint an observer to witness the Firm's activities in establishing Legislative, Representative and Congressional Districts. The Governor shall appoint an observer representing a non-partisan citizens groups to witness the Firm's activities. F) All records and written information of the Firm relating to the redistricting, except the Firm's trade secrets, shall be opened to inspection by the observer and such persons as the General Assembly may authorize by law. G) Approved Legislative and Congressional districting plans filed with the Secretary of State, and State Board of Elections and the Supreme Court shall be presumed valid, shall have the force and effect of law and shall be published promptly by

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the Secretary of State. H) The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting of the House and the Senate which shall be initiated in the name of the people of the state by the Attorney General. Schedule: This Amendment takes effect upon its approval by the electors of this state. First Reading of the Constitutional Amendment. No further business. The House now stands in recess."

Speaker Peters: "The hour of four o'clock having arrived, the House will be in order."

Clerk O'Brien: "Representative Peters in the Chair."

Speaker Peters: "On page two of the Calendar, House Bills Third Reading. House Bill 2517, Representative Davis. Out of the record? Senate Bills Third Reading House Bill 1285, Representative Wolf. Senate Bill 1285. We're waiting on Representative Wolf. Let's just take that out of the record temporarily. Page six of the Calendar, Senate Bills Second Reading Senate Bill 1251, Representative Peters. Representative Swanstrom, would you handle that please? Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1251, a Bill for an Act to amend an Act to establish an unpaid Commission on intergovernmental cooperation. Second Reading of the Bill. Amendment #1 and 4 were adopted in Committee."

Speaker Peters: "Any Motions with respect to Amendments 1 and 4?"

Clerk Leone: "Four. No Motions filed."

Speaker Peters: "Any further Amendments?"

Clerk Leone: "Floor Amendment #5, Matijevich - et al, amends Senate Bill..."

Speaker Peters: "Representative Matijevich, Amendment #5. That's the agreed Amendment, John."

Matijevich: "Oh, #5 is the agreed Amendment which we worked out with the Intergovernmental Cooperation Commission on the

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block grant procedures. It stipulates that we will work out a percentage of priorities on the block grant programs. It is a good Amendment, and I move for its adoption."

Speaker Peters: "Representative Swanstrom. Discussion."

Swanstrom: "Thank you, Mr. Speaker. This is an agreed Amendment, and I would urge its adoption."

Speaker Peters: "Further discussion? There being none, the question is, 'Shall Amendment #5 to Senate Bill 1251 be adopted?'. Those in favor will signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #5 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Telcser, Senate Bill 1654 on Second. Out of the record. Representative Daniels, 1231. Read the Bill, Mr. Clerk. Senate Bill 1231."

Clerk Leone: "Senate Bill..."

Speaker Peters: "Second...Senate Bills Second Reading, page five of the Calendar."

Clerk Leone: "Senate Bill 1231, a Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Preston, amends Senate Bill 1231 on page one and so forth."

Speaker Peters: "Representative Preston, Amendment #1. The Gentleman withdraws Amendment #1. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, Getty, amends Senate Bill 1231 on page one and so forth."

Speaker Peters: "Representative Getty, Amendment #2. Representative Darrow, what purpose do you seek recognition?"

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Getty: "Mr. Speaker, could we take this out of the record till Mr. Getty arrives?"

Speaker Peters: "Representative Daniels, your pleasure, Sir? It is the hour of 4:15. Representative Daniels, your pleasure?"

Daniels: "Mr. Speaker, in respect to Mr. Getty, let's take this out of the record. I'll let you know when it's time to call it again. Thank you."

Speaker Peters: "Fine. Out of the record. Representative Barnes on 1289. Out of the record. Representative Wolf. ...come to the podium. Representative Getty, are you ready? Out of the record. Alright. Senate Bills Second Reading, page five of the Calendar. Senate Bill 1231, out of the record. Senate Bill 1243, Representative Daniels. 1243. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1243, a Bill for an Act making appropriations to the Department of Transportation. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Amendment #1 was withdrawn in Committee. Floor Amendment #2, Leverenz, amends Senate Bill 1243..."

Speaker Peters: "Representative Leverenz, Amendment #2. Representative Leverenz. Representative Daniels, what's your pleasure? The Gentleman's not in the chamber."

Daniels: "Move to table."

Speaker Peters: "The Gentleman moves to table. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is tabled. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Page six of the Calendar, Senate Bills Second Reading. Senate Bill 1289, Representative Barnes. What's your pleasure, Representative Barnes?"

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Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to be removed as the Sponsor of Senate Bill 1289. I am for reform of the Bingo Bill. This Bill, in all good conscience, is not what I care to be associated with. Thank you."

Speaker Peters: "Mr. Clerk, will you have a proper form taken to the Lady so that she may sign it to be removed as Cosponsor of Senate Bill 1289? Representative Getty, what purpose do you seek recognition? Representative Getty."

Getty: "Mr. Speaker, I would merely request that this Bill be taken out of the record at this time."

Speaker Peters: "Well, Representative Keane is now the Cosponsor. What's your pleasure, Sir? Out of the record. Senate Bill 1299, Representative Birkinbine. Out of the record. Senate Bill 1359, Representative Kustra. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1359, a Bill for an Act making appropriations to the Illinois State Scholarship Commission. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Terzich - Matijevich, amends Senate Bill 13..."

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

Terzich: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment #1 returns the pension contribution to restore its original line item to 70% of estimated pay outs. And I would move for its adoption."

Speaker Peters: "Discussion? Representative Wolf."

Wolf: "Yes, Mr. Speaker, I would rise to oppose the Gentleman's Motion. We have been trying to have some meetings and to come to some conclusions between the various Appropriation Committee Chairmen and Spokesmen between the House and the

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Senate. At this particular time, I would have to oppose the Gentleman's Motion. We may be possibly reaching some agreement, and I would ask for some 'no' votes at this time."

Speaker Peters: "Further discussion? Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I would urge the Members to take a position in favor of the 70% of the pay out level. As I've said on the floor of the House before, I think it's unconscionable that we, as a Legislature, dip into, really dip into the pension funds to balance a budget. Now, we are doing it anyhow by being at 70% of the pay out level. But at least we are taking a position that we're not going to reduce it all the way to 62.5%. I think that's ridiculous. I think that this House stands firm for protection of the pension systems. We've already taken a position on the...many of the agencies. I don't think this is the time that we ought to change. We ought to be uniform, I believe, with regards to all agencies. Up to this moment, the House has been in posit...has been in a position of supporting the 70% rather than anything lower than that. And all of you remember that last year the Governor said it was going to be a one-time thing. You just don't know what you're doing to the future of the pension systems if you repo...if you support further reductions. So, I would urge the Members to support this Amendment."

Speaker Peters: "Further discussion? Being none, Representative Terzich to close."

Terzich: "Well, Mr. Speaker, Ladies and Gentlemen of the House, talk about one of the biggest rip offs and the biggest lies is that the...that it's the Governor's statement that he would never again reduce the pensions of 100% of pay outs. And for those of you who are not familiar with the pension

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contributions, that even if the state paid 100% of the pay outs, it would increase the unfunded liability of the five pension systems in excess of \$221,000,000. Now the Governor is trying to finance State Government by taking it out of the money that the employees contribute. It is a sad state the way it is right now that they are only contributing 70%, which would increase the unfunded liability in excess of \$356,000,000. Now, let's not rip them off any more than what they are not doing. This is only \$20,000. We funded the General Assembly Retirement System at 70%. We funded the Judges' Retirement System at 70%. We've funded many of the other systems at 70%, and I think that that...this is one of the biggest rip offs, and it is a shame that we have to go take out the money out of the pension systems to fund State Government. And even at the 70%, it is a crime. So, at least you can do is support this Amendment which will bring it up to the 70% of which the Governor at least promised that, and I'm sure that you'd like to keep his promise. So vote 'aye' on this Amendment."

Speaker Peters: "The question is, 'Shall Amendment #1...Representative Terzich, you request a Roll Call? Are you joined by five Members? One, two, three, four. Representative Ebbesen, would you help me? I don't see five. Five Members, there they are. The question is, 'Shall Amendment #1 pass?'. Those in favor signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 82 voting 'aye', 67 voting 'nay', none voting 'present'. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "Amendment #2, Keane, amends Senate Bill..."

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

Keane: "Withdraw Amendment #2 please."

Speaker Peters: "Amendment #2 withdrawn. Further Amendments?"

Clerk Leone: "Amendment #3, McClain - McPike, amends Senate Bill  
13..."

Speaker Peters: "Representative McClain, Amendment #3. The  
Gentleman in the chamber? Withdraw Amendment #3.  
Sponsor's request. Further Amendments?"

Clerk Leone: "Amendment #4, Pierce, amends Senate Bill 1359..."

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

Pierce: "Now what was that, Mr. Speaker?"

Speaker Peters: "Amendment #4."

Pierce: "You talk so fast I have trouble following you  
sometimes."

Speaker Peters: "Watch the lips. They move fast."

Pierce: "Amendment #4 is an Amendment to restore, for our state  
scholarships, the money as recommended by the Board of  
Higher Education, not the funds as originally requested by  
the State Scholarship Commission, which would be a good  
idea. But because of the financial condition of the state,  
I determine to offer Amendment #4 which only restores the  
funds to that requested and approved by the Board of Higher  
Education which already was a cut from what the Scholarship  
Commission felt it needed. When we return home this summer  
and fall, we're going to find thousands and thousands of  
young people who were on state scholarships last year who  
will be denied them for the coming year. There will be no  
government loans available for them, guaranteed loans. The  
colleges themselves will not have adequate funds, and the  
state...Illinois State Scholarship Program will be  
drastically reduced. 8,450 students would be allowed to  
receive grant awards under this Amendment who would not  
receive them otherwise. The State Scholarship Commission



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estimates that more than 25,000 students who were eligible for awards in this fiscal year will receive no financial assistance in 1983. Now, the majority..the majority of these students are in the public institutions. The majority of funds will go to the independent colleges and universities. But to repeat, the majority of students are in the public institutions who receive state scholarship funds under Amendment #4. Amendment #4 would restore \$8,458,000 for state scholarship grants and only bring it up to that figure the Board of Higher Education approved after it had reduced the appropriation requested by the State Scholarship Commission. The average award would be \$1,017 under this Bill, only \$994 without it. The maximum award would be 2,250 under this Bill, 2,050 without it. Now, it may be noisy in here and maybe you can't hear me, but when you return this spring...this summer and fall, and the students are asking you for legislative scholarships, and you're out of them, and you tell them to apply to the State Scholarship Commission, and they tell you, 'I may be eligible, but there's no money for me.', and they ask you, 'How did you vote? How did you vote in June in Springfield for adequate money for the State Scholarship Commission?'. You can say, 'I voted for adequate money.', if you support Amendment #4 to Senate Bill 1359 which is the recommendation of the Board of Higher Education for state scholarship grants for this year. And, Mr. Speaker, I now move you that we adopt Amendment #4 to Senate Bill 1359 to restore that funding approved by the Board of Higher Education for our state scholarship grants for students in both public and private schools of higher education, including junior colleges."

Speaker Peters: "Any discussion? Representative Wolf."

Wolf: "Mr. Speaker, Members of the House, the Gentleman is

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proposing...the Gentleman is proposing an additional \$8,458,9..."

Speaker Peters: "Representative Wolf, excuse me. The Chair would ask those who are not entitled to the floor to please leave. The Chair will also request the Doorkeepers, to insure that those who have no business on the floor, are not here. Visiting hours are not in force. Proceed, Sir. Representative Wolf."

Wolf: "Mr. Speaker, Members of the House, what the Gentleman is proposing is an additional 8 1/2 million dollars in General Revenue Funds for monetary awards. And I submit to you, Ladies and Gentlemen of this House, that we are already \$110,000,000 overbudgeted right now. Nobody wants to not fund education. As a matter of fact, we have increased education, both at the secondary, and elementary and higher education level at some \$60,000,000. We want to vote pay raises for teachers for the State Police. We don't want to cut mental health. We don't want to cut institutions. We don't want to cut pension funding, and we don't want to vote for tax increases. This is absolute insanity. It is another 8 1/2 million dollars of budget busting, and I hope that Members of this House have got the good sense to reject it and vote 'no'."

Speaker Peters: "Further discussion? Representative Matijevich."

Matijevich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, we've been castigated for what we're doing with regards to the budget. What Representative Pierce has been telling us, however, is the very severe impact that the Federal Government has placed on us. Representative Pierce is reacting to things that are coming out of Washington. We can't help what some of those policies are. I, frankly, get very upset when somebody tells me, for example, that in order to get the budget where it ought to be in Illinois

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that I ought to be for a tax increase when the reason that we are in that position is because of what we're doing as far as losing Federal Funds. The Federal Government has reduced the direct assistance programs for the academic year 13% below the prior academic year. And...and everybody knows what's been happening to the student loan program. So really what Representative Pierce has said is that we are facing the problem in the future where education is going to be beyond everybody's means. That's a sorry state of affairs. I think we in the state ought to be making this issue very loudly. If nothing else, by making this issue heard, we are telling Congressmen, we are telling President Reagan, we are telling everybody in Washington, 'Look what you're doing to us at the local level. Look what you're doing to people of not only of ordinary means. People of middle income and beyond are facing very serious problems of educating their young people. And I don't know what that's going to do to the future, not only Illinois, but the country. And that's why I support this Amendment. I think Representative Pierce, for example, when he introduced this Amendment, knew that we would have a chance, for example, of decoupling. Even though at this late hour, that seems very difficult. But if for no other reason but to bring that message home to Washington that, 'You have caused this crisis to us here in Illinois.' I support the Amendment."

Speaker Peters: "Further discussion? Representative Preston."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Those of you who have a large proliferation in your districts of college bound students know the difficulty those students are having in getting financial assistance to attend colleges. This increase in the appropriation for the Illinois State Scholarship Commission is absolutely

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essential if people are going to be aided in attaining their higher education. The cost of going to Northwestern University, which is just adjacent to my district, averages around \$11,000 a year at the undergraduate level. The cost of going to Loyola University, which is in my district, is around \$8,000 a year. People cannot afford to send their children to college unless they get appropriate support from the Illinois State Scholarship Commission. I urge you to support Representative Pierce's Amendment. This is necessary. If we have a void in higher education today, we're going to pay for it very dearly in the time to come. I urge your 'aye' vote."

Speaker Peters: "Further discussion? Representative McGrew."

McGrew: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise also to support Amendment #4 to Senate Bill 1359. This General Assembly has already spoken as to how we want those funds decided...divided, excuse me. We have already said that we are going to give an additional \$100 as a maximum grant to those students that represent the minority of those going to college. At the same time, we are having tuition increases that will require \$4,000,000 additional appropriation to the Scholarship Commission just to pay for the costs of those grants. We haven't put a dime of that money in the budget, not a dime. What we have done so far is eliminated around 3,000 college students from receiving grants. What this Amendment will do is simply put some money back in the Scholarship Commission. Will bring it to the Governor's...will bring it to the BHE level and will add some money for students that need it very badly to go to college. I'd ask an 'aye' vote."

Speaker Peters: "Representative Winchester."

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

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the House. The distinguished Minority Spokesman of the Appropriations Committee from Lake County says that he strongly supports this Amendment. Well, that's true. He does, and he does for political reasons and no other reasons, because it is his political belief and his political philosophy that this state should spend more and tax more. And that seems to be the philosophy of all the previous Gentleman who have spoke on the issue. We simply just don't have the money. We're going to be addressing other issues. We're going to be addressing mental health. We'll hear the same passion pleas for more money. We'll hear for public aid. We'll hear for hospitals. We'll hear for other agencies, other social services. We can't afford \$8,000,000. Let's vote this Amendment down."

Speaker Peters: "Further discussion? Representative Telcser."

Telcser: "Well, Mr. Speaker, Members of the House, I think what I'm going to say has already been said very well, but let me simply point out that we're moving in the wrong direction. We all agree that the budget currently is about \$110,000,000 short. And yet Members in the Assembly, particularly the other side of the aisle, are offering Amendment after Amendment to further drive the state toward fiscal chaos. Now I suggest, Mr. Speaker and Members of the House, that if we adopt Amendments such as this, and we further drive the state toward a fiscal shortfall, the very people whom the proponents of these Amendments are saying we're going to help are going to be the ones who are hurt the most if this state finds itself in bankruptcy. So, Mr. Speaker and Members of the House, I make an urgent plea to those Members who are offering these Amendments to at least let us know where the money is coming from. I have yet to hear a proponent of any Amendment similar to this, which purports or proposes to spend money, who tells us where the

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money is coming from. When it comes to raised taxes, the voices are silent. It is easy to spend, but it takes some kind of political courage to maintain a balanced budget. And it is clear to me that the Members on the other side of the aisle have absolutely no regard, or certainly some Members, have no regard for a balanced budget or for fiscal integrity for Illinois."

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

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, I'm not one - and I think my colleagues know this - to offer all kinds of budget busting Amendments. In fact, I think this is the only Amendment I've offered this year to increase spending. Now let me say this. Where is the money coming from? I can tell you one place the money can come from. I think the Governor, in order to sign this additional money for state scholarships, might consider not signing the Judges' pay raise. Now, if I were in the Governor's chair - and I voted for the Governor...the Judges' pay raise - but if I were in the Governor's chair, and I had those two things in front of me whether college students could go to school, both to the public schools, the junior colleges and the independent schools, or whether some Judge who works four or five hours a day should get a fat increase, I'll tell you where my vote would be between those two priorities. That is what a Governor is for. Now, I think it would be a disgrace to the young people of this state if we pass out into law a Judges' pay raise and don't provide enough money for young people to attend college. Their federal guaranteed loans are being cut off. They are not going to have them. 25,000 students who were eligible this year, the year that just ended, Fiscal '82, for state scholarships will not be eligible in Fiscal '83 unless we

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pass this amount. This isn't some amount that Dan Pierce dreamed up. This is an amount that was given to me by the State Scholarship Commission. This is the amount approved by the Board of Higher Education after they trimmed the initial State Scholarship Commission recommendation as to what it needed. The Board of Higher Education trimmed that recommendation by \$8,000,000 and arrived at the sum that this Amendment would restore to the state scholarship request. I ask you all to support this Amendment. This is a problem that comes from our districts, all 59 of our districts in the State of Illinois has this problem of young people ready to start college who can't go because state scholarships aren't available, and students presently enrolled who will have to drop out because state scholarships are not available with them because of our parsimonious activity here in approving money for pay raises for Judges but not scholarships for students. And I think that would be disgraceful behavior on our part. It will not be fair, and I ask you to vote for Amendment #4, to approve it, and I ask for a Roll Call vote on this Amendment. Five for a Roll Call vote please. Thank you."

Speaker Peters: "The question is, 'Shall Amendment #4 to Senate Bill 1359 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? He's probably got a thing stuck in his...Have all voted who wish? Take the record, Mr. Clerk. On this question there are 103 voting 'aye', 66 voting 'nay', none voting 'present'. Amendment #4 is adopted. Any further Amendments?"

Clerk Leone: "Amendment #5, McClain - et al, amends Senate Bill 1359..."

Speaker Peters: "Representative McClain, Amendment 5."

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McClain: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #5 is a separate appropriation for several school systems in the State of Illinois that, when they received the late multiplier, had underlevied their levy for state monies...or for local monies for school systems in the State of Illinois. Because of that underlevy falling under \$2.18 or \$1.05, the school systems then were hit pretty hard by State School Aid Formula dollars. So this separate appropriation will fund Quincy, Edinburg, Belle Valley, O'Fallon school systems on their state monies. There is a penalty provision for each of those school systems whereby they will lose some state dollars. This language of the...Amendment #5 was prepared for by the State Board of Education. It was signed off by the Bureau of the Budget, and the Governor said if it reached his desk, he would vote for it. It is a bipartisan Amendment. I believe there is no controversy, and I'd ask for the adoption of Amendment #5. And, Speaker, Mrs. Stiehl would close."

Speaker Peters: "Pardon?"

McClain: "Mrs. Stiehl will close when it comes to that point."

Speaker Peters: "Any discussion? Representative Wolf."

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

Speaker Peters: "He indicates he will."

Wolf: "As...Mike, I didn't hear over the noise. How much money is this one for?"

McClain: "\$1,475,000."

Wolf: "It's only \$1,000,000. Let's everybody vote for it. Let's get on board."

Speaker Peters: "Further discussion? Being none, the question is, 'Shall Amendment #5 to Senate Bill 1359 be adopted. Those in favor will signify by saying 'aye', opposed. In the opinion of the Chair...In the opinion of the Chair, the



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'nos' have it. Amendment...It was clearly, clearly there were more 'nos'. The Gentleman requests a Roll Call. Representative McClain, is that your desire? Are you joined by five Members? One, two...Representative Murphy, you have two hands up. Mr. Clerk. The question is, on a Roll Call, 'Shall Amendment #5 to Senate Bill 1359 be adopted?'. Those in favor signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Representative Telcser, would you get Representative Daniels please? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 100 voting 'yes', 55 voting 'no'. Amendment #5 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Senate Bill 1361, Representative Wikoff. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1361, a Bill for an Act making appropriations for the retirement purposes of higher education institutions and agencies. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Amendment #1 lost in Committee. Floor Amendment #2, Terzich - Matijevich, amends Senate Bill 1361 as amended."

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

Terzich: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 is basically going to correct one of the biggest raps of a pension system that's existed in the State of Illinois. Many times that we fought pension benefits up abo...on the floor that we voted for, we've also requested that these pensions be properly funded, and I've often stated that the employees have always made their contribution into the pension system. And one of the

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biggest culprits on the unfunded liability was a governmental agency that did not contribute its fair share into the pension system. I hate to take up the time, but I want to bring out some important facts that we should all consider. Even though this is only bringing the pension system up to 70% of funding and still leaving the system approximately \$350,000,000 increase in the unfunded liability, it might be best that you might have a little insight on it. The Pension Laws Commission believes that the pension benefits earned by employees should be paid for by a systematic payment to a retirement fund so that when an employee retires, the money is on hand to pay for his retirement benefits. And this way, the generation...the benefits from an employee's service pays for the pension costs and does not become a liability for future generations. This approach to pension funding is generally referred to as advanced funding or actuarial funding, and another approach to financing is a pay as you go financing. Now, the Pension Laws Commission recommends that a minimum amount that the state should contribute annually to the amount equal to the normal cost plus interest on the unfunded liability. By paying the normal cost each year, the accruing cost of pensions will be met as services rendered. By paying interest on the unfunded liability, the unfunded liability would be stabilized. Although there is no attempt to be made to stabilize the unfunded liability, this approach is to be considered acceptable for public retirement systems when permanent benefits be taken for granted and full funding is not regarded as essential. Now, these appropriations are a travesty. The Pension Laws Commission also believes that a serious funding problem exists in relation to the State Retirement System, because the contributions to the Retirement System are not

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sufficient to meet the costs of the benefits that are provided under the systems. Over the past years, the Commission has recommended gradual increases in the rate of contributions to the Retirement System in order to attain a more adequate contribution level. The Commission recognizes that today's environment of budget cuts and financial constraints, it may not be possible to provide significant increases in funding for the Retirement System. But the Commission still believes that it is vital that the cost of benefits that are provided be brought into balance with the contributions that are being set aside. If it is not possible to do so in increasing contributions level, then it may be necessary to look at the only alternative available, adjusting the benefits that are provided to the level that the state is able to fund. It is also difficult to justify the granting of additional benefits while the costs of current benefits are not being met. Now to further expand what is happening, especially with this here particular Amendment, to show the travesty that is involved, the proposed appropriation of \$4,300,000 represents only 3.5% of the payroll of the state employees...or state university employees. It should also be noted that the employees' contribution is 8% of the payroll, or more than two times what the state is proposing to contribute. The state's contribution is 3 1/2% of the payroll. That's significantly less than the 6.63% of payroll that the state would have to contribute towards social security. Now this...their request that they're putting in is less than social security. It should also be noted that the average contribution by the private employer to pension plans is approximately 7% of payroll. The state's contribution to the State Universities' Retirement System is only half of this amount even though the benefits

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are generally more generous than in the private system. At the current time, the university employees are contributing \$112,000,000 that they are contributing out of their own payroll. Yet, the state is only saying that we're going to contribute \$49,000,000. What a rip off this is. This Bill only provides and keeps a promise that the Governor made in his request for appropriation to bring it up to 70%, and I am sure that everybody would agree that this is not only necessary, but it should be substantially more. And I would urge its adoption."

Speaker Peters: "Thank you very much, Representative Terzich.

Any further discussion? Representative Wolf."

Wolf: "Yes, parliamentary inquiry, Mr. Speaker."

Speaker Peters: "Yes, Sir."

Wolf: "If there are any more Amendments, could we have leave to hear them all on one Roll Call, and all the Bills we might as well pass all at once. This House of Representatives apparently doesn't wish to use any restraint, and the Republicans, as well as the Democrats, are out to bust the budget. I've put in a lot of hours on that Appropriations Committee, Mr. Speaker, and so have the Members of this Committee, and I am thoroughly disgusted. Let's pass them all and send them to the Governor right now. I'm for all of them."

Speaker Peters: "Representative Wikoff."

Wikoff: "Mr. Speaker, I'm not sure how to respond after that, but I think there's a couple of things that we should point out on this. I have consistently supported proper funding into the Universities' Retirement System, and I think we have an entirely different situation this time. This Legislature has seen fit to raise all of the other salaries, state employees 8%, everything else. But the Governor, in his wisdom earlier this year, decided that the university staff

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and professors did not deserve any salary increase, came out with a strictly a zero increase as far as they were concerned. The only alternative that we had was to make a decision between a very mediocre funding increase for university professors and salaries which, by basically borrowing from the Pension Fund again which is...most of the comments that Representative Terzich has made are true and proper. I stated earlier that I have consistently supported proper funding of this, but the only alternative we had was to provide these individuals even a token raise was to take some money from the pension system. This would give them 4%, which is...averages out to about 2% per year, and I think that by accepting this 70%, or return this other \$5,000,000 increase on this Amendment, we are very seriously jeopardizing the possibility of the university professors getting any raise. I think you should take that into consideration in your vote."

Speaker Peters: "Further discussion? Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. I think one of the real priorities that we should always take into mind, and that is the proper funding of education. Certainly if we don't provide the money for good teachers, we can't expect to develop the young minds that we hope will be in a position to provide this country's leadership. Just yesterday, this Body passed a sizeable amount of money for Judges, because the reason was that we pay more money, we get better quality Judges. Certainly if this doesn't apply to the education profession, I don't know what really does."

Speaker Peters: "Further discussion? Representative Matijevich."

Matijevich: "Well, Mr. Speaker, Ladies and Gentlemen of the House, we right now, as we stand here today, have the Judges. Someone just mentioned the Judges. We have the

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Judges in the General Assembly at 70% of the pay out level. I don't know why anybody can call us irresponsible for doing something that we've done every year since I've been here, in fact, doing some damage to what we have done every year. We always were able to say we paid at 100% of the pay out level. Starting last year, we couldn't say it. Now we're going backwards, and I don't know how anybody can say that's irresponsible. And you know what's happened, the Governor has really not provided the funds in the university system to have the Illinois universities have the salaries that are comparable to other universities. So, they came out with this cockeyed plan that we're going to give some salaries, and we're going to do it by rating your pension systems. I don't think that's responsible at all. So I, you know, the truth of the matter is, we're balancing the budget on the retirement systems that...and what we're going to do is cause many, many problems in future Assemblies, and hopefully, you Members are going to be part of that Assembly. I would urge your 'aye' vote."

Speaker Peters: "Further discussion? Being none, Representative Terzich to close."

Terzich: "Well, Mr. Speaker, you know, really some of these statements are absolutely ridiculous that were made about pay raises and things of this nature. Number one is that this only represents four-tenths of one percent of the payroll. We're only talking about \$5,000,000 that, under the present...under the present system even at 62%, they're shortchanging the system by \$139,000,000 increase in the state universities unfunded liability. If they are so interested, then why didn't they cut the employees' contribution? Why the heck are they cutting the state's contribution? If there was a Class X felony, they would be charged with murder in this one. I can't see anybody not

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putting in this money, and they are still being shortchanged by another \$135,000,000 in their unfunded liability. And if you call that reckless spending...and in addition to that that their money was at least appropriated at the 70% level, and there is a sufficient amount of money that's taken out of the employees' pension system to fund State Government. And there were other plans, even in the future...or in the past, have been a...there were recommendations made to properly fund this system. They were ignored then, and now they are definitely being abused right now. So I would urge you to vote 'aye' on this."

Speaker Peters: "The question is, 'Shall Amendment #2 to Senate Bill 1361 pass?'. Those in favor will signify by saying 'aye'...Representative Terzich. Representative Terzich, do you request a Roll Call, Sir?"

Terzich: "Well, either that or everybody say 'aye'. If not, I'll take a Roll Call...Roll Call vote. I think this is very important to show the people of the State of Illinois what they are doing to the poor employees. Yes, I...Roll call."

Speaker Peters: "God bless you, Representative Terzich, and Tiny Tim, too. The question is, 'Shall Amendment #2 to Senate Bill 1361 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Winchester to explain his vote."

Winchester: "Well, Mr. Speaker, if this Amendment is adopted, then it will mean about \$15,000,000 that we restored in the last 30 minutes. You talk about irresponsibility. If this keeps up, you know, this state is definitely going to be bankrupt. We keep...we want to spend more, but we haven't even began to address the issue of how we are going to tax more. I ask for a 'no' vote."

