

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

134th Legislative Day

June 28, 1982

Speaker Ryan: "The House will be in order and the Members will please be in their seats. The Chaplain for today is Reverend Lyle Jessie from the First Christian Church of Pindley, Illinois. Reverend Jessie."

Reverend Jessie: "Our Father and our God, we are so grateful to You for this great land. Especially now do we thank You for the opportunity to be Your servants and we pray that as we honor the people by our service that we will do so with justice, integrity and honor. We ask You to bless now the events of this day and pray Your blessings upon us all as we seek Your mercy and Your grace. In the sweet name of Christ, our Lord, we ask. Amen."

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

Olson 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 Van Dwyne, would you come to the podium please? Take the record, Mr. Clerk. With 166 Members answering the Roll, a quorum of the House is present. Page two of the Calendar, under the Order of Senate Bills Third Reading appears Senate Bill 1599, are you ready for that, Representative Miller? Out of the record for now. Senate Bill 1654, Representative Telcser. Representative Telcser. Representative Telcser. Senate Bill 1654."

Telcser: "Mr. Speaker, we have to take that out of the record for a few minutes. We still haven't heard from some of the parties who have an interest in the Bill."

Speaker Ryan: "Out of the record. On the Calendar on page two under the Order of Concurrence, appears House Bill 396."

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

134th Legislative Day

June 28, 1982

Representative Hallock. Representative Hallock on the floor? Is the Gentleman in the chamber? Out of the record? Let me remind you folks that with your help we could be out of here tomorrow at a reasonable hour. But if we proceed...if you continue to take your Bills out of the record and don't have them called, we're liable to be here a week from tomorrow. House Bill 1607, Representative Keane. Read the Bill."

Clerk Leone: "House Bill 1607, amends the Revenue Act together with Senate Amendments 2, 3, 4 and 5."

Speaker Ryan: "Representative Keane on House Bill 1607."

Keane: "Mr. Speaker, could I go to House Bill 1254?"

Speaker Ryan: "No, we're on 1607 right now, Representative."

Keane: "Okay."

Speaker Ryan: "Your Bill."

Keane: "I'd ask you to take it out of the record."

Speaker Ryan: "Out of the record. House Bill 1925, Representative Hallock. Read the Bill."

Clerk Leone: "House Bill 1925, a Bill for an Act to amend the Illinois Identification Card Act together with Senate Amendment #2."

Speaker Ryan: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. If you recall, House Bill 1925 is the State Benefits Fraud Act. It was drafted pursuant to investigation of the Channel 13 in Rockford, Channel 7 in Chicago and the Chicago Tribune which showed that about 66 million dollars per year is being given out to illegal aliens because of fraud use by fake I. D.'s. Fraud is also used by those who want to cash fraudulent checks, pretend to be of adult age when they're actually minors and other purposes. As a result it's cost the state millions of dollars each year. This Bill was drafted to solve that problem. As the Bill comes back from

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

134th Legislative Day

June 28, 1982

the Senate, it was amended in Senate Amendment #2 which amends the Act and broadens its scope to provide a State Benefits Fraud Act which in essence says that those who are caught using fake I. D.'s, the evidence can be used in court against them and we also create a government Act prohibiting fake I. D. use. I would ask for your support of this Amendment, and concur therewith."

Speaker Ryan: "Any discussion? The question is, 'Shall the House concur in Senate Amendment #2 to House Bill 1925?'. This is final action. 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 144 voting 'aye', none voting 'no', 8 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1938, Representative Kulas. Representative Kulas, 1938? You're not ready to call that Bill, Representative? Come to the podium, Representative Kulas? House Bill 2039, Representative Huskey. Representative Keane, for what purpose do you seek recognition?"

Keane: "Mr. Speaker, if you want, I'm ready to go on House Bill 2038."

Speaker Ryan: "That's good to know, Representative. I'll keep that in mind. We're now on..."

Keane: "Thank you very much."

Speaker Ryan: "...2039, Representative Huskey? Out of the...You want to read ...hear your Bill, Representative? You want to go with your Bill? House Bill 2039, read the Bill."

Clerk Leone: "House Bill 2039, a Bill for an Act in relationship to Public Aid recipients and the enforcement of support obligations together with Senate Amendments #2, 3, 6 and 7."

Speaker Ryan: "Representative Huskey."

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

134th Legislative Day

June 28, 1982

Huskey: "Well, Ladies and Gentlemen of the House, House Bill 2039 is the child support Bill. It's mainly the Bill to clean up the Child Support Act in Cook County. When we drafted this Bill we assured Cook County that there would no cost to the county in administrating the Bill, and it wound up that in the first five months that that's been in operation it wound up there was a deficit that the state had to pick up, the deficit. What we're trying to do is to get it in line with the 4-D program. The government will pay all the expenses and that's mainly the text of the Bill. There's been some Amendments hung on it in the Senate. One Amendment was in case of deceased parents that the grandparents could be granted permission to visit the grandchildren. And that's just about all..all it amounts to. If there's any legal questions on the divorce proce..er..on the grandparents visitation, Harry Leinenweber is an expert in that field and he'd be happy to help us answer some questions."

Speaker Ryan: "Any discussion? The Gentleman from Macon, Representative Dunn."

Dunn, John: "A question of the Sponsor. As..As I read my analysis of Amendment 7, it indicates that support payments can be collected for up to four months after the recipient ceases to be eligible for public assistance. Is that correct?"

Huskey: "That's right, but ..that's right."

Dunn, John: "And how does this affect the support obligation if, for example, custody would shift to the..to the other parent, or what if there's not an arrearage? How are all these details taken care of in this legislation?"

Huskey: "That's handled through...State that a little more specific, will you? Give me an example."

Dunn, John: "Well, if..what if there is no arrearage?"

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

134th Legislative Day

June 28, 1982

Huskey: "It wouldn't...It wouldn't be...needed to be collected if there was no arrearage."

Dunn, John: "That's what I would think. But as I read this it says that the Public Aid Department may continue to collect child support for a period of four months thereafter, regardless of whether the custodial parent has authorized the Department to do so. Is the.."

Huskey: "All right.."

Dunn, John: "Is the legislation specific to provide that ..that if there is no arrearage, payments cannot be collected?"

Huskey: "All right. If..If the payments were being paid automatically it would never have been being collected by the Department of Public Aid in the first place. In the second place, and this only applies to Cook County, Representative Dunn. In the second place, if there is arrearage, then in order for the books and everything to work out properly and the county..er..the collectors of the state to get their money, they need to go on that four months to wind it down. Otherwise we have to call in the woman to sign the 4-D program and all that all over again. So they can give them this leeway..."

Dunn, John: "Well, I can't..."

Huskey: "..The woman gets her money. The state doesn't keep her money. She gets the money."

Dunn, John: "What if the arrearage is two years? Can you only collect four months' worth of payments? How does this work?"

Huskey: "Well, now no. That..that would go back before. If the arrearage is two years, that's up to the..to the..to them to collect it. This is for the occurrence of time the woman goes off of relief. And I'm using the word 'woman'. It could be a man, but in most cases it's women. The time the woman goes off of Public Aid, this is only the lapse

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

134th Legislative Day

June 28, 1982

between that time and at the end of four months if she wishes to continue with the support payments through the 4-D program or if she wishes to sign a contract to let her ex-spouse pay her directly. That's all it amounts to. If there's a two year arrearage, that wouldn't even be considered under this Bill. They would be trying to collect that before it would be turned over."

Dunn, John: "Are you saying that this legislation has nothing to do with arrearages then?"

Huskey: "Not this..not this particular Amendment, no."

Dunn, John: "It only has to do with ..with the continuity of the payments?"

Huskey: "That's right. House Bill 24, which is in...been the law since the first of the year, takes care of the arrearage."

Dunn, John: "All right. Thank you."

Speaker Ryan: "Further discussion? The Gentleman from Champaign, Representative Johnson. Just a minute, Tim. Mr. Doorkeeper, there seems to be a lot of people on this floor that don't belong here. Would you clear the floors please? Proceed, Representative Johnson."

Johnson: "Representative Huskey, I want to ask you a couple of questions about the great-grandparents visitation Amendment. But I also, prior to that, want to ask you, you indicated that's the only substantive Amendment that was enacted in the Senate. Is that right?"

Huskey: "To my knowledge, yes."

Johnson: "Well, what about Amendment #3 that creates a joint custody provision in Illinois for the first time in almost 200 years? You don't consider that to be substantive?"

Huskey: "Mr. Speaker, may I yield to Representative Leinenweber who's..."

Johnson: "Representative Huskey, you're the Amendment..you're the..the Sponsor of the Bill. I want you to answer the

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

134th Legislative Day

June 28, 1982

question for me."

Huskey: "Mr. Speaker, may I yield to Representative Leinenweber?

He's agreed to handle this.."

Speaker Ryan: "Yes. Yield to Representative Leinenweber."

Huskey: ".....Amendment.."

Johnson: "I didn't direct my question to Representative Leinenweber because he's not the Sponsor of the Bill..."

Speaker Ryan: "Representative Johnson, do you want an answer to the question?"

Johnson: "I'd like the Sponsor to give me an answer."

Speaker Ryan: "Well, I think Representative Leinenweber can answer your question if you want the answer."

Johnson: "Okay, as long as..."

Speaker Ryan: "Representative Leinenweber."

Johnson: "...We're not calling on anybody at random, go ahead.."

Leinenweber: "Thank you, Mr. Speaker. We have examined the effects of the various Senate Amendments and essentially there are two substantive new provisions. One is...has to do with the grand parental visitation rights, and secondly, joint custody. As far as the grand parental visitation rights, currently, in the Probate Act where both parents have died, and the children have not been adopted, grand parents may, unless they're..it is shown that visitation would be detrimental, currently have the right to obtain an Order of Visitation. The effect of Amendment #2 would extend to grandparents, or great-grandparents, whose own offspring have died and where the court determines it is in the best interests and welfare of the minor to have visitation...This is permissive. It is not mandatory on the court. The other provision is...it allows joint custody when the child's best interests and when both parents agree, which is essentially the Bill that Representative Catania sponsored that went out of this

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

134th Legislative Day

June 28, 1982

House with rather hefty margins. So, it is in some respects a family Christmas tree, but the ornaments are not novel."

Johnson: "Representative Leinenweber, I guess, since you're responding to the questions I might as well direct the rest of them to you. Would..would the grandparents and great-grandparents visitation provisions, where an offspring, or I presume the child of an offspring, had died, be applicable even where there's been a subsequent adoption? What if.."

Leinenweber: "It would be possible for a court under those circumstances to award visitation rights to the grandparents if the court determines that it was in the best interests and welfare of the minors to have this visitation rights. I assume a court would take that into consideration, subsequent adoption."

Johnson: "But how would that dovetail with the provisions we've always had in Illinois law where there's a presumption that upon adoption, all the previous records of parentage are..are, in effect, sequestered, in effect, prohibited from disclosure? How...how would that...how would those two provisions dovetail with one another? Don't they seem to be somewhat inconsistent objectives and goals?"

Leinenweber: "Well, in the event where a parent is dead and an adoption by the surviving parent in those circumstances the..the records are not such...in other words, it's not the type of adoption that you're talking about where all the records are impounded. I mean, in that particular instance, every...it's public knowledge who the adoptive parent is because the natural parent is one of the adoptive parents."

Johnson: "But nonetheless, there's a new birth certificate issued and everything else, the same as if any..in any other

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

134th Legislative Day

June 28, 1982

adoption."

Leinenweber: "That's...that part is true."

Johnson: "It would seem to me to be a little bit ...a little bit contrary to the goals of what we're trying to do if we had parents who had children, one died, the surviving parent remarried, they formed a new family and then a court had discretion to award custody to the deceased parents' parents or parents of parents..."

Leinenweber: "We're not talking about custody. We're talking about..."

Johnson: "No. I mean...I...visitation. I understand that. It also seems to me, Mr. Speaker, Members of the House, that provisions such as contained in this Bill - and I think Representative Leinenweber has fairly and accurately described this Bill - really try to combine about four or five or at least two or three very controversial concepts in a Bill that I think, as it originally came out that Representative Huskey sponsored, was one that had full Committee consideration and was considered, I think, positively on the merits of what's a totally unrelated concept. I think Representative Jaffe will probably be able to address himself to the concept of joint custody cause he, more than any other Member in this House, has had an opportunity to read and examine what I think are some substantial drawbacks to the concept of joint custody. I've spoken out on a number of occasions in the past, as have other Members of this House, about what...what we're really doing to the unitary family, the nuclear family concept, when we allow visitation by a court to great-grandparents and grandparents and particularly in situations where a deceased parent obviously has died and then there's been subsequent adoption and remarriage and so forth. So, I..I would sooner see us be able to nonconcur

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

134th Legislative Day

June 28, 1982

on this and send it back and let the Bill pass as it was originally intended to pass in the substance of Representative Huskey's Bill and House Bill 2039."

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

Jaffe: "Well, yes, Mr. Speaker and Members of the House. I rise in opposition to Amendments 3 and 6 which basically deal with joint custody. I think that the concept of joint custody sounds terrific. It's a great concept for lawyers, but it's really, as I've said on the floor of the House on many occasions, a bad, a very bad, concept for kids. What you basically have is you have a situation wherein this law is merely granting more of what actually is the law at the present time. At the present time you can have joint custody where the courts agree to it and where both parties agree to it. However, to put it in the statute books, I think we're really opening the door and saying to everybody, 'Now, let's go in and litigate the concept of joint custody'. What you have is leading psychologists really opposing this concept. Now, why do they oppose the concept? Because basically children need direction and everytime you get a joint custody case, unless you really have an unusual situation where both parties can actually agree, or you have a situation where there's conflict and conflict to the child. You say to two people, 'We know you can't agree on almost anything in the whole world, so the last thing that we're going to leave you to deal on is we're going to leave you to deal on the custody of the child, and what happens to this particular child'. If you look at the law cases I think you would be astounded. You would find cases wherein both parents take one child and really enroll that same child into two different schools. You have cases where the children are just torn apart and

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

134th Legislative Day

June 28, 1982

the child is really the last vestage of hate where these two particular people who can't get along anyway can actually sit down and negotiate and pull this child apart. If you've read any of the materials with regard to joint custody you have to realize that most of the psychologists in this country, most of the psychiatrists in this country, really oppose this concept except in the situation where there is a very, very unusual situation if both parties can agree and the courts can agree and so on and so forth. But to put this in a statute book and have us now negotiate and have us add this as part of every divorce case, I think, is sheer folly. As I say, it's a great concept for lawyers. It's going to make lawyers an awful lot of money. But it's a bad concept for kids. What you're going to do is you're going to find more and more kids torn apart because they're going to get caught in this crossfire of joint custody. That being the case, I would rise in opposition to the two Amendments dealing with joint custody, suggest that we nonconcur. Send it back. Let's take these two Amendments off and then pass this particular Bill."

Speaker Ryan: "Representative Stearney. Representative Peters in the Chair."

Stearney: "Would Mr. Leinenweber yield?"

Speaker Peters: "Indicates he will."

Stearney: "Mr. Leinenweber, directing my..your attention to Senate Amendments #3 and 6 which deal with the concept of joint custody, I looked at the analysis, and I wish to ask you if joint custody can be awarded if one of the parties objects."

Leinenweber: "That's correct. They cannot award joint custody if either party objects."

Stearney: "Well, in the staff analysis that's on my desk here on yellow paper, second paragraph on top of page two, seems to

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

134th Legislative Day

June 28, 1982

give the impression that the court can modify that joint custody agreement even if one party objects."

Leinenweber: "That's true. You're talking about two different things. You're talking about..."

Stearney: "Well, how am I talking about two different things now, Sir?"

Leinenweber: "You're talking about awarding joint custody and modifying joint custody."

Stearney: "Well, first of all then, we suppose that both parties agree to joint custody. True?"

Leinenweber: "Right."

Stearney: "Then, next one of the parties moves to modify the joint custody agreement and the other parent objects. True? And now we have a contest."

Leinenweber: "Correct."

Stearney: "Okay, so to make matters simple we must assume that we've got...this is going to affect contested joint custody matters as well."

Leinenweber: "And what?"

Stearney: "This is going to affect contested joint custody matters."

Leinenweber: "Well, they wouldn't be contested until there was an attempt to modify."

Stearney: "Well, it's contested then."

Leinenweber: "Yes."

Stearney: "Well, you seem to be begging the question. Now let me go on and ask you. What is joint custody? Would you tell the Members of the House since it's a rather important concept how you split the child in two."

Leinenweber: "Joint custody means joint legal custody, joint physical custody or both joint legal custody and joint physical custody. The only..."

Stearney: "Well, how do you have joint physical custody, Mr.

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

134th Legislative Day

June 28, 1982

Leinenweber?"

Leinenweber: "Joint physical custody meets the...means that physical custody is shared by the parents in such a way as to assure the child or children of frequent and continuing contact with both parents."

Stearney: "Well, I know this is a concept that originated in the great state of California, but can you tell us how a mother and a father would divide that child physically? Since we cannot do it simultaneously, how is it practically implemented?"

Leinenweber: "Because of the fact that the joint custody could only be awarded - by agreement of both parties - they would agree to the various aspects of joint physical custody. We're not talking about the Solomon sense."

Stearney: "Well, you just mentioned, however, that if one of the parties moves to modify that joint custody agreement the other party can object and you have a contested joint custody agreement."

Speaker Peters: "Excuse me, Representative. Will you give the Gentlemen your attention and those who are conducting the conferences at the rear, if you would please take those discussions outside the chamber. Thank you. Proceed, Sir."

Leinenweber: "Was that a question or a comment?"

Stearney: "Well, it was a question. How do...Getting back, how do we divide the child?"

Leinenweber: "As I said, you do that by determining the frequency and the continuity of contact of the child vis-a-vis both parents."

Stearney: "Yes, that's a very general statement and I see you smirking at that. But can you give us a specific example of how we can divide a child..."

Leinenweber: "How can you see me smirking? My back is to you."

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

134th Legislative Day

June 28, 1982

Stearney: "You turned to the side, Mr. Leinenweber. You weren't very shrewd. Now, can you answer the question?"

Leinenweber: "Repeat the question."

Stearney: "Would the court reporter read it back? I forgot it. Mr. Leinenweber, how can we divide this child physically? How can the parents agree to divide the physical custody of this child?"

Leinenweber: "The father takes him on..."

