

STATE OF ILLINOIS
83RD GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

19th Legislative Day

March 10, 1983

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. The House shall come to order. The Members shall be in their chairs. All unauthorized personnel will please leave the floor. We shall be led in prayer today by Father Raymond Rick of St. Mary's Catholic Church in Farmersville, Illinois. Father Rick is a guest of Representative Josephine Oblinger. Would the guests in the gallery please rise to join us in the invocation?
Father Rick."

Father Rick: "Let us pray. Almighty God, by virtue of our office and the confidence the people of the State of Illinois have placed with us, we hold the good of the people in our hands. You know the difficult decisions we must make. Give us the wisdom to know what is right. Give us courage, courage which will enable us to meet difficulties with firmness and valor, courage to overcome any fear in a decision we must make. Almighty God, may we never be afraid to do what is right. Give us persevering courage to always look after the welfare of all the human beings you have created here in the State of Illinois. Help us with Your justice. Guide us with Your wisdom and give us the courage to act as You would act. Amen."

Speaker Madigan: "We shall be led in prayer by Rep.... Or, we shall be led in the Pledge of Allegiance by Representative Ropp."

Ropp 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 Madigan: "Roll Call for Attendance. Mr. Greiman, are there any excused absences?"

Greiman: "I believe that Representative's Henry and Vitek are

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absent, and I would appreciate if the record would show that they're... that they're ill."

Speaker Madigan: "Let the record show that Representative's Vitek and Henry are excused because of illness. Mr. Vinson, are there any Republican absences?"

Vinson: "Yes, Mr. Speaker, Representative's Ebbesen, Olson, Oblinger, Tuerk and Barnes."

Speaker Madigan: "Let the record show that those Representatives are excused. Have all voted who wish to be recorded? The Clerk shall take the record. There are 109 Members responding to the Attendance Roll Call. There is a quorum. Committee Reports."

Clerk O'Brien: "Representative Wolf, Chairman of the Committee on Personnel and Pensions, to which the following Bills were referred, action taken March 9, 1983, reported the same back with the following recommendations: 'do not pass' House Bill 263. 'Do pass as amended Consent Calendar' House Bill 376. 'Do pass as amended Short Debate Calendar' House Bill 346. Representative Van Duynes, Chairman of the Committee on Energy, Environment and Natural Resources, to which the following Bills were referred, action taken March 9, 1983, reported the same back with the following recommendation: 'do pass' House Bills 63 and 333. Representative Steczo, Chairman of the Committee on Counties and Townships, to which the following Bills were referred, action taken March 9, 1983, reported the same back with the following recommendations: 'do pass as amended' House Bill 208 and 352. 'Do pass Short Debate Calendar' House Bill 360. Representative Pierce, Chairman of the Committee on Revenue, to which the following Bills were referred, action taken March 9, 1983, reported the same back with the following recommendations: 'do pass' House Bill 297 and 340. 'Do pass as amended' House Bills

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273 and 400. Representative DiPrima, Chairman of the Committee on Veterans' Affairs, to which the following Bills and Resolutions were referred, action taken March 9, 1983, reported the same back with the following recommendations: 'do pass' House Bill 356. 'Do pass as amended' House Bill 246. 'Be adopted' House Joint Resolution 8. Representative Terzich, Chairman of the Committee on Executive, to which the following Bills were referred, action taken March 9, 1983, reported the same back with the following recommendations: 'do pass' House Bill 255 and 302. 'Do pass as amended' House Bill 275. 'Do pass Short Debate Calendar' House Bill 342 and 416. Representative Mulcahey, Chairman of the Committee on Elementary and Secondary Education, to which the following Bills were referred, action taken March 9, 1983, reported the same back with the following recommendation: 'do pass' House Bill 355, 372 and 427. 'Do pass Consent Calendar' House Bills 286 and 236. Representative Farley, Chairman of the Committee on Labor and Commerce, to which the following Bills were referred, action taken March 9, 1983, reported the same back with the following recommendation: 'do pass' House Bill 235."

Speaker Madigan: "Introduction and First Reading."