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

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Clerk. Representative Daniels to explain his vote.

Alright, Representative Daniels to explain his vote."

Daniels: "Well, I guess the record has been taken already. I just think that we ought to point out that once again we're dealing with 5.7 million dollars out of General Revenue, 5.7 million dollars that many of us in this campaign come...after November, are going to be supporting the goals of education, and education is the priority item in the election. And those of you that are voting green are taking money right out of General Revenue, right away from education. And how are you going to stand up in your district saying education has been your priority? So look at the votes that you're dealing with right now, 5.7 million dollars that you're unable now to give to education."

Speaker Peters: "On this question there are 95 voting 'aye', 73 voting 'nay', 2 voting 'present', and Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Senate Bill 1363. Representative Wolf. Representative Matijevich. 1363. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1363, a Bill for an Act making certain appropriations. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Representative Matijevich. Pardon? Any Amendments from the floor?"

Clerk Leone: "Amendment #1, Wikoff, amends Senate Bill 13..."

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

Wikoff: "Thank you, Mr...Thank you, Mr. Speaker. Amendment #1 changes the Bill in title...in total. Deletes everything after the enacting clause and appropriates a total of \$650,000 which...to the Illinois Scholarship Commission for



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payments of costs incurred in the...in the termination of off...of the operations at the Deerfield office and...for their expansion in the Chicago and Springfield offices. There is \$433,000 out of Student Loan Fund and \$217 out of GRF."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #1 to Senate Bill 1363 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "Amendment #2, Wikoff, amends Senate Bill 1363..."

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

Wikoff: "I'd like leave to withdraw Amendment #2."

Speaker Peters: "The Gentleman withdraws Amendment #2. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Senate Bill 1396, Representative Davis."

Davis: "Mr. Speaker, could we take this out of the record temporarily?"

Speaker Peters: "Senate Bill 1397, Representative Reilly. Out of the record. Senate Bill 1398, Representative Wolf. Out of the record. Senate Bill 1400, Representative Winchester. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1400, a Bill for an Act making appropriations to the Capital Development Board. Second Reading of the Bill. Amendments #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 were all adopted in Committee."

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

Clerk Leone: "Motion to Amendment #4. 'I move to table Amendment #4 to Senate Bill 1400, Representative Rea'."

Speaker Peters: "Representative Rea."

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Rea: "Thank you, Mr. Speaker, Members of the House. I would like to withdraw the Motion to table Amendment #4."

Speaker Peters: "The Gentleman withdraws his Motion. Any further Motions?"

Clerk Leone: "No further Motions."

Speaker Peters: "Any further Amendments?"

Clerk Leone: "Amendment #15, Mays, amends Senate Bill 1400..."

Speaker Peters: "Representative Mays."

Mays: "Thank you, Mr. Speaker. Amendment #15 appropriates \$110,000 for roof repairs to Schaffer's Hospital at the Illinois Veterans' Home in Quincy. I would move for its adoption."

Speaker Peters: "The Gentleman moves for the adoption of Amendment #15. Any discussion? There being none, those in favor will signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #15 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Senate Bill 1405, Representative Vinson. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1405, a Bill for an Act making appropriations for the ordinary and contingent expenses of the State Emergency Service and Disaster Agency. Second Reading of the Bill. Amendments #1, 2 and 3 were adopted in Committee."

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

Clerk Leone: "Motion to Amendment #2. 'I move to table Amendment #2 to Senate Bill 1405, Representative Bowman.'"

Speaker Peters: "Representative Bowman on Amen...on your Motion, Sir."

Bowman: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to table Amendment #2. Amendment #2 adds

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about \$40,000 of federal money for a state radiological defense officer. Now, you may not know what a radiological defense officer is, because we don't have one yet. So, to enlighten the House, I'd like to read from the position description of the radiological defense officer, and I quote, 'This is a highly professional work of a specialized scientific nature in the field of radiation protection, emergency planning, application of radiological instruments and environmental control post-nuclear attack'. I will repeat the last phrase for you, 'environmental control post-nuclear attack'. I continue, 'primarily responsible for providing to individual citizens and officials the skills, and knowledge and guidance needed to minimize the effects of fallout radiation hazards from a nuclear attack in terms of injury and loss of life; and two, to facilitate recovery efforts in a post-attack radiological environment'. It goes on to say that, 'The major responsibility of the state radiological defense officer's development, implementation and improvement of complete statewide, radiological defense systems, primarily to advise and guide people in the event of nuclear war'. Now, Ladies and Gentlemen, I don't know how many of you saw on educational television the other evening, the day after Trinity, but this was a film which tried to describe what the effects of a nuclear war would be. Part of the film focused on the attack at Hiroshima and Nagasaki, and part of it was speculative about what would happen if a bomb were to drop on, say, the City of San Francisco, California. They interviewed several doctors, and they concluded that if all of the surviving doctors in the San Francisco Bay area were to see each of the surviving human beings and spend 10 minute with each one of them evaluating their medical needs, just ten minutes per survivor, it

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would take eight days for the surviving medical personnel to see all of the survivors. Now, that doesn't allow for the treatment, of course. It only allows for a 10 minute diagnosis. It doesn't allow for the fact that water systems, natural gas systems and electricity systems and so forth would be destroyed, and they wouldn't have the proper tools with which to do their work. Ladies and Gentlemen, the prospect of a nuclear disaster is so catastrophic, so catastrophic that it is impossible to believe that a lone radiological defense officer, no matter how hard that person might work, would actually be able to mitigate the damages or the effects of the damage. This person, of course, would be involved in training of other people, but we're talking about the possibility of a catastrophe that could literally destroy in an instant a third of the state's population and severely injure another third of the state's population in the same instant. It is impossible to conceive that the kind of investment that we will be making here would appreciably mitigate the effects of a nuclear disaster. I think that the...the federal program which provides this money, not only to Illinois and to other states, is totally misguided. The State of Illinois, very often, does not have the luxury of telling the Federal Government to go jump in the lake. Very often the kinds of money that is dangled in front of us is so great, and for programs that are so necessary such as highway and education, that we have no choice but to accept it. No matter if the strings that are attached are very onerous to us. But here we have an opportunity to make a statement, Ladies and Gentlemen. We're dealing with \$40,000 lousy dollars, and the issue here is whether nuclear catastrophe is something that you can't even begin to contemplate, let alone to plan for, to prepare for. I

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think we ought to tell the government, the Federal Government, to take their money and go jump in the lake. I think this kind of money, as small as it is, could be better spent in other kinds of programs in a year that we are scraping for every cent. So, Ladies and Gentlemen, I think that we ought to stand up and be counted on this one. It's a small amount of money, but it is an important principle, and if you believe as I do that nuclear catastrophe is absolutely unthinkable and that a \$40,000 expenditure of this sort is laughable, I urge that you vote to table this Amendment and vote 'yes' on the Motion to table. Thank you."

Speaker Peters: "Further discussion? Representative Vinson."

Vinson: "Thank you, Mr. Speaker. I move to table the Gentleman's Motion."

Speaker Peters: "Pardon? Representative Bowman, what purpose, Sir?"

Bowman: "Mr. Speaker, is a Motion to table a Motion to table in order? I mean, why don't we just take..."

Speaker Peters: "Well, we're going to find out in a second."

Bowman: "We could get involved in infinite regress here."

Speaker Peters: "Take it easy."

Bowman: "I would like to move to table the Motion to table the Motion to table, Sir."

Speaker Peters: "Representative Hoffman moves to table the Motion to table the Motion to table the Motion. Representative Vinson, pro...yes, Sir."

Vinson: "I withdraw the Motion, Mr. Speaker, even though the Gentleman's Motion does not deserve any more...any better treatment than that. The Gentleman has, throughout this Session in the Appropriations Committee, throughout this Session on the floor, attempted to do his best to add to the budget. The Gentleman has voted for concrete for

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highways, taking money out of the General Revenue Fund, a variety of things. Now, what the Gentleman's trying to do today is to cover his tracks by trying to generate some false issue that he might go home and talk to his constituents about. The purpose for the...the entire purpose for the radiological defense officer is to meet with the various local..."

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

Greiman: "Well, the rules provide against disparagement of Members, and Representative Bowman's motives or whatnot and his sly ways ought not to be revealed by Representative Vinson. If Representative Vinson has something on this issue, he should address this issue and just this issue and not go into Representative Bowman's entire legislative history. Well taken?"

Speaker Peters: "Proceed, Representative Vinson."

Vinson: "Thank...thank you, Mr. Speaker. The purpose of the radiological defense officer, as for the purpose of this entire agency of State Government, is to meet with, and to work with and to train and education the local Civil Defense Agencies that respond to various local disasters throughout this state. You'll recall the response of the state agency in working with the local agency on the Marion tornadoes, on flooding situations throughout the state, on a variety of issues. The fact is that the State of Illinois does have numerous nuclear power plants located in various places around the state that Civil Defense Agencies at the local level, in preparing for disasters, have to be prepared to use such things as Geiger counters, such things as protective radiological clothing, things of that nature, in order to respond to crisis situations. In order to

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train those local agencies in how to calibrate the Geiger counters, and how to use the protective clothing, and at what points it's safe to enter into various areas and evacuate areas, how to do those sorts of things. The Federal Government has made available funding to the State Government to hire a radiological defense officer who can teach people how to deal with those aspects of radiation. That's the sole purpose for the Amendment. It's not a pro or anti-nuclear war Amendment. It's not pro or anti-Hiroshima, or Nagasaki or anything else. The Gentleman has totally exaggerated the situation, and I would just simply urge a 'no' vote on his Motion."

Speaker Peters: "Representative Schneider."

Schneider: "Well, thank you, Mr. Speaker and Members of the House. Welcome back to the mushroom cloud and the bomb shelter mentality of the post-World War II era. We are talking about hiring a person with federal money for \$40,000 who purports, I don't know, based on Representative Vinson's just new description, to be going around the state instructing various civil defense organizations that are already in place which have their own local authority and their procedures for such a disaster. We are hyping an RDO, or whatever we're going to call this person, to go around and teach us how to read the REM's and the numbers of radiological beeps per second for...in anticipation of a war that Ronald Reagan thinks that we can win if we start in Europe. Perhaps we ought to place that guy in Berlin, or perhaps we can put him in Stuttgart, or maybe we can put him in London where the war that is winnable, according to the President's statements over the last few months, where he can be useful. We have enough money for other kinds of programs that relate to civil defense emergencies. We have Erie Jones who's done a nice job, I think, on such issues

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that relate to the mer...the tragedy of the tornadoes downstate just recently. I don't think there's any need for an RDO person. We're saying exactly what Representative Bowman has alluded to. We need to put somebody on board in case Illinois disappears in the midst of one of those mushroom clouds where we'll see him graciously disappear into some kind of catatonic state. I suspect, however, that this person will be a precinct organizer going from Cairo to near Beloit, rather than looking for radiation, he'll be looking for voters. This is a waste of federal money. It doesn't do us any good. We've already got an adequate civil defense program. I would encourage that all of you oppose this."

Speaker Peters: "Representative Kociolko."

Kociolko: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think it is rather obvious that the issue on this Motion is not the expenditure of \$40,000. If, indeed, the Gentleman who offered the Motion felt that that amount was too small, then the proper course of action would have been to move for an increase. What is indeed the issue was summed up when the Gentleman indicated that a nuclear war or nuclear destruction is so unthinkable that there can be no preparation for it, no thought given to it and no planning to be made for it. If that is indeed the Gentleman's regard for the survival of the United States of America, then I would submit that with regards to this Motion, there is indeed someone who should be told by this chamber to go jump in the lake, and it is not the Federal Government. Thank you."

Speaker Peters: "Representative Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the Motion to table this Amendment. You know, what we're doing is getting into a little bit of double



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speak. We're talking about radiological defense officers, and if you look at the job description, it is someone to plan the survivability of a nuclear war. And the more we talk about the survivability of a nuclear war, the more the possibility of a nuclear war comes about. And the more we talk about a winnable nuclear war, the more we talk ourselves into throwing the first bomb. And we say that, 'Well, we should plan for what would happen in case a nuclear war came about'. Well, back in a previous life when I was a newspaper reporter, and back in the time when civil defense was being funded by the Federal Government, let me tell you some of the plans that the Federal Government was coming up with then in order to survive a nuclear war. I was a reporter in the City of Louisville, and there was a top secret civil defense plan for the City of Louisville. And there was all kinds of things that the police and the firemen were supposed to do..."

Speaker Peters: "Excuse me, Sir. Representative Birkinbine, for what purpose do you seek recognition?"

Birkinbine: "Well, thank you, Mr. Speaker. I think we're getting off the course. I've got nothing against history, but if we're just going to go down a list of liberal concerns, we're going to hear about Alger Hiss next. Can we address the Amendment?"

Speaker Peters: "Representative Kane, proceed."

Kane: "Yes, I am addressing the Amendment, because I am telling you what the last radiological defense officers did and what they came up with. And what they said was that the first thing you should do or the first thing that the police and firemen should do after a bomb drops - you'll never believe this - but their first duty was to rope off the damaged areas. And that was in the official civil defense top priority activity for the police and the

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firemen after the bomb dropped in Louisville, Kentucky, rope off the damaged areas. And if you've ever seen anything about Hiroshima, or Nagasaki or any of those, you know the people are fleeing, that there is a fire...there's a fireball. There's radiological heatwaves in all of those, and somehow or other, the police and the firemen are going to go around and rope off the damages areas. Perhaps we could lend them these stanchions outside for something for them to tie the ropes on. Now in the other, there was two major civil defense programs in the late 50's and the early 60's. First of all, there were all of the fallout shelters in the central city areas. And so the civil defense people concocted this great plan to move all of the people that were out in the rural areas into the cities where the civil defense shelters were. And so there was this big plan to bring all of the people from the rural areas into the cities where they could all huddle...huddle in these civil defense shelters, and they were going to be stocked with food, and water and all of those things. That was one plan. Well, the Civil Defense Agency also decided that the cities were going to be the prime targets for the bomb. And so what do you do if the cities are going to be the prime targets for the bomb? What you do is you move all of the people that are in the cities out to the countryside. And so the civil defense officer, or now the radiological defense officer, they concocted a great plan to move all of the people that are in the cities that are going to be hit by the bombs out into the rural areas so that they wouldn't be bombed into non-existence. So, you can see this Civil Defense Agency with a plan to move everybody in the cities out to the rural areas to get away from where the bomb is going to drop, and then they've got another plan to move all of the people in the rural areas

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into the cities where all of the civil defense shelters are. I don't know what would happen, but I can see just a massive traffic jam on the outskirts of the city where the police and the firemen are roping off all of the damaged areas. So, this is what happened the last time we had radiological defense officers, and I think that the...we don't need them again. There is absolutely no point to having this person running around saying that perhaps we should be planning for a nuclear disaster. The more we talk about the survivability of a nuclear disaster, the more we talk ourselves into saying that perhaps this is something we should do. I think that it is something that we should abhor, and we should absolutely vote this officer down. We don't need this type of person in Illinois."

Speaker Peters: "Representative...Let's see, we went to this side of the aisle now. Representative Piel."

Piel: "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 oppose 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative...whose Amendment? Representative Bowman to close. It was so long ago, Representative."

Bowman: "How quickly they forget. Thank you, Mr. Speaker. The Gentlemen on the other side of the aisle who have spoken against this have raised some bogus issues, one of which is that this person will be doing other things like running around and perhaps protecting us from other kinds...civil kinds of nuclear problems, let me tell you that the job description which I read to you was the federal job description. This is the job...these are the job requirements that the Federal Government is putting on this individual so that this money that we use is to be hired...to be used to hire an individual for this purpose.

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And the purpose is very clear, primarily to advise and guide people in the event of nuclear war. Let me tell you, Ladies and Gentlemen, we have our priorities really topsy-turvy if we think that a \$40,000, a puny \$40,000 appropriation for a radiological defense officer is somehow going to protect us from a catastrophic nuclear war. If you've ever seen any films of a nuclear weapon being detonated, you know how silly that is. This is a silly program imposed on us by a silly administration, and I think we ought to tell the Federal Government to take this money and jump in the lake. It is one of the few opportunities we have, and by the way, this is going to be probably your only opportunity to be recorded on a Roll Call on an issue that has anything to do with nuclear war in this...in this Session of the General Assembly. So, I want you to consider this Roll Call very carefully. The issue is not the money. The issue is whether we think the nuclear war is something that this lone, one lone person, can help us mitigate by...by planning activities at this time. And if you agree with me that nuclear catastrophe is simply unthinkable and that this is a silly program imposed on us by a silly administration, I urge a 'yes' vote, and I ask a Roll Call vote, Mr. Speaker."

Speaker Peters: "The question is, 'Shall Amendment #2 to Senate Bill 1405 be tabled?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Representative Stewart to explain her vote. Your light is now not on, Representative Braun."

Stewart: "Thank you, Mr. Speaker. I rise in support of the Gentleman's Motion to table this Amendment, and I support this Motion because the Amendment on its face is absolutely ludicrous. First of all, if you accept that we need to prepare for nuclear war, I'd say that you're very happy

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with the way things are going, because indeed we are preparing for nuclear war with the kind of nuclear build up that we've been participating in. There is simply...I think also, however, if you're halfway intelligent, you accept the idea that there is no way to protect yourself from this kind of radiation and that it would logically follow that a person's...whose job is to advise and guide the people in the event of nuclear war is not going to be successful at all. I think that a sensible vote is, of course, a green vote. It would do more than send a message to the Federal Government. It would also be an expression of sentiment of the people of the State of Illinois that we are simply...we simply cannot protect ourselves against nuclear war. That's why we should avoid it."

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

Braun: "Thank you, Mr...thank you, Mr. Speaker, Ladies and Gentlemen of the House. The really ridiculous thing about this \$40,000 appropriation is that by its own definition, it only applies to planning for nuclear war. It's just that simple. And given the fact that there is no way in the world that \$40,000 is going to protect any of us from nuclear war, I am going to take a page and a line from Representative Hoxsey who last term said on the floor, 'The quickest way to de-mandate a silly program is not to fund it'. And therefore, I am voting green not to fund this ridiculous program."

Speaker Peters: "Have...Representative Hoxsey to explain her vote."

Hoxsey: "Mr. Speaker, I think somebody used my name in debate. I just wanted to inform the last speaker that I live not too far away from a nuclear plant. So, I don't know as I agree with her, and I think maybe we need this Amendment, and I suggest that you vote 'no' on Mr. Bowman's Motion to

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table."

Speaker Peters: "Further discussion? Representative Levin to explain his vote."

Levin: "Mr. Speaker, this is just a foot in the door if we allow this Amendment to stay on, \$40,000 for one officer. Next we're going to be appropriating money to build a tunnel under the Rathskeller for a command post. Let's stop it now. We can't afford to spend our resources on such silliness, and I am voting for this Amendment."

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

Leverenz: "Yes, as the previous speaker said, I think we should just put a rope around the Rathskeller so you can't get to that, and it won't hurt you. Secondly, have all the Illinois information officers for all the state agencies reassigned to these fantastic positions."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 80 voting 'aye', 83 voting 'nay', and the Motion to table is lost. Representative Bowman, what's the problem?"

Bowman: "Mr. Speaker, I'd like to poll the absentees if it isn't too much trouble. And then I'd like to verify the Negative Roll."

Speaker Peters: "I really don't know how we'd do that now. Representative Ewell, you want to help us out of this predicament?"

Ewell: "I'd like to add to the stupidity by voting 'aye'."

Speaker Peters: "Well, the problem is we've taken the Roll and announced it. Representative Kosinski, do you want to help the Chair out of this?"

Kosinski: "Well, my thought was possibly within the realm of your prerogative, you could dump this Roll Call and have an oral one and save a lot of time."

Speaker Peters: "Representative...well, the Chair does not want

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to endanger the nuclear safety of the state, obviously, and is searching for a way out of this. Representative Wolf, can you help us? Pardon? Representative Kane. Something within the rules, please."

Kane: "Yeah, absolutely, Mr. Speaker. There have been a number of occasions when the Speaker has rapped the gavel or announced a result very quickly and then has backed up and recognized Members afterwards. And I think that that would be an appropriate thing to do."

Speaker Peters: "Representative Hudson."

Hudson: "I have a question, Mr. Speaker. If that is your decision to back up and to allow additional Members to vote, then does that mean that some of us who did not have a chance to explain our votes can do that as well, because there are some things that ought to be said here that haven't been said?"

Speaker Peters: "Representative Telcser."

Telcser: "Well, Mr. Speaker, it is difficult to help the presiding officer, but it seems to me that if we adopted one of the Gentlemen's suggestions, that every time someone wants to go back after something is announced, there will never be a finality to any action. If you announce the Roll Call, you announced it. It is unfortunate, and I am sure that any subsequent Roll Calls you'll try and take better note of who seeks recognition and who does not. But if you take the posture that you announce a Roll Call and some Member wants to go back to Poll the Absentees, or verify or what have you, then nothing will ever be done. So, that's what I am simply suggesting, Mr. Speaker, that you've done what you've done, as distasteful as it may seem to some Members, but the fact is you've done it, and the event is passed, and it is something we can't get back again. It is a moment gone in life."

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Speaker Peters: "Representative John Dunn."

Dunn: "Mr. Speaker, it'd be...just a suggestion. It'd be awfully nice if someone who voted red moved to reconsider. Then we could...we could work our way out of it that way. I know all of us want to move officially."

Speaker Peters: "The Chair would be happy to take that one."

Dunn: "I can't make the Motion, because I didn't vote that way. But it would be nice to expedite the business of the House in that fashion."

Speaker Peters: "The position the Chair is in that we...the Chair then announced the result to go...to go back. The people on the other side of the issue then have the same legitimate objections as others may raise. Representative Schraeder, are you going to help us with this one? Oh. Representative...who? Bowman."

Bowman: "Yes, and a couple of things. First of all, I would point out, unlike a Bill, this is not..."

Speaker Peters: "Excuse me. Here we have it. Representative Van Dwyne."

Van Dwyne: "Yes, if you need a little help, I'll make the Motion having voted on the prevailing side."

Speaker Peters: "Fine. Now, Motion. We can do that. We can do that. The Motion to table Amendment #2 fails. Representative Van Dwyne."

Van Dwyne: "And I move, having voted on the prevailing side, to reconsider the vote by which that...by which we prevailed."

Speaker Peters: "The Gentleman now moves to reconsider the vote by which the Motion to table Amendment #2 failed. Representative...on that question, Representative Daniels."

Daniels: "I move the Gentleman's Motion lie on the table."

Speaker Peters: "The Gentleman moves that that Motion lie on the table. Representative Van Dwyne asks for a Roll Call vote on that question, and he...he does not? He does. He is



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joined by five Members. Now the question is, 'Shall Representative Daniel's Motion to lie on the table prevail?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all...Representative Bowman, for what purpose now? Let's not go too far on this."

Bowman: "Well, I don't want the same thing to happen again, and..."

Speaker Peters: "It won't."

Bowman: "I'm just going to tell you that if I lose on this one, I want a verifica...Poll of the Absentees or verification, right?"

Speaker Peters: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 83 voting 'aye'. Representative Daniels."

Daniels: "Poll the absentees."

Speaker Peters: "The Gentleman asks for a Poll of the Absentees. Representative Kane, the Chair eagerly awaits your comment."

Kane: "Yeah, Mr...Mr. Speaker, Ladies and Gentlemen of the House, there are a number of procedural Motions before we ever get back to the main Motion. And if we're going to have a verification, we probably...it might be wise to wait till we get that last Motion and then just have one verification or one Roll Call instead of going through this several times."

Speaker Peters: "The Chair is a mere pawn of the rules. Representative Miller."

Miller: "Mr. Speaker, please record me 'aye'."

Speaker Peters: "Let me get my paper and pencil. What was that, Sir?"

Miller: "Please record me 'aye'."

Speaker Peters: "Mr. Clerk, Representative Miller wishes to be

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changed from 'no' to 'aye'. Representative Ralph Dunn wishes to be recorded as voting 'no'. Or 'aye'? 'Aye'. Representative...who's that back there? Reed, Representative Reed."

Reed: "Record me 'aye' please."

Speaker Peters: "The Lady wishes to be recorded as voting 'aye'. Any further changes? Representative Stuffle. The Gentleman wishes to go from 'aye' to 'no'? From 'aye' to 'no'. Representative Beatty."

Beatty: "Kindly record me as 'aye'."

Speaker Peters: "Record the Gentleman as 'aye'. What's the count, Mr. Clerk? Representative Ewell."

Ewell: "Mr. Speaker, this is getting to be asinine. Record me as 'aye'."

Speaker Peters: "Record the Gentleman as 'aye'. Representative Koehler. Change the Lady from 'no' to 'aye'. Mr. Clerk, Representative Ewell was from 'no' to 'aye' and Koehler from 'no' to 'aye'. Representative Wolf wishes to be recorded as - I can't see there - 'aye'. Any further? No, no, Jake Wolf, J. J. Wolf. The count, Mr. Clerk. Representative Zwick wishes to go from 'no' to 'aye'. Representative O'Connell from 'no' to 'aye'. The count is now 91 'aye', 82 'nay' in favor of the Motion. Representative Bowman, do you persist, Sir?"

Bowman: "Mr. Speaker, we could have done this the right way. You gave me a fast gavel. Now, I'm..."

Speaker Peters: "Representative Bowman, the Chair, I think, was more than fair. I gave enough time. I got reconsideration. There are people on the other side of the aisle and the other side of the question who are much irritated now at this whole situation."

Bowman: "Mr...Yes, Mr. Speaker, I understand that, and I am going to be fair to them. I am not going to persist, but I am

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going to tell you, you gave me a fast gavel. And this vote on a procedural Motion doesn't make up for it."

Speaker Peters: "Representative, as a Polish Catholic kid in Chicago..."

Bowman: "I was seeking..."

Speaker Peters: "As a Polish Catholic kid from Chicago, I bear my chest in front of you. Any further? This Motion is lost. Any further Amendments? The Motion prevails, and the tabling Motion loses. Any further Amendments?"

Clerk O'Brien: "Amendment #..."

Speaker Peters: "Further."

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

Speaker Peters: "Amendment #4, Representative Terzich. Larry, Curly..."

Terzich: "Mr. Speak..."

Speaker Peters: "Who was on that, Mr. Clerk? Whose Amendment? Representative Terzich."

Terzich: "Thank you, Mr. Speaker. Amendment #4 adds \$5,258 of which \$2,600 from the General Revenue Fund and \$2,600 from federal funds to put the system the same as the...on the 70% level. I move...would move for its adoption."

Speaker Peters: "Any discussion? Representative Vinson."

Vinson: "Yes, Mr. Speaker, despite the fact that Representative Bowman expects most state employees to be incinerated in the nuclear war, I will accept the Amendment."

Speaker Peters: "The question is... Shall Amendment #4 be adopted? Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment 4 is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Matijevich."

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

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

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House, Amendment #5 to Senate Bill 1405 reduces the central office in the Emergency Services and Disaster Agency by \$21,100. This reduction is in the travel line item, and it...the reduction would still reflect a moderate 4% increase as suggested by the Department of Administrative Services. I move for the adoption of Amendment #5 to Senate Bill 1405."

Speaker Peters: "Any discussion? Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The car that the Gentleman wishes to table is a car that has about 100,000 miles on it, and for that reason, I would urge that the car that he wishes to table not be tabled and that the Amendment be rejected."

Speaker Peters: "Further discussion? Being none, the question is, 'Shall Amendment #5 to Senate Bill 1405 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'nos' have it. The Amendment fails. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. We'll back up one, Mr. Clerk. Senate Bill 1398, Representative Winchester. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1398, a Bill for an Act to provide for the ordinary and contingent expense of the Department of Agriculture. Second Reading of the Bill. Amendments #1, 2 and 3 were adopted in Committee."

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

Clerk O'Brien: "No Motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #4, Ropp - Rigney."

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

Ropp: "Thank you, Mr. Speaker and Members of the House. The

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Department of Agriculture for about the last 20 years has provided an office in the Chicago area in order to provide answers to agricultural questions and to assist the many thousands of people and actually millions of people that live in the Chicagoland about agriculture related questions and concerns dealing with some of the licenses that are affecting a lot of the citizens in Chicago. That office had been held in the Merchantile Exchange Building, 300 West Washington Street, and in an effort to continue to reduce costs, they moved into the State of Illinois Building, I think around November or December at which there was no cost to the Department for that facility. There has been an attempt now to take that office completely out of the Chicago metropolitan area, and this Amendment provides that office to be restored and have one person answer the telephone to provide and direct answers to the many questions that the people of Chicago would be answering...asking as they have done for many, many years. I ask your support."

Speaker Peters: "Any discussion? Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Cullerton: "Gordon, does this have anything to do with you trying to put a guy down in Peru...to open up an office so the Agricultural Department down in Peru...for a guy you had a job...looking for a job for?"

Ropp: "No, that was three and four years ago. This happens to be an entirely new subject."

Cullerton: "Do you happen to have a guy that wants to work up in Chicago answering the phone?"

Ropp: "No, this happens to probably be the same woman that is there now that was hired under a Democratic administration."

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Cullerton: "Do you know whose district she lives in?"

Ropp: "I don't know. Is she in your district?"

Cullerton: "I don't know. I'll talk to you about it later."

Ropp: "Okay."

Speaker Peters: "Further material discussion? Representative Schneider."