Stearney: "And give me a specific example."

Leinenweber: "Well, there could be a myriad of ways. The child..."

Stearney: "Give me one."

Leinenweber: "Like a real estate time share. You get them on July, September, December or Saturday and Sunday. About any way that a fertile mind could devise."

Stearney: "Well, can't the court do that now in arranging visitation privileges? They do it. They say you have the child on Saturdays and Sundays, alternate weekends, two or three weeks during the summer and Christmas and so forth. Why do we need this here if the court's already have this inherent power?"

Leinenweber: "Well, it's a difference between custody and visitation rights, and you...I think you are aware of the difference between custody and visitation rights."

Stearney: "Well, then would you tell us why we need this? Why we need this Bill in the State of Illinois?"

Leinenweber: "The difference between the custody and visitation is when you have custody, you have equal rights and responsibilities regarding decision-making and the overall...about the overall well being of the child. Where if you have visitation, you ...you merely have visitation; you cannot make these decisions such as to have to do with the well being of the child."

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

134th Legislative Day

June 28, 1982

Stearney: "I agree. Let me just ask you one further thing. Have any of the Appellate...has any of the Appellate Courts spoken on this question or the Supreme Court in Illinois?"

Leinenweber: "I'm not familiar...I'm not aware that they have."

Stearney: "So no...Has any trial court awarded joint physical custody?"

Leinenweber: "Yes, I think there have been instances where trial courts have done so."

Stearney: "Okay. And, none of these matters have been appealed?"

Leinenweber: "Not to my knowledge."

Stearney: "Okay. Well, Ladies and Gentlemen of the House, I think before we concur in this Amendment here, we should be very careful as to what we're doing. Because we're hoping to divide the child jointly and physically, and it presents certain problems. Now, I don't know how well the State of California has worked these out, but I think we should allow the courts to ponder this question for some time before we enact legislation implementing such a proposal. I don't know whether it's good or bad. But, best we leave it to the courts for a while to see how they handle it, and if, in the future we were to think that the courts were bungling on this issue or doing something that was against the social conscience, the people of Illinois, then I think we should step in. But until then I do not think that we should concur in Senate Amendments #3 or 6 which means the entire Bill at this point, and let it go back...take it back to the Senate or...and let them handle it from there. But at this time we should be voting 'no'."

Speaker Peters: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I find this subject very close to my heart. And I would like to take just a moment of your time, when we discuss joint custody. First of all, I have joint custody with my three

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

134th Legislative Day

June 28, 1982

children. And I can tell you that it is a tremendous feeling to be able to have some input into those children's lives once you're separated from them. This has worked extremely well in my own personal case, and I don't think there's anything in life that gives us a better basis for making a decision than some good personal experience. This Amendment doesn't say you have to have joint custody. It says the court is permitted to grant joint custody. I think that our courts have enough wisdom to decide whether a couple can handle joint custody. I'm sure it's not something that should be granted in every divorce case. In this case, in my case, for the last four years it's worked extremely well. Not only has it been good for Tom Ewing, I think it's been good for my children. And I certainly, I certainly think we ought to put this in the Illinois statutes. It's permissive. Let's allow other people to have that good feeling also."

Speaker Peters: "Representative Catania."

Catania: "Thank you, Mr. Speaker. I just wanted to say that Representative Ewing speaks from personal experience, points out that this is permissive and that the first time we debated it we heard the same arguments against it. But it passed 138 to 16, and I hope everybody will vote 'aye'."

Speaker Peters: "Representative Catania, I'm sorry. There are other Members who wanted to...All right. Representative Brummer. Further discussion."

Brummer: "Yes. Very briefly, a couple of questions of Representative Leinenweber with regard to House..er..Senate Amendment #2 concerning grand-parental visitation. I read the existing language and it says, '...the court has reasonable ...may grant reasonable visitation privileges to a grandparent'. What is added by the new Amendment?"

Leinenweber: "That has been construed to be only divorce

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

134th Legislative Day

June 28, 1982

situations.."

Brummer: "Well, the reason I thought it only...it was construed to be only divorce situations was because it was in a family..family law Chapter, and what we're doing here is amending the same Section. Now, Representative Catania's Bill that had passed out of here previously that I had worked with her on, amended the Probate Act because I..I thought it was appealing to staff that that was a more appropriate place for the Amendment. And the reason that we decided not to amend Section 607 is because it only does deal with instances where the parents are divorced or legally separated. And I, for the life of me, in reading this language cannot understand how we're adding anything additional to the statute."

Leinenweber: "Well, it..I've been advised by staff that it fits there. It probably should have been put in the Probate Act, but we're here on a concurrence and it will get the job done. If you're for grandparental visitation in this particular situation, this will grant authority to a court to do that. It might be a little difficult for lawyers to find. But once they find it, I'm sure that..."

Brummer: "But if you have the language in front of you, the Amendment in front of you, the language immediately prior to the new language says the court may grant reasonable visitation privilege to a grandparent or grandparent (sic, great-grandparent) of any minor child upon the grandparent or great-grandparent's petition to the court. I just simply don't understand how the additional four or five lines that we're adding add anything new to that."

Leinenweber: "All right. All right. This Section is part...where it's located in the Marriage and Dissolution of Marriage Act is located in such a way that it's obvious that this particular language, pre-existing language, in

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

134th Legislative Day

June 28, 1982

Section 607 applies only to a divorce setting. That's why the additional language was necessary. Now, I think we would agree that this language more properly should have gone to the Probate Act, but it wasn't put there. So..But it will get the job done."

Brummer: "Okay the second question is, and maybe primarily for the purpose of establishing legislative intent with regard to this new language - do you have any intention with regard to this Amendment in any way of jeopardizing the impoundment of adoption records?"

Leinenweber: "Well I..first of all, I'm not the Sponsor of the Bill. And I didn't draft the Amendment. It was my understanding there is no intention in regarding impound...to make records that are otherwise impounded by law available to the public."

Brummer: "Well..."

Leinenweber: "It's my understanding that that is the intent..."

Brummer: "And more than the public..."

Leinenweber: "...As far as I was concerned, I would interpret it that way, that it would not create any right that doesn't exist to opening of records previously impounded."

Brummer: "Okay. Not only to the public, but also to grandparents or great-grandparents?"

Leinenweber: "Right."

Brummer: "Thank you."

Speaker Peters: "Representative Brummer? Representative Kustra."

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

Speaker Peters: "You've heard the question. 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 Huskey to close."

Huskey: "Well, Mr. Speaker, first I want to thank Representative

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

134th Legislative Day

June 28, 1982

Harry Leinenweber for handling the legal aspect of...the very complicated legal aspect of this complicated Bill in regards to the visitation rights. House Bill...One of the Amendment #2 passed out of the House 140 to 6. Amendment #3 passed out of the House 138 to 16. And Amendment #7 is..is the...House Bill...It's a correction to clean up the Act of House Bill 24 at the request of the Department of Public Aid and of the Clerk of the Circuit Court in Cook County. And, I move for its...I move that we concur with House Bill 2039."

Speaker Peters: "The question is, 'Shall the House concur in Senate Amendments 2, 3, 6 and 7 to House Bill 2039?'. Final action. 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? Representative Yourell to explain his vote."

Yourell: "Just briefly, Speaker. I read reams of copy of news releases in our local papers about this Bill when it passed out of the House originally, and I really don't know how I can vote for it since the author of the Bill really can't explain it. And, so I'm going to be voting 'present'."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 138 voting 'aye', 10 voting 'nay', 13 voting 'present'. And the House does concur in Senate Amendments 2, 3, 6 and 7 to House Bill 2039 pass...2039. This Bill, having received the Constitutional Majority, is hereby declared passed. Concu..the Order of Concurrences, House Bill 2266. Representative McBroom? Mr. Clerk?"

Clerk O'Brien: "House Bill 2266, a Bill for an Act to amend the Illinois Drainage Code together with Senate Amendment #1."

Speaker Peters: "Representative McBroom."

McBroom: "Yes, Mr. Speaker, is Representative Brummer on the

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

134th Legislative Day

June 28, 1982

floor? Mr. Speaker, Representative Brummer has some serious concerns about this measure which I'm inclined to feel are quite legitimate. I move to nonconcur and send this to a Conference Committee and see if we can't resolve the situation."

Speaker Peters: "You've heard the Gentleman's Motion. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion...In the opinion of the Chair, the 'ayes' have it. The House nonconcur in Senate Amendment #1 to House Bill 2266. House Bill 2310, Representative Hastert? Out of the record. House Bill 2430, Representative McAuliffe. Out of the record. House Bill 2502, Representative Bower. Mr. Clerk?"

Clerk O'Brien: "House Bill 2502, a Bill for an Act to amend certain Acts regarding various state taxes together with Senate Amendment #1."

Speaker Peters: "Representative Bower."

Bower: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. 2502 is the Department of Revenue's tax enforcement legislation. The Amendment added in the Senate is very properly added, I believe. It strictly limits the peace officer status of Department of Revenue fraud agents which number 20 or 25, to those instances in which only tax legislation is involved and nothing else. I would move to concur."

Speaker Peters: "Any discussion? Representative Bowman."

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

Speaker Peters: "Indicates he will."

Bowman: "Representative Bower, refresh my memory. I seem to recall having voted on this once before, perhaps was it this last Saturday? Is that correct?"

Bower: "That may be."

Bowman: "I further seem to recall that we defeated it at that

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

134th Legislative Day

June 28, 1982

time. Is that correct?"

Bower: "The Clerk just called the Bill and I'm ready to vote on it."

Bowman: "Well, okay. Representative Bower, let me refresh everybody's memory, especially those people who were here on Saturday. This...This Bill was called on Saturday and was resoundingly defeated because, although the..the Amendment is..is not bad, the underlying Bill is awful and would increase penalties on senior citizens who..who perhaps may mistakenly fill out their Circuit Breaker forms incorrectly and could be held guilty of a fraud. And, the underlying Bill has to do with increasing penalties on Circuit Breaker tax relief program. There was no suggestion made by the Sponsor in debate at that time that there was actually a problem there that needed solving. So it's really questionable as to why we need the whole Bill. And I would just urge a 'no' vote. We've defeated this once before. Let's do it again."

Speaker Peters: "Further discussion? Representative Vinson."

Vinson: "Thank you, Mr. Speaker. I might point out to the Members of the House that the last Gentleman who spoke has been for adding patronage workers to the DOT payroll. He's been for paying the state police out of the General Revenue Fund rather than using that money for children in need. He's voiced opinions on nuclear war in this Session of the General Assembly. What he really comes down to right now, he's opposing cracking down on tax cheats. He is opposing cracking down on tax cheats..."

Speaker Peters: "Representative, excuse me. Representative Leverenz, for what purpose do you seek recognition?"

Leverenz: "...The Gentleman confine his remarks to the Bill before the House."

Speaker Peters: "I believe he is intending to work his way to

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

134th Legislative Day

June 28, 1982

that, Sir."

Leverenz: "Very round about, but get him on track."

Speaker Peters: "A little leeway. Proceed, Sir."

Vinson: "Now, Mr. Speaker, when he opposes increasing penalties on tax cheats, all he does is take away money from the good causes the government can help, the causes that he always wants to spend more money on. What he's doing is trying to protect tax evasion flat out, simply. That's his point. Mr. Speaker, the Gentleman is the 'Betty Crocker' of the Legislature. He has a recipe for every occasion. The problem is that everyone is wrong. And I would urge we support Mr. Bowman's Bill (sic, Bower's) rather than Betty Crocker."

Speaker Peters: "Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, the Gentleman from Cook a few moments ago said this Bill had been resoundingly defeated on Saturday. I don't call 86 'aye' votes a resounding defeat, and as I recall, we have the Roll Call on that so that we do know that it is 86 'aye' votes. It was not put on Postponed. Further, the Gentleman also said that this would get at senior citizens who had merely made an unknowing mistake. The Gentleman knows perfectly well that this legislation has been carefully crafted so that those people who are innocent, who are not guilty of fraud, would not be prosecuted under this statute, only those cheats who are trying to get something away from the senior citizens who deserve it, only those who are not deserving of it would be prosecuted under this legislation. He knows very well that he is just pulling a red herring across this Bill. And I urge the adoption of this concurrence Motion. Thank you."

Speaker Peters: "Representative John Dunn."

Dunn, John: "Well, Mr. Speaker and Ladies and Gentlemen of the

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

134th Legislative Day

June 28, 1982

House, I, too, would just like to add to and emphasize that this certainly does appear to be exactly the same Bill and exactly the same Motion that was considered in this chamber over the weekend. It's now only two days later. We're at the end of the Session. It looks like we can move on to other and different business instead of coming back again to beat senior citizens over the head, to beat them over the head with a Bill that might increase penalties in the event they make a mistake in filling out a Circuit Breaker form. When we have murder taking place on the street and when we have children going hungry and when we have the State of Illinois in very dire financial straits and when we're two days from the end of the Session, it looks like we could find other and better things to do than to increase the penalties against the senior citizens and to put them in a classification with prostitutes and those who solicit for prostitution because that's the same criminal classification that this..that this matter will be placed into. And I certainly don't think it's the same kind of action that requires such a stiffening of penalties. I think if we want to attack senior citizens, we should do it in a different way. And those who are for the senior citizens ought to, in good conscience, vote 'no' on this Bill and go home and tell the senior citizens what they have done. And I think they'll find that the seniors are glad that we haven't cluttered up the statutes needlessly with a Bill that addresses itself to that nasty element of senior citizens who are sitting around conspiring about how to defraud the State of Illinois. I don't think there's a rampage of those conspiracies up and down and across the breadth of the State of Illinois. And this Bill, again, should be defeated."

Speaker Peters: "Representative Ewing."

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

134th Legislative Day

June 28, 1982

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill came up in front of the Revenue Committee, and before it did, I had some concern about it. And we sat down with the Department and they worked very closely with us in refining this piece of legislation before it came to the Revenue Committee. There are some misconceptions here. If any of you know much about following..filing senior citizen Circuit Breaker forms, the fraud is not with senior citizens. It's with some of their children who illegally file them when they come to the house. It's with people who are in jail, younger people. Ladies and Gentlemen, if we continue to have this fraud, we may have to do away with the program. There's going to have to be something done to clean up that type of program. This isn't going to prosecute or pursue senior citizens. There's been some other comments made here which are untrue. First of all, this isn't out to get small business. What we really want to do is attack those people who are making a career of defrauding the State of Illinois of needed tax revenues, big-time criminals who have done it for years. And we talk about the police power. They currently have the police power. I mean, they currently have the power to go in without a search warrant. We're giving them some police powers to go with it, but only in three incidences: Number one, bingo palaces - and we've heard about bingo palaces this year - cigarette tax collections and coin amusement operations. Now, if law-abiding citizens and senior citizens are going to be drug out of their bed at night, they're sleeping in some rather strange places. Let's give the Department the authority they need. This brought in over five million dollars last year. We can help swell our shrinking treasury by just enforcing the tax laws we have. I would certainly encourage a 'yes' vote."

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

134th Legislative Day

June 28, 1982

Speaker Peters: "Representative Bell."

Bell: "Mr. Speaker...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 Bower to close."

Bower: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Representative on the other side of the aisle has once again tried to cover up..to give a smoke screen, to make this appear to be an anti-senior citizen's Bill, when senior citizens' Circuit Breaker tax protection is only a very, very, very small portion of the Bill. It's estimated that the State of Illinois loses over three hundred million dollars a year in tax evasion. This legislation would increase the penalties in income tax fraud, motor fuel tax fraud, retailer's occupation tax fraud, cigarette tax fraud and in the area of Circuit Breaker tax fraud. I asked the Department of Revenue to put together some statistics on the fraud cases that they had prosecuted within the last year. In the last fiscal year there were only a handful of Circuit Breaker tax fraud cases that were prosecuted. And one of those was for an inmate at the Cook County jail who filed seven tax...Circuit Breaker tax relief forms. Those are the kinds of cheats that we're going after. It's good legislation. It will help increase the revenue to the State Treasury without increasing taxes. I move to concur."

Speaker Peters: "The question is, 'Shall the House concur in Senate Amendment 1 to House Bill 20..2502, House Bill 2502?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. This is final action. Mr. Clerk? The voting is open. Have all voted who wish?"

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

134th Legislative Day

June 28, 1982

Representative Hannig to explain his vote."

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. As I did Saturday, I rise to oppose this Bill. It amends the Senior Citizens and Disabled Persons Property Tax Act, the Income Tax Act, the Bingo Act. I believe that the Department of Revenue is simply looking for more means to intimidate some of the taxpayers of this state, to threaten them in order to make them settle when they don't owe taxes. I believe that this is a bad Bill, a bad precedent. It barely squeaked out of the Senate after being Postponed...put on Postponed Consideration. I would urge a 'no' vote on this Bill."

Speaker Peters: "Representative Ewell to explain his vote. No? Representative Brummer? No? Representative Brummer."

Brummer: "Yes. No, this is on the Order of Concurrence. If we do not concur it will go to Conference Committee. It seems that everyone is concerned about the senior citizens' issue on this side of the aisle. There are certainly some other very important aspects of this Bill which are very worthwhile. If the senior citizens Circuit Breaker relief forms were removed from this, as they can be in a Conference Committee, this would be a very acceptable Bill. We ought to nonconcur at this point. We ought not to concur. We ought to send it back to the Conference Committee to remove the senior citizens from the increased penalty with regard to Circuit Breaker. Have that removed from the Bill in Conference Committee and we can pass the Bill then with the other provisions."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 101 voting 'aye', 51 voting 'nay', 19 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 2502. This Bill, having received the Constitutional Majority, is

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

134th Legislative Day

June 28, 1982

hereby declared passed. Representative Levin, are you ready? Representative Levin? Are you ready? House Bill 2135, Representative Levin. Mr. Clerk?"

Clerk O'Brien: "House Bill 2135, a Bill for an Act to change the dates of Chicago mayoral elections and certain other elections whenever they conflict with the celebration of Passover together with Senate Amendments #1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15 and 16."