Schneider: "Material. Thank you. There is an office in Oak Brook, USDA and IDA are right next door to each other. Why do you want an office in the same phoning area? Driving time is like 25 minutes or 20. Why in the world do you want to do something in Chicago that you're already paying the three people there \$34,000 at the top. There are a couple in there around 29 and 27 thousand. Those are the hot shots. Then you've got office space in the most exclusive area in the western suburbs, Oak Brook, Illinois on 'Jory' Boulevard, \$15,000 for that office, and now you want to add another one. Why in the world do you do that? They don't answer questions though. I'll have to admit that. Maybe you got something there, Ropp. Maybe these guys would answer."

Ropp: "Well, this particular Amendment, currently there is no cost for leasing of the facility right now. This just puts one person to answer the telephone, because the people in that part of our state have been accustomed to going through the Department of Agriculture located in downtown Chicago."

Schneider: "But there is one right there. You don't need another person. Farm her out to the office in Oak Brook. It is the same exchange. No problem. I think it is a waste of money."

Speaker Peters: "Further discussion? Representative Hoxsey."

Hoxsey: "The Sponsor answer a question?"

Speaker Peters: "He indicates he will."

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Hoxsey: "Representative, just exactly who do they accommodate in this office? I'm not familiar with it at all. What kinds of questions or what kind of business will be transacted for \$25,000?"

Ropp: "All the way from questions that deal with pet licenses..."

Hoxsey: "I beg your pardon."

Ropp: "I say there are questions that come to the Department of Agriculture, since they administer pet licensing operations in the City of Chicago, meat inspection questions, nutritional questions. Any ag or related question that would be coming from the Chicago area, this person could either answer or more quickly direct to the proper person that would give them the correct answer."

Hoxsey: "Alright, thank you."

Speaker Peters: "Further discussion? There being none, the question is, 'Shall Amendment #4 to Senate Bill 1398 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Robbins."

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

Robbins: "In Carmi, the White County fairground grandstand was destroyed by fire, and this should help replace the grandstand so that they can keep the racetrack going, and this area produces somewhere in the neighborhood of a good 100 racing horses. So, I feel like that this is a legitimate request."

Speaker Peters: "Any discussion? There being none...Representative Matijevich."

Matijevich: "I am going to help the guy out, but I couldn't forego the opportunity, because my seat mate,

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Representative Giorgi, isn't here. And he tells me anytime I'm not on the floor, and somebody like Clyde Robbins gets up and looks for money from that Agricultural Premium Fund, you ought to say something about it. But, Clyde, I am going to support you. I think Zeke would have some choice words about it, but I'll support you."

Speaker Peters: "Further discussion? Being none, the question is, 'Shall Amendment #5 to Senate Bill 1398 be adopted?'. Those in favor will signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Ropp."

Speaker Peters: "Representative Ropp, Amendment #6."

Ropp: "Yes, thank you, Mr. Speaker and Members of the House. This is the Amendment that was offered several times last year in order to continue to permit the Ag Premium Fund to exist by properly shoeing horses that race. The facility out here on the fairgrounds is a disaster. It's a disgrace. It...you can see through it, and they shoe many, many horses throughout the Midwest, and this is an attempt to provide adequate facilities to make the horses race better in the State of Illinois."

Speaker Peters: "Representative Vitek."

Vitek: "Thank you, Mr. Speaker. I heartily agree with our friend, Ropp. Two years ago I was one of the tough opponents on this Bill. But since then, I have learned through the mercy of certain people that this is much needed. I saw the picture of the building. It is practically...if it was in the City of Chicago it would be condemned and torn down. I ask your support heartily for this horse racing 'lady' Bill. Thank you."

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

Leon: "Mr. Speaker and Ladies and Gentlemen, this Bill we passed



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last year, and for some reason or another, it became lost.

I do feel that the establishment of this barn for horseshoeing at the State Fair is absolutely necessary. I urgently ask for a favorable vote."

Speaker Peters: "Further discussion? Being none, the question is, 'Shall Amendment #6 to Senate Bill 1398 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and Amendment 6 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #7, Terzich."

Speaker Peters: "Representative Terzich. Amendment #7."

Terzich: "Yes, Mr. Speaker. This is my agriculture Bill of the year. It provides 35 million dollars to start up a chicken farm in the Metropolitan Sanitary District so we could furnish eggs for the people of Cook County. No it's slightly different than that... slightly different than that."

Speaker Peters: "You've heard the Gentleman's Motion."

Terzich: "Now... the... Amendment #7 will provide the 70% funding level for the Department of Agriculture, in accordance with the Governor's budget. I would move for its adoption."

Speaker Peters: "The question is, 'Shall Amendment #7 be adopted? Those in favor will signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Page five of the Calendar, Senate Bills... Senate Bills Second Reading, Senate Bill 1231, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1231, a Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the Floor?"

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Clerk O'Brien: "Amendment #1 was withdrawn previously. Floor Amendment #2, Getty."

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

Getty: "Mr. Speaker, Members of the House, one of the major thrusts of Senate Bill 1231 is to provide for..."

Speaker Peters: "Excuse me, Mr. Getty. Is... If there's a radio or a tape playing, it is coming through this mike. Please shut that off. That's coming through the whole thing, here... thank you. Proceed, Sir."

Getty: "Mr. Speaker, Members of the House. One of the major thrusts of Senate Bill 1231 is to provide for the automatic transfer of juveniles from the juvenile court to the criminal courts, under certain circumstances. Those circumstances would be; where there is a charge pending, that is a charge pending, of murder, rape, or armed robbery. The Amendment which I propose is an Amendment that would provide rather than automatic transfer, which in effects means there would be no discretion in the juvenile court Judge at all. My Amendment would provide that there would be a rebuttable presumption in the case of murder, rape, deviate sexual assault, and armed robbery with a firearm. The effect of the rebuttable presumption would be that the state, without the necessity of producing any evidence, would be entitled, where they presented a petition for transfer, to have that case transferred to the criminal courts for prosecution as a criminal case. It would, however, preserve the right where there were unusual circumstances, where the court found that the presumption was overcome to retain jurisdiction in the juvenile court. There are several reasons that I believe this is a far more sensible approach than automatic transfer. First of all, we are told by the statistics that presently, of those cases that are transferred, where the State's Attorney has

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elected to ask the court to transfer, and the court has agreed that it should be transferred, that indeed only one out of four of those cases result in a conviction. In one... strike that... Only three out of four of those cases result in a conviction. In one out of four of those cases, there is some other disposition - either a discharge or a not guilty, or a 'nally', or an 's-o-l', meaning that there certainly is strong suggestion that not all of those cases ought to be tried on the basis of an automatic transfer, and there is indeed reason in the final outcome to suggest that they should not have been sent over. And that's where there already is agreement. We are further told, as the Bill presently stands, that we would more than double the number of juveniles who would be sent to the Juvenile Detention Center in Cook County. We would go from some 400 to approximately 1200, and as the proposed Amendment, which I believe the Sponsor would offer later, I think that would be reduced to about 800. In any event, there is no facility. I must make it clear that juveniles must be separately detained. They can't be put into the County Jail. They must be in a separate juvenile detention facility. This would result in a tremendous increase in cost - approximately 15 million dollars in Cook County alone, per year. I suggest to you that it is not wise to require our counties to double the amount of space that would be required if automatic transfer were to become the law. Now, let me explain to you what this means, and what the difference is. There is, by the way, very little doubt that if somebody's charged with murder, regardless of age, that they ought to be tried as an adult. But that's not necessarily quite so true, when we talk about an alleged rape, or an alleged armed robbery. There's nobody that's dead, in those cases, as we have with murder, clear

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finality. Let's talk about the type of case that may be a rape. You could have a rape where there is a very, very serious physical injury to the person who is raped, where there is clear force, and where there is a unquestionable overcoming of the victim. We have no disagreement about that type of case. That person ought to be tried as an adult. On the other hand, you might have two 15 year-old kids in the back seat of a car. Need I say more? The girl gets home late, and the mother screams 'rape'. That also would be automatically transferred, if we don't amend the Bill. I think a juvenile court Judge ought to at least look at those circumstances. Or, you could have two kids in a schoolyard, both fifteen years old. One of them picks up - as the Bill is now - picks up some sort of a stick and says, 'Give me twenty-five cents'. That's an armed robbery, as the Bill is now. I think a Judge ought to look at that kind of a case. I think maybe it's right that we have a presumption of transfer, but I don't think it ought to be automatic. This is a middle ground. There is an abuse. The Sponsor of this Bill and the State's Attorney of Cook County should be commended for bringing that abuse to our attention. The abuse is, there were Judges sitting in the Circuit Court of Cook County Juvenile Division, who said, 'As a matter of policy, I won't transfer any juvenile to the criminal courts'. That's wrong. I condemn it. I condemn that Judge. I think he did not follow the law. We intended that there be transfer in appropriate cases. We want that transfer, and we're going to reinforce it if you adopt this Amendment, because this Amendment will say, 'Judge, we're giving the State's Attorney a rebuttable presumption, that in murder, rape, deviate sexual assault, and armed robbery with a gun, you're going to transfer that case, and unless there's an awfully good reason, which

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you're going to have to put in writing, Judge, you will transfer that case'. Mr. Speaker and Members of the House, that's what this Amendment is about. The Senate Committee worked hard in trying to overcome a problem. I congratulate them. I congratulate Representative Daniels for taking sponsorship, and I congratulate the State's Attorney of Cook County for bringing this to our attention, but the way the Bill is now is just overkill. It will not serve the interest of the people. I suggest that the Amendment is a sound middle ground that will overcome the abuse that we have found and, at the same time, retain basic, fundamental fairness. I ask for your support."

Speaker Peters: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, let's not mistake what Senate Bill 1231 is all about. Let's understand that 23% of the violent crime in the United States of America today is committed by fifteen and sixteen year olds, and that's why the Cook County State's... Cook County State's Attorney has presented this Bill to you after a year long study before the Senate Judiciary Committee. The Senate Sponsor of this Bill, Senator Sangmeister, oppose Amendment #2 and 3 and supports Amendments #4 and 5, which you'll have coming before you. Senate Bill 1231 is an answer to the violent crime committed by juveniles in this state today. It's an automatic transfer provision which only hits 15 and 16 year olds, and only 2.5% of the delinquency petitions filed in Cook County would fall under this provision - only 2.5%. So yes, it is a modest approach, a very modest approach to that very serious crimes, felony crimes, that are set forth in the original Bill, Senate Bill 1231. Now, Ladies and Gentlemen of the House, when you consider that 23% of the violent crime today in the U. S. is committed by juveniles,

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and when you consider that the original Bill that you have before you right now is modest in its form and refers to automatic transferability in felony cases, and when you look at the types of felony cases that we're talking about - murder, rape, armed robbery - and Amendment #4 and 5 will deal with armed robbery with a weapon, then you understand that we're only dealing with the most serious of crimes. And don't be fooled when we talk about some guy picking up a stick and being charged with armed robbery. The prosecutor has to make the charge first, before it will apply against a juvenile. Yes, we do expect the prosecutors of this state to use reasonable judgment in the charges that we bring, but in the same token, are we satisfied with the way that juvenile crime today is being handled in Cook County? And if you, like me, are not satisfied, then come over and look at some of the reports that I have dealing with juvenile crime, some of the reports of the juvenile Judges, and what they've done in the areas of juvenile crime today, and you too will act like I'm acting in this Bill, in supporting the Bill that's been presented to this Legislature by Richard Daley, the Cook County State's Attorney. And I commend him for this effort, but I also commend the Senate Judiciary Committee for what they have done in studying this legislation for well over a year, and bringing out thoughtful legislation that deals with a very important problem of violence with our juveniles of fifteen and sixteen-year-olds. And I'll leave you with one other thought. If a fifteen-year-old is convicted of murder under the Juvenile Act, the max sentence he can get is a period of six years, and with good time off, he'll serve three years' time for a murder - three years' time. And you know, I recall a conversation that I had with Rich Daley last year, when I was in Chicago

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talking to him, and he said to me, 'Lee', he said, 'crime sure is a real problem in this country today, but the crime that I fear the most is the crime that's being committed today by the juveniles, by that 23% - violent areas - and that's the area that we have to address'. And it is that statement by the Cook County State's Attorney, a person that knows a lot about the area of crime today, that I support. And it is this Bill before you that I support. And I opposed Amendment #2, because what does Amendment #2 do? It guts the very basic provisions in the heart of Senate Bill 1231. It takes that provision out and throws it out the window, by allowing the Judge a scapegoat, an escape clause, just as the Judges in juvenile court today have done in Cook County, and the many cases that I have here right now. If you'd like to look at some of them, come over and look at them. They're here for your inspection. See the ludicrous rulings that they're making today in Cook County. This at least deals with the area of violence in the felony categories that are set forth in the Bill. Defeat this Amendment and support Amendments 4 and 5, that are coming up."

Speaker Peters: "Representative Johnson. Excuse me, Representative Johnson, there are a number of lights who are flashing, and the Chair is aware and will attempt to call them in the order they came up. Representative Johnson."

Johnson: "Just one question before I address the Bill. Representative Getty, is... does Amendment 2 contain any standards within the language of your Amendment as to the exercise of discretion by the prosecutor. Are there any standards contained within that Amendment?"

Getty: "It does not affect the discretion of the prosecutor at all. It addresses itself only to the subject

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matter of the presumption that would be created by this Amendment, where the prosecutor files the petition. If the prosecutor were to file a petition in any given case - and he still has discretion not to file, if we wants to - when he files a petition, then there is created a rebuttable presumption."

Johnson: "My... My question is, is there, in this Amendment or the Bill or the law, any standards whatever that guide a prosecutor in terms of... in terms of when to prosecute under the Chapter 38, as opposed to the Juvenile Court Act."

Getty: "There are presently standards in the law, but the Amendment does not address itself at all to that."

Johnson: "Addressing the Amendment and I guess, indirectly, the Bill, Mr. Speaker and Members of the House, I think Representative Daniels probably said it more succinctly than anybody else can, but the fact of the matter is that juvenile justice, juvenile crime, is an absolute joke in Illinois and around the country. The statistics I've seen with respect to the Class X classifications of crimes are more like 49%, as opposed to 23%, but in any event, it's a fact that juvenile justice has become a revolving door, and that the crimes of juvenile... the victims of juvenile crime have increased dramatically, geometrically, over the course of the last ten or fifteen years. This Amendment, if adopted, and the Bill passed would create really, virtually no change or at best only a minor change in the law. I guess there's a change in the presumption and that's it. The purpose of this Bill, and the Amendment would gut the purpose of the Bill, is to say to the people of Illinois, and we hope the same example is followed nation-wide, that the victims of a juvenile rapist, armed robber or murderer are just as victimized as if the



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fortuitous situation where the perpetrator of the crime was eighteen years of age. It's an absolute necessity that we have a mandatory transfer. As Representative Daniels says, the examples about two fifteen-year-olds in the back of a car are completely inapplicable, because the State's Attorney, the prosecutor, has discretion as to whether to bring that charge to begin with. But the fact of the matter is that once charged, a rapist, an armed robber, a murderer and so forth, ought to be charged as an adult and tried as an adult, and handled, except for incarceration purposes, through the adult criminal justice system; and to do otherwise would be to allow the adults and the young adults to continue to use juvenile criminals to perpetrate their crimes and to cause the already terrific increase in juvenile crime, and the victims of juvenile crime, to increase even more over the next years. We don't want that to happen, and I think Senate Bill 1231, if passed..."

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

Johnson: "I am. Would be a major step forward for... for the cause of criminal justice in Illinois. I urge a 'no' vote on this Amendment."

Speaker Peters: "Representative Kosinski."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, some of you may know that I filed a Bill which was held up in Rules, which contained automatic transfer that was more severe than the Bill we're considering today. It was based on the fact that I have little sympathy for some juveniles today, who through sophistication of the media - television and the education of their peers - are hiding behind the realities of our law. I think it's abominable that we permit this to occur, and on that basis, I feel we should have an extremely strong Bill. Now in my book, this

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Amendment would almost go back to square one where it leaves the discretion in the Judges' hands, because I can see a constant reaction of appeal in these areas of four crimes listed. Had the Sponsor of this Amendment at least considered Representative Katz' recommendation that the question of murder be an automatic transfer and the others rebuttable presumption, there might be some logic to it, but the way this Amendment stands at this point in time, I think it's a step backward from the intent of the Bill. I cannot support it."

Speaker Peters: "Representative Stearney."

Stearney: "Would the Sponsor yield?"

Speaker Peters: "He indicates he will."

Stearney: "Representative, under the present Juvenile Court Act, Section 702-7, it provides standards that a Judge is to be governed by in deciding whether to transfer a case to the adult court. Am I right?"

Getty: "That's correct."

Stearney: "Now, under your proposed Amendment, it would provide a rebuttable presumption, but the same standards would govern the juvenile court's discretion in deciding whether to transfer a matter. True?"

Getty: "The court would be required to make a statement in writing, as with... with relationship to Paragraph A of the Section, as to why it chose not to transfer the case."

Stearney: "But would..."

Getty: "There would be created the rebuttable presumption that transfer was in order. That's without the necessity of presenting any evidence. There would have to be a showing thereafter that there was not sufficient evidence to transfer."

Stearney: "Granted. But if we have these same Judges who you... who you frown upon, who absolutely refuse to transfer a

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matter to the adult court, no matter how heinous the crime, what... what good would the rebuttable presumption do, because the Judge would simply find that those factors do not exist."

Getty: "Well, the presumption would be established automatically, by law. It would be very difficult, because then the weight would be shifted, as you know very well, Representative Stearney, and the Judge would be put in the embarrassing position of having to write an opinion as to why he didn't make the transfer when there was no justification. He wouldn't have the facts."

Stearney: "But that's merely a factual question, am I right? Deciding whether or not that the child... the juvenile should be transferred?"

Getty: "Of course, but there's going to be a record made, and a Judge is going to be put on the hooks of that record and have to put his reasons down in writing."

Stearney: "Well, he's on the hooks right now, because he does make a determination. He may state it orally, but nevertheless that's akin to a writing itself. But nevertheless, Mr. Speaker and Ladies and Gentlemen of the House, let me address myself to the question. This is a significant philosophical change in our attitude towards the treatment of juveniles; that is, the Bill as proposed unamended. Granted, it is a policy change, but we have now, especially in Chicago, virtual anarchy on the streets. I come from the inner city. The gangs practically run the entire area. They terrorize all the citizens. After dark, people are fearful to leave their homes, in my neighborhood. They absolutely are terrified. Now, what we have to do is address ourselves to means of dealing with these violent offenders, those who commit murder and rape and deviate sexual assault conduct, and armed robbery by

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the use of a firearm. This Bill attempts to deal with that very serious question. We've been wrestling with it over a great number of years, and I think we should recognize that it was Ray Ewell who was eight years ago, was advocating such a change. And last year, I believe it was, the Ronan and Cullerton Bill that we passed out of Judiciary II, which was sent to the Senate, which would provide for the same mandatory change, mandatory treatment of juveniles as adults, in these types of crimes. But I say to you, we are ... the State... the State's Attorney of Cook County has tried to be careful in the drafting of this Bill. We are not talking about the twenty-five cent robbery. We're talking about robberies committed by the use of a firearm. It is not that type of armed robbery, whether it may be bludgeon, or a knife, or something of this sort. It is armed robbery by the use of a firearm alone. And where we have murder, we have to begin treating juveniles as adults, simply because the vast number of serious crimes in the City of Chicago are now being committed by 15 and 16 year-old offenders. And I say this; I've seen cases and I know of cases that took place on 900 Northwestern - that's a Mexican-Puerto Rican neighborhood - people came into a grocery store, and in the commission of an armed robbery, shot the owner of the store simply to see how many bullets he could take in the heart before he fell over. Now I... Furthermore, I even represented an individual - a young guy - who kept, during the commission of an armed robbery, shot an innocent bystander simply for no reason at all. The bystander didn't do anything to stop the robbery. But you see, it's these types of crimes... I'd rather be held up by a 40 year old, because a 40 year old is only interested in my money. A young person, a 15 or 16 year old isn't interested in my money alone, he values no life whatsoever;

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he'll take my life simply to get a few dollars. That is the person that we must take off the streets. If we're going to have a semblance of organized society in the large metropolitan areas of this state, we've got to remove the juvenile offender, that person that is committing serious crimes, and I think we have to defeat this Amendment, keep the Bill intact, if we're ever going to have a hope of restoring a little peace and tranquility to the neighborhoods of Chicago. I say 'no' on this particular Amendment. Thank you."

Speaker Peters: "Representative Bullock."

Bullock: "Well, thank you Mr. Speaker and Ladies and Gentlemen of the House. It pains me much to stand in opposition to Representative Mike Getty, who I know is a brilliant lawyer and a Gentleman who is generally concerned about crime in the state. However, I think that for once, Representative Getty has submitted to this Body a piece of legislation that does not deserve our favorable consideration. I stand in opposition to Amendment #2 to Senate Bill 1231. Representative Getty full well knows, and his colleagues full well know, that in Cook County, in Cook County we're talking about two and a half percent of the cases, about 23,000 cases, that would come within the jurisdiction of the legislation. Representative Getty also knows that, in this legislation without his Amendment, that the automatic transfer provision still allows..."

Clerk O'Brien: "Representative Neff in the Chair."

Vinson: "That was my point, and I just wanted that recognized for the record."

Bullock: "Thank you. That we understand that in this legislation, the automatic transfer provision still allows that the safeguards in Section 6(b) provides that if charges are reduced by a preliminary court hearing, that in

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fact, or if the State's Attorney obtains a guilty plea, that the juvenile still has a right to have his case transferred back to juvenile court. We also understand that if charges are reduced after a guilty plea, or trial, that the Judge may use discretion and maybe dispose of the case under the Criminal Code or the Juvenile Court Act. I think we understand that. I think the Sponsor understands that, and if we are to ask to adopt Amendment #2, which in effect guts the Bill, we do in fact take away the very purpose of the Bill. I also would like to add, Mr. Speaker, the thing that really changed my mind on the whole issue that's before the Body, is that in my district, more specifically in my neighborhood, there was an incident, Representative Getty, not where a juvenile used a broomstick to threaten a 15 year old, but there was a friend of my son's who was walking home from school and happened to have a Seiko watch on his arm, and there was another kid who wanted that Seiko watch and literally took the watch off of his arm. And when the other kid asked for the watch back, he didn't get the watch back. He got a shotgun through the chest. And so for the last ten months this individual's mother has not been able to even get the case to trial, and the trial will not be held until September of 1982. Now, I speak from personal experience, and I said to the citizens of my district last weekend, we had a town hall meeting, that we would be considering legislation of this sort, and that for the first time since I've come to this Body, that I'm going to vote on a law and order issue, and I'm going to vote to take kids like that off the street before they hurt my kid and someone else's kid. And I think that if a kid, 15 year old, takes a shotgun and goes out and robs someone, that he ought to be treated the same way we treat an adult; and that's to put

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him in jail, throw the key away, and we won't have to worry about that menace any more. So, it pains me much to oppose your Amendment, but I hope that you understand, it's not you. It is in fact the system that we're trying to get at, and I don't think we should vote 'aye' on Amendment #2. I think we should vote, resoundingly, 'no'."

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

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

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

Getty: "Mr. Speaker, Members of the House, over the years, nobody in this Body has been more interested in law and order measures than I. My good friend Representative Bullock says that for once he's going to vote for law and order. I'd say this to you, Ladies and Gentlemen. I have voted for law and order every time. Sometimes, unfortunately, we in this House, we in this General Assembly, are given to overkill - given to doing just a little bit too much to show how much we are against crime. I don't think there is any person here who is opposed to the idea that that individual who took Representative Bullock's son's friend's watch and then shot him in the chest, ought to be tried as an adult. That's why my Amendment would provide for the rebuttable presumption, would provide that that Judge must put any reason that he doesn't transfer, in writing. And, at the same time, it would protect the 15 year old who indeed is overcharged, as we know so often they are, because under the present system, when they are transferred, one out of four gets cut loose. One out of four is dismissed by the State's Attorney, or by that

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criminal court to which we would be sending them to. I suggest to you that this is the perfect compromise to answer the problem. The law as it is now needs attention. That's why we're here. We're giving it attention, and at the same time, we don't want to overkill. We don't want to even be sending an additional 2.5% of 24,000 cases over to be tried as criminal cases, because we know, of that percentage, a quarter of them at least are going to get cut loose, and if we're sending the ones that have been denied transfer before, an awful bigger percentage than that will be cut loose. The... under present law, the juvenile court can deal with the marginal juvenile who does not have to be transferred; who is not the violent offender, and that's why it makes sense to retain some jurisdiction in the court's discretion, and at the same time insure that the rebuttable presumption will see that the violent person is indeed transferred; will see that he's tried as a criminal in the criminal courts rather than as a juvenile in the juvenile courts. This House, on this vote, can show something very important. It can show indeed whether it wants to be a thoughtful, deliberative Body that wants to answer a problem by good, sound, incremental legislation, or whether it wants to overkill; whether it wants to create another problem by the problem it seeks to solve. Ladies and Gentlemen, life will go on one way or another, but we, by our votes here, can help to make that life and our criminal justice system, a better one. I suggest to you, if you wish to be fair and law and order minded, the right vote now is an 'aye' vote."

Speaker Peters: "The question is, 'Shall Amendment 2 to Senate Bill 1231 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Representative Vinson, to explain his



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vote."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I understood Representative Getty's remarks, particularly to the effect that this is a deliberative Body, and I would ask him, perhaps he can answer in explaining his vote, as he can do, why, on March 24, 1982, did he vote for House Bill 1708, which did the same thing and did not have a rebuttable presumption in it. I wonder if he could explain to me, as this is a deliberative Body, why I should not follow his vote on that Bill, rather than this one."

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

Hallock: "Thank you, Mr. Speaker and Members of the House. In Winnebago County and most counties throughout Illinois, the crime rate amongst juveniles is about half the crimes being committed in those counties, half the serious crimes. House... Senate Bill 1231 tries to address that problem in a very good fashion, but the Amendment to this Bill being offered today guts that Bill. I urge a 'no' vote on the Amendment."

Speaker Peters: "Representative Ewell, to explain his vote. The timer's on."

Ewell: "Mr. Speaker, Ladies and Gentlemen, Representative Stearney erred when he said about eight years ago, I wanted to adopt this procedure. It was about fourteen years ago when they said, what do you do about hard crime in the streets... or, what do you do about hard crime in the streets? I said, 'You take it out of the juvenile court'. At that time, I put... proposed an Amendment, and I proposed it for about three Sessions after that, that you make the 14, 15, 16 year olds accountable as the adults. There is no such thing as a rebuttable murder. There is no middle ground on murder. In fact, if you have to triple

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the space, you'll triple the space in order to eliminate this heinous crime. It is true that my district and a number of other districts are overrun by young juvenile thugs who threaten the life, not only of the children, the old, the elderly, the women, and they'll threaten yours or anybody else's that come..."

Speaker Peters: "Conclude your remarks, Representative Ewell."

Ewell: "And I'm going to say that any attempt to gut the Bill in this fashion is ill advised. The Bill ought to be left stand as it is, if you want to do something about the hard-core street crime that exists, that terrorizes the very life and sustenance of the citizens of the City of Chicago. Murder, rape, armed robbery, and deviate sexual assault are indeed acts that ought to be transferred automatically, so the message would go, not to the people who are dead and not to the victims, but to the people who commit these heinous offenses."

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

Fawell: "Thank you, Mr. Speaker. I would like to inform my colleagues from my County of DuPage, that our juvenile Judge is for Mr. Getty's Amendment, and against the... the assumption that every single juvenile that appears in our juvenile court who is charged with these crimes, should automatically be transferred into the criminal court. I realize Chicago has a problem, but our rapes are not 14 year olds raping 79 year olds. They're usually two 16 year olds at a drive-in. I would suggest that you take a careful look at your vote. I would suggest, also, that you be reminded that our juvenile Judge came down for two and a half hours and testified against this Bill. Let Chicago solve their problem by getting better Judges."

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

Stewart: "Thank you, Mr. Speaker. The Sponsor has offered a

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reasonable and sound Amendment which I think deserves a lot more green votes. The scare... I think it's also shameful that the scare tactics employed by the opposition, which have included gross simplifications and exaggerations, have been so persuasive this evening. I think that if we take a look at the Amendment that the Sponsor has offered, we'll... we would find that it certainly would not allow 15 year old axe murderers and wanton killers to go unpunished. That is... That's certainly not the aim of this Amendment. This... The aim of this Amendment is to make certain that the rights of juveniles; and I think we have carefully established that juveniles do deserve special procedures, that those are not violated."

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

Katz: "Mr. Speaker and Ladies and Gentlemen of the House, yesterday we voted a substantial wage increase for the Judges of this state. I assume that if we voted that increase, it was because we believe they do have some judgment. Mr. Getty's Bill is not at all a gutting of this Bill. The fact of the matter is that there is a difference between a rape and a rape, and a rape that takes place at a parking lot may not at all be the same as another kind. All that Mr. Getty's Bill does is say that we will lean over every way toward transferring such a case, but the Judge still has the final discretion. The truth of the matter is that, of those cases that are actually transferred in Cook County, of juveniles, and actually tried, one fourth of those cases are acquitted after trial. So, don't automatically believe that everybody is guilty. They may not be, and there are different situations. Mr. Getty's Bill leans as far as one can..."

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

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Clerk. On this question, there are 63 voting 'aye', 111 voting 'no', and Amendment #2 fails. Further Amendments."

Clerk O'Brien: "Floor Amendment #3, Preston."