Speaker Peters: "Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. When this Bill passed out of here it was five pages long. When it came back, it was a little bit longer than that. My underlying interest is in getting the underlying Bill to the Governor, but there were a number of Amendments that were added in the Senate. And, accordingly, I'm going to make two Motions, one in terms of Amendments I'd like to concur in, and secondly, in terms of Amendments I'd like to nonconcur. If anybody wants to separate anything out, I'd be happy to accommodate. I move to concur in Senate Amendments #1, 2, 4, 5, 6, 10 and 15. I will then move to, after that, to nonconcur in Senate Amendments 7, 8, 9, 13, 14 and 16. Okay. Amendment #1 is the State Board of Elections computer voting Amendment, including a five percent automatic recount. Amendment #2 deals with clustering of election Judges. Reduces the mandatory number of election Judges in clustered precincts during emergency referendums. Amendment #4 deals with multi-township caucuses and requires them to be conducted in the same manner as township caucuses. That's for multi-township assessors. Amendment #5 requires that only the county clerk of the county in which the candidate resides, where the candidate resides in more than one county, must provide him or her with disclosure material.

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

134th Legislative Day

June 28, 1982

Amendment #6 is voting procedures for hospitalized voters. It's identical to the Bill that Representative Giglio passed out of the House earlier last year. The Amendment #10 mandates that vacancies in the Office of Election Commissioner be filled by appointing...appointment of the court within 60 days. I believe this applies to the Chicago Board of Election Commissioners and to other jurisdictions. Amendment #15 allows referendum on changing the term of school board members to be held at any regular scheduled election. Right now, these elections...these referendums can only be held at school elections. It provides for a transition of terms and also revises the transition of terms for community colleges to trustees. I would move to concur in Amendments 1, 2, 4, 5, 6, 10 and 15 at this time if there are no questions."

Speaker Peters: "Discussion? Representative Schneider."

Schneider: "Thank you, Mr. Chairman (sic, Mr. Speaker). Ellis, I didn't hear you on the school board language."

Levin: "Glen, I'm ...these are the ones we're concurring in. I have not...I made a Motion in terms of Amendments 8 or 9. I'm going to move to nonconcur in those and several other Amendments."

Schneider: "Well, was that...the school board one is a concurrence or a nonconcurrence? I thought you said that school board elections can be held on any election."

Levin: "This is the referendum to change the term. It is #15."

Schneider: "One more time and then I'll...It's the what?"

Levin: "Okay. All right. The...Glen?"

Schneider: "Ready."

Levin: "The referendum...this applies to the referendum that is currently allowed to change the term of school board members from...I think it's four to six years. Under existing law, that referendum can only be held at the time

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

134th Legislative Day

June 28, 1982

when school board elections can be held which is once every two years."

Schneider: "Now I understand. I've got it."

Levin: "This Amendment would allow it at any of the consolidated dates."

Schneider: "Thank you."

Speaker Peters: "Representative Winchester."

Winchester: "Thank...Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I am the Chairman of the House Elections Committee and staff on our side of the aisle and staff on the Democrat side of the aisle have been working with Representative Levin and myself on these concurrences and nonconcurrences. I would ask that this side of the aisle support his Motions to concur and to nonconcur so that we can get this Bill into a Conference Committee because there are many issues that this House sent to the Senate that has been cut out, that needs to be put back in and we can only do it in a Conference Committee."

Speaker Peters: "Further discussion? There being none, Representative Levin."

Levin: "Yes, Mr. Speaker, I would at this point move to concur in Amendments 1, 2, 4, 5, 6, 10 and 15."

Speaker Peters: "You've heard the Gentleman's Motion. The question is, 'Shall the House concur in Senate Amendments 1, 2, 4, 5, 6, 10 and 15 to House Bill 2135?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk? The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 164 voting 'aye', 3 voting 'nay', 2 voting 'present'. And the House does concur in Senate Amendments 1, 2, 4, 5, 6, 10 and 15 to House Bill 2135. Representative Levin."

Levin: "Mr. Speaker, this time I move to nonconcur in Amendments

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

134th Legislative Day

June 28, 1982

7, 8, 9, 13, 14 and 16."

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

Pullen: "I ask that the question be divided, Mr. Speaker."

Speaker Peters: "Alright. Representative Levin, do you know the problem here?"

Levin: "Yes. Penny, which ones do you want to divide? Eight and nine or just nine?"

Speaker Peters: "Seven and eight."

Pullen: "Mr. Speaker, I believe that when the question is divided that means that each part of it goes separately."

Speaker Peters: "Do you want to vote on each Amendment?"

Pullen: "My concerns are Amendments #8 and 9, but I don't know, parliamentarily, whether that can be divided out without dividing the entire question bit by bit."

Speaker Peters: "Yes."

Pullen: "If you can lump some of it..."

Speaker Peters: "Fine. Representative Levin, the Chair will take the Motion on 7, 13, 14 and 16. Please put that."

Levin: "Okay. Okay, so if I can understand where we are, parliamentarily, Mr. Speaker, you have separated out in my Motion Amendments #8 and 9, and so 'at this point my Motion to nonconcur is with respect to Amendments 7, 13, 14 and 16. Is that correct?"

Speaker Peters: "Fine, that's correct. You've heard the Gentle...You've heard the Gentleman's Motion. The question is, 'Shall the House not concur in Senate Amendments 7, 13, 14 and 16 to House Bill 2135?'. Those in favor will signify by saying..yes. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the House nonconcur in Senate Amendments 1, 3, 14...7, 13, 14 and 16 to House Bill 2135. Representative Levin."

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

134th Legislative Day

June 28, 1982

Levin: "Okay, alright. Mr. Speaker, let me say at the outset that I have no..no particular position on either 8 or 9. I do understand there is substantial opposition to both and we are seeking the guidance of the House in terms of whether or not the..the gist of these Amendments should be included in any Conference Committee Report if we do go to Conference Committee. Amendment #8 provides for back-door referendum information to be ended..to be added to mandatory publication of notices and I believe it also makes certain substantive changes in terms of back-door referendum. I...Amendment #9 deals with working cash bonds and back-door referendum procedures for downstate schools, and also I believe it makes it easier to have a back-door referendum. I believe that both of these extend the number of days for filing of petitions for back-door referendum from 10 to 30. It reduces the signature requirements from 20% to 10%. I know there is opposition to Amendment #8 from the Municipal League.."

Speaker Peters: "Excuse me..."

Levin: "...And to Amendment #9.."

Speaker Peters: "Representative Levin, so we don't get ourselves too far off track, the Lady did ask for a separation of the question on this. So, let us deal with one at a time."

Levin: "Okay."

Speaker Peters: "Alright?"

Levin: "Okay. I mean.."

Speaker Peters: "Eight or nine?"

Levin: "Yes..Alright."

Speaker Peters: "Which one?"

Levin: "I would just, you know, ask the Lady what her..her comments are?"

Speaker Peters: "Are you..are you going to move to nonconcur?"

Levin: "Yes, I will move to nonconcur in Amendment #8."

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

134th Legislative Day

June 28, 1982

Speaker Peters: "Alright, fine. Do you want to explain that now?"

Levin: "Okay. Okay. Amendment #8 deals with back-door referendum information which is to be added to mandatory publication notice. My understanding is that this Amendment increases the number of days that voters have to petition for a referendum from 10 to 30 days. And, it reduces the signature requirement for...from 20% to 10%. I believe the Municipal League is opposed to Amendment #8 in its present form."

Speaker Peters: "On that question, Representative Pullen."

Pullen: "Mr. Speaker, I can understand that the Gentleman is put into a difficult situation here, since this is not either his Bill or his Amendment. It's my Bill. And he misstated some of the information about this Amendment. It does not have anything to do with the number of days in which a back-door referendum petition can be filed or the number of signatures. What it says is that in the back-door referendum notice, which must already be published by a body of government proposing to do something that could cause a back-door referendum, the notice must contain the number of voters needed to sign the petition requesting the submission of the question to the electors so that those who might wish to circulate the petitions know how many signatures they need, the time in which the petition must be filed so that they know that, and the date of the perspective referendum. This is a very reasonable Amendment which simply gives voters in an area an opportunity to know what their rights are with respect to a back-door referendum. I would hope that the Gentleman would instead move to concur with this Amendment because it does not affect the requirements for a back-door referendum, but it only gives the public information. And

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

134th Legislative Day

June 28, 1982

I thought that this particular Sponsor was concerned about public information and giving voters rights. I urge the House to defeat the Motion to nonconcur, and if the Gentleman then does not move to concur, I shall do so. The Bill that is the subject of this Amendment and is exactly the same as this Amendment, which was added in the Senate, passed this House by a vote of 129 to 9. It is not a controversial Bill. It was not a matter of great concern or debate in this House. It passed by 129 to 9 so this House has already warmly endorsed the Bill that is this Amendment on House Bill 2135. I would hope that the Gentleman would reverse himself and move to concur with this Amendment, and then we could debate the next one."

Speaker Peters: "Representative Collins."

Collins: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I..I think the Lady is absolutely right. But rather than speaking on the Motion, at this point I would like to offer a substitute Motion that the House concur in Amendment #8 to House Bill 2135."

Speaker Peters: "The Chair accepts the Motion. The Motion now before us is, 'Shall the House concur in Amendment #8 to House Bill 2135?'. On that question, Representative Collins."

Collins: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I cannot add a good deal to what Representative Pullen has already said, except to emphasize the fact that this Bill did receive the overwhelming support of this House when it passed as a House Bill. As she said, it was 129 votes. My recollection is, it was 138 votes. It passed the House on the Short Debate Calendar. It is a provision that gives..that gives the voters information as to the back-door referenda for which they are being asked to act upon. I think it is reasonable. It is good legislation.

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

134th Legislative Day

June 28, 1982

I don't know why it has become a controversial issue, but I would solicit the support of this House for Amendment #8 to this Bill and of course, #9 which will follow."

Speaker Peters: "Further discussion? Representative Hoffman?"

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would point out to you as I'm sure many of you know that there ...this does not only affect the cities and villages, but it also affects counties, libraries, parks, schools, townships and other specific funds. In fact, it amends 12 or 13 Chapters in the Illinois Revised Statutes. The requirements which we place on local government are becoming more and more pervasive. I do not think that any of us would stand here and say that we should have or encourage uninformed citizenry. But on the other hand, it seems to me that some of that responsibility must rest...must rest with the units of local government. And, if we have confidence in local government, then I think we ought to establish the broad framework that's under which...the broad framework under which local government functions, and then leave the details to those units of local government that are affected. This is another example of what many of us have complained about, and as far as the Federal Government is concerned, in terms of the restrictive nature of legislation which has passed on the national level, and capped upon the...capped upon the states. We function under those...those laws, but perhaps would have been much more effective had we been left alone. I would suggest to you that this is another example of that, and I would rise in opposition to the Motion to concur. And let us take it back to a Conference Committee and see if we cannot reduce to whatever degree possible the requirements that are included in this Amendment and later Amendment #9, so it will not be such a burden and such a

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

134th Legislative Day

June 28, 1982

hardship on the local unit of government."

Speaker Peters: "Further discussion? Representative Levin, no?"

Levin: "Mr. Speaker, I would simply say that I will abide by the wishes of this House on this Amendment."

Speaker Peters: "Alright. Further discussion? Being none, Representative Collins...Representative Harry Smith."

Smith, Harry: "Mr. Speaker, Ladies and Gentlemen, while I appreciate what the Sponsor of this Bill is trying to do and I respect her very much, this is not just a simple Bill. I'm not so worried about an uninformed public as I am about an uninformed Legislature. This is a 91 page Bill. Certainly there are many technical and procedural problems that are in this Bill. Many of these problems will be landed right in the laps of the municipal clerks. For this reason I think we should nonconcur and send this to a Conference Committee to work out these problems."

Speaker Peters: "Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, this is a 91 page Amendment because there are so doggone many back-door referenda in the statutes. It does not do a whole lot of different things. It does a couple of little things to one thing that's repeated over and over in the statutes which is why it's so long. It says - and I think it's very reasonable - that a municipality or other unit of local government, school district, whoever, is going to have a back-door referenda or is taking an action that the public can, by right, under the statute, call a back-door referendum for, they must notify the public in that same notice - it's not a separate notice or anything of that sort - in that same notice, how many signatures are required to submit the question and the time in which that question..in which the petition must be filed, so that the people who are faced with the opportunity to call a

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

134th Legislative Day

June 28, 1982

back-door referendum do not have to spend days and days of precious petition passing time in research to find out just where they are in the situation. The Bill passed the House 129 to 9 last year, and the Senate has put it on this Bill as an Amendment. I urge you to support the Gentleman's Motion to concur in Senate Amendment #8."

Speaker Peters: "You've heard the Gentleman's Motion. 'Shall the House concur in Senate Amendment #8 to House Bill 2135?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk? The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 112 voting 'aye', 41 voting 'nay', 5 voting 'present'. And the House does concur in Senate Amendment #8 to House Bill 2135. Representative Levin?"

Levin: "Yes, Mr. Speaker, I move that we nonconcur in Senate Amendment #9. This Amendment deals with working cash bonds and back-door referendum procedures for downstate school districts..."

Speaker Peters: "Representative Levin? Excuse me. Representative Collins, substitute Motion?"

Collins: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. I would move that the House concur in Senate Amendment #9 to House Bill 2135 and I don't wish to be heard now, but I'd like to reserve that privilege."

Speaker Peters: "The Motion before us, 'Shall the House concur in Senate Amendment #9 to House Bill 2135?'. On that Motion, Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, the subject of this Bill was a Bill that passed this House by a vote of 109 to 36 last year. It has been warmly endorsed by this House in the past. It is a Bill that is a taxpayers' Bill concerning working cash fund bonds in

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

134th Legislative Day

June 28, 1982

school districts. Currently, school districts may issue working cash fund bonds, but their action is subject to a back-door referendum on that question. That back-door referendum petition must be signed by 20% of the registered voters in the district within 10 days. That is an unfeasible requirement. It is a joke to have such a back-door referendum in the law. It makes this law actually a no-referendum tax increase, not a back-door referendum tax increase because it's impossible to get that many signatures in so few days. This Amendment would change the requirement to the same number of days that people now have to file petitions for other types of school bond back-door referenda. It would make it uniform with other school bond back-door referenda provisions. It would extend the number of days in making it uniform to 30 days. It reduces the number of voters required to sign a petition from 20% to 10%, which also makes it uniform with other school bond back-door referenda so that the working cash fund bonds would be in the same situation as other school bonds. It does not affect other units of government, but it affects only school districts. It also has the information required in the Bill that we just adopted on Amendment #8 specifically for the case of working cash fund bond back-door referenda. This is a good Amendment for the taxpayers, Ladies and Gentlemen, to give them the opportunity to speak out on an issue that supposedly they now have that right to speak out on now, but that has been rigged to make it totally unfeasible for the people to call a back-door referendum. This is for the taxpayers, Ladies and Gentlemen, not to knock out working cash fund bonds altogether by any means, but for them to have the chance to speak out on that issue at the local level because the working cash fund bond issue could be a way of getting

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

134th Legislative Day

June 28, 1982

around the tax increase referendum. And the people should have the right to speak in a back-door referendum on that issue. They do not have that right under the law the way it is written now because of the unreasonable requirements, and this Amendment would make those requirements reasonable and feasible and the exact same requirements as for the issuance of other school bonds. I urge the adoption of the Gentleman's Motion to concur in this Bill..in this Amendment which, as a Bill, passed this House 109 to 36 last year. Thank you."

Speaker Peters: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. If there's any confusion over the last Amendment and this Amendment, it's how anybody could reasonably oppose it. It's not too often that we get a truly legitimate good government or pro-taxpayer or pro-citizen kind of Bill facing the Legislature. Both that last Amendment and this Amendment so qualify. Anytime there's to be a back-door referendum, notice must be placed in the newspaper. Both the last Amendment and this Amendment specify what information must go in. It's not going to cost the units of local government any more. It's simply going to provide a better informed electorate. It also makes it a bit easier for such an electorate to have a chance on voting whether or not they indeed wish to go along with the tax increase that brought about the back-door referendum. I think anyone who looks into this Amendment, if they look into it after the fact and found that they voted against it, they're going to wish that they hadn't. I recommend an 'aye' vote and urge that we do, indeed, concur with this Amendment. Thank you."

Speaker Peters: "Representative Schneider."

Schneider: "Well, thank you, Mr. Speaker, Members of the House.

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

134th Legislative Day

June 28, 1982

Both of the prior speakers are taken by the unforgiving simplicity of saying this is a taxpayers' Bill. There are some realities that we all have to address sooner or later. We're certainly not addressing them as a State Legislature when we continue to reduce the funds for what everybody in this room talks about is their highest priority, and that's schools. We also should be aware that a working cash fund is not a new project. That is a fund that we use in some cases to offset the shortfalls that we frequently create in this Legislative Body. As we continue to tighten the noose around educational facilities, around the opportunity for children to be educated, I think we'll soon realize that our ...our zealously for being the taxpayer's friend will soon come back to haunt us by having these various Members talk about perhaps an increase in the state income tax and not addressing the question of schools and one of the critical areas, and that is the local property tax. The real dilemma that sometimes we don't even look at is the one raised by school boards, that is, if you are going to take away our authority as a local body to raise funds for education, are you going to then place that responsibility in the hands of the State of Illinois, and if the State of Illinois is going to have that funding responsibility, are you also going to attach those strings? So, as I think you look at Amendment #9 on the concurrence today you ought to really be aware of more than just that simple answer about, 'We are the taxpayer's friend'. We all want to be the taxpayer's friend, but we all want to be for education, and we can't be both at a time like this. And on a question that deals with working cash fund, when you're pushing the time calendar back to make it difficult for the decision to be made by a school board as to whether or not they will issue that working cash fund, you're creating a

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

134th Legislative Day

June 28, 1982

real pragmatic problem. When you raise the question philosophically, is the state going to come in and provide the basic and fundamental amount of dollars to run the schools? The philosophy that you ought to work at is, should it be controlled by the locals, or should it be controlled by the state? It's not easy to stand here today and be in opposition to the Amendment like Representative Hoffman was on #8. It's very easy to be painted as someone who's not an advocate for the taxpayer. But it's wrong to say to the school boards, 'If you need some money, we won't even let you issue working cash funds'. I think it'd be an unalterable mistake for us to support this concurrence. I ask that you vote 'no' on this."

Speaker Peters: "Further discussion? Representative Leverenz."

Leverenz: "Will the Sponsor yield?"

Speaker Peters: "Representative Leverenz?"

Leverenz: "Would the Sponsor yield?"

Speaker Peters: "He indicates...She indicates.. Representative Pullen?"

Pullen: "If I'm considered the Sponsor, yes."