Speaker Peters: "Represent... Who? Representative Preston. The Gentleman withdraws Amendment #3. Further Amendments."

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

Speaker Peters: "Representative Daniels, on Amendment #4."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, after Senate Bill 1231 was presented to the Judiciary Committee, and as a result of the request of some of the Members of the Committee, we held two working sessions that involved several hours of work on behalf of the staff and behalf of the Cook County State's Attorney's Office and many Members of the Judiciary Committee in the House. Amendments #4 and 5 address the subject of those hearings. Amendment #4 allows the victims of juvenile crime to attend hearings on the juvenile's status and provides that all traffic, boating, and fish and game violations shall be prosecuted without going through juvenile court procedures. It deletes prior change in standards of evidence at the hearings for transfers from juvenile court to adult criminal court, and provides again, the question of automatic transfer to adult court, of fifteen and sixteen-year-olds who are charged with murder, rape, deviate sexual assault or armed robbery, when the armed robbery is committed with a firearm. It provides that when a charge which qualifies for automatic transfer is filed, all charges arising out of the same incident shall be tried in adult criminal court. I think that Amendment #4, in my opinion, is an Amendment that has worked very carefully by the Members of the Committee, and I would move for your favorable consideration in the adoption of Amendment #4."

Speaker Peters: "Any discussion? There being none, the question

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is, 'Shall Amendment #4 to Senate Bill 1231 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #4 is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Daniels."

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

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #5 is also a result of the hearings with the Judiciary Committee, and the work by that Committee clearly spells out who is entitled to inspect juvenile court records and states exactly when juvenile court records are admissible in other proceedings, provides procedures for expungement of law enforcement juvenile records and juvenile court records after the minor becomes an adult. I would ask for your favorable consideration in the adoption of Amendment #5."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #5 to Senate Bill 1231 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it, and Amendment #5 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

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

Bowman: "Mr. Speaker, I filed a request for a State Mandates Note, and I'd like to have the Bill held on Second Reading. I've also filed a request for a state fiscal note. If I might, Mr. Speaker... I'd just like to point out to the Chair and to the Membership that we have heard during the course of the debate on... on these Amendments how this will affect the prosecutions, and as we all know, jury trials are lengthy and expensive. There are no jury trials in juvenile court. There are in adult court, and I think

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this will change the cost of the criminal justice system at the local level, and indeed, at the state level, to the extent that we anticipate sending more children, more juveniles into the State Department of Corrections. I think we need to seriously consider the question of our capacity. We are already at that capacity now, without this legislation. I think, even if the State Mandates Note Act does not apply, I think the State Fiscal Note Act surely does."

Speaker Peters: "Question, Representative Daniels."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, if I felt that the Gentleman was truly sincere in his Motion, then I would have greater compassion for what he was trying to do, but it's obvious that he's just trying to delay the Bill so it's not considered by this House. It's obvious too, by studying carefully the State Mandates Act and the Fiscal Note Act, that neither one of them apply, and therefore, Mr. Speaker, I would move that his filing of the requests are out of order."

Speaker Peters: "Representative Bowman, on that question."

Bowman: "Yes, Mr. Speaker, the... it is certainly my right under the rules to file the Motion. Compassion has nothing to do with it, and... and I think the only question here is, shall the Bills remain on Second Reading, and... and I'd like to know from the Parliamentarian whether he feels the Motions, or the Acts apply. I would also point out that the rules provide that, for a Roll Call Vote, and that by 89 votes, this Bill will remain on Second Reading, regardless of what the Sponsor of the Bill might... might say."

Speaker Peters: "Representative Daniels?"

Daniels: "I am advised that the State Mandates Act, the request for a state mandate, can only be filed in Committee and by

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the Reference Bureau, and if that being the case, I think the Gentleman's request there is out of order, and..."

Speaker Peters: "Go ahead."

Daniels: "Secondly, on the fiscal note, under Rule 32, I would move to suspend the provisions of that as being inapplicable."

Speaker Peters: "Representative Bowman, the... in response, you are absolutely within your rights to file the requests that you did. The statement made by Representative Daniels in regard to the State Mandates Act is correct, in that the... that request had to be filed and noted in Committee, and that would require a filing or a statement as to the fiscal impact pursuant to the Fiscal Note Act. So that... your request, then, for the fiscal note is a correct request. Representative Daniels is totally within the rules to indicate that the fiscal note is not applicable, and that is a question for the Body to determine. On that question, Representative Daniels."

Daniels: "And Mr. Speaker, clearly, so the Body understands the reason that this Motion is made, since the Gentleman's filing is, the question then comes up, how many jury trials may be held, whether or not it will cost the state any money, which I don't believe it will, and how you file the request that the Gentleman has, because on any criminal case, if we were to extend the crime of murder and create a new crime, we might be faced with a fiscal note request that's impossible to operate. If the Gentleman could tell me how many juveniles will commit the crime of murder in the year 1982-1983, then I'll be in a better position to answer his question; or how many juveniles out of the 23% of this country in violent crime will continue on this rampage of violent crime, we can answer the question. And that's the reason that the fiscal note is inapplicable and

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I've made the Motion that's before you today."

Speaker Peters: "Representative Ewell, on that question? No?  
Pardon, Sir?"

Ewell: "He made a Motion to suspend the rule, didn't he?"

Speaker Peters: "No."

Ewell: "Well..."

Speaker Peters: "Representative... So that everyone knows where we're at, Representative Bowman filed a Motion re... asking for a fiscal note, under the rules. Under the rules, Representative Daniels moved that the request for a fiscal note is not applicable. That is where we are at, and that will take a Majority of those voting on the question. So the question is, 'Is a fiscal note applicable?'. Those in favor will signify by... pardon? On that Motion, Representative Bowman. Excuse me... Excuse me. Wait a minute. Wait. Representative Collins, what purpose do you rise?"

Collins: "Point of clarification, Mr. Speaker. The Motion is that the fiscal note is not applicable?"

Speaker Peters: "Correct."

Collins: "So if you're voting with the good guys, you vote 'yes'."

Speaker Peters: "Well, if you're voting with Representative Daniels, you're voting 'yes'."

Collins: "That's what I said."

Speaker Peters: "Now, let's... Representative Bullock, to... okay, Representative Bowman, what purpose now, Sir?"

Bowman: "Well, first of all, the inquiry - isn't that not a debatable Motion?"

Speaker Peters: "Yes."

Bowman: "I presume it is."

Speaker Peters: "Yes."

Bowman: "Okay, I would like to debate the Motion, and perhaps



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other people would too, so before we proceed to the vote..."

Speaker Peters: "That's... That's where we're at now."

Bowman: "Okay. Now, may I be recognized on the question?"

Speaker Peters: "Proceed. Hold on a second, now. We're get..."

Ladies and Gentlemen, so that we know where we are at, Representative Bowman asks for a fiscal note, under the rules. Under the rules, Representative Daniels moves that a fiscal note is not applicable. All right. That is the question now under discussion. On that question, Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What we are dealing with here is not changing the conditions under which a person will be sentenced for a particular crime, so much as we're really changing the system by which juveniles will be prosecuted in this state. I think that this systemic change is very similar in its scope to the determinate sentencing legislation that we passed on this floor several years ago. And at the time of the determinate sentencing legislation was passed, there were considerable questions raised about what effect this will have upon the number of people incarcerated in this state, and what the effect that that will have on the demand for prison beds, how many more new prisons we will need. Those questions were not properly addressed at that time, and you have... now can see the result of our failure to address those questions properly at that time. Here we are, struggling in 1982, struggling to find enough places to put the prisoners. We are converting mental institutions because we cannot find enough beds in our present facilities, and there is not enough time to build brand new facilities from the ground up. I think that this particular legislation, if it is as sweeping in its scope

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as its Sponsor suggests, if it is going to do the kind of job that its Sponsor suggests, will have a severe impact on the demand for... for beds. I have not gotten up on this floor to date to suggest that this will send a lot more juveniles into the criminal justice... through the adult justice system. The promoters of this legislation have done that. They are the ones who are suggesting this is going to keep more criminals off the street. Well, if... if in fact they're right, where are you going to put them? That is the logical consequence of their position. I think if they have any evidence to offer on this subject, they ought to offer it in the form of a fiscal note. Tell us what we are going to need in the way of prison space. We already have an acute bed shortage. This may very well make it worse. I think the Body is entitled to an answer to this question before we vote on final passage, and that is why I am requesting the fiscal note, and... and consequently, I urge a 'no' vote on the Motion to deny the fiscal note request. Thank you."

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

Reilly: "Thank you, Mr. Speaker. There's a very simple reason why the Motion must be supported. The Fiscal Note Act deals with costs to the state. There are no costs to the state, even if in the wildest dreams it costs any amount of money you care to name, to conduct these trials in adult court instead of juvenile court, the state doesn't pay those costs, and the Fiscal Note Act deals with the cost to the state, not to local governments. That's what the Fiscal Note Act deals with. The Bill does not deal with sentencing. All the Bill deals with is how you try the kid in the first place, not with the range of sentences that are available. It's clearly... The Fiscal Note Act clearly doesn't apply because clearly to the state, there's no

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cost. 'Aye' votes are in order. The Motion should be quickly passed and we should get on with the business of the House."

Speaker Peters: "Representative Van Duyne, on this question."

Van Duyne: "Parliamentary inquiry, Mr. Speaker. Isn't there some way, by one of our temporary rules, we could deny Woods Bowman his right to speak?"

Speaker Peters: "Representative Bowman, on this question. Representative Vinson."

Vinson: "Mr... Mr. Speaker and Ladies and Gentlemen of the House, Mr. Bowman's apocalyptic notions and dreams have occupied so much time that I would move the previous question."

Speaker Peters: "The ques... Representative Daniels, do you wish to close? Is there further discussion? There being none, Representative Daniels."

Daniels: "Just... Just to ask for your favorable vote on the inapplicability of the fiscal note - an 'aye' vote."

Speaker Peters: "The question is, 'Shall the Gentleman's Motion prevail?'. Those in favor will signify by voting 'aye', those opposed 'nay'. Mr. Clerk, the voting is open. Representative Getty, to explain his vote."

Getty: "Mr. Speaker, and I hope the Gentleman who just told us about the applicability of fiscal notes will listen. The applicable section says, 'In the case of Bills having a potential fiscal impact on units of local government, the Fiscal Note Act shall be prepared by the Department of Local Government Affairs'. Now, quite clearly, where there is an impact on local governments, we have to have the availability of a fiscal note just as well as when it would have an impact on state government."

Speaker Peters: "Further discussion? Explanation? On this question... Take the record, Mr. Clerk. On this question, there are 141 voting 'aye', 25 voting 'no', 2 voting

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'present', and the Gentleman's Motion prevails. The House, having determined that a fiscal note is not applicable. Third Reading. Where do we go? 1406? For those who... it is the intent of the Chair to go through the Bills on Second Reading. So... and then Third Reading. Senate Bill 1289, Representative Keane. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1289, a Bill for an Act to amend the Bingo License and Tax Act. Second Reading of the Bill. Amendment #2 was adopted in Committee."

Speaker Peters: "Any Motions relating to Amendment 2?"

Clerk O'Brien: "No Motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #3, Giorgi."

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

Giorgi: "Mr. Speaker, this is the... this is the repeal clause. If this isn't put on this Bill and sent out of this House, raffles and chances die as of January 1, 1983, and that's all this does. That's all it does."

Speaker Peters: "Any discussion? Representative Keane."

Keane: "Thank you, Mr. Speaker. I'm going to oppose this Amendment on Senate Bill 1289, as I am going to oppose all the Amendments on this Bill. There was a.. an awful lot of debate in Committee on this Bill. We had a presentation by the Legislative Investigating Commission. We found most of our... most of our discussions dealt with the time, the number of days, the number of games that could be played. It affected a tremendous amount of charitable institutions in this state, and in so doing, the people who were involved in the Bill have gotten together, felt that they could all live with the Bill as it came out of Committee, would work on any Amendments, and any kind of changes, or any kind of day... number of games per week, later on this summer, in the fall, and come back with an agreed type of

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Bill. For that reason, I oppose this Amendment."

Speaker Peters: "Further discussion? There being none, the question is... Representative Giorgi, to close."

Giorgi: "Mr. Speaker, for three years prior to two years ago, we tried to legalize not-for-profit raffles and chances. The Governor agreed. With the help of his office, we wrote a Bill that legalized the not-for-profit raffles and chances, and we said to ourselves, that if there were any abuses in that law, we would let that law self-destruct January 1, 1983. This is the only vehicle left to allow us to repeal the sunset clause, so the Raffle and Chances Act can continue. I respect the Gentleman's wish to try to keep a Bill as clean as he can, but my Bill was doomed when I let Representative Meyer put his Las Vegas Nights on my Bill, being a Gentlemen and a Member of the General Assembly, I let him do that. I need some help on this Bill so that Raffles and Chances don't go down January 1, 1983, so I urge the support of this Amendment, and I ask for a Roll Call Vote."

Speaker Peters: "Well, we've already close, Representative Pierce, but go ahead."

Pierce: "Any time Representative Giorgi is trying to have the sun stop in mid-arc and not set, I'm for it. If Representative Giorgi can keep the sun from setting on Raffles and Chances, he is a great man, stopping the sun in mid-course; one of the few people who can do it, and even though I'm going to pull his other Amendments to this Bill, I think Representative Giorgi taking the role of Creator here not only of Bingo, but of Raffles and Chances. The Creator can start the sun up. The creator can also stop the sun from setting, and I intend to vote 'aye'."

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

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Slape: "Yes, Mr. Speaker, for a Parliamentary Inquiry. I would question the germaneness of this Amendment to the Bill."

Speaker Peters: "Mr. Parliamentarian? Mr. Clerk? It is the opinion of the Chair that the Amendment is germane. The question is, 'Shall Amendment #3 to Senate Bill 1289 pass?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the Amendment is lost. Further Amendments."

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

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

Collins: "Mr. Speaker and Ladies and Gentlemen of the House, I introduced Amendment #4 at the request of a group of which I am a Member, who utilized the Bingo games to raise money for retarded children. I thought this was something that would meet the approval of everyone involved. I was quite surprised that opposition to the Amendment was generated from sources which I... were totally unexpected by me, and as yet, I really have not received a satisfactory explanation as to why they are opposed to this Amendment. However, considering the source of the opposition, and in light of the fact that there is an indication that something can be worked out at a later date, I will withdraw Amendment #4."

Speaker Peters: "The Gentleman withdraws Amendment #4. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Meyer."

Speaker Peters: "Representative Meyer? Ted Meyer or Roland Meyer? Representative Roland Meyer, on Amendment #5."

Meyer, Roland: "Would you remove Amendment #5, Mr. Speaker?"

Speaker Peters: "The Gentleman withdraws Amendment #5. Further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Barnes."

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

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Barnes: "Mr. Chairman, I want to withdraw Amendment #6."

Speaker Peters: "The Lady withdraws Amendment #6. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #7, Barnes."

Speaker Peters: "Representative Barnes, Amendment #7."

Barnes: "Mr. Speaker, I would like to try to put on Amendment #7, because as Representative Keane said, that we did have testimony by the Illinois Investigating Commission, and it was the intent of the Illinois Investigating Commission to have some reform to this Bill, and talking to the Director in a report the Director put out June 14, he feels a limitation of the games is a source of reform for this Bill, and all it does is limit one session per day so seven Bingo games a week could be played. I would ask a favorable Roll Call."

Speaker Peters: "Further discussion? Representative Oblinger."

Oblinger: "May I ask the Sponsor a question, please? Will she yield?"

Speaker Peters: "No, she'll yield. Will the... Will the people standing in front of Representative Barnes please be seated?"

Oblinger: "Representative Barnes, I don't know if you're familiar with what is here in Springfield, and also in Collinsville, for those people who live there, we have a building down here that we all contribute rent to. On one evening, Big Brothers and Big Sisters is there. The next night it's the Riverton Athletic Association; a different one each night. On Sunday, now I want you to listen to this, all of you, on Sunday afternoon, Villa Vianney from St. John Vianney's Church in Sherman, has the afternoon, and Big Brothers and Sisters has Sunday night. This would preclude them from that having it. If... If you would say per day by one organization, but you don't say that, so the church and the

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Big Brothers and Sisters can't have it on the same day, the way you've written this Bill. This is not the way I think you intended it. You mean by one organization couldn't have it more than one session a day, but you don't say that, and you're going to kill all these downstate church and charitable organizations which share a building. It's called Las Caritas Hall. It's at Walnut and Jefferson."

Barnes: "In answer to your question, Representative, that's exactly what I mean. This Bill is a matter of reform, was to do away with the Bingo palaces. Some of the Bingo palaces are the renters, and they rent maybe three, four times a day, and that is exactly what I'm trying to do. I am trying to limit the games so that there would be some type of reform in this Bill. That was the purpose of the Bingo Bill, and that's all I'm trying to do."

Oblinger: "Mr. Speaker, speaking to the Bill. I know what the Representative is getting at. We do not have Bingo palaces downstate. What we have are charitable organizations going together to try to share the expenses - the rent, the utilities - so that we can all enjoy the Bingo profit for our special charities. The way this Bill is written should apply to Bingo palaces, but not to downstate not-for-profit organizations, which are trying to share the expenses."

Speaker Peters: "Representative Barnes, was... was that a question? No. Further discussion, Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I speak against this Amendment, Amendment #7, and I think the Membership of this House does not have to recall very long ago, that we passed a resolution, House Resolution 805, requesting the Department of Revenue investigate the, and make a commentary on the Illinois Legislative Investigating Commission's recommendations



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concerning improved Bingo regulations, and the Department of Revenue submitted the report to all of us on June 14 of 1982, and their strongest recommendation and the response to the Commission's recommendation was that if they would limit the maximum prize limit be reduced to the amount that's contained in Senate Bill 1289, would clear up a lot of the problems that they've found in Bingo throughout this state. I agree very strongly with Jo, that it was never the intent of either the House Bill or the Senate Bill, to try to limit the amount of money that is raised for charitable institutions. Little City is a very good charitable institution. If this Lady's Amendment goes on the Bill, it would affect the amount of revenue that is raised for charity, and for that reason, I have to stand in opposition at this time, to this Amendment. There was an agreement, attached an agreement, in reference to the support of the Bill overall, and part of the agreement was that the dollar amount, as far as the maximum dollar amount, would remain the same, and if there's any further areas where there... we possibly... further abuses based upon the Revenue Department's recommendations or the Investigating Commission, we would address that issue next year. For that reason, I am supporting a 'no' vote on Amendment #7."

Speaker Peters: "Further discussion. Representative Keane."

Keane: "Thank you, Mr. Speaker. I reluctantly rise in opposition to this Amendment. I supported this type of action in the Committee, and now because I think that all of the parties that are involved, and there are some very, very outstanding and well-known philanthropic organizations that want to get together and work this out. They feel that by reducing the prize money, that that's taken one long step. They want to take some time so that they don't hurt any

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kind of philanthropic organization by reducing the number of times they can play. I think we'll have something to that effect, either in the fall or next spring, and I am in reluctant opposition to this."

Speaker Peters: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, this Amendment was presented in the Revenue Committee, and because of some misunderstanding, it wasn't adopted. I think that this Amendment is after a very serious problem that's affecting Bingo, and could end up choking Bingo off altogether in this state. If we want to clean up Bingo, let's put this Amendment on there and get started. This is a good Amendment, and I certainly would encourage a vote for Representative Barnes' Amendment. Thank you."

Speaker Peters: "Representative Levin."

Levin: "Would the Sponsor yield?"

Speaker Peters: "The Sponsor yields. She indicates she will."

Levin: "Representative, the synopsis of the Bill indicates that the Bill limits the number of Bingo days which may be held in a given premises. Is that provision still in the Bill, as it is without the Amendment, or was that deleted?"

Barnes: "Could you repeat that, please?"

Levin: "Yes. The synopsis says that the Bill limits the number of Bingo days which may be held in a given premise... premises. Is that still in the Bill, or was that removed?"

Barnes: "That was bargained out in the Senate."

Levin: "You say that's not in the Bill now?"

Barnes: "No, it is not."

Levin: "Thank you."

Speaker Peters: "Representative Kustra. Representative Johnson."

Johnson: "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

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opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Lady from Cook to close, Representative Barnes."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, you've heard the Chairman of the Revenue Committee stand up and said he felt that this was a necessary Amendment. I met with Director Johnston today. He also feels that this is exactly what is needed for any reform in the Bill. A limitation on the number of sessions permitted at any one location would substantially reduce the number of violations. The reason the Bill was introduced was because the Tribune task force and several other newspapers had investigations of their own and described a lot of inequities in this Bill. When you go to reform, it is unfortunate that you must reform throughout the State of Illinois entirely, not just in one section. I feel that this is a very necessary Amendment. I feel that the limitation is reform. I think that the intention of the original Bingo Bill was to help a lot of little people, a lot of little, non-profit organizations. It was not meant for just one or two groups to really come in and clean up and make a clean sweep of all the profits. Bingo has turned out to be one of the... the biggest operations of gambling that we have in the State of Illinois. This is also something else that was proven in the investigation by the Illinois Investigating Commission. On that basis, I would ask a favorable Roll Call."

Speaker Peters: "The question is, 'Shall Amendment #7 to Senate Bill 1289 be adopted? Those in favor will signify by voting 'aye'... by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Representative Meyer, to explain his vote."

Meyer, Ted: "Thank you, Mr. Speaker. This can be very, very

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easily stated. An 'aye' vote is a vote against the Bingo palaces. A 'no' vote is for the palaces."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 61 voting 'aye', 93 voting 'nay', and 3 voting 'present'. Amendment #7 is lost. Further Amendments."

Clerk O'Brien: "Floor Amendment #8, Watson."

Speaker Peters: "Amendment #8, Representative Watson."

Watson: "Thank you, Mr. Speaker. Amendment #8 simply states that however the aggregate retail value of all prizes or merchandise awarded in any single day of Bingo conducted with... in counties of less than two million population may not exceed 30... The reason for the Amendment is obvious. If this is a Chicago problem, which it very well may be, and if this is a Cook County problem, so be it. Let Cook County solve their problems, but let's not take it out on the rest of the state. I agree with one of the previous speakers that the Bingo palace issue is not an issue in downstate Illinois. We, in Southwestern Illinois, who have to compete with the Missouri Bingos, have got a situation in which Missouri offers 3600 dollar maximum limit. We are very competitive now with a 3400 dollar maximum limit, but if we go with the provisions of this Bill, Illinois and Southwestern Illinois in particular, will be non-competitive. I understand that between 50 and 60% of the people who play Bingo at the Bingo games in Collinsville-Belleville area are from Missouri. If we... I submit that if we do become non-competitive, the... the players will naturally go to Missouri. Missouri just recently passed a Bingo law, and they're just now getting their games established, and I think if Illinois is to remain competitive, we need to stay at the 3400 dollar figure. The Bingo games in... in my area are primarily run

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by such as Jaycees - mostly community-minded civic organizations such as the Jaycees, soccer organizations, Assumption High School, a lot of the different Catholic schools run the games. So, it really hasn't been a problem that's being trying to address by the Bill, and if it is a Cook County problem, which, maybe it is, so be it, but let's leave the rest of the state out of it. And that's exactly what this Amendment will do."

Speaker Peters: "Any discussion? Representative Keane."

Keane: "Unfor... Yes, thank you, Mr. Speaker. Unfortunately, I don't have the Legislative Investigating Commission's report, but the reason we reduced the amount... the Bill reduces the amount was because we found that at a 3400 dollar level, it paid for organized crime to become involved in Bingo. The instances where the Legislative Investigating Commission found that there was organized crime was not in Cook County. It was outside of Cook County. There were indications that there were... there may have been problems throughout the state, including Cook County, but where they found heavy and open gambling and evidence of organized crime, it was outside of Cook County. I also oppose... and I oppose the Amendment for that basis. It does exactly... It returns to exactly what... It goes against exactly what the Bill is attempting to do, and it goes exactly against the findings of the Legislative Investigating Commission. I also think that the Bill, the way it's drafted, will limit Bingo within a county downstate to a total within that county of 3400. I think there's an error in the drafting, and you wouldn't want it passed anyway, because within... the way I read it, within a county, a downstate county, the whole county would be limited to only 3400 dollars a day, and I would ask that this Amendment be defeated."

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

Watson: "Well, to refer to the Collinsville Jaycees as a criminal element, I would take exception to such a... an accusation. The Collinsville Jaycees make 110,000 dollars off of Bingo. Where does that 110,000 dollars... Where does it end up? It ends up in their community. Sports complex, Illinois Jaycees Children's camp, Christmas baskets for the needy, senior citizens, smoke alarms for the needy, Girl Scouts, Heart Fund, 'Khoury' League. I dare suggest that those are not the criminal element of Illinois. If this is a problem in Chicago, so be it. Chicago, take care of your problems, but don't force it on us in downstate Illinois. We don't want it and we don't need it. I urge a 'yes' vote."

Speaker Peters: "The question is, 'Shall Amendment #8 pass?'. Those in favor will signify by saying 'aye'. Is the Gentleman joined by five Members? Well, evidently not... yes, I guess so. The question is, 'Shall Amendment #8 to Senate Bill 1289 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Representative Van Duynes to explain his vote. One minute."

Van Duynes: "Yes. Thank you, Mr. Speaker. In explaining my vote, I'd like to pose a hypothetical question or maybe... maybe it doesn't even make any difference, but at least I'd like to establish legis... legislative intent, and there has been an allegation made here that the 3400 dollars or 4300, whatever the figure is, would be an aggregate in the whole county. Watson, shake your head, that is not the legislative intent, is it, I hope? But that is what it says. It says total aggregate in one day of Bingo in the whole county. Now, I'm sure in the County of Will, there is more of an aggregate of prizes in the whole county on

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one given day than the figures cited in the Amendment, and if that's true, I'm going to have to vote 'no' on the Amendment, whether it be technical or whether it be legislatively intended that way."

Speaker Peters: "Further discussion? Representative McPike, one minute to explain his vote."

McPike: "I'm sure that was not the Sponsor's intent, but evidently that's how it was drafted. It says specifically, 'The aggregate retail value of all prizes or merchandises awarded in any single day of Bingo conducted within counties of less than two million population may not exceed 3400'. I'm sure that was not as... his intent, but that's how the Amendment was drafted, and it would limit the total value of prizes in the entire county to 3400 dollars. Unfortunately, that's not acceptable to anyone."

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

Lechowicz: "Well, Mr. Speaker, the previous speaker is right on target, and I would hope that your downstate membership who derives some relaxation, and also some churches and veterans' groups that derive some income, would seriously read this Amendment, because it totally eliminates them from raising any type of money for good, charitable purposes. This Amendment was poorly drawn and should be defeated."

Speaker Peters: "Anybody else? Have all voted who wish? Have all voted who wish? Representative Watson."

Watson: "I'd like to read the current leg... legislation here that's now on the books."

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

Watson: "The aggregate retail value of all prizes or merchandise awarded in any single day of Bingo may not exceed 2,250 dollars or... well, currently it says 3400. The intent of

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the Bill, of course, is to reduce it to the 2,250. So, in other words, in the entire state of Illinois, we can't offer any more than 3400 dollars. So this is... the... the efforts by the opponents of the Amendment are obvious, and it's ridiculous to bring up any... any point that we're trying to limit the amount of money that can be offered in a county."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 66 voting 'aye', 95 voting 'nay', 6 voting 'present', and Amendment 8 fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #9, Flinn."

Speaker Peters: "Who? Representative Flinn, Amendment #9."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, Amendment #9 offers to cut the 3400 dollars down to 2700 dollars, instead of the 2250 that the Bill..."

Speaker Peters: "Representative Flinn, I'm sorry. We didn't hear you, here."

Flinn: "You can't hear me. I don't have my mike on. Turn the damn thing on."

Speaker Peters: "Representative Flinn. Mr. Electrician, I offer your apologies to Representative Flinn. Proceed, Sir."

Flinn: "Thank you, Mr. Speaker. What I was saying was that Amendment #9 offers to lower the present 3400 dollars to 2700 dollars prize money at the Bingo games, instead of what the Bill offers, is 2250. The reason I offer this is to not stymie the Bill at all. I can recognize the fact that there is some problems in some areas. I would like for you to know that if the 2250 goes in, with Missouri right across the river from a good portion of Illinois, and especially the Metro-East area, that there will be very few Bingo games at all, if any, that exist. Missouri now has a



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3400 dollars, the same as Illinois has. You can come to any of our Bingo games down there, and you'll find many, many Missouri cars parked all over the Metro-East area, especially, which I'm familiar with. I don't know about the rest of the... the bordering towns and counties of Missouri, but I do know in that area, the Bingo games exist on the Missouri people, just like our horse races does. Just like our lottery does, down there. All of those things exist because the Missouri people support them. I would ask that this Amendment be given due consideration. I recognize by the other Amendments that the... that the skids have been greased. I know where I stand, but I would like to ask that this Amendment get on, at least that we can have our voice heard in Conference Committee. I know the Senate Sponsor's going to oppose any and all Amendments. I ask for a favorable vote."

Speaker Peters: "Any discussion? Representative Sam Wolf."