Speaker Peters: "Pardon?"

Pullen: "If I'm considered the Sponsor, yes. I just merely spoke for the Gentleman's Motion."

Speaker Peters: "Representative Leverenz, I'm not sure who..."

Leverenz: "I just..I don't know either."

Speaker Peters: "Representative Levin is the Sponsor of the Bill. Representative Collins made the Motion. Representative Pullen spoke to it."

Leverenz: "I'm going to speak about it."

Speaker Peters: "Amen."

Leverenz: "To the Sponsor, and it's the lad over here on the left. The current law provides how many days on the back-door referendum?"

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

134th Legislative Day

June 28, 1982

Speaker Peters: "Representative Levin. Now he's pointing at somebody else."

Levin: "Okay. I believe it's currently 10 days."

Leverenz: "The..."

Speaker Peters: "Excuse me."

Leverenz: "Currently it's 10, and the Bill would raise it to what?"

Levin: "Thirty, the Amendment..the Amendment."

Leverenz: "And the Bill would further provide that they would have to explain the what and why of what they were doing, is that correct?"

Levin: "The number of signatures required on the petition would be increased from 10%..decreased from 20% to 10% of the registered voters, and there would also be a requirement which I think it's the same requirement that's in Amendment #8 to explain the number...the deadline, how many signatures, where you go to get the petitions and so on."

Leverenz: "That would have an adequate amount of time so that it would not screw up the election machinery. Is that correct?"

Levin: "This would, in effect, require the school boards to act earlier by 20 days if they wanted to, you know, get a working cash fund established. My understanding right now is that there is a..was a 78 day notice requirement..oh...There's a 78 day deadline before the next election that this has to be filed, that you add the 10 days that is in there now plus the 20 days that's proposed under this Amendment. So that would bring the requirement to 108 days."

Leverenz: "Would..When is the effective date? Would this screw up any schools trying to establish a working cash fund then between now and the effective date?"

Levin: "I have no idea."

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

134th Legislative Day

June 28, 1982

Leverenz: "Alright. To the concurrence Motion, I support the concurrence Motion. I think it is ridiculous to have a signature requirement of 20% and then provide that that would have to be within a 10 day period of time. If you took the petitions to a printer, it would probably take you 10 days just to get them printed. Therefore, whoever placed a ten day period of time and a 20% signature requirement originally on the statutes knew well that they were eliminating any type of referendum at all. I'd encourage an 'aye' vote."

Speaker Peters: "Further discussion? Representative Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this concurrence Motion. Let me point out the..the logistical problem that a school board is going to face under this particular time frame. What this would mean is that a school board would have to plan their actions on this working cash issue at least 108 days, or practically a third of a year, or in excess at least of three months before a regular scheduled election or risk having to wait until the next consolidated election date if a referendum is to be successful, because the consolidation of election law requires the 78 day initiative requirement and then this back-door referendum change would add another 30 days on or another 20 days on and so, we'd move from an 88 day requirement, which is already difficult to deal with, to an 108 day requirement. I think Representative Schneider explained the big picture of ...very carefully in terms of ..of what a working cash fund is used for. Working cash fund is used to attempt to keep the school functioning on..because the..the uneven access to resources. And it seems to me at the very..at the very least an ungrateful act on our part after having taken approximately 125 million dollars of state funds away

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

134th Legislative Day

June 28, 1982

from local school districts this year to tell them that we're even going to make the requirements for the fund which they use as interim financing more difficult for them to operate in. And, for this reason, Mr. Speaker and Ladies and Gentlemen of the House, I oppose the Gentleman's Motion to concur in Amendment #9."

Speaker Peters: "Further discussion? Representative Satterthwaite."

Satterthwaite: "Mr. Speaker, will the Sponsor yield for a question?"

Speaker Peters: "He indicates he will."

Satterthwaite: "Representative Levin, I really can't ..."

Speaker Peters: "Excuse me, Representative. Will the Gentleman in front of Representative Satterthwaite move to the side? Thank you."

Satterthwaite: "My question really relates to whether or not this Amendment is in any way duplicative of the previous Amendment which was just adopted?"

Levin: "No. They deal ...one deals with a number of other categories of back-door referendum."

Satterthwaite: "But nothing was included in the previous Amendment relating to school elections at all, or to working cash funds for schools?"

Levin: "Not this particular referendum."

Satterthwaite: "Not...not for working cash..."

Levin: "...That's correct..."

Satterthwaite: "...Referenda? Thank you."

Levin: "There may be other provisions in 8 relating to other aspects of schools."

Satterthwaite: "But this..this now then puts the referendum for working cash fund in the same position as the back-door referendum for other matters that was provided in the previous Amendment?"

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

134th Legislative Day

June 28, 1982

Levin: "Other school bonds."

Satterthwaite: "Other school bonds."

Levin: "The same as other school bonds."

Satterthwaite: "Thank you."

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

Collins: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I..I think we've heard two arguments here. One argument is, don't inconvenience the school boards and don't make it harder for them to issue bonds at the expense of the voters and the people. The other argument is that the people have the right to vote in referendum whether they want to see the issuance of bonds or not, and should we make it easier for voters to accomplish this..this..this...their..their point in the form of a back-door referendum. Now, I think, I agree with the..the Sponsor of the original Bill that it's unreasonable to have a requirement of 20% of the voters acquire this number of signatures in a time as short as is given in the law now. I think that the...the time restrictions in the Amendment and the reduction in the number of signatures is eminently reasonable, and I would urge the adoption of Amendment..er..the concurrence in Amendment #9 to House Bill 2135."

Speaker Peters: "The question is, 'Shall the House concur in Senate Amendment 9 to House Bill 2135?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk? Take the record. Representative Conti to explain his vote? On this question there are 123 voting 'aye', 31 voting 'nay', 5 voting 'present'. And the House does concur in Senate Amendment 9 to House Bill 2135. Representative

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

134th Legislative Day

June 28, 1982

Wolf, page three of the Calendar, Nonconcurrences. Representative Wolf? Representative Wolf moves to nonconcur in Senate Bill 1285, 1363, 17...excuse me. Start again. Representative Wolf moves to nonconcur in Senate Bill 12...refuses to recede from Amendments..House Amendments in the following Bills: Senate Bill 1285, 1363, 1374, 1386, 1397, 1398, 1399, 1400, 1402, 1403, 1404, 1405, 1406, 1407, 1409, 1411, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1425, 1426, 1428, 1445, 1514, 1516, 1524 and 1678. One Motion, individual Conference Committees. Representative Matijevich."

Matijevich: "Only because I didn't hear. Senate Bill 1427 was not on that list, right?"

Speaker Peters: "Correct. You've heard the Motion. Those in favor will signify by saying 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the Motion is passed. The House refuses to recede from the House Amendments in the aforementioned Senate Bills and a Conference Committee is requested..Conference Committees. On the Order of Concurrences, page two of the Calendar. House Bill 396, Representative Hallock. House Bill 1607, on Concurrences, Representative Keane? Mr. Clerk."

Clerk O'Brien: "House Bill 1607, a Bill for an Act to amend the Revenue Act together with Senate Amendments #2, 3, 4 and 5."

Speaker Peters: "Out? Is he signaling out? Representative Keane, your pleasure?"

Keane: "I'm sorry. I thought you were talking about 1254. Out of the record."

Speaker Peters: "No, sorry. Out of the record. House Bill...we passed 19? 1938? Representative Kulas, what did you do with 1938? Or did you?"

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

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

134th Legislative Day

June 28, 1982

that the House nonconcur to Senate Amendment #1 to House Bill 1938. House Bill 1938 amended the General Not-For-Profit Corporation Act. It provided that no certificate of incorporation would be issued to a social club unless that certificate was accompanied by a notice stating that the sale and possession and consumption of alcoholic liquor within that club would comply to state and local laws. Senate Amendment #1, at the request...was put on at the request of the Secretary of State's Office, but there are certain problems with that Amendment. I move that the House do not concur."

Speaker Peters: "Discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 1938?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the House does not concur in Senate Amendment 1 to House Bill 1938. House Bill 2430, Representative McAuliffe? Out of the record. Representative Hastert, 2310? Read..Mr. Clerk?"

Clerk O'Brien: "House Bill 2310, a Bill for an Act to amend the Revenue Act together with ..."

Speaker Peters: "Excuse me, Mr. Clerk. Representative Kulas, for what purpose do you seek recognition?"

Kulas: "For the record, Mr. Speaker, I forgot to ask that the Conference Committee be appointed on House Bill 1938."

Speaker Peters: "The Senate's got to start it. You're..You're alright to what you did."

Kulas: "It's a House Bill."

Speaker Peters: "Okay? Alright. Representative Hastert on 2310. Mr. Clerk?"

Clerk O'Brien: "House Bill 2310, a Bill for an Act to amend the Revenue Act together with Senate Amendments 2, 3 and 4."

Speaker Peters: "Representative Hastert."

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

134th Legislative Day

June 28, 1982

Hastert: "Mr. Chairman (sic, Mr. Speaker), Ladies and Gentlemen of the House, we talked about this Bill yesterday. We seemed to have worked out the problems that we had with this, and I move to concur on 2, 3 and 4...Amendments 2, 3 and 4 to 2310."

Speaker Peters: "Discussion? Being none, the question is, 'Shall the House concur in Senate Amendments 2, 3 and 4 to House Bill 2310?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 164 voting 'aye', none voting 'nay', none voting 'present'. And the House does concur in Senate Amendments 2, 3 and 4 to House Bill 2310. This Bill, having received the Constitutional Majority, is hereby declared passed. The House will be at ease for 15 minutes. 15 minutes. The House welcomes Director Keapiners, former Member."

Collins: "Could I have your attention, Ladies and Gentlemen of the House? We're going to stand in recess now until 6:00, and the... before we do, we'll have Messages from the Senate. But we, for all practical purposes, we are now in recess until 6:00, and the suggestion was made that, if you are going to eat, you ought to do it before we come back."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur with the House in adoption of their Amendments to the following Bills: Senate Bills 1256, 1452, 1487, 1518 and 1582...1532, action taken by the Senate June 28, 1982, Kenneth Wright, Secretary'. A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has

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

134th Legislative Day

June 28, 1982

concurrent with the House in the adoption of their Amendments to the following Bills: Senate Bills 777, 1289, 1383, 1387, 1389, 1447, 1471, 1492, 1500, 1510, 1519, 1526, 1588, 1592, 1614 and 1630, action taken by the Senate June 28, 1982, Kenneth Wright, Secretary'. A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to recede from Amendment 2 to House Bill 1244 and further requests a Conference Committee, action taken by the Senate June 28, 1982, Kenneth Wright, Secretary'. A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in adoption of their Amendments to the following Senate Joint Resolutions: Senate Joint Resolution 5 and Senate Joint Resolution 72, action taken by the Senate June 28, 1982, Kenneth Wright, Secretary'. A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in their Amendments to the following Bill: Senate Bill 1251. I am further directed to inform the House the Senate has refused to concur with Amendment #4, action taken by the Senate June 28, 1982, Kenneth Wright, Secretary'. A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representative that the Senate has refused... the Senate has concurred with the House in adoption of Amendment 1 to Senate Bill 1566. I am further directed to inform the House that the Senate has refused to concur in House Amendment #2, action taken by the Senate June 28, 1982, Kenneth Wright, Secretary'. No further business, the House now stands in recess."

Clerk Leone: "Could I have your attention? The Speaker has asked

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

134th Legislative Day

June 28, 1982

me to announce that, if any Members travelled to and from their home district over the weekend, to come to the well and fill out this request for reimbursement. If any Members did travel to or from their home district, please fill out this form for reimbursement so we can submit it to the Comptroller's Office. Thank you. Please fill out the forms and hand them back in at the well. Thank you. Repeat one last time. Any Members that traveled to or from the district over the weekend, would you please come down to the well and fill out a Session travel request so you can be reimbursed. Thank you. Attention Members of the House of Representatives, the House will reconvene in five minutes. One last announcement concerning Session travel. Any Members who traveled to or from their district over the weekend, please come to the well and fill out a slip so they can be reimbursed for travel. Thank you."

Speaker Daniels: "Representative Keane for an introduction."

Keane: "I would like to introduce the Members of the General Assembly to a visitor from northern Ireland from Belfast who is staying with my family this summer. It's William 'Sterman', and he's over here for the summer and wanted to visit the General Assembly."

Clerk Leone: "One last announcement. Any Members who have traveled to or... to and from Springfield over the weekend please come up to the well and fill out a request for travel so you can be reimbursed. Thank you. Any Members who still have the forms please hand them in at the well."

Speaker Daniels: "House will come to order, and Members please be in their seats. Senate Bills, Third Reading. Senate Bill 1599, page two of your Calendar. Read the Bill."

Clerk Leone: "Senate Bill 1599, a Bill for an Act in relationship to municipal and county use and occupation taxes. Third Reading of the Bill. Representative Daniels in the Chair."

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

134th Legislative Day

June 28, 1982

Speaker Daniels: "Representative Piel."

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill (sic - Senate Bill) 1599 was basically the way it came over from the Senate. It was basically a merely Bill which was on the Consent Calendar, but some people needed some Amendments because there were no other vehicles. So what House Bill basically... House (sic) Senate Bill 1599 the way it is right now - Amendment #1... the House Amendment #1 allowed a reciprocal sharing of similar tax...sales tax, basically information, between state and home rule units of government. House Bill... or House Amendment #2 increased the tax imposed upon interstate motor carriers who are traveling through the State of Illinois. These are not motor carries... motor carriers stationed in the State of Illinois. It applies only to interstate motor carriers, and this is a... on ones coming from other states traveling through Illinois who didn't want to carry the... the Illinois state tax. House Amendment #3. This Amendment, basically, clears up some language on the automobile rental occupation tax that we passed last year, and it covers leasing vehicles from one to five years. The... As far as there's any questions on the three Amendments, I would definitely ask for help of the three Amendment Sponsors on this and would be more than happy to answer any questions."

Speaker Daniels: "Gentleman from Peoria, Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker. I wonder if the Sponsor will yield?"

Speaker Daniels: "Indicates he will."

Schraeder: "I think the first Amendment is the one I want to address my remarks to. Is this the one that the municipalities can enact the tax similar to one in

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

134th Legislative Day

June 28, 1982

existence in the State of Illinois; such as, the income tax?"

Piel: "Amendment #1... No, Fred. With Amendment #1, it's just a sharing of information. There's no tax imposed on this at all."

Schraeder: "Okay."

Piel: "It's sharing of information between the municipalities."

Schraeder: "Thank you."

Speaker Daniels: "Further discussion? Being none, Representative Piel, to close."

Piel: "I'd just ask for a favorable Roll Call on House Bill... or Senate Bill 1599."

Speaker Daniels: "The question is, 'Shall Senate Bill 1599 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 148 'aye', 8 voting 'no', 3 voting 'present', and Senate Bill 1599, having received a Constitutional Majority, is hereby declared passed. Piel 'aye'. That's 149 'aye'. Bell 'aye'. Abramson 'aye'. 151 'aye', 8 'no', 3 'present'. Senate Bill 1599, having received a Constitutional Majority, is hereby declared passed. ... 'aye' J. J. Wolf. Messages from the Senate."

Clerk Leone: "A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred in the House in the adoption of their Amendment #1 to the following Senate Joint Resolution: Senate Joint Resolution #44, action taken by the Senate June 28, 1982, Kenneth Wright, Secretary'. A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of following Joint Resolution, to

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

134th Legislative Day

June 28, 1982

wit; House Joint Resolution #70, concurred in by the Senate June 28, 1982, Kenneth Wright, Secretary'. A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has receded from their Amendment #4 to a Bill of the following titles, to wit; House Bill 2234, action taken by the Senate June 28, 1982, Kenneth Wright, Secretary'. A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolutions and adoption of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Joint Resolution 67, 79, 89 and 93, adopted by the Senate June 28, 1982, Kenneth Wright, Secretary'."

Speaker Daniels: "... Order of Concurrence, page three of your Calendar, House Bill 2289. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2289, a Bill for an Act to amend the Revenue Act together with Senate Amendments # 1, 2 and 3."

Speaker Daniels: "Representative Rigney."

Rigney: "Mr. Speaker, some of you will recall House Bill 2289. In its original form, a rather simple little Bill that all we were talking about at that time was allowing those school districts and other districts that overlapped two counties to decide that, if they did not want a burden tax rate calculated, they could simply file a Resolution with the Illinois Department of Revenue stating that they did not want a burden tax calculated; and, at that time then, the Department would have its instructions and would not calculate a burden tax rate for that school district. Since that time, that legislation went to the Senate and came back with some rather interesting Amendments on it; and, inasmuch as they are, I think, major pieces of

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

134th Legislative Day

June 28, 1982

legislation, somewhat controversial in nature, Mr. Speaker, it would be my intention to divide this question. There are three Amendments, and at least two of them are rather... rather wide-sweeping and rather controversial. So, I think we should take them in numerical order; and, at this time, I would like to move for concurrence with Senate Amendment #1. And, at the same time, to tell the House that I am also going to move for concurrence with the subsequent Amendments, but I do want to divide the question, at this time, make a few comments concerning Senate Amendment #1. It does two things. You will recall last night we discussed House Bill 93 to some length. House Bill 93 has been drafted onto here as a part of Amendment #1."

Speaker Daniels: "Excuse me, Representative Rigney. For what purpose does the Gentleman from DeWitt rise?"

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I am sure you will recall in 1977 a ruling made by then Speaker Redmond in regard to legislation popularly called Class X legislation where a House Bill had been sent to the Senate. In the Senate, a nongermane Amendment was added. The Bill was passed by the Senate, shipped back to the House. Mr. Redmond ruled that, because of the nongermane Amendment, the Bill would be a nullity and could not be considered by the House. Now, it's my understanding that, with regard to the piece of legislation that we're currently discussing, there is... it is essentially a Revenue Code Bill onto which has been grafted in the Senate an Amendment which is a repeal of the current Commerce Commission, and a structure whereby there would be an elective Commerce Commission. Now, I believe that Amendment, which I believe is Amendment #2, is clearly a nongermane Amendment to a Revenue Code Bill. The substance

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

134th Legislative Day

June 28, 1982

and scope of the Amendment are totally unrelated to the substance and scope of the title of the original Bill or the title of the Bill, as it was amended at the time in the Senate. So, there's no bootstrapping question. And, for those reasons, I would like the Chair to rule whether we have a nullity in this case, and whether it will abide by Speaker Redmond's precedent."