Wolf, Sam: "Thank you, Mr. Speaker and Members of the House. I rise in support of Amendment #9. I think this is a reasonable compromise in the way the Bill started out and the way it is at the present time. If this Bill passes in its present form, as Representative Flinn has indicated, it's going to present a catastrophe to several of the Bingo halls in my particular district, and as it will in several others. I think, as I said before, this is a reasonable compromise. It is a... an Amendment that will permit the Bingo halls in downstate Illinois to operate in the manner that they were intended. It will enable them to do the job that they're trying to do, and if you'll examine many of the institutions that are using the Bingo halls for their particular Bingo games, you'll find that these are all worthwhile organizations, and that they do an excellent job. I would urge your support of Amendment #9."

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Speaker Peters: "Further discussion? Representative Keane."

Keane: "Thank you, Mr. Speaker. I rise in opposition to this Amendment for the same reason I have opposed the others. It would raise the amounts that were agreed upon as the Bill came over from the Senate. Perhaps Missouri, who was just starting out in their Bingo history, will find that at 3400, we're going to have the same kind of a thing that they will experience what we did. At the level of 3400 dollars, the Legislative Investigating Commission found that it's well worth the time and the effort of organized crime to become involved in Bingo. The Bingo Act that we passed was to allow people to enjoy attending Bingos and also provide revenue for the many charitable and worthwhile institutions we have throughout the state. It took a great deal of effort and a great deal of work to arrive at the 2250 figure. We've had a previous Amendment that was withdrawn at the 2700 dollar level. I would... I think that the 2700 level is too high. I agree that there's problems... there may be problems where we're bordering on other states, but I think that the State of Missouri, a year from now, will also be downgrading their bets, their top levels on Bingo, their top prizes, simply because they may find that they've attracted the criminal element. I would ask for the defeat of this Amendment."

Speaker Peters: "Further discussion? Representative Slape."

Slape: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. One thing that keeps being bandied about here, and I think ought to be clear up, is its reference to organized crime. In the Revenue Committee, when this Bill was heard and several of these Amendments were heard, and most of them were defeated there, the question was asked of the investigator what kind of organized crime he found in the Bingo games in Southern Illinois. And he admitted in

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the Committee that all he had was accusations or reports that there was some kind of improper use or improper type of gambling devices in there. I don't think that the Volunteer Fire Department Association and the Madison County Fire Department Association or the Casey... Collinsville Jaycees are part of any organized crime family. And... And I believe that if these Bingo games in our area, these Bingo games that benefit organizations and that benefit different segments of our population are going to be able to continue, they have to continue in a way that they can be competitive with the games in the... in the State of Missouri, and I would urge all the Members of this House to please vote 'yes' on Amendment #9."

Speaker Peters: "Further discussion? Representative Lechowicz."

Lechowicz: "Mr. Speaker and Ladies and Gentlemen of the House, I'd like to re... put right into the record a copy from the Illinois Department of Revenue in reference to this specific subject. It says, 'Pursuant to the mandate of House Resolution 805, the Department of Revenue has carefully considered thirteen recommendations made by the Illinois Legislative Investigating Commission on its April 1982 report entitled Bingo in Illinois, a report to the General Assembly. Although the Department does not agree with every recommendation made by the Commission, the report itself presents an accurate, well-documented account of the history and current status of Bingo in Illinois. The following constitutes the Department's response to each of the Commission's recommendations. Their first recommendation, Ladies and Gentlemen, it says, 'The Commission strongly recommends that the 3400 dollar maximum prize limit be reduced in order to enable smaller games to compete with the Bingo palaces. We recommend that the Legislature fix a prize limit which would be no less that

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1500 and no more than 2500 dollars. It should be noted that the current maximum prize limit is consistently awarded by less than 5% of the licensed Bingo operations in this state'. The Department's response of the Department of Revenue says, 'Since the enactment of the Bingo License and Tax Act, the General Assembly has always fixed the maximum prize limit by statute, rather than delegating that responsibility to the Department. For this reason and because a change in the maximum prize limit would not significantly affect the Department's administration of the Act, the Department has no position on this recommendation. However, the Commission's analysis of the issue in Appendix C of its report is clearly correct.', quote. 'Lowering the prize limit would allow the Bingo dollar to be spread more equitably among a wider range of groups'. Senate Bill 1289, now in the House, lowers the maximum prize limit to 2250 dollars. We had two state agencies investigate this problem. This was their recommendation, and I think we should listen to their recommendation and defeat Amendment #9."

Speaker Peters: "Representative Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. I just want to clarify a misstatement that my distinguished colleague from Southern Illinois, Representative Slape, made concerning involvement of organized crime in Bingos in downstate Illinois. The Department of Revenue report very clearly stated that there is influence from organized crime, but I could see where Representative Slape who is quite naive in that area and has never really had any dealings with that horrid element of society would have... would have made a mistake, but I just want to clarify the record, because of Representative Slape's limited background in dealing with organized crime."

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Speaker Peters: "Representative Jack Dunn."

Dunn, Jack: "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 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Monroe Flinn, to close."

Flinn: "Well, thank you, Mr. Speaker. There are a number of speakers who spoke about organized crime, and this would eliminate it. I thought the Bingo law already had dealt with organized crime, that those people weren't even allowed in the building. Now, if the Revenue Department is so sure that there is organized crime influence involved in the Bingo game, then why don't they do their job and get rid of them? Why don't they do away with the licensees - pull the license of those people? I cannot believe that we can do anything in this General Assembly that would be a cure-all for everybody, but here, you cure a problem in some parts of the state by protecting the little Bingos. Down in our area, when you become less competitive, you are simply going to run the people back to Missouri where they can get more prize money, and you do that not just to the big Bingo game, but you do it to the small ones and all of them. We have had, to my knowledge in my county, we have had only one Bingo license turned in that went out of business, since the Bingo came in. That's among all the large ones and all the small ones. This would not do anything to us down there - the Bill won't - without this Amendment, except put a lot of them out of business and hurt a lot of people who are doing good for the community down there. I ask for a favorable vote, and I would ask, while I'm up, to ask for a Roll Call Vote. I would like to get a copy of the Roll Call, and that's the only way I can get one."

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Speaker Peters: "The question is, 'Shall Amendment #9 to Senate Bill 1289 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Giorgi, to explain his vote."

Giorgi: "A lot of things have been said about organized crime and the Illinois Investigating Commission. I think be... before the Illinois Investigating Commission puts anybody behind bars, organized crime will die a natural death."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 40 voting 'aye', 114 voting 'nay', 3 voting 'present', and Amendment #9 is lost."

Giorgi: "They couldn't track a bleeding elephant through snow."

Speaker Peters: "Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Is Representative Reilly here? With leave of the House... Representative Reilly, Senate Bill 1410. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1410, a Bill for an Act making appropriations to the ordinary and contingent expenses for the Health Finance Authority. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

Clerk O'Brien: "No Motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "No Floor Amendments."

Speaker Peters: "Third Reading. Representative Matijevich, Senate Bill 1524. Page seven, Sir. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1524, a Bill for an Act making appropriations to the Department of Public Aid. Second

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Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "None."

Speaker Peters: "Third Reading. Senate Bill 1428, Representative Wikoff. Page seven of the Calendar, 1428. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1428, a Bill for an Act making appropriations for the ordinary and contingent expenses for the Governor's Purchase Care Review Board. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

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

Clerk O'Brien: "No Motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #3, Terzich."

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

Terzich: "Yes, Mr. Speaker, Amendment #3 again will bring up the pension contribution level to the 70% level, as per the Governor's request, and I move its adoption."

Speaker Peters: "Any discussion? Representative Wikoff."

Wikoff: "I don't know whether we can afford this or not. We're talking about a net increase of 1000 dollars."

Speaker Peters: "The question is, 'Shall Amendment #3 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it, and Amendment 3 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Mr. Clerk, did we move 1524? Representative Bower, on 1406. Out of the record. Representative Davis, on administrative ser... Representative Davis, 1396. Read the Bill, Mr. Clerk. 1396."

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Clerk O'Brien: "Senate Bill 1396, a Bill for an Act making..."

Speaker Peters: "Excuse me, wait a minute. Out of the record? Is 1678, is there Agreed Amendments on that? 1678. Are they Agreed? Senate Bill 1678, Representative Wolf. Representative Matijevich. All right. Read the Bill, Mr. Clerk. 1678."

Clerk O'Brien: "Senate Bill 1678, a Bill for an Act making appropriations to various state agencies. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Irv Smith."

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

Smith, Irv: "Is this one?"

Speaker Peters: "Yes, Amendment #1."

Smith, Irv: "Thank you. This is the Prairie State games. Yeah, it appropriates 30,000 dollars to establish a Committee as part of the Physical Fitness Commission that would cause the Commission..."

Speaker Peters: "The Gentleman moves the adoption of Amendment #1. Any discussion? Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Amendment is a bipartisan Amendment sponsored by the Physical Fitness Commission. We intend to sponsor in the State of Illinois, the Prairie State games. This is the start-up cost. I know of no opposition to the Amendment. It was sent over to us by the Senate. Inadvertently, the Bill did not have a hearing, and we're trying to appropriate it on Senate Bill 1678."

Speaker Peters: "Any discussion? There being none, the question is 'Shall Amendment #1 to Senate Bill 1678 pass?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and Amendment #1 is adopted. Any further Amendments?"



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

Speaker Peters: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker, Amendment #2 appropriates 25,000 dollars to the House of Representatives' Rape Study Committee for the ordinary and contingent expenses. I don't know of any objections to this particular Amendment, and I would move its adoption."

Speaker Peters: "Any discussion? The question is, 'Shall Amendment #2 to Senate Bill 1678 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Ronan..."

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

Ronan: "Thank you, Mr. Speaker. This is a very simple Amendment. It amends...adds 75,000 dollars to the bipartisan House Committee on Medical Assistance Programs. There's no opposition to this fine program. What happened is that there may be a problem over in the Senate, so we want to make sure that this very important appropriation stays alive. So, I move for its adoption."

Speaker Peters: "Any discussion? Being none, the question is, 'Shall Amendment #3 to Senate Bill 1678 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes'...the 'ayes' have it, and Amendment 3 is adopted. Further Amendments?"

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

Speaker Peters: "Representative Murphy, Amendment #4. Representative Matijeich, Amendment #4."

Matijeich: "Yes, Mr. Speaker, this appropriates 800,000 dollars to the City of Aurora for completion of the Oakhurst Drainage Project begun in 1981 as part of the

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revitalization of the east side of Aurora. I move for its adoption."

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

Clerk O'Brien: "Floor Amendment #5, Schneider..."

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

Schneider: "Thank you, Mr. Speaker and Members. This is the hispanic hotline we talked about before. The opposition, I think, was primarily the modification of the Governor's budget. This now is not in that Bill, and should be agreed. It's only 3,000 dollars. I solicit your support."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #5 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #5 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Senate Bill 1558, Representative McAuliffe. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1558, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Mautino..."

Speaker Peters: "Representative Mautino, Amendment #1. Representative Mautino withdraws Amendment #1. No? I think your Motion here is to table it, Representative, or withdraw it, either way. Gentleman withdraws Amendment #1. Further Amendments."

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

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Dunn, John: "Representative Dunn, Amendment #2."

Dunn, John: "Thank you, Mr. Speaker. It has been represented to me by the Office of the Secretary of State, that the substance of Amendment #2, hopefully, can be accomplished by rule or regulation without the need of legislation; and, in view of that, I am willing to withdraw Amendment #2. And further, the Secretary of State has indicated to me that he supports the concept of this Amendment, and...and if, after investigation, we do need legislation, they will try to help sup...help me find another vehicle to put this Amendment on before the end of the Session. So, in light of all of that, I will withdraw Amendment #2."

Speaker Peters: "Amendment #2 is withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Carey..."

Speaker Peters: "Who? Representative Carey, Amendment #3.

Gentleman withdraws Amendment #3. Further Amendments?"

Clerk O'Brien: "Amendment #4, Chapman..."

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

Chapman: "I'd like to withdraw Amendment #4."

Speaker Peters: "The Lady withdraws Amendment #4. Further Amendments?"

Clerk O'Brien: "Amendment #5, Huskey..."

Speaker Peters: "Representative Huskey, Amendment #5. The Gentleman withdraws Amendment #5. Further Amendments?"

Clerk O'Brien: "Amendment #6, Chapman..."

Speaker Peters: "Representative Chapman, Amendment #6. The Lady withdraws Amendment #6. No?"

Chapman: "Mr....Mr. Speaker, I would like to proceed with Amendment #6, because I...I see a need for this particular proposal. Amendment #6 amends the vehicle code - pardon - and provides that no new or used motor vehicle dealer shall misrepresent the condition of a used vehicle. The dealer is required to inspect each used vehicle and disclosed all

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me...mechanical defects and to provide the buyer with a disclosure of the de...of the defects. I'm offering this because the record demonstrates that used car dealers and their agents have often engaged in deceptive sales practices. They misrepresent the mechanical condition of a used vehicle. They fail to disclose, prior to sale, any material defect in the mechanical condition of the used vehicle known to the dealer. They represent that a used vehicle or any system thereof is free from material defects in the mechanical condition at the time of the sale. Consumers often make purchasing decisions based on this dealer deception and, not only fail to get the car they bargained for, but face unexpected expensive repairs. Dealers often know that these defects are present at the time of the sale. This is not unreasonable to ask of dealers, because they obtain this knowledge through inspections and evaluations that they make before they put the car out on the lot for sale or before they purchase it. In order to protect consumers and, in...in addition, not only from misrepresentation, but also to protect their safety on the road. I do move for the adoption of Amendment #6."

Speaker Peters: "Representative McAuliffe."

McAuliffe: "Mr. Speaker and Ladies and Gentleman of the House, I rise in opposition to Amendment #6. The idea may have a lot of merit, but I feel that it would encumber the Bill and jeopardize the passage of the Bill. So, I would ask for the defeat Amendment #6."

Speaker Peters: "Further discussion? Being none, the question is, 'Shall Amendment #6 to Senate Bill 1558 pass? Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'nos' have it, and the Amendment is lost. Amendment #7."

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Clerk O'Brien: "Amendment #7 and 8, Giorgi..."

Speaker Peters: "Representative Giorgi, Amendment #7 and 8. The Gentleman withdraws Amendments #7 and 8. Any further Amendments?"

Clerk O'Brien: "Amendment #9, Leverenz - Mautino..."

Speaker Peters: "Representative Mautino. Who? Leverenz? Representative Leverenz withdraws Amendment #9. Further Amendments?"

Clerk O'Brien: "Amendment #10, Yourell..."

Speaker Peters: "Representative Yourell, Amendment #10. The Gentleman withdraws Amendment #10. Further Amendments?"

Clerk O'Brien: "Amendment #11, Leverenz - Mautino..."

Speaker Peters: "Representative Leverenz, Amendment #11. The Gentleman withdraws Amendment #11. Further Amendments?"

Clerk O'Brien: "Amendment #12, McClain..."

Speaker Peters: "Representative McClain, Amendment #12. The Gentleman withdraws Amendment #12. Further Amendments?"

Clerk O'Brien: "Amendment #13, Leverenz - Mautino..."

Speaker Peters: "Representative Leverenz on Amendment #13. Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #13 would provide that spot inspections could be conducted at any time of the day or night. It removes the word 'reasonable', because it could not ex...be explained what was unreasonable, and thus they can do it at any time. It would provide that the licensee or the licensee's representative, so that they could get access to records, would be on the premises or someone would actually be performing some type of work there. I understand that the Amendment is agreed to. I would move for the adoption of Amendment #13."

Speaker Peters: "Discussion? Representative McAuliffe."

McAuliffe: "Mr. Speaker, Ladies and Gentlemen of the House, what

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Representative Leverenz said is absolutely true. We agreed to this Amendment in Committee, and I'm happy to support it."

Speaker Peters: "Any further discussion? There being none, the question is, 'Shall Amendment #13 to Senate Bill 1558 be adopted?'. Those in favor will signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and Amendment #13 is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #14, Leverenz..."

Speaker Peters: "14? Representative Leverenz withdraw...Gentleman withdraws Amendment #14. Further Amendments?"

Clerk O'Brien: "Amendment #15, McAuliffe..."

Speaker Peters: "Representative McAuliffe. Gentleman withdraws Amendment #15. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Senate Bill 1420, Representative Wolf - Davis. 1420. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill..."

Speaker Peters: "1299 will be next. 1420."

Clerk O'Brien: "Senate Bill 1420, a Bill for an Act making appropriations for the ordinary and contingent expense to the Department of Personnel. Second Reading of the Bill. Amendments #1, 2 and 3 were adopted in Committee."

Speaker Peters: "Any Motions with respect to the Amendments 1, 2 and 3?"

Clerk O'Brien: "No Motions filed."

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

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

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

Matijevich: "Speaker, leave to withdraw Amendment #4."

Speaker Peters: "Gentleman withdraws Amendment #4. Any further

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Amendments?"

Clerk O'Brien: "Floor Amendment #5, Davis..."

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

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

Amendment #5 tracks some action that we took this morning on the floor in Executive Order #1, and in House Bill 2461 by combining the Departments of Administrative Services and the Department of Personnel into one budget that is now going to be known as the Central Management Services Fund Budget. The total dollar amounts now, they're...they're a duplication of each of the budgets of Department of Administrative Services contained in...in Senate Bill 1396 and the Department of Personnel contained in...in Senate Bill 1420. The total dollar amount now, both agencies combined, is 291,634,657 dollars. I'll answer any questions that you might have relating to...to the...the combination of these two Bills, but they track exactly the new set-up that's...that's embodied in Executive Order 1 in House Bill 2461, which this House passed unanimously this morning."

Speaker Peters: "Any discussion? Being none, the question is, 'Shall Amendment #5 be adopted?'. Those in favor will signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and Amendment #5 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Terzich - Matijevich..."

Speaker Peters: "Representative Terzich, Amendment #6."

Terzich: "Amendment #6, appropriation for the newly formed Department of Central Management Service by 163,000 dollars. It represents the restoration to the state's contribution to the 70 percent of the estimated pay-outs, and I would move for its adoption."

Speaker Peters: "Any discussion? There being none, the question

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is, 'Shall Amendment #6 to Senate Bill 1420 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and Amendment #6 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Senate Bill 1299, Representative Birkinbine. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1299, a Bill for an Act to designate depressed areas, relax governmental controls and provide tax incentives. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Amendment #1, Birkinbine..."

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

Birkinbine: "Thank you, Mr. Speaker, leave to withdraw."

Speaker Peters: "Gentleman withdraws Amendment #1. Further Amendments?"

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

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

Birkinbine: "Leave to withdraw Amendment #2."

Speaker Peters: "Gentleman withdraws Amendment #2. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Balanoff..."

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

Balanoff: "Thank you, Mr. Speaker. I was wondering if the Sponsor would please take this out of the record. I was just handed an Amendment which has been prepared to...Amendment #13, which revises the whole Bill, and I...it was just handed to me and I think they're still being drawn up and distributed. So..."

Speaker Peters: "Representative Birkin...Representative Lechowicz. Birkinbine. Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. No, I won't take it out of



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the record. Amendment #13 was handed out a couple of hours ago and, frankly, we've been working off that Amendment for some time."

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

Lechowicz: "Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 1299 is the Enterprise Zone Bill. When this Bill was discharged from committee, based upon a posting requirement that was not met, we've assigned eight people - four from the House, four from the Senate - in conjunction with the Sponsors of the Senate Bill, in conjunction with the House Sponsor and myself to review Senate Bill 1299 as it came over from the Senate, in conjunction with the Department and also the Governor's office. I don't believe there is a piece of legislation that has been more thoroughly scrutinized than House Bill 1299. The Amendment #13, which the Lady is referring to, was submitted to the Reference Bureau yesterday. It was on the...It was given to the Clerk this morning, and the Amendment's been on the individual desks a good portion of the day, it being 8:05 in the evening. Some of the recommendations that were recommended in the other Amendments are included, including the Lady's, are included in Amendment #13. I...And also, some of the other recommendations which were in previous Amendments have been renumbered and resubmitted to the Reference Bureau, and each Sponsor was contacted and told that, yes, Amendment #13 is a total revision and a rewriting of the Bill, based upon staff and legislative input. We'll be more than happy to explain it and go over the Amendments one by one. We didn't want to pull any surprises with anybody. Anybody that had an Amendment filed, we went and talked to them and a staff person or the Legislator went and talked to them individually and, for

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that reason, I would concur with Representative Birkinbine in proceeding with 1299 at this time. I would be more than happy to explain it as we go."

Speaker Peters: "Thank you, Representative. Representative Balanoff on Amendment #3."

Balanoff: "I would be glad to hear Amendment #13 before we hear all of these other Amendments, if they give us an opportunity to file and distribute our other Amendments."

Speaker Peters: "Represent...Yeah, Representative Balanoff, we cannot go to 13 before we do 3. We are now on Amendment #3. We can either proceed with hearing your Amendment..."

Balanoff: "I would withdraw my Amendment then."

Speaker Peters: "Thank you, Ma'am."

Balanoff: "But, I did...I do not withdraw this now. I said I would if you wanted to hear #13 first, then I would withdraw these prior Amendments."

Speaker Peters: "Representative Balanoff."

Balanoff: "If we have an opportunity to have our other Amendments..."

Speaker Peters: "Excuse me. We are on 3. We must dispose of 3 before we go to 4, and then 5... There is objection. Representative Lechowicz."

Lechowicz: "I'll just point out that we'll be more than happy to accept 3, because it's also contained on page 8 of Amendment #13, line 22 and 23."

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

Balanoff: "All right. Amendment #3 merely terminates in the sixth year, the number of areas which may be designated as enterprise zones. The Bill provides that, for six years, enterp...enterprise zones shall be designated. This merely says that, at the end of six years, the designations will stop. The purpose of this is so that we do not have wall-to-wall enterprise zones throughout the State of

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Illinois."

Speaker Peters: "Any discussion? Representative Lechowicz."

Lechowicz: "I concur with the Amendment, and I second the adoption."

Speaker Peters: "Any further discussion? There being none, the question is, 'Shall Amendment #3 to Senate Bill 1299 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. The op...The opinion of the Chair, the 'nos' have it, and the Amendment is lost. Further Amendments?"

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

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

Bowman: "Withdraw 4."

Speaker Peters: "The Gentleman withdraws Amendment #4. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Satterthwaite..."

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

Satterthwaite: "Mr. Speaker and Members of the House, Amendment #5 is still a part of the Bill as it is written in Amendment #13. However, Amendment #13, if it is adopted, will negate anything that we do up until that point. I believe what we're really asking of the House is permission to have the Bill heard at the time that we have been able to file all of these Amendments in appropriate form after Amendment 13. Now, if the House cares to, I will present the substance of Amendment #5, but it seems to be an exercise in...in futility and delay of the proceedings of the House. I fail to understand why we would not wait until tomorrow to hear this Bill, in order to allow the Amendments to be printed and distributed."

Speaker Peters: "Representative, are you presenting Amendment #5? Representative Lechowicz, what pur..."

Satterthwaite: "Well, I..."

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

Lechowicz: "In all fairness, Mr. Speaker, I'll be more than happy to move the Bill back from Third Reading to Second tomorrow. We've got a time problem on the Bill. If the Amendments are not back from the printers, I'll be more than happy, in conjunction with John Birkinbine, to move the Am...Bill back from Third to Second so we can hear the Lady's Amendments at that time as well."

Speaker Peters: "Representative Satterthwaite on Amendment #5. That's what's before us."

Satterthwaite: "Well, Mr. Speaker, the fact that we have to hear these Amendments in the order in which they have been printed means that I really have no choice if I want this to be discussed. Amendment #5 deals with the...the Bill where it allows a tax credit for individuals, for corporations, for trustees in estates, and for partnerships. It is my feeling that, because the enterprise industry is getting certain tax breaks, does not give us any real indication why we should also give a tax break to the stockholders of a particular enterprise. And so, this is the reason that I have submitted this Amendment. At this point, since we don't know what the outcome of Amendment #13 will be, I would ask for the passage of Amendment #5 to the Bill in its original form."

Speaker Peters: "Any discussion? Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would opposed Amendment #5. The Lady is trying to knock out the income tax dividend break. The co...The idea is to make the dividends the stock of companies that are entirely within an enterprise zone more attractive; thereby, encouraging people to invest in such companies. This cannot be a large company that simply has a division

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there. These companies have to be entirely within this new enterprise zone. I think it's a good incentive. I wish to leave it in. I would ask for a 'no' vote on this Amendment."

Speaker Peters: "Further discussion? Being none, the Lady to close. Representative Lechowicz."

Lechowicz: "I also stand in opposition to Amendment #5."

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

Satterthwaite: "Well, Mr. Speaker and Members of the House, I agree that what the other Member has indicated is accurate. I understand that these particular dividends apply only to businesses that operate totally within the enterprise zone or from the proceeds of the operation only within the enterprise zone. However it seems to me that the stockholders of the company may have little, if any association with the enterprise zone as such. And, just as we would tax the dividends from any other proceeds that a stockholder would have for any other kind of business establishment, it seems to me that in all fairness and equity these dividends ought to be equally taxed, and I ask for your support of this Motion."

Speaker Peters: "The question is, 'Shall Amendment #5 to Senate Bill 1299 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'nos' prevail, and the Amendment is lost. Further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Saltsman..."

Speaker Peters: "Representative Saltsman, Amendment #6. The Gentleman with...withdraws Amendment #6. Further Amendments?"

Clerk O'Brien: "Floor Amendment #7, Bowman..."

Speaker Peters: "Representative Bowman, Amendment #7. The

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Gentleman withdraws Amendment #7. Further Amendments?"

Clerk O'Brien: "Amendment #8, Balanoff..."

Speaker Peters: "Representative Balanoff, Amendment #8."

Balanoff: "Withdraw it. With...Withdraw #8."

Speaker Peters: "The Lady withdraws Amendment #8. Further Amendments?"

Clerk O'Brien: "Amendment #9, Currie..."

Speaker Peters: "Representative Currie, Amendment #9. The Lady withdraws Amendment #9. Further Amendments?"

Clerk O'Brien: "Amendment #10, Currie..."

Speaker Peters: "Representative Currie on Amendment #10. The Lady withdraws Amendment #10. Further Amendments?"

Clerk O'Brien: "Amendment #11, Balanoff..."

Speaker Peters: "Representative Balanoff, Amendment #11."

Balanoff: "Withdraw."

Speaker Peters: "The Lady withdraws Amendment #11. Further Amendments?"

Clerk O'Brien: "Amendment #12, Balanoff..."

Speaker Peters: "Representative Balanoff, Amendment #12."

Balanoff: "Withdraw, please."

Speaker Peters: "The Lady withdraws Amendment #12. Further Amendments?"

Clerk O'Brien: "Amendment #13, Birkinbine..."

Speaker Peters: "Representative Birkinbine, Amendment #13."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As Representative Lechowicz indicated, we have tried to fine tune this Bill to take care of some concerns and objections that various people have. Some of the Sponsors of the earlier Amendments raised concerns in Committee, in the House Labor and Commerce Committee when this Bill was originally considered. In response to them, we have built in incentives that concentrate on small industry. We have built in concerns that address employing

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people within an enterprise zone area. We have put limits on the tax incentives that such companies would have to five years. We have concentrated them in areas that are...where there is pervasive unemployment, pervasive poverty, economic distress. It calls for both the local municipality to initiate the concept of an enterprise zone. They then have to come to the state. The state later on has to okay it before such a zone goes into effect. I think we have addressed most problems that people had, or concerns that they had. I would ask for your 'aye' vote, and I think Representative Lechowicz would like to close. And both of us would certainly try and answer any questions you might have."

Speaker Peters: "Further discussion? Representative Kane."

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

Birkinbine: "Yes."

Kane: "Says he will. Okay. Just a couple of questions, and I think I basically agree with the...with the basic underlying principles that you have in mind. But, on page 13 of the Amendment..."

Birkinbine: "Yes."

Kane: "You...You go through a long list of things that designated zone organizations can do."

Birkinbine: "Yes."

Kane: "Could you tell us where the money is going to come from to allow these zone organizations to do all of these things like establish day care centers, recreational activities, collect garbage, maintain streets, provide fire protection. Where's all the money going to come from?"

Birkinbine: "Where local organizations can get such money is from contributions from companies. If you remember, we passed a Bill last year in which companies could take a tax break by helping out local organizations who were trying to conduct

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self-improvements projects. Such money could be used for such things as this. Incidentally, some of those will be struck with later Amendments. I know Representative Saltsman was concerned about fire protection."

Kane: "So, basically, what you're saying is that these companies, in lieu of ...of paying taxes, they're going to make contributions to some local organization that's going to provide the same service."

Birkinbine: "Well, they could also contract with local...with nearby municipalities, local municipalities."

Kane: "Yeah, but, in order to contract, they would have to pay the dollars, and I'm saying...and I guess I'm asking where will the dollars come from."

Birkinbine: "I would gather, from the concerns within the...within the zone, those who stand to benefit from it."

Kane: "But isn't that the same principle as paying taxes? Instead of paying taxes for garbage collection, instead of paying taxes to maintain streets, they're going to be forgiven their taxes, and then they're going to make contributions."

Birkinbine: "What we're talking about here is totally voluntary programs. They're not giving up paying taxes."

Speaker Peters: "Further discussion? Representative Lechowicz, on the question. Proceed, Sir."

Lechowicz: "Thank you, Mr. Speaker. It's a charitable deduction from a corporation to the enterprise zone? It's got to be approved by the municipality or the county, the program does, and then, as far as the...there's a limit that's also established by the Department of Commerce and Community Affairs."