Speaker Daniels: "Excuse me. Excuse me, Rep... Excuse me. What purpose does the Gentleman, Representative Stuffle, rise?"

Stuffle: "I think Representative Vinson is rising on Amendment #2. Representative Rigney has indicated that he is dealing with #1."

Speaker Daniels: "Well, why don't we... why don't we let him make his point first. He's on a point of order, and then we'll go to you."

Stuffle: "Well, I think that's the whole point. He's speaking to Amendment 2. Representative Rigney is on Amendment 1. He's out of order. He's not addressing that Amendment. He's not addressing concurrence in #1, which Representative Rigney said he was seeking separate from the others."

Speaker Daniels: "Representative Vinson, does your point of order, your total point or order, relate to Amendment #2?"

Vinson: "No, my total point of order relates to the Bill, the entire Bill, and I believe you will recall that Speaker Redmond ruled on the entire Bill, not on the individual Amendment."

Speaker Daniels: "Excuse me. Representative Rigney has moved... is moving now on Amendment #1. Unless your point of order relates to that, it will be untimely at this time until he moves on Amendment #2."

Vinson: "But, Mr. Speaker, I believe that, in addition to Amendment #2 being nongermane, Amendment #1 is nongermane."

Speaker Daniels: "Then your point relates to #1 as well."

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

134th Legislative Day

June 28, 1982

Vinson: "I would raise that point first, and then I would like to discuss the second point."

Speaker Daniels: "State your point as to Amendment #1."

Vinson: "Mr. Speaker, so that you will..."

Speaker Daniels: "Yes, Sir."

Vinson: "So that you can properly evaluate my point, I would point out that the title of the Bill was an Act to repeal Section 16... 164(A) of the Revenue Act of 1939. Now, Amendment #1, adopted in the Senate, amends other Chapters, deals with totally different things and does not, in its substance, amend Section 164(A)."

Speaker Daniels: "Representative Vinson, we're asking for the original Bill to be sent down from the Clerk's Office. So, we will rule on your point as soon as we see that. Representative Vinson."

Vinson: "Mr. Speaker, I have a copy of it right here, if you would like me to bring it up to you."

Speaker Daniels: "We just received a copy. Thank you. Representative Rigney, on that point."

Rigney: "Well, Mr. Speaker, this particular Amendment was originally a Bill that was drafted and submitted by Representative Miller, in that it pertains to the utility tax. Now, I don't think there's any question whatsoever that, as far as the inheritance tax is concerned, we are amending Chapter 120 of our state statutes, and it would seem to me that that certainly would be germane. If there's any question whatsoever it would maybe pertain to the Amendment as it deals with the inheritance tax. However, I know that many times we amend things here on the basis of broad category. We are, in that effect, amending a tax Bill at this stage of the game, and I, frankly, don't know that... that I would agree with Representative Vinson. In fact, I would not agree with his assessment of this

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

134th Legislative Day

June 28, 1982

Bill. It would seem to me that, at least, Amendment #1 would be in perfect parliamentary order."

Speaker Daniels: "Representative Vinson."

Vinson: "Mr. Speaker, I would previously... I would point out that previously this Session the Chair has ruled nongermane income tax Amendments to Revenue Code Bills; that it has ruled nongermane utility tax Amendments to income tax Bills, and I would also point out that on Amendment #1, which deals... Amendment #1 deals with two totally different subjects in the Amendment itself; and, for those reasons, violates the single subject Act...single subject limitation of the Constitution of 1970. I think Mr. Getty, if he would review the Amendment, would probably join me in that."

Speaker Daniels: "Representative Schraeder, on the point of order."

Schraeder: "Yes, Mr. Speaker, I think he's completely off base on this one. His memory's a little bit faulty. When Speaker Redmond ruled on that, he ruled that, if the Senate allowed it because it was germane or the ruling hadn't been questioned there and it came as a Senate Amendment, we accepted that. That was Red... Speaker Redmond's ruling. And, beyond that, the very fact that I think he's out of order. This Bill received 156 votes to practically nothing, and that ought to be worth something to... to our discussion tonight."

Speaker Daniels: "Representative Rigney."

Rigney: "Well, Speaker, I might point out that we did find germane on House Bill 2588, which was a property tax Bill. If you will recall, that became the vehicle for considering the unitary tax Bill. You know, if we are to allow something of this nature, I think we must recognize that, at times, we do things on the broad basis of category of

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

134th Legislative Day

June 28, 1982

subject; and, again, that was done on the basis of being two revenue Bills."

Speaker Daniels: "Representative Johnson, on the point of order."

Johnson: "With all due respect to Representative Schraeder, Representative Schraeder wasn't a Member of the Legislature, I think, in 1977, and I recall specifically that Speaker Redmond's ruling on the Class X legislation was that this chamber had the right to consider Amendments and the germaneness of Amendments of its own accord. And that it wasn't bound by precedent of rulings in the Senate. And so, I think Repre... I'm not going to enter into the merits of the issue, because we may disagree on the merits of part of this Bill; but, Representative Vinson is absolutely correct. Speaker Redmond specifically ruled on the Class X legislation that he had the right, and his chamber had the right to consider the germaneness of Amendments to that or any other piece of legislation and wasn't bound by rulings of the President of the Senate."

Speaker Daniels: "Representative Kane, on the point of order."

Kane: "Yes, Mr. Speaker, given the germaneness rulings of this Session and the creativity of the Parliamentarian, I'm sure that you'll be able to find precedence for whatever you rule this evening."

Speaker Daniels: "He says thank you. Representative Matijevich."

Matijevich: "I would agree with Doug Kane; however, to put it back on line with Speaker Redmond's Class X ruling on germaneness, would the Gentleman yield for just one question, Representative Vinson? Representative Vinson, have you researched whether the Senate had brought up the issue of germaneness on either the Senate Amendment #1 or 2? Mr... I posed the question to the Gentleman who posed the..."

Speaker Daniels: "Representative Vinson."

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

134th Legislative Day

June 28, 1982

Vinson: "No."

Matijevich: "Well, Mr. Speaker, on the issue and my point of order, the issue of germaneness was questioned in the Senate, and the Amendment was ruled germane. This is where we go to the heart of the Redmond ruling. Speaker Redmond ruled, where the issue was not raised in the Senate, then the House, on its own accord, could issue a ruling of germaneness. The Gentleman has just... That was with regards to Amendment #2. The question was raised. Now, the Gentleman has just told the Chair that he has not researched whether the question was raised in the Senate. So, I'm going to make the point of order on Amendment #2, because it was researched. As far as I'm concerned, the issue was under question, and the Chair ruled germaneness in the Senate. Therefore, on Amendment #2, we..."

Speaker Daniels: "Excuse me, Sir. We're only on Amendment #1 at the present time."

Matijevich: "Well, his discussion was on Amendment #1 and 2."

Speaker Daniels: "We asked him to limit his discussion to 1."

Matijevich: "Alright. As long as you just rule on one, I won't pose that point or order, but I don't want you to rule on 2 until you take up my point or order."

Speaker Daniels: "Gentleman, Representative Vinson, has raised the question of germaneness related to Amendment #1. Parliamentarian has reviewed the Bill and the Amendment, and the Chair rules that the original Bill deals with the subject of Revenue Act of 1939 which provides for apportionment of the burden of taxation and deals with the subject of taxes. Amendment #1 struck that enacting clause, but it also deals with several Acts relating to taxes, and; therefore, the Chair rules that Amendment #1 is germane. And Representative Rigney may proceed with his Motion relating to Amendment #1. Regarding Amendment #2,

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

134th Legislative Day

June 28, 1982

the Chair will hear points of order at the time that that Amendment is before the Chair. Representative Rigney, on Amendment #1."

Rigney: "Well, Mr. Speaker, now that we have decided the parliamentary issue involved I feel that we have an excellent Amendment in Amendment #1 that is added to another good Bill. What we are talking about here in Amendment #1 is to eliminate the inheritance tax other than the pick-up tax, the tax credit, that is given to the State of Illinois. To eliminate that would be rather foolish, because what it really amounts to is a system of federal revenue sharing back with the various individual states that are willing to carry this pick-up tax as a part of their taxing system. What you will find, under the federal pick-up tax, is that, for the large estates, approximately 75% of what is being paid now, in the form of inheritance tax, will continue to be paid to the State of Illinois under the federal pick-up tax. So, there is no great tax loss as far as some of those larger estates are concerned. Now, the comment was made last night, and it's equally appropriate to this Bill, that really what we're talking about first and foremost is the elimination of the widows' tax. The Federal Government took a rather historic step this past year when they decided that federal estate taxes would not apply to those estates that pass from one spouse to the other. By eliminating the inheritance tax, we will also be eliminating the tax on the spouse. I think, you know, none of us here would want to try to defend some type of ... of continuation of this tax upon the spouse which, in most cases, amounts to a tax upon the widows. In regard to the... to the utility tax, what we're talking about is to... to change the definition of the base for the utility tax. Unfortunately now, gross receipts also

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

134th Legislative Day

June 28, 1982

includes the taxes that are paid to the various municipalities. What we purport to do, under the first Amendment here, is to take out that part of the base that includes the municipal tax. In other words, we are eliminating the tax upon a tax that is presently a part of the... the current revenue of this current Bill of the current statutory law. So, I think you will find that we are doing two very desirable acts in one, as a part of Amendment #1 to House Bill 2289. I hope that I can count on your support."

Speaker Daniels: "Any discussion? Gentleman from Sangamon, Representative Kane."

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

Speaker Daniels: "Indicates he will."

Kane: "Under the synopsis, it indicates that, with the inheritance tax, basically what you're doing is shifting the burden away from the widow and placing a greater burden on other inheritors. Is that correct?"

Rigney: "No. No, Representative Kane, that was a part of a Bill that I believe that Senator Sangmeister had in the Senate. That's not what we are doing under this legislation. I know that that other legislation had been kicked around for a certain period of time, I believe, largely in the Senate, but we are eliminating the inheritance tax here. We are not placing a greater burden upon the other inheritors."

Kane: "Well, the... the computer printout indicates that that's the content of Senate Amendment 1. Is that incorrect?"

Rigney: "Well, the computer print out that you have on that must be incorrect, because that is, you know, was a part of some other legislation. I wouldn't want to be a part of that kind of legislation."

Kane: "So, the computer printout then is wrong."

Rigney: "Yes."

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

134th Legislative Day

June 28, 1982

Kane: "That also indicates that you're changing the receipt or the discount that the county receives from 4% to 6%. Is that also not in here?"

Rigney: "That's correct. That's a part of it."

Kane: "So, basically, for the inheritance tax, what you're doing is eliminating the inheritance tax altogether."

Rigney: "Yes, other than the pick-up tax, you are correct."

Kane: "And when will that be effective?"

Rigney: "Since there is no effective date in the Bill, it would become effective on January 1 of next year."

Kane: "And how much revenue loss will that be to the state?"

Rigney: "There will be no fiscal impact whatsoever in the upcoming fiscal year, because anyone who dies, say, on January 1 of next year; that tax is not due for another ten months. So, there will be no fiscal impact whatsoever in the next fiscal year."

Kane: "And what will be the fiscal impact after that?"

Rigney: "On down the line, when this thing is fully phased in, probably in the range of 50... We are not really in agreement as to what the figure is. From a low of perhaps 50 million to a high as perhaps as much as 80."

Kane: "And what makes the difference between the 50 and the 80?"

Rigney: "Well, you have to make some assumptions as to what people might do and how they might react to this kind of legislation. For instance, Representative Kane, you will find now that a lot of those in the higher income brackets are changing their domicile to states other than Illinois. For instance, if you were in one of those higher brackets, your attorney might counsel you to buy a condo in Florida, to change your domicile down there to a state that only has a pick-up tax. You could do the same thing by going to California, Arizona, and I think about 17 other states. I think you will find that now there will no longer be an

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

134th Legislative Day

June 28, 1982

incentive to change domicile. These larger estates that are paying the larger amounts, I assume, are going to remain in Illinois; but, for some of those folks, they can buy a condo with the money that they're going to save on inheritance taxes."

Kane: "If you'll look on page 23 of the Amendment, I think you said that the discount to the county was not changed. I think, if you look on page 23, you'll see that the discount to the counties are changed. Is that not correct?"

Rigney: "Well, I think it moves from four to six percent. Wasn't that the way I answered your question?"

Kane: "I thought you said that there was no change."

Rigney: "No. No. It changes from four to six percent. That is.. I think that's the way I answered your question. If I didn't, I misspoke myself."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, harking back to the debate that we had last night. I would suggest that, if we are going to make a change effective on not this coming fiscal year, but the fiscal year after that, that we should wait and make those changes when we're discussing that year's budget. And that we should also wait until we see the recommendations of the Governor's task force that's looking at the overall tax structure of the state, and I would urge, at this point, that we vote 'no' on this Amendment at this time."

Speaker Daniels: "Further discussion? Gentleman from Champaign, Representative Johnson."

Johnson: "Mr. Speaker, Members of the House, I would rise in support of Representative Rigney's Motion for concurrence on Amendment #1 to House Bill 2289. This idea has been around for a long time, and I think it's an idea whose time has truly come. When we... and I think there's others in the Legislature here who deal to some extent in their

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

134th Legislative Day

June 28, 1982

practices with estates, counsel people and deal with the estates of surviving spouses or family, and almost universally the case, particularly after the federal reform, is that for small, and moderate-sized estates that comprise, I'm sure, 98% of all the estates that are processed there's no federal tax. The tiny percentage of estates that are taxed at a federal level are ones that are of major proportions, but it hits the people who can least afford it. The surviving widow, the surviving widower, the surviving children who simply have enough cash from the estate, that compounded or invested will provide them enough for a living wage, don't have that, because then they've got to come up with the money to pay the estate inheritance tax which, while it's a small rate, nonetheless, hits at a very, very, very low level. There isn't a farm family in Illinois that isn't dramatically effected or effected by the Illinois Inheritance Tax. With the artificial increase in land values the way they have, in a good many cases, there's the necessity of selling a portion of a family farm simply to pay the tax. It's people who are least able to afford it that are hit by the State Inheritance Tax. Our increase in exemptions has gone up at a very, very small rate and particularly compared to the federal reform. And the revenue impact, I think, is... is relatively small. Everybody knows the government will spend what you give it..."

Speaker Daniels: "Excuse me, Representative Johnson. Excuse me, Sir. For what purpose does Representative Rigney rise?"

Rigney: "Well, Mr. Speaker, we know this is a controversial Bill and has raised a lot of questions thus far. I think perhaps we'd be well advised momentarily to take the Bill out of the record."

Speaker Daniels: "Out of the record. House Bill 2430, page three

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

134th Legislative Day

June 28, 1982

of your Calendar, Representative Stanley. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2430, a Bill for an Act to amend the Illinois Police Training Act together with Senate Amendments #1 and 2."

Speaker Daniels: "Representative Stanley."

Stanley: "Thank you, very much. This Bill passed the Senate 58 to nothing. Amendment #1 requires that counties make quarterly instead of monthly payments of the collected penalty assessments to the state's Traffic and Criminal Conviction Surcharge Fund. Amendment #2 arose over a problem that was brought up by the state's Fire Marshal Office regarding reimbursement for grant in aid funds. Today, if a fireman is hired, he's on a six-month probationary period. If within that period he does not obtain certification, then the grant in aid funds, many times, can be denied to that whole local unit... that whole unit of local government. What this Amendment does is just denies the funds for that particular fireman or the firemen who have not completed their probationary or their certification during their probationary period, and I'd respectfully ask for a favorable Roll Call."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves the House concur in Senate Amendments #1 and 2 to House Bill 2430. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On this question there are 166 'aye', none voting 'no', 1 voting 'present', and the House concurs in Senate Amendments #1 and 2 to House Bill 2430. Supplemental Calendar #1, Senate Bill 1251, Representative Peters. Representative Peters."

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

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

134th Legislative Day

June 28, 1982

that the House refuse to recede from House Amendment #4 to Senate Bill 1251 and that a Conference Committee be appointed."

Speaker Daniels: "The Gentleman moves that the House refuse to recede from House Amendment #4 and that a Conference Committee be appointed. All those in favor signify by saying 'aye'... Representative Darrow, your light was not on, Sir."

Darrow: "I realize that. You... was going so rapidly I didn't have a chance. All I want to know is what the Amendment does. Generally and traditionally, we've explained that prior to concurring or nonconcurring. It's not that I'm opposed to it. I just think that we ought to continue with the precedent of explaining these things now that we're getting to the closing hours of the Session."

Speaker Daniels: "Representative Peters, could you give a brief explanation of the Amendment that you're refusing to recede in?"

Peters: "The House Amendment deleted from the original legislation public members, which was a strong point on the part of the Senate, an agreement with Representative Matijevich who was a House Sponsor. We have agreed with the Senate Sponsor to put this in a Conference Committee to resolve the differences. There we are. Ipso facto ergo."

Speaker Daniels: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker, Carol Braun, who's been working on the revised version, has cleared it with Phil Rock, and Senator Philip, and the Intergovernmental Cooperation Commission, the task force that has worked on it. So, I agree with Representative Peters on his Motion to recede."

Speaker Daniels: "The Gentleman moves that the House refuse to recede from House Amendment #4 and that a Conference Committee be appointed. All in favor signify by saying

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

134th Legislative Day

June 28, 1982

'aye', opposed 'no'. The 'ayes' have it. The House refuses to recede from House Amendment #4, and a Conference Committee shall be appointed. Senate Bill 1452, Representative Collins."

Collins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I've been asked by Representative Telcser to move that the House refuse to recede from Amendments #1, 3 and 5 to Senate Bill 1452. Senate... or House Amendment #1 allows the pension funds to invest in money market funds. I understand that Amendment #3 is Representative Greiman's, I believe; and, if there's a question on that, I would ask him to explain it. And #5 would allow former Members of the Legislature, who had not elected to buy... to participate in the pension fund and then return to the Legislature, this would permit them to buy in to the... to the pension fund as sitting Members."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves that the House refuse to recede from House Amendments #1, 3 and 5 and that a Conference Committee be appointed. All in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the House refuses to recede in House Amendments #1, 3 and 5. And a Conference Committee shall be appointed. Senate Bill 1487, Representative Bower."

Bower: "Mr. Speaker, Ladies and Gentlemen of the House, I would refuse to recede from House Amendment #1 and ask for a Conference Committee Report."