Kane: "I guess the point that I'm making is that you don't get something for nothing, and that, if you're for...forgiving taxes and you're still trying to provide the service,



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you're getting the money from the corporations. And, it's really, you know, whether you call it a contribution or a tax, it ends up the same kind of system. Second question, Representative Birkinbine, in terms of Section 9 and Section 9-1, basically what you're saying is that an enterprise zone is going to provide incentive by having relaxed government controls. And then Section 9-9 and Section 9-1 lists or purport to say that there are going to be government regulations that are going to be relaxed. And then there are all kinds of exemptions. I guess what I'm asking you, in terms of this Amendment, what do you have in mind in terms of regulations that you're going to relax or could be relaxed that would make any difference to any corporation."

Birkinbine: "Well, as I mentioned to you in chatting earlier, I don't have a list in my head, but if you recall back to the debate we had over the Reg-Flex Bill of last year, there are a number of areas in which government regulation can indeed be relaxed or lessened. That was the entire reason we passed the Reg-Flex Bill. I would say, in the same areas where a Bill such as that was justified, relaxation of regulations in an enterprise zone would very well be justified."

Kane: "Yeah, but, could you name...give...could you give us an example?"

Birkinbine: "Those...No, not off the top of my head. I don't have one."

Kane: "I have no further questions."

Speaker Peters: "Further discussion? Representative Daniels."

Daniels: "Mr. Speaker, would the Gentleman yield?"

Speaker Peters: "Excuse me. Representative Epton in the Chair."

Birkinbine: "Yes."

Daniels: "Representative Birkinbine, the issue of investment tax

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credit in enterprise zones are ones, of course, that have been debated, both of them, at length. Your Amendment #13 contains two provisions which need to be addressed, and I have been requested to ask you if you would consent to bring this back to Second Reading if your Amendment is adopted, so that an Amendment can be prepared which would address the issues of jobs credit and utility tax credit, as contained in your Amendment #13, and whether or not you would agree to drop it back to Second tomorrow for purposes of considering an Amendment as to those two provisions, to delete those two provisions from the Bill. Would you agree to do that?"

Birkinbine: "We have already agreed to bring the Bill back to Second Reading, because we know of other people on the other side of the aisle whose Amendment's have not yet hit our desks. I would say, I recognize that the Governor's Office does have concerns in that regard, and I think he's off base, but the Bill is coming back for other people in addition to the Governor's concerns."

Speaker Epton: "The Gentleman from Cook, Representative Huff. Oh, forgive me, Representative Huff. Representative Daniels is still..."

Daniels: "Representative Birkinbine, I've been asked to inform you that it's my understanding that the Governor can probably not sign the Bill with those two provisions in it, and that's the reason why I've asked the question that I've asked. And I thank you for your answer, and I understand it will be dropped back to Second Reading tomorrow for purpose of considering other Amendments, and we'll have one prepared on this."

Birkinbine: "Okay. I would...I would stay tuned because, every time we sit down and talk - and this has gone over the course of a week - we get a different answer as to what the

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Governor will or will not do."

Daniels: "Well, you are...you are..."

Birkinbine: "What you're being asked to do may very well change by tomorrow when we bring it back."

Daniels: "Well, that may be true, and you are a fine Sponsor and a good worker and many of us support your goals of enterprise zones. Hope they'll be accomplished."

Speaker Epton: "Thank you, Representative Daniels. We agree he is a fine Gentleman. Representative Huff."

Huff: "Thank you, Mr. Speaker. Would the Sponsor yield? I just have one..."

Speaker Epton: "Sponsor, Representative Birkinbine, Representative Huff is addressing you."

Birkinbine: "Yes, Sir."

Huff: "Representative Birkinbine, on page three...on page three, Section C, you just simply say that it must be a depressed area with regards to designating the enterprise zone. I mean, is that the only classification you're going to use for a determined enterprise zone that is categorized as a depressed area? Depressed what way? Depressed mentally or depressed economically or what?"

Birkinbine: "Well, the reason we did not go into more detailed descriptions of what should qualify is, we'd like to leave some flexibility with the local county or local municipality which has to initially request that an enterprise zone be created, and then, also, give the state Department of Commerce and Community Affairs the ability to go in there and look and see, yes indeed, it qualifies."

Huff: "Yeah, but I think that if you leave it too broad without specifying some more qualifying detail, it is possible that you can have a depressed enterprise zone designated next to an area that may have 50 percent unemployment, and not have that area designated as enterprise zone."

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Birkinbine: "I don't think you..."

Huff: "Or...Or, it's conceivable that you could designate enterprise zone in the area that has an adequate housing stock next to an area that has lost considerable amount of housing units. You understand what I'm talking about?"

Birkinbine: "Yes, I do, but I don't think any such enterprise zone, if suggested by a local municipality or county would be accepted. If...If you would look on page 6, line 18..."

Huff: "Thank you..."

Birkinbine: "...we apparently have the language that answers your question."

Speaker Epton: "Representative..."

Huff: "I think it does. Thank you."

Speaker Epton: "Representative Lechowicz."

Lechowicz: "I just want to point out to the distinguished Member that Section 5, on page three, also on page four, covers his concern in ref...in reference to the initiation of enterprise zones by a municipality or county."

Speaker Epton: "The Gentleman from Cook, Representative Vitek."

Vitek: "Speaker, I move the previous question."

Speaker Epton: "The Gentleman from Cook has moved the previous question. All those in favor indicate by saying 'aye', all those opposed 'no'. The Gentleman...Who's going to close? Representative Lechowicz or Birkinbine. Representative Lechowicz to close."

Lechowicz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #13 is a product that I mentioned earlier when we were dis...considering Amendment #3 in reference to work product of four and a half days also included the direct discussion with the Governor's people in my office for over two and a half days, that provision has been watered down immensely and, Representative Daniels, if you really don't believe that, take a look at the Bill as it

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originally come from the Senate and what's contained in Amendment #13 as far as a negotiated process. And, to the Membership who was concerned about the safety provisions of all employees, that also has been contained and taken care of in Amendment #13, in conjunction with the designation from the Federal Government of having a mandatory request of...establishing neighborhood participation in the enterprise zone system. I believe, with the concept, as far as having municipalities in the county pass an ordinance designating a certain area, having to go to the Department of Consumer Affairs. They in turn would have a veto process based upon the application that has been submitted, based upon the items that are contained in Amendment #13 of ho...what the city or the counties designates in their best interests of bringing employment and jobs to their respective community. I think this is probably one of the most important Bills in this General Assembly, based upon the standpoint when there's federal cutbacks in every program, we in turn should be striving our utmost to try to strive and bring about additional employment in this state. Senate...Amendment #13 does this, and I want to thank the total cooperation of both staffs of the Senate Sponsors, the House Sponsor in trying to work out a compromise which is contained in Amendment #13. I move for its adoption."

Speaker Epton: "The question is, 'Will Amendment #13 be adopted?'. All those in favor signify by saying 'aye', all those opposed 'no'. The 'ayes' have it. Amendment 13. Are there any further Amendments?"

Clerk O'Brien: "Amendment #14, McPike..."

Speaker Epton: "Representative McPike on Amendment 14."

McPike: "Well, I would like to debate it, but I don't think it's distributed or printed. I think the problem is that

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Amendments 14 through 23 have not been distributed, but Amendment 24 has been distributed."

Speaker Epton: "I'm afraid you're correct. Amendment #14 has not been distributed. Are there an...Are there any further Amendments? Representative Lechowicz."

Lechowicz: "Mr. Speaker, you know, thank you, because I'm tired of shouting into this thing. I'd just like to have a little volume. I think the Gentleman posed a good question. He asked why Amendment #14 has not been distributed while 24 has. I can't answer that question, but I think we should ask the Clerk what happened between Amendments #14 and 24, and how come 24 bypassed all these other Amendments."

Speaker Epton: "The Clerk advises that Amendments 14 through 23 are down in the basement at the print shop in the process of being printed, while Amendment 24 was printed upstairs by the Clerk."

Lechowicz: "I'll tell you what, Mr. Speaker, in all fairness, I'll hold the Bill on Second Reading 'til the other Amendments catch up with 24."

Speaker Epton: "Thank you, Representative Lechowicz. The Bill will remain on Second Reading. Representative...What's your name? Representative Robbins. Peters in the Chair."

Speaker Peters: "Representative Davis, did we ask you about 1396? Out of the record?"

Davis: "Yes, Sir. We have combined that into 1420 now. I assume, Sir, that we'd take it out of the record for the time being, until we see the fate of 1420 on Third Reading."

Speaker Peters: "All right. Senate Bill 1397, Representative Reilly. Out. 1406, Representative Bower. Out? 1406, Department of Energy. Out. Representative Vinson, Senate Bill 1414. Out of the record. Senate Bill 1417,

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Representative Reilly. Senate Bill 1422, Representative Reilly. Senate Bill 1427, Representative Reilly. Senate Bill 1654, Representative Telcser. Senate Bill 1665, Representative McBroom. Page five of the Calendar, Senate Bills Second Reading Short Debate, 1599, Representative Piel. Out of the record. Senate Bill 1667, Representative McBroom. Out of the record. Senate Bill 1672, Representative Olson. Is that done? Third Reading, all right. Page three of the Calendar, Senate Bills Third Reading, Senate Bill 1367, Representative Terzich. Representative Terzich."

Terzich: "Yes, Mr. Speaker, because of some problems with the definition of religious organizations, I have submitted an Amendment to correct this. Representative Ewing and Vinson made mention of it, and I would like to have leave to bring this Bill back to Second Reading for the purpose of correction..."

Speaker Peters: "The Gentleman asks leave to bring Senate Bill 1367 back to the Order of Second Reading for purpose of an Amendment. On that, Representative Vinson."

Vinson: "Thank you, Mr. Speaker. There are a variety of other Amendments pending, and I object."

Speaker Peters: "Representative Terzich."

Terzich: "I still would move, you know, that it be returned to Second Reading for...for the Amendment."

Speaker Peters: "Representative Vinson. On that question, Representative? The Gentleman moves to return Senate Bill 1316 (sic - 1367) to the Order of Second Reading for the purpose of an Amendment. On that question, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Gentleman adopted the Amendment on Second Reading that he wants to take off now, knowing full well

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that it was a highly controversial Amendment. That is not...his corrective action that he now proposes to take is not my primary objection, however. There are other Amendments pending on this Bill that I don't believe the House needs to be tied up with. I think Members would very much like to get out of here this evening, and to deal with the real issues of the Session, rather than go through this debate on this Bill. For that reason, I object and would ask you to vote 'no' on the Gentleman's Motion."

Speaker Peters: "Question is, 'Shall Senate Bill 1367 be brought back to the Order of Second Reading for purpose of an Amendment?'. It takes 89 votes. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. It takes 89 affirmative votes. Representative Getty on this question."

Getty: "Mr. Speaker, I rise to explain my affirmative vote. It's been suggested that there's a great number of Amendments. That just isn't true. There are two. Now, we give people the courtesy of moving Bills back for an Amendment quite regularly, and I think, if the Gentleman wants to start a precedent about objecting to this, this could get carried far afield. I suggest we let Representative Terzich bring his Bill back and put it in the shape in which he wants it. There's only a mere two Amendments on this."

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

Tuerk: "Well, in response to the last speaker, he talks about establishing a precedent. That precedent has already been established. If Members of the House will remember, I attempted to bring House Bill 807 back to Second Reading one day, and there were objections. So, I moved and, as a result, I didn't get the permission of the House to do so. I don't think we have established any precedent here. I think the Gentleman that objected to moving this back has a



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perfect right to object, and I think he has good reasons to convince the House that it shouldn't be moved back to Second."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 100 voting 'aye', 50 voting 'nay', and the Gentleman's Motion prevails. Senate Bill 1367 on the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Amendment #6, Bowman."

Speaker Peters: "Representative Bowman, Amendment #6."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #6 is a very simple concept. All it does is to change the utility tax that is now on electricity and gas..."

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

Barr: "Yes, Mr. Speaker, this...I raise the point of order that the... that Amendment #6 is out of order, because it is not germane to the subject matter of Senate Bill 1367."

Speaker Peters: "Mr. Parliamentarian. Representative Bowman."

Bowman: "Yes, Mr. Speaker, I'd like to address that point. I would simply like to point out for the benefit of the Parliamentarian that the Bill exempts certain groups from the various utility taxes that we have, and this particular Amendment does precisely the same thing. In addition, however, it gives individuals a tax break at the benefit of the Federal Government...at the expense of the Federal Government. But, this particular Bill amends the...the necessary Acts to do that; but, if this Amendment were adopted, the Bill in its original form would also be...be incorporated into this Amendment by...by reference to other parts of the statutes, which say that charitable institutions and churches and...and the whole set of

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those...those institutions which are now exempt from sales taxes would continue to be exempt from...would now be exempt from utility taxes. So, it's...I believe the Amendment is germane, because it does precisely what the Bill wants to do and takes it one step further."

Speaker Peters: "Representative Vinson."

Vinson: "Yes, Mr. Speaker, to the question. Number one, what the Gentleman has tried to do is to take a Bill which is a simple exemption Bill from a certain tax. He has tried to amend that tax, completely change the form of that tax by abolishing that tax and turning it in to a completely different tax in a different Section, in a different...in a different Chapter of the Code. And I might point out, in addition to that, he creates a vehicle for the RTA, a Democrat controlled vehicle, for RTA legislation in the process."

Speaker Peters: "...germane. It would be the ruling of the Chair that the Amendment substantially expands the scope of the original Act by contemplating new...new taxes and whatever else; plus, we want to get the hell out of here. Yes, Sir. Heck out of here. I'm sorry. Representative...On that point, Representative Bowman."

Bowman: "Yeah, Mr. Speaker, I don't mind losing a...a fair fight, but I'd appreciate it if...if the Chair would give this matter the seriousness I believe it deserves and give us a reasonable explanation. That was a pretty flippant explanation, if you don't mind me saying so."

Speaker Peters: "Excuse me. Mr. Parliamentarian."

Bowman: "Also, I don't know what the Republicans are afraid of here, unless they're trying to protect the President. You know, really, what we're trying to do here is give a tax break for our citizens that the Federal Government's going to pay for. So, why everyone is so concerned about saving

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the Federal Government money and refusing to give our citizens a tax break at the federal expense is beyond me."

Speaker Peters: "The...The Chair would stand by the ruling, Representative Bowman."

Bowman: "Would you explain it?"

Speaker Peters: "Yes."

Bowman: "What was the ruling? What's the basis of the ruling?"

Speaker Peters: "Yes. The ruling is that the Amendment substantially expands the scope of the original Act inter...creating new exemptions and...and taxes not contemplated by the original Bill. Yes, Representative Bowman."

Bowman: "Mr. Speaker, an Amendment amends a Bill. A lot of Amendments around here expand the scope of a Bill. This particular Amendment does exactly what the Bill does, of course, and then some. But, it is right on point to the Bill. Now, just the fact that it expands the scope of the Bill is not sufficient. Why don't you address the...the substance of the...the ruling? You're talk...You should be talking about the Sections amended. You should be talking about the differences between the Amendment and the Bill, and not just the to...to blanket say that, you know, we expand the scope of the Bill. How is it not relevant to the Bill? It is very relevant to the Bill, because it does exactly what the Bill does."

Speaker Peters: "Representative Wolf."

Wolf, J. J.: "Have you ruled, Mr. Speaker?"

Speaker Peters: "Yes, Sir."

Wolf, J. J.: "Then what's the dialogue about?"

Speaker Peters: "Yes, the Gentleman appeals the ruling of the Chair, and that is his right. The question is, 'Shall the Chair be overruled?'. Pardon? Is he joined by ten Members? Representatives Levin, Greiman, Cullerton, Pierce

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- I just want to make sure there's ten - Balanoff, Kornowicz - that's six - Matijevich, McClain - one, two, three, four, five, six, seven, eight - Currie and McPike. Fine. That's ten. The question is, 'Shall the Chair be overruled?'. The question is... Representative Brummer."

Brummer: "Yes, we've had an inquiry back here. We...Someone wants to know who to blame for curing Woods Bowman's laryngitis."

Speaker Peters: "The Chair will...The Chair will rule on that after we dispose of this matter, providing it is not overruled. The question is, 'Shall the Chair be overruled? Shall the ruling of the Chair... Give me the exact wording. 'Shall the Chair be overruled?'. Period. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. The voting is open. 89 votes. Have all voted who wish? Representative Bowman to explain his vote."

Bowman: "I'd just like to say; basically, what the...what the Amendment does is to convert the ut...the utility tax from an excise tax into what we commonly call sales taxes. That's all it does. And, in doing so, it gives the exemptions contemplated by the original Bill; but, in addition, let me tell you. I think it's important that everybody know exactly what they're voting on here; because, in addition, what it does is it gives people a tax break..."

Speaker Peters: "Well, Representative Bowman has special privileges. Let him go on."

Bowman: "...at the...Okay. What the..."

Speaker Peters: "I mean, the Chair is not offended by it. If the...If one of the Members raises objection that he is not in order, the Chair will put that. Representative Huskey."

Huskey: "I thought we were to speak on the Motion, and not on the

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..."

Speaker Peters: "You are correct, Sir. Representative Bowman, you are out of order. To the Motion, Sir."

Bowman: "Well, I'm trying to cite, Mr. Speaker, what we are doing with the Amendment is to convert utility taxes from what are now excise taxes..."

Speaker Peters: "Representative Daniels, what pur..."

Daniels: "Mr. Speaker, the Gentleman is not addressing his Motion to overrule the Chair in its very correct ruling that this Amendment, which applies - and it's interesting to note the Gentleman did not deny that he wanted it as an RTA vehicle..."

Speaker Peters: "The Gentleman is... You are correct, Sir. Representative Bowman, the Chair cautions you the second time to speak to the Motion."

Bowman: "Mr. Speaker, the ruling was on germaneness, was it not? And, if the ruling is on germaneness, I think it's relevant to know how the Amendment is related to the original Bill, and it's precisely what I'm saying. I'm saying that the...we are changing utility taxes from excises into sales taxes; and, when you do that, Mr. Speaker and Ladies and Gentlemen of the House, all of the exemptions that apply to sales taxes automatically now apply to taxes that you pay to utilities or on your utility service. So that, the original Bill is in tact. Everything contemplated by the original Bill is embodied in this Amendment. That's what makes it germane. There is, I confess, one additional value in doing that, and that value is that it gives people additional tax relief at the expense of the Federal Government, because you cannot deduct excise taxes from your state...from your income taxes. You can, however, deduct sales taxes. So, by...by adopting this Amendment, not only will everyone who wants to get exemptions, as

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contemplated by this original Bill, be able to get their exemptions, but the average citizen will also be able to get a tax break; because now for the first time they'll be able to write off their utility taxes on their federal tax form and get a federal tax relief; probably, about 100 million dollars worth, we're talking about here, and the Federal Government will pay for it."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 49 voting 'aye', 105 voting 'nay', and the Chair is sustained. Any further Amendments?"

Clerk O'Brien: "Amendment #7, Terzich..."

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

Terzich: "Amendment #7, Mr. Speaker and Ladies and Gentlemen of the House, what it does is that it clarifies reli...religious organizations by having it covered under the 501C3 of the United States Internal Revenue Code of 1954. So, that would eliminate any fly-by-night or...you know, religious organization, and I would move for its adoption."

Speaker Peters: "Any discussion? Representative Vinson."

Vinson: "Yes, will the Sponsor yield for a question?"

Terzich: "Don't make it too difficult."

Speaker Peters: "He indicates he will."

Vinson: "Does this exclude the Moonies from the tax benefit?"

Terzich: "Does it exclude the Moonies? I haven't spoken to Reverend Moon lately, so I really couldn't tell you."

Speaker Peters: "Further discussion? The question is, 'Shall Amendment #7 to Senate Bill 1367 be adopted?'. Those in favor will signify by saying 'aye', those opposed."

Terzich: "Get those weak 'nos' out of here, Mr. Speaker."

Speaker Peters: "In the opinion of the Chair, the 'ayes' have it. Any further Amendments? The Amendment's adopted."

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Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Page seven of the Calendar, Senate Bills Second Reading, page seven, Senate Bill 1665, Representative McBroom. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1665, a Bill for an Act in relation to banks and banking. Second Reading of the Bill. Amendment #2 was adopted in Committee."

Speaker Peters: "Any Motions with respect to Amendment #2?"

Clerk O'Brien: "No Motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #3, J. J. Wolf..."

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

Wolf, J. J.: "Thank you, Mr. Speaker, Members of the House. What Amendment #3 proposes to do is to place Illinois and out-of-state holding bank companies within the same structure the reciprocal banking has established between the Illinois banks and international banks under the Illinois Forum Banking Act. Specifically, it would permit an out-of-state bank holding company to establish and operate a single banking office in the same central district of Chicago in which a foreign bank may have a banking office, provided that that state where the out-of-state bank holding company conducts its principle business would similarly commit an Illinois bank to have at least one banking office in its largest city. This is exactly the same as we have in the Foreign Banking Act at this time. As many of you know, we have the Bank of Tokyo, we have the Bank of India, we have a number of banks which, under the Foreign Banking Act passed by this General Assembly some years ago, these foreign countries are allowed to establish a single...a single unit in the downtown business area of the City of Chicago. What we have proposed to do with this is to track the Foreign

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Banking Act and allow domestic banks to do the same thing; that is, if we have a reciprocal Act. Now, some time back, we talked about this in a House Bill. We did not get up for...have a vote on Third Reading on it and, at that time, it was questioned that, what other states had...have this reciprocal Act. And at that time only the State of Maine did. Since that time however the State of New York has passed a reciprocal Act. As a matter of fact, theirs is much more liberal and much more lenient than ours. As a matter of fact, under their Act, they do not limit that to a single banking unit from the major banking City of Chicago. So under their Act, a bank from Peoria, Springfield or anyplace else in the State of Illinois could in fact establish a branch bank or a holding company in the...in the State of New York, in the City of New York. I think that there is a great need for this particular legislation at this time and as I say, nine years ago, this Legislature acted unanimously to open the doors of Chicago banks from foreign countries in order to enhance Chicago's stature as an international banking community with proven results in terms of better financial services and increased banking jobs. At the same time, however, this has not been opened for our domestic banks. We do not allow the same thing for other states and have come...at the same time, Illinois banks cannot establish in other banks. This is a reciprocal agreement, and I think the presence of the 34 foreign banks representing 18 foreign countries in Chicago central business district, at this particular time, is testimony to the wisdom of the Act that the Legislature of the State of Illinois enacted. There have been...some of the opponents have expressed some concern that interstate banking will attract forces of competition destructive to local, independents banks. Well, that's just not true. As



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a matter of fact, the forces of competition that they talked about are already here. They're already here on the marketplace. We have Citicorp of New York, which has 600 employees in the State of Illinois right now, and they have over a billion and a half in loans and assets, and yet they don't own any bricks and mortar in the State of Illinois where they pay taxes on the building. I think this is good legislation. I understand there is a great interest in the City of Chicago in this particular legislation at the moment and I would ask for the adoption of this Amendment."

Speaker Peters: "Discussion? Representative McBroom."

McBroom: "Yes, Mr. Speaker and Members of the House, Representative Wolf has discussed this with...with me, and I'm certainly receptive to his Amendment and would encourage an 'aye' vote. I don't want to speak for Representative Leon, but I believe he's inclined the same way, and would be delighted if he had an opportunity to express his views. Thank you."

Speaker Peters: "Representative Stuffle."

Stuffle: "Yes I suspect from the conversation that my remarks will be futile, but I want them on the record; to point out to you that the banking associations in the state have not endorsed this particular proposal, as they have not in the past. The Illinois Bankers' Association stands in opposition to the Amendment. The Independent Community Bankers stand in opposition to the Amendment, and I understand that 'AMBY' has no position on this particular Amendment, from the conversations I've had with people involved with that association. On the point of the Amendment, we've heard it before several times. We've never passed it at any time. It is now an attempt to create a reciprocity program for an out-of-state New York Bank, Citicorp of New York, in the City of Chicago, and

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allowing in turn us, by reciprocity, to put a bank in New York State. Now, New York State has done as Representative Wolf indicates, but the other states where they've tried this in the major markets of Florida and California failed to do so, where they are also opposed by all the banking associations. Now, what this says, according to Representative Wolf, is, 'You have one bank, we have one bank'. What it does is create it in a holding company situation, where they can come in here, in a state that has a limited holding company situation, put one bank, become involving in a holding company structure, and actually acquire their banks. That's why there's opposition to this. That's why there's opposition in California, where reciprocity with other states is attempted to be had by this same company. It's opposed there because they want state-wide branch banking. They have that in New York State, and that's another reason to oppose it. Because, if we put one bank in New York State, we're going to be in a market where our one bank competes against facilities and branches in standing brick and mortar banks. We don't have the same ability by putting one bank in New York as they have in putting one bank here. I think one of our Members said the other day that we let the camels nose under the tent when we passed the multi-bank holding company Bill, and now with some other proposals we're letting the other end into the tent, and I think that's the case. I think there's ample reason to oppose this. Citicorp is the organization that has given a line of credit to the government of South Africa to the tune of several hundred million dollars, and I don't think we should be supporting a piece of legislation that helps the government of South Africa, even if indirectly, by helping a bank that promotes them. The only thing good about this Amendment from

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banking structure standpoint I think, is the Sponsor. Representative Wolf believes in this. He's worked hard for it, but I think it should be defeated. They asked for holding company legislation in this state, and they got it. They said they didn't want more, but you and I have stood on this floor all year and watched every attempt to create an insurance industry in the banking community, to expand the holding company geography, to expand the facilities, to expand the branches, to allow even loans in facilities which makes them branches; and this is part of the whole game of interstate banking. It's part of the beginning of international banking, and it's part of taking over your community banks. And it ought to be defeated, and that's why the major organizations, the IBA and the ICBI oppose it. We have never passed it before and we ought not to pass it today."

Clerk O'Brien: "Representative Daniels in the Chair."

Speaker Daniels: "Further discussion? Representative Leon."

Leon: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill has been under severe discussion in the Financial Institutions Committee; so much so, that we've formed a Subcommittee to hear testimony relative to this particular issue. The Subcommittee reported back to the full Committee that we do adopt this type of legislation. The Committee did pass this Bill out. Because of the fact that New York had not acted, we held the Bill up. Now that New York State has acted, we believe that this Bill is mature, and it should be adopted. I would appreciate an affirmative vote on this measure."

Speaker Daniels: "Further discussion? Representative Pres...Representative J. J. Wolf, I think Representative Preston..."

Preston: "Thank you, Mr. Speaker. Would the Gentleman yield for

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a question?"

Speaker Daniels: "He indicates he will."

Preston: "Representative Wolf, how...what does this Amendment...how does it affect foreign...out-of-country, different country banks that are located in Chicago? I didn't hear your explanation."

Wolf, J. J.: "Well, we..we speak about...when I mentioned foreign and out-of-state banks. We already have the Foreign Banking Act, as you know."

Preston: "All right. So...So, your Amendment does not affect banks..."

Wolf, J. J.: "No."

Preston: "I see. Thank you."

Wolf, J. J.: "I mistakenly...foreign bank for an out-of-state bank."

Preston: "Thank you."

Speaker Daniels: "Representative Wolf."

Wolf, J. J.: "Well, Mr....if nobody else wishes to discuss, Mr. Speaker, I'd like to close."

Speaker Daniels: "Fine, Sir."

Wolf, J. J.: "Well, the...one of the previous speakers mentioned something about the South African banks. There is another Amendment going to follow this very shortly that is going to prohibit the...the investing of money in...by...under the Foreign Banking Act. I certainly intend to support that. I think it's a...I think Representative Braun has that particular Amendment. Addressing us to...again, to the reciprocal banking Act, Mr. Speaker, Members of the House, for nine years we've allowed foreign banks to come up and set up a bank in the City of Chicago. We don't allow the same kind of system for our American banks and, at the same time, it's giving Illinois banks an opportunity to expand and to...to bring new revenue sources for the State of

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Illinois. I believe failure to seize this particular initiative would be to lose an opportunity to strengthen Chicago as a major national and international banking center; and Illinois, because of its unique geographic position, an agriculturally-based economy has seen Chicago develop over the years as a major financial center. I think this is an excellent piece of legislation. To those on the other side of the aisle who may have some questions, I just recently read where Senator Stevenson had come out and...with some new proposals which go far in excess of this. This is, I think, a very modern approach, a much needed approach, and one which we can all support, and I would ask for an affirmative vote on this Amendment."

Speaker Daniels: "Gentleman has moved for the adoption of Amendment #3. All those in favor signify by saying 'aye'...Roll Call. Gentleman's moved for the adoption of...all those in favor will signify by voting 'aye', opposed by voting 'no'. Lady from Cook, Representative Braun, to explain her vote. Timer's on, Sir (sic - Ma'am)."

Braun: "Oh, no, no, no, no, no. I don't want to do that. Sorry."

Speaker Daniels: "Representative Ronan."

Ronan: "Thank you, Mr. Speaker. In explaining my vote, I have to agree wholeheartedly with this Amendment. I agree with the last statement made by the Sponsor, Representative Wolf. It's about time that we move banking interests into the 20th Century. The Chicago Sun Times had an editorial yesterday concerning that. It's important that...that this state and the City of Chicago be able to compete with what's going on in New York and other major cities. Consequently, this is a very simple Amendment which is going to be very important for the banking community for

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the next 20 years and in the 21st Century. I urge everyone to support this reasonable and rational Amendment."

Speaker Daniels: "Further discussion? Gentleman from Marion, Representative Dwight Friedrich, to explain his vote. The timer's on, Sir."