Speaker Daniels: "Brief explanation, Sir."

Bower: "I'm sorry. This is the Farmland Protection Act, and Senate (sic - House) Amendment #1 was an agreed Amendment between the agencies, the Farm Bureau and the soil and water conservation districts."

Speaker Daniels: "Any discussion? Gentleman moves that the House refuse to recede from House Amendment #1 and that a

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

134th Legislative Day

June 28, 1982

Conference Committee be appointed. All in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The House refuses to recede from House Amendment #1, and a Conference Committee shall be appointed. For what purpose do you seek recognition, Sir?"

Epton: "Mr. Speaker, I would like to make a Motion to change the Order of Business. I move, pursuant to Rule 63(a), to take House Bill 93 from the table. That Bill was heard last night. It lost. I refiled it, and it's back on the Speaker's table, presently, on a Motion. I have written authorization from Representative Deuster to proceed."

Speaker Daniels: "There any objections? Representative Kane."

Kane: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I would make a point of order that this topic has already been taken care of by the House. We voted on it last night. It has already been... had more than one chance at life, and I would make the point of order that this is something we've already decided. And it's a dilatory Motion and should be ruled out of order."

Speaker Daniels: "Representative Kane, the Gentleman's Motion is in order. It's up to the House as to whether or not to accept his Motion. Representative Epton."

Epton: "Thank you, Mr. Speaker. I would remind my colleague across the aisle that unlike Bills, where you can place the matter on Postponed Consideration, any Motion can be filed and refiled on more than one occasion. He's correct. It was heard last night. Again, I ask that it be heard this evening."

Speaker Daniels: "Representative Vinson."

Vinson: "Mr. Speaker, has the Gentleman filed a written Motion?"

Epton: "Yes, I have."

Vinson: "Has the written Motion been signed by five other Members?"

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

134th Legislative Day

June 28, 1982

Epton: "Yes, I believe it has."

Speaker Daniels: "Representative Epton."

Epton: "Mr. Speaker, to avoid some of the confusion that seems to be constantly emerging - no one seems to want to get to the heart of the Bill; but, rather than create any further confusion, I'll invoke Rule 37. Pursuant to Rule 37, I move to take up, for immediate consideration, the Motion on House Bill 93."

Speaker Daniels: "On that Motion, Representative Vinson."

Vinson: "Mr. Speaker, I believe that Motion has to be carried on the Calendar. Is that not correct?"

Speaker Daniels: "The Parliamentarian advises me that is not correct. That Motion does not have to be carried on the Calendar."

Vinson: "Does it have to have unanimous consent?"

Speaker Daniels: "No, Sir. It takes 107 votes. Representative Kane."

Kane: "I don't believe that he's had leave yet to go to the Order of Motions. He asked for leave, and that was not given. And there were a number of objections to that."

Speaker Daniels: "He made a Motion which the Chair has accepted. It's up to the Body as to whether or not we will be able to go to that Order of Business, and that's the Motion pending before the Body right now."

Kane: "No, that isn't the Motion that he put before us. What I'm saying is, how did we even get to the Order of Motions?"

Speaker Daniels: "I recognized the Gentleman. He has put a Motion to suspend the provisions of Rule 37. That's the Motion before us. Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker. I have an inquiry. My... My understanding of Representative Kane's point is that, for you to go to the third Bill on the Order of Motions - out of order - requires leave. That's what I think

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

134th Legislative Day

June 28, 1982

Representative Kane's point is. I would have no objection if you went to the Order of Motions, and we handled the first two Motions. And then we'd come to Representative Epton's Motion, and then we can consider it at that time."

Speaker Daniels: "The Gentleman's Motion is to suspend the provisions of Rule 37, which would take up immediate consideration of House Bill 93...or the Motion on House Bill 93."

Cullerton: "In going out of order?"

Speaker Daniels: "That is correct, if the Gentleman's Motion is passed by the House."

Cullerton: "He doesn't need leave to go to... out of order to the Order..."

Speaker Daniels: "It needs 107 votes, Sir, and that will be the Motion. Representative Vinson."

Vinson: "Mr. Speaker, is the Gentleman's Motion to suspend the Rule... the provisions of Rule 37?"

Speaker Daniels: "I'm sorry, Sir. State that again."

Vinson: "The Gentleman's Motion is to suspend the provisions of Rule 37?"

Epton: "No, it's not to suspend it."

Speaker Daniels: "Representative Epton."

Epton: "It's to... I'm moving under Rule 37. I'm not suspending Rule 37."

Vinson: "Well, there's no provision in Rule 37 for doing what he's doing. He has to suspend Rule 37 to do what he's doing."

Speaker Daniels: "Representative Vinson, the Gentleman has moved that we suspend the provisions of Rule 37."

Epton: "I stand corrected."

Speaker Daniels: "So that he can take up the question of the Motion on House Bill 93. That would take 107 votes. Representative Vinson."

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

134th Legislative Day

June 28, 1982

Vinson: "Mr. Speaker, I would move to divide the issue. He is... He's stated two Motions in that; one to suspend Rule 37, one for immediate consideration of House Bill 93, and I would move to divide the question."

Speaker Daniels: "Parliamentarian advised me it's not divisible, Sir."

Vinson: "Any... Any double Motion is divisible by the rules, Sir."

Speaker Daniels: "He advises me that it is not a double Motion. It'll be heard on one Roll Call. Representative Dunn."

Dunn: "Are we... If we're on the Motion, I'd like to speak to it. If we're not, of course, I'll..."

Speaker Daniels: "We're on the Motion, Sir."

Dunn: "Well, I think we've considered this matter a number of times; and, if I understand the subject behind the Motion, it is, once again, the repeal of the Illinois Inheritance Tax. This matter was defeated. It was rejected. The Governor will have to veto this. We all know that. The State of Illinois cannot afford this. Let's... Let's defeat this Motion and get on with the business of the House. I urge a 'no' vote on this Motion."

Speaker Daniels: "Representative Van Duyne."

Van Duyne: "Thank you... Thank you, Mr. Speaker. I don't know whether my predecessor that spoke, Mr. Dunn, knows what he's talking about, but I understand that the effective... the effective date of this legislation will not take place until our present Governor is out of office. So, he doesn't have to address this at all. Well, I... I think we ought to clarify that."

Speaker Daniels: "Further discussion? Gentleman from Macon, Representative Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of Representative Epton's Motion. I've heard many

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

134th Legislative Day

June 28, 1982

comments from Members of this august Body, relative to the inheritance tax today, opposing the inheritance tax. The ultimate purpose of death tax or inheritance tax was the redistribution of wealth through limitations on the accumulation of wealth by family dynasties. Now, these taxes affect every family... families of every social and economic group. It's my contention that this is unadulterated socialism; and, for these people to rise on this floor like Representative John Dunn, which claims he's a champion of the Equal Rights Amendment and the champions of womens' rights, I say a vote for this Motion is a vote just like it would be in favor of equal pay for equal work. He wants to tax women... widows into slaverly... slavery and poverty, and that's what it is if we continue these inheritance taxes. I encourage a 'yes' on this Motion and a 'yes' on the inheritance tax."

Speaker Daniels: "Representative Kane. Excuse me. Excuse me. Excuse me, Representative Kane. Representative Collins, for what purpose do you rise, Sir?"

Collins: "Mr. Speaker."

Speaker Daniels: "Representative Collins."

Collins: "Mr. Speaker, I think the gist of Representative Tate's remarks were that we should confine ourselves to debate on the Motion and not get to the merits of the Bill."

Speaker Daniels: "Representative Kane."

Kane: "I was going to make the same point; that..."

Speaker Daniels: "Your point is well taken."

Kane: "Thank you. And, at some point, I'd like to address the Motion, but I think Representative Dunn is looking for recognition."

Speaker Daniels: "Well, you may address the Motion now, if you desire."

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

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

134th Legislative Day

June 28, 1982

terms of the Motion and taking up this Bill once more, we spent about an hour last night debating it. We were debating it again about forty-five minutes ago when, all of a sudden, it was taken out of the record. It's going to come up again on Representative Rigney's Bill as an Amendment. There's absolutely no reason to be debating this Motion, this Bill, that has already been killed last year, was killed again last night. We've got plenty of work to do. If we're going to get out of here on time, I think we ought to get rid of this Motion at this time and vote 'no'."

Speaker Daniels: "Representative Vinson."

Vinson: "Question of the Sponsor of the Motion, Sir."

Speaker Daniels: "Indicates he'll yield."

Vinson: "Mr. Epton, I take it you have analyzed the contents of House Bill 93 and are familiar with those."

Epton: "Yes, I have."

Vinson: "Is it your intention to pass the Bill in that form, or are you planning on conceivably amending it?"

Epton: "I hope to pass the Bill, however, not this evening."

Vinson: "In its current form?"

Epton: "In its current form."

Vinson: "You have no intentions of amending the Bill?"

Epton: "I beg your pardon?"

Vinson: "You have no intentions of amending this Bill?"

Epton: "No, I do not."

Vinson: "Then I would... Mr. Speaker, to the Motion."

Speaker Daniels: "To the Motion."

Vinson: "If all we're dealing with is the Bill as a Bill - and Mr. Epton's never misled me on this floor - if we are only dealing with this Bill as this Bill, I cannot understand why anybody would vote against the Motion or the Bill. My concern has been that Mr. Epton has filed another Bill to

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

134th Legislative Day

June 28, 1982

raise the Illinois State Income Tax, and it's because of my concern that he might use this as a vehicle for that that I've been fighting him on this Motion. But he is an honorable man; and, if he says he has no intention to amend the Bill, then I have no problem with him using it as a Bill for that particular purpose. And I would urge everybody to vote for the Motion and for the Bill."

Speaker Daniels: "Representative Vitek."

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

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

Epton: "Thank you, Mr. Speaker, Ladies and Gentlemen. I'm sorry if anyone was under any misapprehension. This Bill deals, as you all know, only with the inheritance tax. I have no intention of changing it in any shape or form, and I would appreciate a favorable vote to go to the merits of this Bill. Thank you."

Speaker Daniels: "Gentleman moves to suspend the provisions of Rule 37 to take up, for immediate consideration, the Motion on House Bill 93. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. It takes 107 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 125 'aye', 26 'no' and 3 voting 'present', and the Gentleman's Motion prevails. Now, Representative Epton on the Motion on House Bill 93. Representative Epton."

Epton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. No one is more anxious to depart on time than I am. I would like to leave a day earlier. I think we have heard all of the arguments, pro and con, on this inheritance tax

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

134th Legislative Day

June 28, 1982

reform. I won't belabor you with all of the various points. You're all familiar with it. It's my intention, if this is removed from the table, to place it on the Order of Concurrence and then give you an opportunity to review the Bill and, hopefully, call it in good daylight tomorrow. Certainly, I hope tomorrow; but, in any event, without taking anymore time of the House, I would appreciate a favorable vote to take from the table."

Speaker Daniels: "On the Motion, Representative John Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. To the Motion, I'd just like to point out to the Members that, if the Motion succeeds and the great bulk of the Illinois Inheritance Tax is abolished, the funds, which the counties around the State of Illinois receive for collecting the Illinois Inheritance Tax, will also be lost and will be lost at a time when local revenue is desperately needed. Neither the State or Illinois nor the local counties can afford this tax loss. Most of the counties downstate are Republican controlled, and I think those on the other side of the aisle, who vote for this, are going to have to answer to their Republican controlled county boards when they go back home and the county board finds out that they will be losing 50,000, 75,000, 100,000 dollars in dearly needed revenue earmarked for their general funds back home in the county. So, I would certainly respectfully urge an 'aye' vote on this... or, pardon me, a 'no' vote on this Motion."

Speaker Daniels: "Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think it's important, in rising in support of the Motion to take from the table, it's important to point out as a counter-argument to those arguments that say that the counties will lose revenue. The counter-argument is that

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

134th Legislative Day

June 28, 1982

the individual taxpayers in this instance are also paying money that either equates or far exceeds the amount of money... revenue that the county... various counties will receive. For example, in filing various inheritance tax returns, there is a substantial portion of money that goes to the inheritance tax abstracters. There's a substantial amount of money that goes to the various court reporting systems. There's a substantial amount of money that goes to the Cook County appraisers... the various county appraisers. I might also add that, even if there is a no tax return, that the amount of money spent on tax attorneys or various attorneys' fees just to file a Form 600 is far... is quite substantial in relation to the amount of money that the various counties would return in the amount of revenue. I would, accordingly, ask you to vote in favor of the Motion to take from the table."

Speaker Daniels: "Representative Miller."

Miller: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this Motion to take from the table for the foremost reason that this represents our best chance to have one, clean Roll Call vote on inheritance tax relief. There have been a lot of other proposed vehicles, but they have all become cluttered with other matters. To have one, simple, clean vote on this issue, we need to bring this matter, House Bill 93, from the table, because it does not have a lot of extraneous issues tied to it. It is not a Christmas tree. Certainly, as the Finance Committee Chairman of my local County Board, before I came to the Legislature, I'm aware of the income that the counties receive from the collection of inheritance tax, but I can also assure you that our county boards will be very happy to forfeit this money in exchange for the removal of this burdensome and unfair tax. I think I also

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

134th Legislative Day

June 28, 1982

can tell you, with some degree of accuracy, that the taxpayers and the Taxpayers' Federation are going to be looking at the Roll Calls on this issue, and I'd encourage you to vote 'aye'. Thank you."

Speaker Daniels: "Representative Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, what we're talking about right now is giving tax relief of approximately 100 million dollars a year. Those are the figures that were received today from the Attorney General's Inheritance Tax Division, and those were conservative numbers. So, we're talking about 100 million dollars worth of tax relief in a year. Now I ask you, if we have 100 million dollars worth of tax relief to give, where is the most equitable place to give it? Inheritance tax, of all of the state taxes that we levy, is probably the most progressive tax that we have. We've heard a lot about it taxes widows, and it taxes the poor person and so forth and so on; but, basically, the person who pays the inheritance tax has received an inheritance of probably approximately 100,000 dollars before any tax is paid. Now, if we have a 100 million dollars worth of tax relief to give, why don't we give that tax relief, say, on the utility tax? This year alone the increase in the utility tax is going to be something around 100 to 150 million dollars, and that's money that is coming out of widows. It's coming out of poor people. It's coming out of people on Social Security. They have to pay that increased tax on a necessity, on a necessity of heat, on a necessity of electricity. And so, what I am saying, Ladies and Gentleman, is, if we have 100 million dollars worth of tax relief to give, this is the last place that we should be giving tax relief. We should be giving tax relief, first of all, on bread, on heat, on utilities. Those are the

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

134th Legislative Day

June 28, 1982

places where people need the tax relief. Those are the people that are living on the edge of starvation, and that is where we should be giving tax relief, not at the place where a person has already received something like 100,000 dollars worth of inheritance tax without paying anything at all. And I would urge a 'no' vote on this Motion."

Speaker Daniels: "Representative Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, I find Representative Dunn's remarks incredible. His whole direction, as indicated by his off-dates... off-base comments, is give more food to the tax eaters and damage to the position of the taxpayers. The little person whose very existence..."

Speaker Daniels: "Excuse me, Representative. Excuse me. Representative Tate."

Tate: "... Is threatened by the death tax..."

Speaker Daniels: "Excuse me, Representative Tate. Representative Tate, excuse me. Representative Van Duyne, for what purpose do you rise?"

Van Duyne: "I minor point of order, Mr. Speaker. How many times can you speak on the same Bill?"

Speaker Daniels: "He's speaking on the Motion now. The other..."

Van Duyne: "Well, how many times can you speak on the same Motion? He al... He already spoke."

Speaker Daniels: "Representative Tate. Representative McPike, for what purpose do you rise?"

McPike: "On a point of order, Mr. Speaker."

Speaker Daniels: "State your point, Sir."

McPike: "I will. I would ask that the previous speaker refine his remarks to the Motion. He immediately got up and attacked Representative Dunn. This is no place for personal attacks. If he wants to address the Bill or the Motion, he should do that, and he should leave personal

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

134th Legislative Day

June 28, 1982

attacks off of the House floor."

Speaker Daniels: "Representative Tate."

Tate: "Mr. Speaker, this is a very important issue that... that has been misrepresented by several different Members that have spoken in opposition, and all this issue is, is it boils down to, if you're going to vote for the Motion and for the repeal of the inheritance tax, you're voting for the family farm in the State of Illinois and for the small businessman in the State of Illinois. Thank you."

Speaker Daniels: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I disagree with one of the previous speakers who referred to this tax as a progressive tax. I think that that is as far from the truth as it can be. I've seen people whose breadwinner... or the breadwinner in the family has died and where the widow in the family, before the breadwinner is put into the ground, is concerned about, 'Should I withdraw money from the bank account? How am I going to live? How am I going to survive? What are we going to do now?' And to tax them at a time when they're most vulnerable is very regressive. What also makes this tax very regressive is the idea that this is the third time around for the same tax. The tax was levied when the money was earned. There was a tax levied since real estate is the basic asset that most families have, if they have an estate at all. There's a property tax that's paid. So, you pay tax once when you make the money. You pay tax every year, because you own the property, and now, when you die, you have to pay tax a third time on the same dollar. Also, this is tax that is unavoidable. You can't help dying. There's no way to avoid it. With a sales tax, you can cut your expenditures. I have not yet figured out how to go about not dying. When I figure it out, I'll have an

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

134th Legislative Day

June 28, 1982

answer for this regressive tax; but, until then, I'd ask you to support this Motion."

Speaker Daniels: "Representative Flinn."

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

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

Epton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have tried time and time again to avoid the prolonged delay on bringing this matter to a vote. I simply will conclude by saying that I'm rather astounded... If you don't mind, all I would like to say is that some of the figures that have been hurled around here astound me. They are so far from the truth that it's amazing that some of my colleagues across the aisle would utilize them. The fact is, in all of my years in this House, I have been fiscally responsible. If I thought that this would effect the economy of this state to its detriment, I would never be a party to hoping for the passage of this... of this Bill. I think that you are being misled, perhaps, with good motives, but let me assure you that this is a Bill which will be of great help to the widows, to the farmers, to all of the people of this state. And I would appreciate a favorable vote."

Speaker Daniels: "You've heard the Gentleman's Motion. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Representative Staffle, to explain his vote. The timer's on."

Staffle: "Yes, Mr. Speaker and Members, I think Representative Epton is absolutely right about this particular Motion, but I think that we ought to keep in mind that we've also got this issue on another Amendment on another Bill that's been

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

134th Legislative Day

June 28, 1982

ruled germane to that particular Bill that was taken out of the record. And anyone who thinks that they can put an 'aye' vote on this and not an 'aye' vote on the other Bill is going to be caught up with. That's an important Bill and so is this. The issue is too important to play games with. Representative Epton would never do that, but I'm afraid, very much afraid that some other people here would. This ought to get an 'aye' vote, but it ought to get an 'aye' vote on the other Bill, too. It ought to be kept alive for the reasons pointed out. It ought to be passed on both Bills, and both Bills ought to be kept alive. And there ought to be no subterfuge here, and there ought to be no using of this fine Sponsor; because, he's doing what he believes is right, and it is right."

Speaker Daniels: "Representative Johnson, to explain his vote. Timer's on."

Johnson: "I think it's important to point out, particularly in regard to Representative Kane's comments, that they are not particul... not absolutely accurate. He talks about a 100,000 dollar estate. The Illinois Inheritance Tax starts applying at 40,000 dollars or 60,000 dollars, according to the particular status you're at. It absolutely does wipe out those people who can least afford it. It allows a ... It would require a surviving spouse or child, who has simply enough money to live on and the interest to barely live on, to liquidate part of that to pay the Illinois Inheritance Tax. The Federal Government has vastly reformed theirs to conform with current realities and current prices of land. Farmers are particularly effected by this, but city dwellers are, too. I think this is a reasonable Bill. It's long overdue, and I urge 'yes' vote."

Speaker Daniels: "Representative Ropp, to explain his vote.

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

134th Legislative Day

June 28, 1982

Timer's on."

Ropp: "Thank you, Mr. Speaker and Members of the House. You know, I think this is pretty important, because what this actually does, it provides for equity between the spouses, as we've been very much concerned with the last several weeks. And even more than that, it will provide continuity for the family farm. If you are opposed to this on the premise that, well, maybe we need a little more money in our General Revenue Fund before we do this; that's like saying you're not going to take your wife to Hawaii until you get enough money. You can find all kinds of excuses. This deserves a solid green."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Take the record. On this question there are 141 'aye', 24 'no' and 3 'present', and the Gentleman's Motion prevails. Representative Collins in the Chair."

Speaker Collins: "Stand at ease for just a few moments. On the Supplemental Calendar on the Order of Nonconurrence appears Senate Bill 1518, Representative Keane."

Keane: "Thank you, Mr. Speaker. I move the House noncon... refuse to recede from Amendment #1 on Senate Bill 1518 and ask for a Conference Committee. The Amendment... What the Amendment did was, as it left the House, is it took the 10% off and removed all caps on the Special Ed. Fund. The Senate didn't feel that we should go remove it altogether, and they want to negotiate it between the 10% up to another figure. And for that reason, I'm asking for a Conference Committee."

Speaker Collins: "The Gentleman moves that the House refuse to recede from Amendment #1 to Senate Bill 1518. Is there discussion? All those in favor of the Gentleman's Motion will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, and the House refuses to recede from Senate..."

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

134th Legislative Day

June 28, 1982

from Amendment #1 and asks that a Committee of Conference be appointed. Senate Bill 1532, Representative Hastert. Out of the record. Senate Bill 1566, Representative Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, I move to recede from Amendment #2 to House Bill... Senate Bill 1566. That Bill was an Amendment putting on a police protection district in the Rockford Civic Center, and we've talked this over with the parties involved and decided to recede."

Speaker Collins: "The Gentleman moves that the House recede from Amendment #2 to Senate Bill 1566. Is there discussion? Any discussion? There being none, all those in favor of the Gentleman's Motion will indicate by voting 'aye', those 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 Motion there are 149 voting 'aye', 8 voting 'no', 7 voting 'present', and... Representative Leverenz votes 'aye'. And the House recedes from Amendment #2 to Senate Bill 1566, and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative DiPrima, would you come up here, please? Supplemental Calendar on the Order of Nonconcurrency, Senate Bill 1256. Gentleman from Cook, Representative DiPrima."

DiPrima: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, Representative McAuliffe has asked me to handle Senate Bill 1256 and has asked me that the House nonconcur on Amendments."

Speaker Collins: "I believe the Motion is that the House refuse to recede."

DiPrima: "That's it. Precisely."

Speaker Collins: "The Gentleman moves that the House refuse to

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

134th Legislative Day

June 28, 1982

recede ..."

DiPrima: "I ask for a favorable vote."

Speaker Collins: "... from Amendments #1 and 2 to Senate Bill 1256. Is there discussion? The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, I was wonder if we could have just a very brief explanation of what those Amendments were?"

DiPrima: "Why don't you sit down? The guy asked me to nonconcur and you..."

Speaker Collins: "Can you be any briefer than that?"

Brummer: "He mumbled. I didn't hear it."

DiPrima: "He just asked me, you know, what to do, and let's just do it and forget it."

Speaker Collins: "Is... Is there further discussion? The Gentleman from Livingston, Representative Ewing."

Ewing: "Would the Sponsor yield?"

DiPrima: "No."

Speaker Collins: "The Gentleman refuses to yield, Representative Ewing. Do you wish to speak to the Bill?"

Ewing: "Well, would you... No, I think he will. Would you tell me again? What Motion are we on?"

DiPrima: "Phil, tell it."

Speaker Collins: "Representative DiPrima, I don't think I heard your Motion."

Ewing: "No, I'd like to hear the Sponsor make the Motion, then I'll know what to do."

Speaker Collins: "The Gentleman moved that the House refuse to recede."

DiPrima: "The Sponsor has asked me to refuse to recede."

Ewing: "Thank you."

DiPrima: "And have a... appoint a Conference Committee. He's ill."

Speaker Collins: "You've heard the Gentleman's Motion. All those

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

134th Legislative Day

June 28, 1982

in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, and the House refuses to recede from Senate... Amendments #1 and 2 to Senate Bill 1256 and ask that a Committee of Conference be appointed. On the Order of Concurrence, page two of the Calendar appears House Bill 712. The Gentleman from Cook, Representative Terzich."

Terzich: "Mr. Speaker and Members of the House, I move that the House nonconcur with Senate Amendment #1 to House Bill 712 which deals transfers... transfers into the State Police... Downstate Police Pension System because of the fact that it does not have parity, as requested by the Police Association. So, I would move that we nonconcur with Senate Amendment #1."

Speaker Collins: "The Gentleman moves to nonconcur. Is there any discussion? There being none, the... those in favor of the Gentleman's Motion to nonconcur will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, and the House does nonconcur to Senate Amendment #1 to House Bill 712. On the Calendar on the Order of Concurrence appears House Bill 2439. The Gentleman from Cook, Representative Terzich."

Terzich: "Again, I wish to nonconcur with Senate Amendment #2. The Bill applies to the Chicago Park District Employees' Pension Fund, and Senate Amendment #2 applies to the Downstate Policemens' Article which comes under the State Mandate Act. Therefore, I move that we do not concur with Senate Amendment #2."

Speaker Collins: "The Gentleman moves that the House nonconcur in Senate Amendment #2 to House Bill 2439. Is there discussion? There being none, all those in favor of the Gentleman's Motion to nonconcur... The Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Mr. Speaker, a question of the Sponsor. How about

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

134th Legislative Day

June 28, 1982

Amendments 1 and 3 that...?"

Terzich: "I have no problem with Senate Amendments 1 and 3. I'm mainly concerned with Senate Amendment #2."

Mulcahey: "Well, Mr. Speaker, I think the proper move right now would be to concur with Senate Amendments 1 and 3."

Terzich: "Fine. Then I'll move that we concur with Senate Amendments 1 and 3 and nonconcur with Senate Amendment #2."

Speaker Collins: "Alright. The Gentleman moves that the House concur in Senate Amendments #1 and 3 to House Bill 2439. Is there any discussion? All those in favor will indicate by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 144 voting 'aye', 12 voting 'no', 4 voting 'present', and the House concurs with Senate Amendments 1 and 3 to House Bill 2439. Now, the Gentleman moves to nonconcur to ... with Senate Amendment #2 to House Bill 2439. All those in favor of the Gentleman's Motion will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, and the House does nonconcur to Senate Amendment #2 to House Bill 2439. Lady from Cook, Representative Pullen, for what purpose do you seek recognition?"

Pullen: "Mr. Speaker, I move to suspend the appropriate provisions of Rule 37 to go to the consideration of my Motion to take Senate Bill 499 from the table."

Speaker Collins: "The Lady has moved to suspend the provisions of Rule 37 to go immediately to consider her Motion relevant to House Bill 499.... Senate Bill 499. Does she have leave? The Gentleman from Adams, Representative McClain."

McClain: "Thank you, Mr. Speaker. Would the Lady explain what her.. the Bill is?"

Speaker Collins: "She indicates she will."

Pullen: "It is a Bill to phase out the provisions of the

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

134th Legislative Day

June 28, 1982

inheritance tax."

McClain: "Mr. Speaker, we would object to that."

Speaker Collins: "Alright. The Gent... the Lady moves that the provisions of House Bill (sic - Rule) 37 be suspended. All those in favor will indicate by voting 'aye', those opposed by voting 'no'. It takes 107 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 108 voting 'aye', 30 voting 'nay', 5 voting 'present'. Gentleman from Madison, Representative McPike."

McPike: "I would verify the Affirmative Roll."

Speaker Collins: "Representative Stearney. Record Representative Stearney 'aye'. Representative Stanley 'aye'. Representative Wikoff 'aye'. Gentleman from Madison, Representative McPike, has requested a Verification of the Affirmative Roll Call. The Lady from Cook asks for a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Barnes. Bradley. Brummer. Bullock. Capparelli. Domico."

Speaker Collins: "Pardon me, Mr. Clerk. Representative Kulas, for what purpose do you seek recognition?"

Kulas: "How am I recorded, Mr. Speaker?"

Speaker Collins: "How is the Gentleman recorded?"

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

Kulas: "Change me to 'present', please."

Speaker Collins: "Change the Gentleman to 'present'. Representative Doyle wishes to be recorded as voting 'no'. Representative Steczo 'present'."

Clerk O'Brien: "Continuing the Poll of the Absentees. Ewell. Garmisa. Getty. Hanahan. Henry. Jackson. Jones. Kosinski. Krska. Kucharski. Lechowicz. Madigan. Martire. McAuliffe. Ted Meyer. O'Brien. Pierce. Pouncey. Reed. Rhem. Margaret Smith. Stewart. Terzich and

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

134th Legislative Day

June 28, 1982

Turner."

Speaker Collins: "Proceed with the Verification of the Affirmative Roll Call. Representative Grossi, for what purpose do you rise?"

Grossi: "Leave to be verified."

Speaker Collins: "Gentleman asks leave to be verified. Yes. Representative McPike."

McPike: "Yes, he has leave. Could you tell me the count before we start here, please?"

Speaker Collins: "I believe its 111. Let me check. 109, and Representative Tuerk is asking leave to be verified. He's right here in the well. Grossi and Tuerk."

McPike: "Yes. Grossi and Tuerk. Thank you."

Speaker Collins: "And Ebbesen."

McPike: "Did you say Ebbesen also?"

Speaker Collins: "Yes. Ebbesen, and Al Robbins is down here making the same request."

McPike: "Ebbesen, okay, and Clyde Robbins."

Speaker Collins: "Clyde Robbins, that's right. There are four."

McPike: "Okay, thank..."

Speaker Collins: "Alright, proceed with the verification, Mr. Clerk."

Clerk O'Brien: "Poll of the affirmative. Abramson. Ackerman. Alstat. Barkhausen. Barr. Bartulis. Beatty. Bell. Bianco. Birkinbine. Boucek. Bower. Catania. Christensen. Collins. Conti. Daniels. Darrow. Davis. Deuchler. Deuster. Donovan. Jack Dunn. Ralph Dunn. Ebbesen. Epton. Ewing. Fawell. Findley. Flinn. Virginia Frederick."

Speaker Collins: "Excuse me. Representative Lechowicz."

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

Speaker Collins: "Record the Gentleman as 'aye'. Kosinski 'aye'. Capparelli 'aye'. Representative Preston 'aye'."

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

134th Legislative Day

June 28, 1982

Representative Domico 'aye'. Representative Henry 'aye'.
Representative Terzich 'aye'."

McPike: "Mr. Speaker..."

Speaker Collins: "I think I'm going to... I think I'm going to
fast. I'm sorry, Mr. Clerk. Representative MCPike."

McPike: "Mr. Speaker, I'll withdraw the request for a
verification."

Speaker Collins: "Thank you, Sir. The Gentleman withdraws his
request for a verification. And, if we can count this,
we'll give it to you. On this question there are 115
'ayes', 31 'nos', 7 voting 'present', and the Motion
prevails. The Lady from Cook, Representative Pullen."

Pullen: "Mr..."

Speaker Collins: "I beg your pardon. For what ... Proceed,
Representative Pullen."

Pullen: "Mr. Speaker, thank you. I move to take Senate Bill 499
from the table."

Speaker Collins: "The Lady moves that Senate Bill 499 be taken
from the table. Is there discussion? The Gentleman from
Sangamon, Representative Kane."

Kane: "Yes, could you tell us what Senate Bill 499 does in its
present form?"

Pullen: "Again, Representative, it phases out the Illinois
Inheritance Tax."

Kane: "There's an Amendment that got dropped on the desk here,
Amendment #3. Is that going to be offered, or is that
already on or is that the shape of the Bill is in now?
What is the situation?"

Pullen: "I anticipate to be offering that Amendment at some
point. It also phases out the inheritance tax."

Kane: "I see. So, what you're doing is reversing the action that
we just took a couple of minutes ago which was to eliminate
the inheritance tax altogether, and now you want to put

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

134th Legislative Day

June 28, 1982

some of it back on. Is that the position that you're in?"

Pullen: "Certainly not."

Kane: "Well, isn't that the effect of what you're doing?"

Pullen: "It is to offer an alternative means of doing away with the inheritance tax."

Kane: "Well, you just voted to do away with all of it. Didn't you? Now you want us to vote to put part of it back on?"

Pullen: "Representative Kane, I have informed you what this Bill is."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, I think that this House has already spoken. We've decided, by a large majority, that we ought to abolish the total inheritance tax, and now we have a proposal in front of us to put part of it back on again. I think it's time that people on one side or the other of this issue make up their minds what they want. Do you want to abolish all of the incom... inheritance tax? Do you want to put it back on again? And I'm sure that the people that the Sponsor of this Bill is representing would be shocked to hear that the Representative in question wants to put part of the inheritance tax back on. And I would..."

Speaker Collins: "I would like to again caution the Membership to refine their remarks to the Motion and not a discussion of the Bill."

Kane: "I thought that's what we were doing."

Speaker Collins: "That's not what I'm hearing."

Kane: "I thought we were resurrecting this Bill."

Speaker Collins: "The Motion is to take from the table."

Kane: "And I would interpret that Motion to take from the table as resurrecting a Bill... a tax that we've already killed, and I think that that's the issue before us. And I would urge a 'no' vote."

Speaker Collins: "The Gentleman from Champaign, Representative

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

134th Legislative Day

June 28, 1982

Johnson."

Johnson: "Don't let Representative Kane's remarks deceive anyone.

Representative Kane spoke and has always opposed a phase out of the death tax or a repeal of the death tax for reasons that are just philosophically opposed to what people on both sides of the aisle believe in. So, don't let him lead you to believe that voting 'yes' or 'no' on this issue is going to be in conformance with his... with his views. What Representative Pullen is trying to do, and she did support and has always supported a repeal of the Illinois Inheritance Tax, is giving the Governor an alternative. The realities of life are that there's at least some chance, if not a substantial chance, the Governor would consider vetoing, and I don't know, the Bill we passed before. This Bill would put on the Governor's desk an opportunity for him to have an alternative in what he wanted to do with the death tax law in Illinois. I think the Governor realizes and other people realize that what a horribly, unfair, regressive, inequitable tax it is, and this simply provides another avenue to reach the same end. The repeal would be nearly complete. I don't know what the timetable is, but in a fairly short period of time. So, if you believe and you voted 'yes' on the first one, there's all the more reason to vote for it this time, particularly in light of the revenue objections that some of the opponents raised. I urge a 'yes' vote on Representative Pullen's Motion."

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

Cullerton: "Will the Sponsor yield?"

Speaker Collins: "She indicates she will."

Cullerton: "What's the effective date of this Bill."

Pullen: "The Bill takes effect upon becoming a law."

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

134th Legislative Day

June 28, 1982

Cullerton: "I'm sorry. Couldn't hear you."

Pullen: "Takes effect upon becoming a law."

Cullerton: "So, as soon as it's signed, it would become law?"

Pullen: "That's what it says."

Cullerton: "Okay. And which tax years, which fiscal year would it apply to or affect?"

Pullen: "The impact begins in Fiscal Year '84."

Cullerton: "Fiscal Year '84? And how much... Was there a revenue fiscal note filed with this Bill either in the Senate or the House?"

Pullen: "I don't remember, Sir. It was a year ago that we last talked about this."

Cullerton: "Well, I'm sorry. I would have asked you then, if I had the opportunity, but do you know now how much money will be saved for taxpayers or lost to the state, depending upon how you look at it?"

Pullen: "The estimate that I have, which is old figures, but it's ball park for the first year's impact, which would be Fiscal Year '84, is about 25 million that would be left in the hands of the taxpayers where it belongs."

Cullerton: "Fine. Thank you."

Speaker Collins: "Further discussion? The Lady from Cook, Representative Pullen, to close."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like to assure everyone that I have not been asked to make this Motion by the Governor, and I would like to urge please that this House remove this Bill from the table so that we may discuss an alternative means of abolishing the Illinois Inheritance Tax, an issue that I have been involved in and dedicated to for the last three years. I would like to have the opportunity to present my Bill to this House, and so I would appreciate the support of the Members on this Motion. Thank you."

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

134th Legislative Day

June 28, 1982

Speaker Collins: "The Lady has moved that Senate Bill 499 be taken from the table. All those in favor will indicate by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this Motion there are 99 voting 'aye', 34 voting 'no', 8 voting 'present'. The Lady from Cook, Representative Pullen."

Pullen: "Would you poll the absentees, please, Mr. Speaker?"