Friedrich: "In quoting my friend from Vienna who once said, 'They don't sell enough copies of the Sun Times in my district to cover a tramp on a park bench'. I don't really care what the Sun Times thinks. My bankers don't want this."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 69 'aye', 81 'no' and 3 voting 'present'. The Gentleman, Representative Wolf..."

Wolf, J. J.: "You announced the vote. It's too late."

Speaker Daniels: "No, Sir. I haven't announced the vote. Do you wish to poll the Absentees?"

Wolf, J. J.: "Yes, and I also was going to explain my vote."

Speaker Daniels: "...a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Bartulis. Bradley. Collins. Getty. Hoxsey. Jaffe. Leinenweber. Leverenz. Loftus. Madigan. Martire. Ted Meyer. Murphy. Pierce. Reed. Sandquist. Schneider."

Speaker Daniels: "Excuse me. Representative Sandquist. Record the Gentleman as 'aye'. Representative Leverenz. Leverenz."

Leverenz: "Thank you, Mr. Speaker. I didn't know if it was one hump or two. Record me 'no'."

Speaker Daniels: "Record the Gentleman as voting 'no'. Representative Braun."

Braun: "Mr. Speaker, I accidentally touched the wrong button. Change my vote to 'aye', please."

Speaker Daniels: "Change the Lady from 'no' to 'aye'. Any further changes? Representative O'Brien. How's the

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Gentleman recorded? O'Brien."

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

Speaker Daniels: "Change the Gentleman from 'aye' to 'no'.  
Further changes? Representative Collins. Record the  
Gentleman as 'aye'. Anyone else? All right. Proceed with  
the Poll of the Absentees."

Clerk O'Brien: "Continuing the Poll of the Absentees. Martire.  
Ted Meyer. Murphy. Pierce. Reed. Sandquist...oh, no, he  
voted. Schneider. Harry Smith. E. G. Steele. Vinson.  
Wikoff. Younge. Yourell and Mr. Speaker."

Speaker Daniels: "Record Representative Wikoff as 'no'. Any  
others? What's the count? There are 71 'ayes' and 83  
'nos', and Amendment #3 fails. Further Amendments?"

Clerk O'Brien: "Amendment #4, Preston - Jaffe..."

Speaker Daniels: "Representative Preston, Amendment #4."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the  
House. Amendment #4 prohibits foreign banks, meaning  
out-of-country banks, foreign country banks from having any  
branch facilities in Illinois, unless the...the country of  
origin of that bank also grants Illinois banks that same  
privilege. This...I checked this out with Representative  
Leon and Representative McBroom in advance."

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

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

Speaker Daniels: "Indicates he will."

Barr: "Yeah, Representative Preston, is this Amendment designed  
to meet the desires or needs of any particular bank in  
Chicago?"

Preston: "Well, for any bank in Chicago, what we want to make  
certain is that this...that no bank can go in...can open a  
branch facility. The National Banking Act says that there  
has to be equal treatment of foreign and domestic banks."

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We want to make certain, by this Bill...by this Amendment, that any foreign bank that wants to open a branch facility, should it be otherwise able to do so, it can't do so unless the country of origin of that bank would...would permit, you know, if American National Bank is there, permit American National to open a branch facility."

Barr: "Are you aware, Representative Preston, of any foreign banking corporation presently in Chicago that wishes to open another facility or another office."

Preston: "I...I have been made aware of Bank 'Leumi', that is in Representative Jaffe's district, has made some application to open a branch facility. That's all I know."

Barr: "Is that where they want to open the branch facility, in Representative Jaffe's district? Is that what they want to do?"

Preston: "That is my understand, but we want to make sure that they can only do it if American banks there or in any other country are permitted to do the same thing."

Barr: "But you're...Is it true...fair to say that your Amendment is, even though there may be one bank right now that wants to do it, that it's designed to apply generally to any foreign bank from a country which meets the conditions of your Amendment."

Preston: "Yes, absolutely. If...If the country of origin of that bank does not permit American banks, Illinois banks to have branch facilities or anything else there, that they can't do the same thing here in Illinois."

Barr: "Thank you."

Speaker Daniels: "Representative McPike."

McPike: "Thank you, Mr. Speaker. Will the Sponsor yield? I don't...I'm not sure of the effect of this, because of the way it's drafted. This says that, if...if one of our state or national banks is permitted to maintain more than a



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single banking office in a foreign country, then a bank of that foreign country may establish more than a single banking office in Illinois. Is that what you're trying to accomplish?"

Preston: "No...well..."

McPike: "Well, it says that."

Preston: "Ye...Yes, that's what I'm trying to accomplish, but the..."

McPike: "Well, then I would su..."

Preston: "...the impact, if I may answer your question, the impact of that is that, if that banks wants to open a branch faci...a branch facility here, it may only do so if its country allows our banks to open branch facilities wherever that is."

McPike: "I understand that. The point I'm going to make is that once a bank in our state is allowed to open a branch facility in a foreign country, then that would allow, according to this, a bank from that foreign country to open as many branches in this state as it deems nec...as it wants to; because, it clearly says that it may establish...and I'll quote it, 'may establish more than a single banking office'. Now, more would be two, three, ten, a hundred or whatever. Now, if you intended it to mean that it may establish a branch and three drive-in facilities, I think that should have been said. But, what you say here is that it may establish more than a single banking office."

Preston: "Okay. Representative, that...that was clearly not the intent, and I will be glad to take care of that, should it get over to the Senate or whatever. I mean, that was cl...the intent of the Bill is...is, as I indicated, that would only permit those banks that let us have branch facilities there, if they meet our other criteria for

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branch facilities here, they must meet the additional criteria of having their country of origin allowing us to open branch facilities."

McPike: "Mr. Speaker, to the Bill...I mean, to the Amendment."

Speaker Daniels: "Proceed."

McPike: "Well, unfortunately, if we put on an Amendment to a Senate Bill, they cannot amend it, and I would not speak against what you're intending to do; however, this Amendment would clearly allow unlimited branch banking by a foreign country in Illinois, simply by allowing an Illinois bank to open a branch in that foreign country. I don't think that's good policy for us to allow unlimited branch banking by a foreign country while denying that to a state and federally chartered banks within Illinois."

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

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

Speaker Daniels: "He indicates he will."

Stuffle: "Representative, what are the positions, if known, of the various banking...banking associations, IBA, ICBI and 'AMBY'? I am particularly..."

Preston: "I...I have heard no objection to this. Beyond that, I can't tell you. I did..."

Stuffle: "Don't know any support or objection either?"

Preston: "I have checked this Amendment with Representative Leon, with Representative McBroom, and I have not been hiding this Amendment."

Stuffle: "What's Representative Leon's position?"

Preston: "You have to ask Representative Leon, but he indicated to me he was not opposed to this."

Stuffle: "Well, to the Amendment."

Speaker Daniels: "Proceed."

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Stuffle: "I'm somewhat at a loss. I'm like Representative McPike. I find myself in a strange position on this Amendment. I feel like I ought to support it; although, when I read it, it somewhat goes against my grain. And when I listen to Representative McPike, who, he and I - as you know - have argued against each other's position on banking Bills every year we've been here for the past six. It seems to me, however, that I ought to point out that, in speaking with the Senate Sponsor of this Bill - I don't know what his position is on your Amendment - but, in speaking with him and others speaking with him and the banking associations, it ought to be made clear to this Body that Senator Weaver, if any Amendment goes on this Bill that's adverse to his position in his original Bill, I can assure you he will never call this Bill on the floor of the Senate with the House Amendments on it. So, I...I want it know that I'm not sure how to vote on this. I have mixed emotions. I think most people here have mixed emotions. They've been asking about it, and no one seems to know what the position of anyone is on it, including the Sponsor. So, I'm going to vote 'present', and I would urge others to vote 'present' if we want to get this Bill out of here or back to the Senate in the form that Senator Weaver will feel amenable to even calling to concur in the House Amendments.

Speaker Daniels: "Further discussion? Representative Huskey."

Huskey: "Well, Mr....Mr. Speaker, Ladies and Gentlemen of the House, may I speak to the Bill? I think it is very, very important, too important an issue to be discussed on an Amendment like this without it going to a Committee and have full discussions. We're talking branch banking of foreign country, where our money is going to be coming in or going out to a foreign country, and I feel that

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this...this is a very important issue. Far, far too important to lightly take an Amendment and have a minute or two minutes discussion here on the floor of the House. You're talking banking. You're talking branch banking. First, branch banking is unconstitutional in the State of Illinois. You're talking, of course, we've gotten away from that. We got into other things now. Now, we're going into foreign countries with branch banking, and I think we're going far too far, and this Bill should...this Amendment should be defeated. Let them take it to Committee. Work it out. Study it out. Get the pros and the cons and see what foreign countries are going to do with our money, what we're going to do se...sending our money to foreign countries, and give it a good fair hearing; because, we're going far too far too fast in banking. Thank you. Vote no."

Speaker Daniels: "Representative Robbins."

Robbins: "I urge you to give a good look at this and think of what can happen. In the West...Midwest right now, we have 40 grain elevators that are going bankrupt due to the management that was placed upon them by the Japanese. They own 40 percent of the elevators. The Americans own 60 percent, and after the Japanese took the goods and run, now then, the American people are being caught, and they are the ones...the American farmer is the one that is going to take the big loss. So, keep your banking money in banks that are run by people that will spend and loan the money to you, and not use it so that they can do like Franklin National did in Pennsylvania when they got to speculating on foreign currency, and they broke the eighth largest bank in the United States. Now, think before you put this kind of an Amendment on a Bill. Vote 'no', not 'present'."

Speaker Daniels: "Further discussion? Being none, Representative

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Preston to close."

Preston: "Thank you, Mr. Speaker. What this Amendment does, first of all, it has absolutely nothing to do with branch banking whatsoever. It talks, it addresses merely branch facilities, not branch banking, and it provides only, as I have stated, that any foreign bank from a foreign country that, under the National Banking Act and the other provisions of Illinois law, when and if that foreign bank is permitted to own...to open a branch facility somewhere other than its main facility, it may only do so when and if the country of origin of that bank permits our Illinois banks to do the same thing in that country of origin. That's what the Bill does. That's the intent of the Bill, and I ask you for an 'aye' vote. Otherwise, you're going to be ending up putting Illinois banks in a position where, under the National Banking Act, we must, by law, accord equal treatment to foreign and domestic banks, but foreign banks, foreign countries need not necessarily accord equal treatment, so we might be treating them equally. Other countries might be treating them unequally. This Amendment sees to it that other countries cannot treat them unequally at the same time they're being treated equally in Illinois."

Speaker Daniels: "Gentleman moves for the adoption of Amendment #4. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's over...open. Who? Gentleman from Perry, Representative Ralph Dunn."

Dunn, Ralph: "Thank you, Mr. Speaker. I thought I knew how I wanted to vote. I think I'm going to vote 'no', but I'd like for Representative Preston to make his speech over again in explanation of votes. He wound up on both sides of the question, if I'm not mistaken. I'd urge a 'no' vote. I'm voting 'no'."

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Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 17 'aye', 101 'no', 17 voting 'present', and Amendment #4 fails. Further Amendments?"

Clerk O'Brien: "Amendment #5, Bower."

Speaker Daniels: "Representative Bower, Amendment #5."

Clerk O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #5 would prohibit any state chartered bank from making a loan to a foreign nation. The concept behind this Amendment is very simple. If you believe in the theory that supply and demand dictates price, the more of our American money that is shipped abroad, the less that is available for domestic borrowers; thereby, fueling high interest rates. Some of the largest banks in Illinois are state charters. We have to bear in mind that the total foreign aid pay... or total loans made by American banks to foreign nations is more than twice as much as what our foreign aid payments of the U. S. Government are. The difference between the deposits by foreign nations in Illinois banks and that of what our loans are to those nations is a negative of more than 400 million dollars. I think it's unfair to make loans to foreign nations at the expense of the people down the street that want to borrow money for mortgages to buy a house, to buy a car, and to start a business. If we prohibit such loans, I believe that we can make a significant impact on the interest rates in this state."

Speaker Daniels: "Any discussion? The Gentleman from Lake, Representative Pierce."

Pierce: "Mr. Speaker, as much respect as I have for the Sponsor of this Amendment, I think it does show a little naivety in the... in the financial matters. When we make loans to people overseas and overseas countries - dollar loans -

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what do they use that money for? They use that to buy American agricultural implements, to buy from J. I. Case, to buy from Caterpillar Tractor, to... to buy from the other farm equipment manufacturers in the state. They use it to buy American agricultural commodities. That money isn't lost. It doesn't go down a hole somewhere. The foreign nations who we loan money to, or the foreign companies we loan money to, want dollars in order to buy American goods. There's nothing wrong with that. The bankers can make up their own mind who's a good credit risk and who isn't. Why, there's even some Americans, believe it or not, who borrow from abroad. I see that foreign banks make loans and investments in this country. I don't think we can put up an Iron Curtain around our financial community. Whether we like it or not, the world is one economy today. We can't isolate ourselves from the rest of the world, and we can't, here in the Legislature, determine what's good banking practice; and, therefore, I oppose this Amendment."

Speaker Daniels: "Further discussion? Representative Ropp."

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

Speaker Daniels: "He indicates he will."

Ropp: "Thank you. The question I wondered... does this Amendment just deal with state licensed banks?"

Bower: "Yes. It's all that we can deal with."

Ropp: "All right. Well, does this place somewhat of a disadvantage to the... those state banks who could not, then, loan money to foreign countries when national banks can?"

Bower: "Would you restate your question?"

Ropp: "Does this somewhat give a... a competitive disadvantage to the people that we are saying cannot loan money out of the

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country, in relation to those banks who are federally licensed, and can continue to do so? Wouldn't those banks have, let's say, a competitive advantage to be able to do business?"

Bower: "Well, not necessarily. International banking, obviously, is a very, very complicated concept, but many economists are of the opinion, and the statistics, I think, will bear it out, that many of the loans made to foreign nations are really very unsound. And they may be good in theory, but their return is really not all that great. What this would do is to make money available domestically."

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

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I was wondering if Representative Bower would yield for a question or two."

Bower: "Certainly. Certainly."

Bullock: "Representative Bower, do you have any information at your disposal or that staff has at their disposal as to the actual amount of the National Debt, at present?"

Bower: "As of today's date, I am not certain what the exact figure is."

Bullock: "Do you have any information available as to the United States' contribution to the World Bank?"

Bower: "I didn't hear your question."

Bullock: "Do you have any information relative to America's contribution to the World Bank?"

Bower: "I don't know the exact figure, but it is enormous."

Bullock: "You say it's enormous. Do you know the per capita rate of contribution to the World Bank - America's per capita rate contribution to the World Bank?"

Bower: "I think..."

Bullock: "And how America equals... what standing America has



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with other foreign countries, relative to per capita contribution to the World Bank?"

Bower: "This Amendment does not affect the World Bank."

Bullock: "Oh, I beg to differ with you. It does, to the contrary. One more question, before I address the Bill, Mr. Speaker, Representative Bower, are you familiar with the International Monetary Fund?"

Bower: "Somewhat."

Bullock: "Do you have any information as to whether or not America has ever borrowed from the International Monetary Fund?"

Bower: "I don't."

Bullock: "Mr. Speaker, to the Bill."

Speaker Daniels: "Proceed."

Bullock: "You know, it's rather ironic, Ladies and Gentlemen, that we have a Member of our Body rise on the floor and address matters of international monetary policy, and does not know America's rate of contribution to the World Bank, and its per capita contribution; does not know America's standing as it relates to the International Monetary Fund. I daresay, he probably is not conversant with America's posture on the gold-backed monetary standard. But all of that aside, this individual would have us believe that state chartered banks are, in fact, engaging in some type of malfeasance or misfeasance or mismanagement because they decide to... to... buy Israeli bonds or make investments in Italy at the Vatican, or decide to make investments in Latin America. Let me say, Ladies and Gentlemen, that this Amendment should be soundly defeated, soundly defeated because it is not grounded in reason. What we know in Western democracies, and what I'm sure the Sponsor will cogitate on later this evening, is that, yes, it is to the advantage of Illinois banks, Iowa banks, Michigan banks,

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any state chartered banks. It is to our advantage to engage in improving the economies of Third World developing countries, because if we can enhance the quality of life in those countries, we can reduce their dependence on foreign aid in America. So it makes good sense, and I think that perhaps the next time an Amendment like this is offered, that perhaps Sponsors ought to brush up more on both foreign affairs and international banking."

Speaker Daniels: "Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members. I think this is a sound Amendment, and I mean that seriously. We have a situation in this country where we subsidize the world. This Amendment deals with who we charter in Illinois... the banks we charter in Illinois. I happen to think that the World Bank's a mistake, and my... looking at that, if you do, you know as well as I do, we give money to communist countries, we give money to North Viet Nam, we give money to North Korea, we give money to everybody. They buy tanks with it, and they fight our other allies on the other side. With regard to this Amendment, it's a kind of an Amendment we need. It's the kind of Amendment that says, You give American dollars and American loans to American people, and to hell with these foreign countries that are fighting us and opposing us, that claim to be our allies. We ought not to be giving them anything, ever, at all, until they help us. The point of it is, very simply - we've got Japanese buying the hotels, we've got Germans selling the cars, we've got both of them taking over the farmland. If you can believe other things here, we've even got foreign elements in the bingo games in Illinois. You ought to put this Amendment on here. If it kills the Bill, fine. We don't need the Bill anyway. The Senate Sponsor's already agreed to that. It's a fine Amendment. We ought to keep

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our money where it ought to be - in Illinois."

Speaker Daniels: "Further discussion? The Gentleman from Sangamon, Representative Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, this is the most jingoistic, prejudiced Amendment that we've dealt with here in a long time. You know, we stand around here and we say, 'We want to sell our grain to Russia. We want to sell our grain to China. We want to sell our grain to Nigeria. We want to sell our grain all over the world', and yet, we don't want our banks investing in those countries in order to make that kind of trade possible. You know, trade is a two way street. Nobody's going to trade with us. They're going to close up their countries' borders if we say we're not going to do anything for them, and that's... that's, you know, very, very shortsighted and jingoistic, and I would say that this Amendment deserves 120-150 'no' votes."

Speaker Daniels: "Representative Hoffman."

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

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

Bower: "Thank you, Mr. Speaker. There's been a lot of misinformation put out on this. This Amendment only affects state chartered banks, because that's all we can do here. It's very, very simple. What Representative Stuffle said was most accurate. This would make American money available to American citizens to invest in America - to buy cars, to buy homes, to invest in business. If you want to bring interest rates down, you can do it by making more money available, and that means keeping it at home. I'd

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urge the adoption of this Amendment."

Speaker Daniels: "The Gentleman moves for the adoption of Amendment #5. All those in favor signify by saying 'aye', opposed 'no'. Roll Call? All right. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Representative Bower, to explain his vote. The timer's on, Sir. Have all voted who wish? Representative Giorgi, to this switch, right now. Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 40 'aye', 91 'no', and 10 voting 'present', and this Bill... Amendment #5 fails. Further Amendments?"

Clerk O'Brien: "Amendment #6, Braun..."

Speaker Daniels: "Representative Braun, Amendment #6."

Braun: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is the anti-apartheid Amendment and I would appreciate a favorable vote."

Speaker Daniels: "Any discussion?"

Braun: "Apartheid."

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

Vinson: "Will the Lady yield for a question?"

Speaker Daniels: "She indicates she will."

Vinson: "Representative, your Amendment speaks to unofficial policies of racial discrimination. Would you explain what that aspect of the Amendment addresses?"

Braun: "Thank you, Representative. I would like to make clear for the record, as I did to you and to Representative Barr in earlier conversation, that this would only apply to countries which have an official, e.g. legislative policy of racial discrimination and not otherwise."

Vinson: "So Arab governments which discriminate against their Jewish citizens and Jewish companies would not be covered

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by this particular Amendment."

Braun: "Representative, if...if a country had a written policy of racial discrimination, such as the one you mentioned, then it would apply. If it were a legislated...legislated policy of discrimination the...it does not apply to anything that is not legislated."

Vinson: "Thank you."

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

Stuffle: "Yes, I'm not sure I understand the Amendment. I think it says you don't make a loan to South Africa. But the Sponsor of this Amendment voted for the Amendment that allowed reciprocity to a bank that's already given them 200 million dollars in loans. It seems to me you ought to call in those loans while you're doing this. And I'd urge a 'no' vote."

Speaker Daniels: "Representative Johnson."

Johnson: "Let me...Maybe I'm asking for a...Representative Braun? Before I address the Amendment, maybe I'm asking for a geo-political analysis that you don't have. But let me ask you. How would this Amendment apply to the Uganda government under 'Idi Amin'?"

Braun: "Representative, this..this Amendment is a narrow exception. It only applies as written, and as we've said before, to countries that have legislative policies of racial discrimination."

Johnson: "Well, tell me..tell me what countries you..."

Braun: "As far as I know..As far as I know, Representative, there's only one country in the world that, by its Constitution, requires separation of the races, and that country is South Africa."

Johnson: "Okay. Addressing the Amendment then, Mr. Speaker and Members of the House. This is really pretty incredible."

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We have governments throughout the Third World that torture their citizens, practice discrimination in fact, if not in law. We have countries behind the Iron Curtain that imprison their own citizens, commit incredible violations in Russia and other areas of the rights of Jewish citizens and otherwise. But because it's somehow the liberal intelligentsia policy to pick on South Africa because they do have - and it's a policy that I don't think any Members of this House would approve of - a legal policy of racial discrimination that they're somehow the lepers of the world. I would suggest to the Sponsor and the Members of this House that there are many countries throughout this earth that practice policies that are equally offensive if not more offensive in some areas than South Africa. At least South Africa doesn't torture their citizens. It doesn't lock them up in prison camps for endless..endless years. I'm not supporting South Africa. I am saying to pick them out and to narrowly define an Amendment so it specifically applies to South Africa is hypocritical when we have countries like Uganda, countries in the Middle East, countries behind the Iron Curtain and for that matter in South America who have incredible oppression of human rights, discrimination and every other thing in the world. And I think, until we can approach this from a realistic standpoint, and a standpoint of something that directs itself to problems across the earth, to pick out one area in Amendment #6 is ridiculous, and I urge a 'no' vote."

Speaker Daniels: "Further discussion? Representative Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. My understanding of our rules is that any Member at any time may offer an Amendment to any Bill. If the previous speaker is concerned that there is oppression in other parts of the world than South Africa, oppression that he

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thinks should also make the Amendment that Representative Braun has offered here apply to them, he was more than welcome to offer that kind of Amendment. Representative Braun has suggested that there...when there is an official legal policy of racial discrimination her Amendment should apply. I think she's absolutely right. If other countries should be included, other Members of this House are welcome to offer Amendments that would do exactly what Amendment 6 does for South Africa in Senate Bill 1665. And I think this Amendment deserves our support."

Speaker Daniels: "Further discussion? Being none, the Lady from Cook, Representative Braun, to close."

Braun: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a very narrow Amendment on a very specific issue and a very specific point. There is, as far as I know, as I said in debate, only one country in the entire world that has the forced separation of the races as part of its Constitution. In order to keep our country and our State of Illinois from putting its imprimatur on that kind of activity, I filed Amendment #6 so that we would be clear that that is not the kind of official policies that we support. I call for your support on Amendment #6, again, not in an effort really to cure the problems of the world, as Representative Johnson has perhaps suggested, but rather to be...make a specific statement that banking activities with this specific country and under these circumstances will not be supported in the State of Illinois. And I encourage your support for this Amendment #6."

Speaker Daniels: "The Lady moves for the adoption of Amendment #6. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Alexander to explain her vote. The timer's

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on."

Alexander: "Thank you, Mr. Speaker. I rise in support of this Amendment, and I respectfully ask that you, my fellow Legislators, follow my lead. I do not need to recite the historical overtones, racial and undertones of South Africa. This Amendment in no way impedes the intent of this Bill. In fact, it strengthens this Bill. And the intent of this Amendment surely deserves your support and 'aye' vote. I ask you to follow with an 'aye' vote."

Speaker Daniels: "Have all voted who wish? Representative Johnson, I think you spoke in debate. Didn't you, Sir? Okay. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 78 'aye', 43 'no', 14 voting 'present'. And Amendment #6 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Representative DiPrima, for what purpose do you arise, Sir?"

DiPrima: "Yes, Sir, Mr. Speaker. Having voted on the prevailing side..."

Speaker Daniels: "Proceed, Sir. Representative DiPrima."

DiPrima: "Having voted...Having voted on the prevailing side, I move to reconsider the vote by which Amendment #3 to Senate Bill 1665 failed."

Speaker Daniels: "Amendment #3?"

DiPrima: "Yes, Sir."

Speaker Daniels: "The Gentleman, having voted on the prevailing side by which Amendment #3 failed, has moved that the House reconsider the vote by which that Amendment fails. All those in favor will signify by voting 'aye', opposed by voting 'no'. It takes a majority of those voting on the issue, and on that question, the Gentleman from Coles, Representative Stuffle, to explain your vote."



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Stuffle: "Yes, Mr. Speaker and Members. I think that Amendment had adequate debate on the floor of the House. It was defeated overwhelmingly on the floor of the House. And as I indicated, if this Amendment is to go back on this Bill, the Senate Sponsor will never call the Bill when it goes back to the Senate. So, I think this is an exercise in futility, an exercise that we've gone through before and an exercise that I can guarantee you we won't go through again on this Bill if the Amendment goes on."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 78 'aye', 56 'no' and 4 voting 'present'. The Gentleman's Motion prevails. Amendment #3...Amendment #3, Representative J. J. Wolf."

Wolf, J. J.: "Yes, Mr. Speaker, I think there was some misunderstanding before. I think a number of Members have..have...have realized their error, and at this point I would again move for the adoption of Amendment #3."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the adoption of Amendment #3. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. There are 73 'ayes', 70 'no'. Representative Robbins? Representative Robbins moves to verify the Affirmative Vote. Representative Wolf requests a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees: Bradley. Christensen. Ebbesen. Epton. Fawell. Giglio. Hoxsey. Huff. Huskey. Jaffe. Dick Kelly. Klemm. Leinenweber. Ted Meyer. Neff. O'Brien. Peters. Pierce. Reed. Schneider. Schraeder. Harry Smith. E. G. Steele. Stewart. C. M. Stiehl. Vinson. Younge. And, Yourell."

Speaker Daniels: "Representative Stiehl?"

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Stiehl: "Mr...Mr. Speaker, vote me 'aye', please."

Speaker Daniels: "Record the Lady as 'aye'. Representative Hudson?"

Hudson: "Vote me 'no', please."

Speaker Daniels: "Hudson from 'aye' to 'no'. Representative McBroom?"

McBroom: "Mr. Speaker, I don't know what your pleasure is, but I would suggest that we dump this and consider having an accurate Roll Call. There are people in my immediate vicinity who have bid me good night some time ago. One's voted red; one's voted green. I would think that at ten o'clock at night that that might be the expeditious thing to do."

Speaker Daniels: "All right. Dump this Roll Call. Vote your own switch only. The question is, 'Shall Amendment #3 be adopted?'. All those in favor by voting 'aye', opposed by voting 'no'. Vote your own switch please. Have all voted who wish? Representative Friedrich, for what purpose do you arise, Sir?"

Friedrich: "I thought you'd requested each person to vote his own switch. One person has voted at least six on the other side of the aisle. Now, let's either ...let's either do it or we'll verify."

Speaker Daniels: "Representative Stuffle?"

Stuffle: "Yes. I've said this three times. I'll say it again. If this goes on, this Bill will never be heard in the Senate. We've played this game with this Bill too long, too many times on this Amendment. There's no need for it. I think some people said that there was a misunderstanding on the original vote. I don't think so. I think, indeed, and I listened to people that were told things about this Amendment that weren't true that switched their votes. Now, if they put their vote on their line. You can put it

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on. I won't ask for a verification. But I'll hold to what I said. The Senate Sponsor will never call this Bill in the Senate if it goes back."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 61 'aye', 77 'no'. The Gentleman requests a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees: Abramson. Bartulis. Bell. Bradley. Collins. Ebbesen. Epton. Ewing. Fawell. Flinn. Garmisa. Giglio. Hoxsey. Huff. Jaffe. Dick Kelly. Leinenweber. Martire. McAuliffe. McGrew. Ted Meyer. Neff. O'Brien. Reed. Schneider. Schraeder. Harry Smith. Margaret Smith. Stanley. Stearney. E. G. Steele. Vinson. Younge. And, Yourell."

Speaker Daniels: "Representative Collins? Record Representative Collins as 'aye'. Representative Wolf? What's the count, Mr. Clerk? There are 62 'aye', 77 'no'. Representative Wolf?"

Wolf, J. J.: "Request a verification of the negative."

Speaker Daniels: "The Gentleman requests a verification of the Negative Roll. All Members please be in their seats. Proceed with a verification of the Negative Roll."

Clerk Leone: "Poll of the Negative: Ackerman. Balanoff. Barnes. Bianco. Birkinbine. Bower. Bowman. Breslin. Brummer. Carey. Catania. Christensen. Conti. Cullerton. Darrow. Davis. Deuchler. Donovan. John Dunn. Ralph Dunn. Findley. Virginia Frederick. Dwight Friedrich. Giorgi. Greiman. Hallock. Hanahan. Hannig. Hastert. Hudson. Johnson. Karpel. Katz. Klemm..."

Speaker Daniels: "Excuse me, Mr. Clerk. Representative Wolf, for what purpose do you arise, Sir?"

Wolf, J. J.: "If it would be in the interests of time, I would like to withdraw that and we could take it from the

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record?"

Speaker Daniels: "The Gentleman withdraws his request for a verification. Amendment #3, there are 61 'aye'..or 62 'aye', 77 'no'. Amendment #3 fails. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "And, Representative Wolf?"

Wolf, J. J.: "That was not my request, Mr. Speaker. I asked if I could, at this time, withdraw the request and withdraw the Amendment at this time."

Speaker Daniels: "Representative Wolf, I cannot take a Bill out of the record in the middle of a verification. But Representative McBroom is asking that this Bill remain on Second Reading which it will remain. The Bill remains on Second Reading. Senate Bill 1299. Read the Bill."

Clerk Leone: "Senate Bill 1299. It's been read a second time previously. Next Amendment is Amendment #14, McPike - Lechowicz - Birkinbine - Steczo...'

Speaker Daniels: "Representative McPike on Amendment #14."

McPike: "Yes, Mr. Speaker. Ladies and Gentlemen of the House, it was my concern that we not give tax breaks to those businesses or corporations that don't need additional tax breaks. And so I have tried to limit that possibility. Amendment #14 says that a..that if a existing business employs at least 250 people in any of the last three years, and if they have made....if they have been profitable in any two of the last three fiscal years, then that particular corporation cannot be included within an enterprise zone. I think that this will help direct tax benefits at two different types of corporations: number one, small corporations and number two, larger corporations that have not been profitable. I'd be glad to answer any questions on this Amendment."

Speaker Daniels: "Any discussion? The Gentleman from Cook,

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Representative Lechowicz."

Lechowicz: "I just want to thank Representative McPike for bringing this to our attention and I second the adoption of Amendment #14."

Speaker Daniels: "Further discussion? Representative McPike moves for the adoption of Amendment #14. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it? You wish a Roll Call? The Amendment's adopted. Further Amendments?"

Clerk Leone: "Amendment #15, Currie, amends Senate Bill 1299..."

Speaker Daniels: "Representative Currie, Amendment #15."

Currie: "Thank you, Mr. Speaker, Members of the House. Amendment #15 would reduce the geographic area that may be included in any designated enterprise zone. Under the legislation, as introduced, an enterprise zone could be as large as ten square miles since even if the number of enterprise zones or the number of years during which new enterprise zones can be created are reduced, it still would be possible for in any county and thereby in any municipality for a total of 18 enterprise zones to be designated. If each of those can be as large as ten square miles, we're talking about the distinct possibility that for most cities in the State of Illinois the entire city could sooner or later be designated as such. A hundred eighty square miles is about six times larger than the geographic territory of the City of Peoria and about the same proportion larger than the City of Rockford. It's almost, in fact, as big as the square mileage in the City of Chicago. So I think that it behooves those of us who want to make sure that the enterprise zone designation doesn't sooner or later cover the entire land of the State of Illinois to support Amendment #15 which would only reduce the total maximum of square miles that could be included in the enterprise zone

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designation."

Speaker Daniels: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak against this Amendment. The Lady takes the outside extreme in indicating that every zone might be indeed ten miles...ten square miles. I would suggest that this would be especially damaging to downstate Illinois where, indeed, you might need a large area. It is doubtful that you would find a ten square mile area utilized, say in the City of Chicago or Cook County. But to put that limit on the municipalities, the counties that might wish to do this, I think, is wrong. I think we should give them that limit up to ten miles. I would ask everyone to vote against Amendment #15."

Speaker Daniels: "Further discussion? Representative Lechowicz. Representative Piel, for what purpose do you arise, Sir?"

Piel: "Thank you, Mr. Speaker. Has this Amendment been distributed?"

Speaker Daniels: "I'm advised that all Amendments to the Bills that have been filed to this point have been distributed."

Piel: "We haven't got it over in this area though."

Speaker Daniels: "All right. Some...Mr. Page, can somebody get Representative Piel a copy of this Amendment and all the other Amendments on this Bill? Thank you. Represent..Representative Lechowicz."

Lechowicz: "I also am in opposition to Amendment #15. Just want to point out to the Membership that the City Council or the county has to have the approval by an ordinance and in turn, it's got to be approved by the Department of Commerce and Community Affairs. I believe that the half mile designation..or half mile to ten square miles was thoroughly discussed and I would have to oppose Amendment #15."

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Speaker Daniels: "Further discussion? Being none...Oops. Being none, Representative Currie to close."

Currie: "Thank you, Mr. Speaker, Members of the House. I chose to deal with the upper limits on the geographic size that could be included in an enterprise zone because that's the issue. I didn't think that we ought to narrow even further the lower limits, but as one of those who opposes my Amendment suggests, that the upper limit shouldn't be dealt with, it seems to me that's the only limit with which we can deal. I'm not aware of municipalities in downstate areas that are so very large that a five mile, square mile limitation would be too small for them to ...to cope with. I am aware that for the very substantial cities in the state, the ten mile outer limit which is in the Bill right now, would make it absolutely possible for the enterprise zone designation to cover the entire town. The fact that the town would have to want it to be covered doesn't in my mind mean that that's any the less likely to happen. So I think if you want to restrain, if you want a narrow area in which we can try out the enterprise zone idea, I think we ought to start with a geographically narrow limitation and say five square miles which is after all very large territory, plenty of territory, and I would urge adoption of Amendment #15."

Speaker Daniels: "The Lady moves for the adoption of Amendment #15. All those in favor signify by saying 'aye', opposed 'no'. The 'nos' have it. Amendment #15 fails. Further Amendments."

Clerk Leone: "Amendment #16, McPike, amends Senate Bill 1299..."

Speaker Daniels: "Representative McPike, Amendment #16. Withdrawn. Further Amendments."

Clerk Leone: "Amendment #17, Balanoff, amends Senate Bill..."

Speaker Daniels: "Representative Balanoff, Amendment #17."

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Balanoff: "Thank you, Mr. Speaker and Members of the House. The way the Bill is drawn up, it permits a neighborhood organization to contract for crime watch patrols. And we all know that it takes years to develop a professional police department. We don't want keystone cops running around all over the place. Aside from that, it would undermine the morale of existing police departments. My Amendment would not permit the enterprise zone to have its own private police department which could...which is created by a neighborhood organization."

Speaker Daniels: "Any discussion? Representative Lechowicz."

Lechowicz: "Well, Mr. Speaker, Ladies and Gentlemen of the House, crime watch patrols are now permissive in many neighborhoods in the City of Chicago, in the County of Cook and downstate communities as well. There are ...The Greater North Pulaski Business Development Corporation has contracted and they pay a neighborhood organization to check the locations of the business located on a daily basis. This is permissive. It is not mandatory. It's available to the neighborhood organizations now. That's why it was incorporated in the Bill. It's not taking anything away from them. But if the enterprise zone area would like to do the same with a neighborhood organization, it permits them to do so. It's not giving them any additional authorities that they don't have now. And I strongly oppose Amendment #17 for that reason."

Speaker Daniels: "Further discussion? Representative Balanoff to close."

Balanoff: "The Bill permits the enterprise zone area to have its own separate police department and my Amendment would eliminate this. I urge your favorable vote."

Speaker Daniels: "The Lady moves for the adoption of Amendment #17. All those in favor signify by saying 'aye', opposed



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'no'. The 'nos' have it. Number 17 fails. Further Amendments."

Clerk Leone: "Amendment #18, Bowman, amends Senate Bill 1299, as amended."

Speaker Daniels: "Representative Bowman, Amendment #18."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #18 is merely an attempt to put some standards into the legislation in regards as designating areas for enterprise zones. I think the intent of the Legislature surely should be to restrict these zones to those places that have a severe unemployment problem, for example. That's what one of these provisions calls for. Alternatively we might feel that these zones really should be restricted to those that are especially low income and poverty areas. Well, I think that would be a good alternative standard. And so, I put that into this Amendment too. Or possibly, at least 80..70 percent of the people would have incomes below 80% of the median income for the metropolitan area. So that we target these zones that..to help poor people. Or maybe areas that are losing population dramatically and we need to stabilize them. So, I put an alternative standard in here to..to target the zones to places like that. Or, indeed, if the county or the municipality establishes to the satisfaction of the department that they have chronic abandonment or demolition of commercial or residential structures, well, I think we ought to target the zones in places like that as well. But it seems to me the Legislature ought to define in some relatively precise way the..the areas which should receive the highest priority for these zones. We cannot establish them willy-nilly all over the state without having some targeting mechanism, otherwise the zones lose all of their value, all of their force and all of their effect. So,

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this particular Amendment is an effort to specify the criteria which can be used to evaluate candidates..candidate areas for enterprise zones. The criteria are, as I have already suggested, related to unemployment rate, the poverty, income, population loss and property abandonment. I think if we do not have standards in the Bill then we are simply giving to the Department of Commerce and Community Affairs, you know, a blank check to..to sort of roam the state and to drop an enterprise zone in anywhere they feel like and I think that gives them much, much too wide a scope. I think the Legislature has a responsibility to set the policy and target these zones and that's why I'm offering this Amendment. I urge its adoption."

Speaker Daniels: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I suggest that the Sponsor of this Amendment look at page six, line nineteen where, indeed, we have standards set up. The language of his Amendment was taken from the 'Kemp-Garcia Bill' in Congress. They removed this language because they felt it was too restrictive. We don't want to turn this into a Rube Goldberg contraption that nobody can figure their way through. Standards are in the Bill. I would ask that everyone vote against this Amendment."

Speaker Daniels: "Representative Bowman to close."

Bowman: "Well, Mr. Speaker, Ladies and Gentlemen of the House, the..the Gentleman said that this was in the original 'Kemp-Garcia Bill' and I don't know why he then turns around and calls it, you know, a Rube Goldberg mechanism. Perhaps they found it too restrictive. They, after all, are dealing with 50 states, and maybe, you know, are certainly faced with a wider diversity. It seems to me, however, we know what we..the situation we have here in

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Illinois. We are trying to..to limit the number of enterprise zones that are being created. That is been elsewhere in the Bill. And it seems to me if we are placing limits on the number of enterprise zones that can be created, that we ought to have some kind of strict criteria to indicate how these zones should be targeted and I am sure that all of us can think of many places in the state that meet these criteria. So, I don't believe that they're too restrictive. We're hot, by adopting this Amendment, we're not cutting off enterprise zones. We're not gutting the Bill. I think any one of us here can think of one or more areas throughout the state that would meet these criteria. So, let's put this into the Bill. Meet our responsibility to establish the policy for the program."

Speaker Daniels: "The Gentleman moves for the adoption of Amendment #18. All those in favor signify by saying 'aye', opposed 'no'. The 'nos' have it. Eighteen fails. Further Amendments."

Clerk Leone: "Amendment #19, Birkinbine - Lechowicz, amends Senate Bill..."

Speaker Daniels: "Representative Birkinbine, Amendment #19."

Birkinbine: "Thank you, Mr...Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #19 is the result of two suggestions by Representative Kane who noticed errors in the Bill: 1) the superfluous word 'property' which should not have been in there in two locations and was taken out and secondly, the additions of the word 'prorata' so that the one thousand dollar deduction that's in the job credit could not somehow be multiplied more than it was supposed to be. I would ask everybody's support of this clean up Amendment."

Speaker Daniels: "Any discussion? Being none, the Gentleman

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moves for the adoption of Amendment #19. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Nineteen's adopted. Further Amendments?"

Clerk Leone: "Amendment #20, Saltsman - Currie..."

Speaker Daniels: "Representative Saltsman, Amendment #20."

Saltsman: "Thank you, Mr. Speaker. This Amendment would provide the same fire protection that is provided for the rest of the municipality. It would be a savings in insurance rates and a cost factor for the mill tax would probably be outweighed by the amount of insurance these companies would have without the proper fire protection. I urge the adoption of this Amendment."

Speaker Daniels: "Representative Lechowicz."

Lechowicz: "I want to thank the Gentleman for bringing it to our attention. I also concur with Amendment #20."

Speaker Daniels: "The Gentleman moves for the adoption of Amendment #20. All in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Number 20 is adopted. Further Amendments?"

Clerk Leone: "Amendment #21, Currie - Katz..."

Speaker Daniels: "Representative Currie, #21."

Currie: "Thank you, Mr. Speaker, Members of the House. Amendment 21 would make it clear what ...how successful the experiment is. It would require the Department of Commerce and Community Affairs to report annually specific characteristics and economic facts and data about each enterprise zone, both at the time the zone was initially designated and during each year that the benefits and the values of the enterprise zone designation continue. Without this kind of specific data, it will be impossible for anybody to tell after the enterprise zone experiment whether or not it was a success. And I would urge us to insure that we, the General Assembly, have that information

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available to us."

Speaker Daniels: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. We have no concern with this Bill. The Bill already calls for reporting and this simply makes it more explicit what shall be reported to the General Assembly and the Governor. So we support this Amendment."

Speaker Daniels: "The Lady moves for the adoption of Amendment #21. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #21 is adopted. Further Amendments?"

Clerk Leone: "Amendment #22, Bowman - Currie, amends Senate Bill..."

Speaker Daniels: "Representative Bowman, Amendment #22."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm not really quite sure why volunteer day care centers were included in the list of things that these neighborhood organizations that can provide in lieu of local government because most local governments now don't provide their own day care centers as part of a government service. Right now, you know, volunteer day care centers could be set up anywhere in the state. I am concerned however that we might be setting something of a precedent here in terms of saying that we don't mean that the same standards should apply to day care centers in these areas that apply elsewhere. So, I would just...I would feel a lot more comfortable with the Bill if this particular provision were deleted."

Speaker Daniels: "Representative Lechowicz."

Lechowicz: "Well, Mr. Speaker, Ladies and Gentlemen of the House, it's not appropriate to eliminate day care centers as are contained in Amendment #22 because the day care centers would still have to meet the licensing and regulatory

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standards of the State of Illinois. And that's why Amendment #22 should be defeated."

Speaker Daniels: "Representative Bowman to close."

Bowman: "Well, Mr...Mr. Speaker, I think the Gentleman who just spoke suggests precisely why we should get rid of this particular provision. If it is his intent, as he suggested, that the day care centers meet state licensing standards then I think including these volunteer day care centers that in the litany or the list of services that can be taken over by the neighborhood groups in lieu of local government might suggest that...that they should not be covered by state licensing standards. So I believe it contradicts...having that language in there contradicts the intention of the..the Gentleman from Cook, and so I believe that...I wish he would reconsider and simply accept Amendment #2 ...#22. And I would like a Roll Call on this..."

Speaker Daniels: "The Gentleman moves the adoption of Amendment #22..."

Bowman: "Sir?"

Speaker Daniels: "...All those in favor signify..."

Bowman: "Mr. Speaker?"

Speaker Daniels: "...By saying 'aye', opposed 'no'. The 'nos' have it. The Amendment fails. Further Amendments."

Clerk Leone: "Amendment #23, Balanoff - Bowman, amends Senate..."

Speaker Daniels: "Representative Balanoff, Amendment #23."

Balanoff: "Please withdraw 23."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk Leone: "Amendment #24, Currie - Bowman, amends Senate Bill 1299, as amended."

Speaker Daniels: "Number 24, Representative Bowman? You wish to withdraw that, Sir? Representative Bowman."

Bowman: "Wait a minute. It's Currie - Bowman. And

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Representative Currie is first..."

Speaker Daniels: "Oh, forgive me. How could I forget you?"

Representative Currie."

Currie: "Thank you, Mr. Speaker, Members of the House."

Speaker Daniels: "You're welcome."

Currie: "I do not wish to withdraw Amendment 24. We've heard...We've talked about what would count as the...the kind of requirements to enable the designation 'enterprise zone'. The Bill says, '..any area that meets the requirement of...', quote, '...area of pervasive poverty, unemployment and economic distress or a depressed area'. What Amendment #24 would do would be to supply a very small specific so that we have some idea what counts as an area of high unemployment of pervasive poverty. Any area whose unemployment rate is twice the national average or among..in which 70% of the residents have incomes that are lower than 80% of the median in the standard metropolitan statistical area. Either of those would do it. Nothing Rube Goldberg about it. Nothing difficult to determine. We want to just make sure in this Bill that only those areas that are, in fact, places where there is pervasive poverty and high unemployment are designated enterprise zones. They're what this legislation is about. Let's make sure that we, in the General Assembly, apply the standards to make sure that those are the places that are...that are so designated."

Speaker Daniels: "Representative Lechowicz."

Lechowicz: "Well, Mr. Speaker, unfortunately, you may have a situation where the municipality or county designates an area that doesn't have any population in it. And then, so this standard would be totally inadequate. We discussed this standard and some others and we thought it would be best that the municipality, county and a department

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establish their criteria of what they consider a depressed area. That was done intentionally after much discussion. And for this reason I have to oppose Amendment #24."

Speaker Daniels: "Representative Leverenz."

Leverenz: "Would the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Leverenz: "Representative, what is different in this Amendment than the one offered by Representative Bowman earlier?"

Currie: "Only that it is more...more precise and narrow, Representative Leverenz. The complaint was made by one of the Sponsors of this Bill that Representative Bowman's earlier Amendment included five or six different qualifications any one of which might make an area eligible for enterprise zone status. The complaint was that it created a Rube Goldberg-like proposition. In order to meet that concern, this Amendment is drafted so that you either have to show that your unemployment rate is in fact twice the national average, or that the poverty within the area is as pervasive as 70% of the 80% median income figure. So it's a narrower definition and it includes fewer specifics so as not to confuse anybody, either anyone administering it, anyone applying for enterprise zone status or anyone in the General Assembly who will then know exactly what he or she is voting for on the main Bill."

Leverenz: "Then under the current...the Bill, the way it's written now, versus your Amendment, your..with your Amendment it would make it more strict and under the Bill the way it is now the whole state could be in fact designated. Correct?"

Currie: "The Bill, as drafted, says, '..an area of pervasive poverty, unemployment and economic distress...', and I don't think that that language is specific enough for us to know what counts..."



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Leverenz: "...I think your Amendment..."

Currie: "...This Amendment would..."

Leverenz: "...Would make it so specific that my district could not have one. Therefore, I would solicit a 'no' vote."

Speaker Daniels: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. I would simply suggest that the Sponsor of the Amendment look at page six, line nineteen where the designation is spelled out for about a page and a half. We do have standards in here. This Amendment is not unlike #18 and not unlike #26. And I would ask people to vote against it."

Speaker Daniels: "Representative Currie to close."

Currie: "Designated...I could read the whole thing. You were right back where I said we were, '...areas with high levels of poverty, unemployment, job and population loss and general distress'. I don't call those standards. I think what we need to do if we're serious about the idea that enterprise zones will help to ...to deal with problems in those kinds of areas, is know what we are..how and what we are defining as eligible. Representative...Some Representatives suggest that maybe if we create standards their areas won't work, won't be eligible, won't be able to apply. Maybe their areas shouldn't work, should not be eligible to apply. The whole point of the enterprise zone is to deal with areas where there is very substantial economic distress. And I am concerned that this General Assembly make absolutely clear in the legislation, creates the standards ourselves so that we all agree what counts as economic distress and the decision is not made on the basis of some horse tradings that go on, trading a highway for an enterprise zone or a vote on one issue for a local designation of enterprise zone status. If this really is a serious social experiment we need to treat it as such and

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we need to include the kind of standards that mean at the end of the experiment we'll know whether we succeeded, whether we failed or we were playing one more rip-off game here in Springfield. It isn't up to the local municipality to make the decision or the Department of Commerce and Community Affairs. We are the Illinois General Assembly. This is our proposal, our program, our experiment, if you will, and it's up to us to make sure that the standards are in place if this Bill is to leave this chamber."

Speaker Daniels: "The Lady moves for the adoption of Amendment #24. All those in favor signify by saying 'aye', opposed 'no'. The 'nos' have it. Further Amendments? The Amendment fails. Further Amendments."

Clerk Leone: "Amendment #25, Satterthwaite - Balanoff, amends Senate Bill..."

Speaker Daniels: "Representative Satterthwaite, Amendment #25."

Satterthwaite: "Mr. Speaker and Members of the House, I will say at the outset that I will ask for a Roll Call vote on this Amendment, and so I hope those that have felt that they should simply go along with a few Members who sat together to make an agreement on this Bill, that we now really need to listen to what is in this Amendment, because you will be going on record at the end of this either in favor of the Amendment or in opposition to it. The Bill, itself, purports to be an enterprise zone Bill that would be very limited to very specific areas of the state. That might be fine if we did not also put a substantial Amendment to the State Income Tax Act into the Bill. By putting this Amendment into the Income Tax..."

Speaker Daniels: "Excuse me. Excuse me, Ma'am. Mr. Barr, Representative Barr, for what purpose do you arise, Sir?"

Barr: "To make it to...I rise to a point of order, Mr. Speaker."

Speaker Daniels: "State your point, Sir."

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Barr: "My point of order is that Amendment 25 is out of order and that it is grossly improperly drafted. The Bill, as amended, by Amendment #13 does therein, among many other things, amend Section 203 of the Illinois Income Tax Act. This Amendment, without referring to those provisions of the Bill, purports to add language deleting Section 203 of the Illinois Income Tax Act and rewriting it. And if you take this Amendment, and if it were adopted, you'd have two different versions of Section 203 of the Income Tax Act within the same Bill which would be impossible."

Speaker Daniels: "Representative Vinson on that point."

Vinson: "Mr. Speaker, I think Mr. Barr has adequately and lawyer-like explained the issue and at least at this point I will not disturb the demeanor of the House."

Speaker Daniels: "Representative Satterthwaite on that point."

Satterthwaite: "Mr. Speaker and Members of the House, if you will look at the Bill, itself, the Bill, itself, deals with Section 203 of the Income Tax Act. This Amendment simply redrafts that Section of the Bill, deleting part of the language that was added in Amendment #13 and in fact was in the original Bill, itself. There is nothing improper about the way this Amendment is drafted. It, in fact, puts back into original form that Section of the Income Tax Act so that we do not have an additional exemption created by this Bill for every person who would gain any dividend from an enterprise located within the enterprise zone. It simply restores Section 203 to its original condition in regard to that provision. It does not add anything that is not already in the Bill. The underlined Section in this Amendment is already a part of the Bill, and we chose not to deal with striking that language from the Bill. This does, in fact, indicate that we would not be giving a tax break to people from some entirely different part of the

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state who might happen to be a tax holder....a stockholder  
in a business that locates..."

Speaker Daniels: "Representative Satterthwaite, we're on the  
point now as far as the Amendment is concerned, not the  
Amendment, so the...not the merits at this point. So,  
would you restrict your comments to the Gentleman's point  
of order?"

Satterthwaite: "Well, I am saying that this is an appropriate way  
of revising the Bill to put Section 203 of the Income Tax  
Act into the shape that I would like to see it stay in if  
it's to be a part of this enterprise Bill's...enterprise  
zone Bill."

Speaker Daniels: "The Parliamentarian advises me that the  
Gentleman's point is well taken. The Amendment is not  
properly drafted. It is therefore out of order. The  
Amendment's out of order. Further Amendments."

Clerk Leone: "Amendment number..."

Speaker Daniels: "Representative Satterthwaite?"

Satterthwaite: "Would the Parliamentarian please amplify on what  
is improper in this Amendment that makes it out of order at  
this time?"

Speaker Daniels: "He advises me that your Amendment, as drafted,  
would not be properly placed in the Bill in enrolling and  
engrossing. It would be out of order for those reasons.  
Further Amendments."

Clerk Leone: "Amendment #26, Balanoff - Bowman, amends Senate  
Bill 1299 as amended."

Speaker Daniels: "Representative Balanoff, Amendment #26.  
Balanoff? Number 26. Representative Balanoff, are you  
going to proceed?"

Balanoff: "Would you please...I can't speak with her..."

Speaker Daniels: "Representative Satterthwaite, we've explained  
the ruling. Now, Representative Balanoff, do you wish to

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proceed with your Amendment? Representative Balanoff?  
Representative Birkinbine?"

Birkinbine: "If they wish not to discuss it, I ask that it be  
tabled."

Speaker Daniels: "The Gentleman moves to table Amendment #26.  
All those in favor signify by saying 'aye', opposed 'no'.  
The 'ayes' have it. Number 26 is tabled. Further  
Amendments?"

Clerk Leone: "No further Amendment."

Speaker Daniels: "Third Reading. Messages from the Senate."

Clerk Leone: "A message from the Senate by Mr. Wright, Secretary:  
'Mr. Speaker, I'm directed to inform the House of  
Representatives the Senate has adopted the following Senate  
Joint Resolution and adoption of which I'm instructed to  
ask concurrence of the House of Representatives, to-wit;  
Senate Joint Resolution 103, adopted by the Senate June 23,  
1982'. Kenneth Wright, Secretary. A message from the  
Senate by Mr. Wright, Secretary: 'Mr. Speaker, I'm directed  
to inform the House of Representatives the Senate has  
concurred with the House in the passage of Bills of the  
following titles, to-wit; House Bills 869, 1120, 1296,  
2406, 2452, 2500, 2511 and 468. Passed by the Senate June  
23, 1982'. Kenneth Wright, Secretary. A message from the  
Senate by Mr. Wright, Secretary: 'Mr. Speaker, I'm directed  
to inform the House of Representatives the Senate has  
concurred with the House of Representatives in the passage  
of Bills of the following titles, to-wit; House Bills 1178,  
1229, 1108, 1241, 1254, 958, 579, 2536, 2520, 2505, 2498,  
2496, 2450, 2495, 2425, 2409, 2408 and 2451, together with  
attached Amendments hereto and adoption of which I'm  
instructed to ask concurrence of the House of  
Representatives, to-wit. Passed the Senate, as amended,  
June 23, 1982'. Kenneth Wright, Secretary."

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Speaker Daniels: "Representative Katz, for what purpose do you arise, Sir?"

Katz: "To inquire, Mr. Speaker, as to where the Rules Committee will be meeting after adjournment. Some of the Members may be interested in knowing. I think it ought to be announced."

Speaker Daniels: "Representative Friedrich? Room 114. Immediately after Session the Rules Committee will meet in room 114. Senate Bill 1396. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill..."

Speaker Daniels: "1396."

Clerk Leone: "Senate Bill 1396, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department of Administrative Services. Second Reading of the Bill."

Speaker Daniels: "Out of the record. Senate Bill 1397. Read the Bill."

Clerk Leone: "Senate Bill 1397, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department on Aging. Second Reading of the Bill."

Speaker Daniels: "Out of the record. Senate Bill 1406."

Clerk Leone: "Senate Bill 1406, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department of Energy and Natural Resources. Second Reading of the Bill."

Speaker Daniels: "Hold it on Second. Senate Bill 1414. Read the Bill."

Clerk Leone: "Senate Bill 1414, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department of Law Enforcement. Second Reading of the Bill."

Speaker Daniels: "Hold it on Second. Senate Bill 1417. Read the Bill."

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Clerk Leone: "Senate Bill 1417, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department of Mental Health and Developmental Disabilities. Second Reading of the Bill."

Speaker Daniels: "Hold it on Second. Senate Bill 1422. Read the Bill."

Clerk Leone: "Senate Bill 1422, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department of Public Aid. Second Reading of the Bill."

Speaker Daniels: "Hold it on Second. Senate Bill 1427."

Clerk Leone: "Senate Bill 1427, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department of Veterans Affairs. Second Reading of the Bill."

Speaker Daniels: "Hold it on Second. Senate Bill 1654."

Clerk Leone: "Senate Bill 1654, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill."

Speaker Daniels: "Hold it on Second. 1503, read the Bill."

Clerk Leone: "Senate Bill 1503, a Bill for an Act to amend the School Code, an Act creating the Illinois Department of Veteran Affairs. Second Reading of the Bill."

Speaker Daniels: "Hold it on Second. Senate Bill 1599. Read the Bill."

Clerk Leone: "Senate Bill 1599, a Bill for an Act in relationship to municipal and county use and occupation taxes. Second Reading of the Bill."

Speaker Daniels: "Hold it on Second. Senate Bill 1667. Read the Bill."

Clerk Leone: "Senate Bill 1667, a Bill for an Act to amend the Illinois Bank Holding Company Act. Second Reading of the Bill."

Speaker Daniels: "Hold it on Second. Representative Pullen?"

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, there is

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a meeting that appears on the Calendar for 9:00 o'clock tomorrow morning of the House Executive Committee. I would like to announce that that meeting will be rescheduled for 11:00 o'clock tomorrow morning, room 114, House Exec."

Speaker Daniels: "Representative Sandquist?"

Sandquist: "Yes, Mr. Speaker. Ladies and Gentlemen of the House, I just want to remind the Members of the Registration and Regulation Committee that the meeting tomorrow in room 122B will be a half hour before we meet. Therefore, we'll meet at 11:30 in room 122B."

Speaker Daniels: "General Resolutions. General Resolutions."

Clerk Leone: "House Resolution 1018, Griffin. House Resolution 1029, Vinson. House Resolution 1031, Dick Kelly - et al."

Speaker Daniels: "Committee on Assignments. Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, allowing for the necessary time for the Clerk for...read the Bills, I now move that this House stand adjourned till Thursday, July 24th (sic, June 24th) at the hour of noon."

Speaker Daniels: "You've heard the Gentleman's Motion. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The House will stand adjourned till noon tomorrow. Rules Committee immediately after Session, room 114."

Conti: "I'm sorry. Ladies and Gentlemen, those that can hear what I'm about to say, someone lost what appears to be a very expensive gold pen. It will be at my desk if anybody claims it."



09/10/82  
11:01

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