Speaker Collins: "Lady requests a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Barnes. Bradley. Bullock. Darrow."

Speaker Collins: "Darrow 'no'."

Clerk O'Brien: "DiPrima. Domico. Doyle. Epton. Ewell. Garmisa. Hanahan. Henry. Huff. Jackson. Jones. Kosinski. Kucharski. Kulas. Lechowicz. Leinenweber."

Speaker Collins: "Leinenweber 'aye' and Epton 'aye'. Huskey 'aye'. Proceed, Mr. Clerk."

Clerk O'Brien: "Continuing the Poll of the Absentees. Garmisa. Hanahan. Henry. Huff. Jackson. Jones. Kosinski. Kucharski. Kulas. Lechowicz. Leverenz. Martire. Mautino. McAuliffe. Murphy. O'Brien. Pierce. Pouncey. Reed. Rhem. Schneider. Irv Smith. Steczko. Stewart. Van Dwyne. Vitek. No further."

Speaker Collins: "Representative Van Dwyne votes 'aye'. Representative Stewart... 'no'. Representative Irv Smith 'aye'. On this question there are 104 voting 'aye', 36 voting 'no'. Representative McMaster."

McMaster: "How am I recorded, Mr. Speaker? I think this is an important vote; that we have voted on this issue about three times tonight and given everyone the votes to hear their Bill tomorrow, and I see no reason why we shouldn't do the same with this. And I want to be sure to vote 'aye'. Am I recorded as 'aye'?"

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

134th Legislative Day

June 28, 1982

Speaker Collins: "How is the Gentleman recorded?"

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

Speaker Collins: "What was the total again now? Just a minute.

Representative Giorgi, are you seeking recognition?"

Giorgi: "How much does this have now?"

Speaker Collins: "I can't hear you."

Giorgi: "How many votes does it have?"

Speaker Collins: "I was about to announce that when you rose.

Representative Matijevich."

Matijevich: "As a favor to Penny Pullen, I'd like to vote 'aye'."

Speaker Collins: "Representative Matijevich votes 'aye'.

Representative Giorgi votes 'aye'..."

Giorgi: "To make... to make up for some of the hard times I've given her, I'm voting 'aye'."

Speaker Collins: "You never give anybody a hard time, Zeke.

Representative Pierce 'aye', Preston 'aye', Henry 'aye'.

Oh, I'm sorry. Preston 'no'. DiPrima 'no'... DiPrima 'aye'. On this quest... Representative Ozella 'aye'?"

Ozella: "Right."

Speaker Collins: "Representative Darrow."

Darrow: "Speaker, should this receive 107, I ask for a verification."

Speaker Collins: "I was afraid you were going to say that.

Representative DiPrima. I was right the first time - 'no'.

Ozella 'aye'. Steczo 'present'. On this question... Just a moment... Representative Carey wishes to be recorded as voting 'aye'. Representative Balanoff wishes to be recorded as voting 'aye'. Alright. On this question there are 100... Representative Sandquist wishes to be recorded as voting 'aye'. There are 111 'aye'. How many 'no', Mr. Clerk? 34 'no', 4 voting 'present', and the Gentleman from Rock Island, Representative Darrow, has asked for a Verification of the Affirmative Roll Call. Representative

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

134th Legislative Day

June 28, 1982

Harry Smith, for what purpose do you rise?"

Smith: "I ask leave to be verified."

Speaker Collins: "I am not sure the Gentleman's persisting in his Motion at the moment. Alright. He persists. Now, we have requests. Representative Alstat, Piel, Karpziel and Harry Smith ask leave to be verified, and leave is granted. Proceed with the Verification of the Affirmative Roll Call."

Clerk O'Brien: "Abramson. Ackerman. Alstat. Balanoff. Barkhausen. Barr. Bartulis. Beatty. Bell. Bianco. Birkinbine. Boucek. Bower. Brunner. Carey. Collins. Conti. Daniels. Davis. Deuchler. Deuster. Donovan. Jack Dunn. Ralph Dunn. Ebbesen. Epton. Ewing. Fawell. Findley. Flinn. Virginia Frederick. Dwight Friedrich. Giorgi."

Speaker Collins: "Excuse me, Mr. Clerk. Representative Mautino, what purpose do you rise?"

Mautino: "We'll play their little game, Sir. I'll vote 'aye'."

Speaker Collins: "Record Representative Mautino as voting 'aye', and the same thing for Mulcahey - 'aye'. And Saltsman 'aye', Breslin 'aye'. Darrow concedes?"

Darrow: "No, I want to..."

Speaker Collins: "Alright. Representative..."

Darrow: "Mr. Speaker, I would like to be recorded 'aye'. I withdraw my verification. Representative Telcser, my phone number's 2-5957. I have a number of people over here that would like to talk with you."

Speaker Collins: "All right. Representative Darrow votes 'aye' and withdraws his request for a verification. Representative Leverenz wishes to be recorded as voting 'aye'. Representative Cullerton, are you seeking recognition? After the Roll Call. Representative White wants to vote 'no'. All right, if I can have a total, Mr.

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

134th Legislative Day

June 28, 1982

Clerk, if you've been able to keep up with it. On this question there are 116 'ayes', 32 'nos', 2 voting 'present', and the Lady's Motion prevails. Representative Cullerton, for what purpose do you seek recognition?"

Cullerton: "Thank you, Mr. Speaker. Speaker, under the Order of Motions, I have a Motion for House Bill 28. Now, that Bill has to do with criminal law, but if I promised you, if you'd call it, that I would take out and eliminate the inheritance tax with an Amendment, could you call that Bill for me?"

Speaker Collins: "Ye...Yes, Sir, at 10:00 a.m. on Thursday."

Cullerton: "Okay. I'll hold you to that. We'll be here."

Speaker Collins: "Representative Kane, for what purpose do you seek recognition?"

Kane: "Parliamentary inquiry."

Speaker Collins: "State your point."

Kane: "Where is Senate Bill 499 now?"

Speaker Collins: "It's on Third Reading in the House."

Kane: "It's on Third Reading in the House."

Speaker Collins: "That's right."

Kane: "Does it have to appear on the Calendar before it can be called?"

Speaker Collins: "Yes, unless we suspend the Calendar requirement."

Kane: "Thank you."

Speaker Collins: "For what purpose does Representative Bullock rise?"

Bullock: "Thank you, Mr. Speaker. I move to suspend rule 68(e) and place the Second Conference Committee Report on Senate Bill 714 on the House Calendar. I don't know of any controversy involved."

Speaker Collins: "If you'd hold that for a moment, please. General Resolutions."

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

134th Legislative Day

June 28, 1982

Clerk O'Brien: "House Joint Resolution 108, Ryan - Madigan."

Speaker Collins: "The Gentleman from DeWitt, Representative Vinson. Representative Hudson for the purpose of an Amendment (sic - announcement)."

Hudson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. During this brief lull, an announcement for Members of the Committee on Higher Education; there will be a very brief meeting in room C-1 tomorrow morning, or whenever, one half hour before the House convenes, whenever that may be. So, Members of the Committee on Higher Education, please be there. It will be ve...the meeting will be very brief and I would appreciate your prompt attendance."

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

Vinson: "Thank you, Mr. Speaker. I would move for immediate consideration of House Joint Resolution 108, which I believe is...will be supported by Mr. Getty as well. It's an Amendment that deals with preparing...It's a Resolution which deals with preparing arguments in relationship to a Constitutional Amendment, and I would move for immediate consideration of that Resolution."

Speaker Collins: "The Gentleman from Adams, Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Would the Gentleman explain the Resolution with a little more specificity, please?"

Vinson: "A little more innocently, did you say?"

McClain: "Both."

Vinson: "Oh. What the...What the Resolution deals with, Representative, is insuring that we can meet the constitutional requirement providing arguments to be disseminated to the voters, in the event that ultimately the courts would certify the initiative Amendment to be

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

134th Legislative Day

June 28, 1982

voted on in November...in the November general election.

It's an Amendment proposed by Speaker Ryan and Representative Madigan."

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

Brummer: "Yes, will the Sponsor yield?"

Vinson: "Yes."

Brummer: "In...In examining the Resolution, I see it deals with the...with the arguments against the Amendment. If I recall correctly, the Constitution requires that there be mailed to the voters and published arguments both for and against. Is that correct?"

Vinson: "Yes."

Brummer: "And who would be preparing the arguments for the Amendments?"

Vinson: "The people who file the Amendment."

Brummer: "Is that, I tru...I guess, pursuant to the Constitution or statute?"

Vinson: "Yes, Sir."

Brummer: "Thank you."

Speaker Collins: "Further discussion? Does the Gentleman have leave for immediate consideration? Hearing no objection, leave is granted. The Gentleman from Cook, Representative Getty."

Getty: "Well, I just rise on the point that even if we were to approve this and the Committee were to be appointed, is it the intention of the Chair to keep us in Session until such time as the report is written?"

Speaker Collins: "That may be necessary, but the anticipation is that this will be accomplished with alacrity."

Getty: "Is it already written?"

Speaker Collins: "I would assume that it is not already written."

Getty: "Well, all...all I'm saying is that I'm not going to

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

134th Legislative Day

June 28, 1982

oppose this, but I think that it's questionable whether it's necessary, first of all. We all know that. And secondly, I would like a clarification as to the requirements after adoption of this Resolution as to what has to be further done by the House and the Senate, and if this will require us to either come back or remain in Session."

Speaker Collins: "Representative Getty, the Senate will have to adopt the Resolution and the report be written before which time the House will have to decide whether or not the report will be accepted as written. Agreed Resolutions. Oh, I beg your pardon. We haven't voted on this, yet. All right. All those in favor will indicate by voting 'aye', opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 149 voting 'aye', 8 voting 'no', 3 voting 'present', and the Resolution is adopted. Agreed Resolutions."

Clerk O'Brien: "House Joint Resolution 109, Breslin. House Resolution 1060, Yourell. 1061, Keane - Meyer. 1062, Terzich - O'Connell and 1063, Fawell - Frederick."

Speaker Collins: "Gentleman from Cook, Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, House Joint Resolution 109, Breslin - Horsey and Ewing. There's a bridge where Route 23 and 71 cross at the Illinois River at Ottawa, Illinois be named the Veterans Memorial Bridge, and that the Department of Transportation is hereby requested to erect appropriate signs or markers designating the bridge as the Veterans Memorial Bridge. House Resolution 1060, Yourell. That this House congratulates the citizens in the Village of Oak Lawn on the occasion of their Village's centennial celebration. House Resolution 1061, Keane and Meyer. This House congratulates Sister Jeannine

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

134th Legislative Day

June 28, 1982

Butler, O. P. on all of her accomplishments and thank her...it thanks her for the time and effort she has spent for the benefit of this state's greatest resources, its people. House Resolution 1062, Terzich and O'Connell. Mr. and Mrs. Arthur G. Lewis of 7152 West 64th Street, Chicago celebrating their golden wedding anniversary. House Resolution 1063, Fawell and Frederick. That on August 21, 1982, Rear Admiral Robert L. Zralek, USNR Reserve will be relieved as Commander, Naval Reserve Readiness Command Region Thirteen at the U. S. Naval Training Center, Great Lakes, Illinois. Mr. Speaker, Ladies and Gentlemen of the House, I move for the adoption of Agreed Resolutions. Mr. Speaker, I move for the adoption of the Agreed Resolutions."

Speaker Collins: "Gentleman moves the adoption of the Agreed Resolutions. All those in favor will indicate by voting 'aye'...by saying 'aye', opposed by saying 'no', and the Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 1059, Hallstrom - et al. 1064, O'Connell. 1065, Griffin. 1066, Yourell - O'Connell - Giglio. 1067, Giglio - Dick Kelly - Steczo."

Speaker Collins: "Speaker's Table. Death Resolutions."

Speaker O'Brien: "House Resolution 1056, Kane. With respect to the memory of Gregory W. Westwood. House Resolution 1058, Ryan - et al. With respect to the memory of Satchel Paige."

Speaker Collins: "Gentleman from Cook, Representative Conti moves the adoption of the Death Resolutions. Those in favor will indicate by saying 'aye', opposed 'no', and the Resolutions are adopted. ...like to turn the Chair over, at this point, to the Lady from Champaign, Representative Satterthwaite, for the purpose of an introduction. Introduction only."

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

134th Legislative Day

June 28, 1982

Speaker Satterthwaite: "Mr. Speaker and Members of the House, it's my privilege to have here beside me tonight John 'Ahardt' and Rose 'Buchner', who are the people who are the prime movers behind the plays that are being presented out at New Salem. And, if we can take the time for that, I would like to have John say a few words about those productions, and I would like all of you to take time sometime this summer to get out there and see them if you possibly can. John 'Ahardt'."

John 'Ahardt': "Thank you, Helen. I know how busy you are, and that many of you have already seen our productions at New Salem. I just wanted to remind you that this year we've opened a third play about America in the 20th century, and we hope many of you will join us to see that, who have already seen 'Your Obedient Servant, A. Lincoln' and 'Abraham Lincoln Walks at Midnight'. Thank you very much."

Speaker Collins: "Representative Rigney, would you come up here please? Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, I move the House stand adjourned until Tuesday, June 29, the hour of 12:00 o'clock noon."

Speaker Collins: "Gentleman moves the House now stand adjourned, allowing two minutes for perfunctory business or whatever will be required by the Clerk. We will stand adjourned until noon tomorrow. All those in favor indicate by saying 'aye', opposed 'no'. The House is adjourned."

Clerk O'Brien: "Introduction and First Reading of Bills. House Bill 2657..."

Speaker Collins: "I said 12:00 o'clock, if I was misunderstood."

Clerk O'Brien: "House Bill 2657, Schneider - et al, a Bill for an Act to amend the Insect, Pest and Plant Disease Act and the Illinois Pesticides Act. First Reading of the Bill. House Bill 2658, Friedrich - et al, a Bill for an Act to amend the Criminal Code and the Code of Criminal Procedure."

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

134th Legislative Day

June 28, 1982

First Reading of the Bill. No further business. The House
now stands adjourned."

09/27/82
10:23

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

PAGE 1

JUNE 28, 1982

HB-0093	MOTION	PAGE	69
HB-0712	CONCURRENCE	PAGE	84
HB-1925	CONCURRENCE	PAGE	2
HB-1938	CONCURRENCE	PAGE	46
HB-2039	CONCURRENCE	PAGE	3
HB-2135	CONCURRENCE	PAGE	27
HB-2266	CONCURRENCE	PAGE	19
HB-2289	CONCURRENCE	PAGE	52
HB-2310	CONCURRENCE	PAGE	46
HB-2430	CONCURRENCE	PAGE	64
HB-2439	CONCURRENCE	PAGE	84
HB-2502	CONCURRENCE	PAGE	20
HB-2657	FIRST READING	PAGE	100
HB-2658	FIRST READING	PAGE	100
SB-0499	MOTION	PAGE	85
SB-1251	NON-CONCURRENCE	PAGE	64
SB-1256	NON-CONCURRENCE	PAGE	82
SB-1285	NON-CONCURRENCE	PAGE	45
SB-1363	NON-CONCURRENCE	PAGE	45
SB-1374	NON-CONCURRENCE	PAGE	45
SB-1386	NON-CONCURRENCE	PAGE	45
SB-1397	NON-CONCURRENCE	PAGE	45
SB-1398	NON-CONCURRENCE	PAGE	45
SB-1399	NON-CONCURRENCE	PAGE	45
SB-1400	NON-CONCURRENCE	PAGE	45
SB-1402	NON-CONCURRENCE	PAGE	45
SB-1403	NON-CONCURRENCE	PAGE	45
SB-1404	NON-CONCURRENCE	PAGE	45
SB-1405	NON-CONCURRENCE	PAGE	45
SB-1406	NON-CONCURRENCE	PAGE	45
SB-1407	NON-CONCURRENCE	PAGE	45
SB-1409	NON-CONCURRENCE	PAGE	45
SB-1411	NON-CONCURRENCE	PAGE	45
SB-1413	NON-CONCURRENCE	PAGE	45
SB-1414	NON-CONCURRENCE	PAGE	45
SB-1415	NON-CONCURRENCE	PAGE	45
SB-1416	NON-CONCURRENCE	PAGE	45
SB-1417	NON-CONCURRENCE	PAGE	45
SB-1418	NON-CONCURRENCE	PAGE	45
SB-1419	NON-CONCURRENCE	PAGE	45
SB-1420	NON-CONCURRENCE	PAGE	45
SB-1421	NON-CONCURRENCE	PAGE	45
SB-1422	NON-CONCURRENCE	PAGE	45
SB-1425	NON-CONCURRENCE	PAGE	45
SB-1426	NON-CONCURRENCE	PAGE	45
SB-1428	NON-CONCURRENCE	PAGE	45
SB-1445	NON-CONCURRENCE	PAGE	45
SB-1452	NON-CONCURRENCE	PAGE	66
SB-1487	NON-CONCURRENCE	PAGE	66
SB-1514	NON-CONCURRENCE	PAGE	45
SB-1516	NON-CONCURRENCE	PAGE	45
SB-1518	NON-CONCURRENCE	PAGE	81
SB-1524	NON-CONCURRENCE	PAGE	45
SB-1566	NON-CONCURRENCE	PAGE	82
SB-1599	THIRD READING	PAGE	49
SB-1678	NON-CONCURRENCE	PAGE	45
HJR-0108	ADOPTED	PAGE	96

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER RYAN	PAGE	1
PRAYER - REVEREND LYLE JESSIE	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1

09/27/82
10:23

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

PAGE 2

JUNE 28, 1982

SUBJECT MATTER

REPRESENTATIVE PETERS IN CHAIR	PAGE	11
MESSAGES FROM SENATE	PAGE	47
RECESS	PAGE	48
HOUSE RECONVENES - DANIELS IN CHAIR	PAGE	49
MESSAGES FROM SENATE	PAGE	51
REPRESENTATIVE COLLINS IN CHAIR	PAGE	81
GENERAL RESOLUTIONS	PAGE	99
AGREED RESOLUTIONS	PAGE	98
DEATH RESOLUTIONS	PAGE	99
REPRESENTATIVE SATTERTHWAITTE IN CHAIR	PAGE	99
REPRESENTATIVE COLLINS IN CHAIR	PAGE	100
ADJOURNMENT	PAGE	100
PERFUNCTORY SESSION	PAGE	100
PERFUNCTORY SESSION - ADJOURNMENT	PAGE	101