Clerk O'Brien: "House Bill 624, Braun, a Bill for an Act making an appropriation to the Urban Health Commission. First Reading of the Bill. House Bill 625, Nelson, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 626, Steczo, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 627, Mulcahey, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 628, Stuffle, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 629, Mulcahey, a Bill for an Act to amend

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the School Code. First Reading of the Bill. House Bill 630, Deuchler, a Bill for an Act to amend the Unemployment Insurance Act. First Reading of the Bill. House Bill 631, Kirkland, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 632, Kirkland, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 633, Keane, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 634, Yourell, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 635, Cowlishaw, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 636, Shaw, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill. House Bill 637, Krska - McAuliffe, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 638, Capparelli - McAuliffe, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 639, Ronan - McAuliffe, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 640, Greiman, a Bill for an Act to amend Sections of the Lobbyists' Registration Act. First Reading of the Bill. House Bill 641, Cullerton, a Bill for an Act to amend Sections of the Code of Criminal Procedure. First Reading of the Bill. House Bill 642, Mautino - Slape, a Bill for an Act in relation to county sheriffs. First Reading of the Bill. House Bill 643, Ronan, a Bill for an Act to establish the administrative organization and process necessary for the licensing of burglary... burglar and hold-up alarm business. First Reading of the Bill. House Bill 644, Hastert, a Bill for an Act to amend Sections of the Revenue Act. First Reading of the Bill. House Bill 645, Rea, a Bill for an Act to amend Sections of

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the Illinois Vehicle Code. First Reading of the Bill. House Bill 646, Saltsman, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 647, Saltsman, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 648, Matijevich, a Bill for an Act to amend Sections of the State Mandates Act. First Reading of the Bill."

Speaker Madigan: "The Chair would like to introduce a new Member of the House of Representative. Having returned from a tour of duty in the Senate, we wish to welcome back home Representative James Taylor. Would you like to offer some pearls of wisdom, Jim? Would you like to offer some pearls of wisdom?"

Taylor: "Well, Mr. Speaker, it is indeed a privilege and an honor for me to be back to this august Body. I thought when I left here it was 177 Members, and I know today it is 118. Seemed like there's less noise here than it was at the time that I was here before. I'm here to work with this Body and do the very best that I can in order to service the people of this great state. However, my predecessor, Representative Taylor Pouncey, who is from my district has been ill the last few days and had been threatened to leave. And since we had such a problem in the City of Chicago, he decided that his best duty would be in the City and that I should return to Springfield. And that's why I'm here today, in order to continue to try to help service the people of the State of Illinois and especially the 31st Legislative District, and let me say thank you for having me back. I will work with all of you and do the very best I can to be of service. Thank you."

Speaker Madigan: "For what purpose does Mr. Cullerton seek recognition?"

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Cullerton: "Mr. Speaker, a point of personal privilege. In this morning's State Journal Register it reads that... the headline... It says, 'Cullerton to speak at Sons of Erin Dinner', and it says, 'John Cullerton, Chicago attorney and former State Representative, will speak'. I wonder if, Mr. Speaker, if you knew something that I didn't know. I think that I may have been confused with Taylor Founcey once again."

Speaker Madigan: "The Chair recognizes Representative Friedrich, who has an important announcement. Representative Friedrich."

Friedrich: "Mr. Speaker and Members of the House - Mr. Speaker, you've been very diligent in reminding people of the deadlines. The rule on deadlines for going to the Reference Bureau and for introduction is a little bit vague, but I think some people are interpreting it as thinking it's an advantage not to go to the Reference Bureau before the 15th because then they can suggest the Reference Bureau - they have to meet the second deadline of getting their Bill introduced before April the 15th. I would tell you now that it is the intention of the Reference Bureau not to give any preference to those who have asked for Bills after the 15th. They will be processed in the order they're received. You will not have an advantage in going to the Reference Bureau after the 15th. And I assume, Mr. Speaker, you intend to adhere to those deadlines. So, I think this is a very important that they take notice of that."

Speaker Madigan: "The Chair recognizes Representative O'Connell."

O'Connell: "Mr. Speaker, may I have leave of the House to table two of my Bills of which I am principal Sponsor?"

Speaker Madigan: "Mr. O'Connell, could you state your question again?"

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O'Connell: "May I have leave of the House, Mr. Speaker, to table two of the Bills of which I am principal Sponsor?"

Speaker Madigan: "What are the Bill numbers?"

O'Connell: "The Bill numbers are House Bill 342 and House Bill 491."

Speaker Madigan: "342 and 491. Are you the principal Sponsor of those Bills?"

O'Connell: "Yes, Mr. Speaker."

Speaker Madigan: "The Gentleman requests leave to table House Bill 342 and House Bill 491. Is there leave? Leave being granted, the Bills are tabled. On page two of the Calendar, under the Order of House Bills, Second Reading, there appears House Bill 25. Mr. Cullerton, do you wish to call your Bill? Mr. Cullerton, do you wish to call your Bill?"

Cullerton: "Mr. Speaker, I'm having an Amendment prepared, and it's not ready yet. So, I would like to have it taken out of the record."

Speaker Madigan: "The Gentleman requests that the Bill be left on the Order of Second Reading. House Bill 233. The Clerk informs the Chair that the fiscal note has not yet been filed. House Bill 244. The Clerk informs the Chair that the fiscal note has not yet been filed. House Bill 265. The Clerk informs the Chair that the fiscal note has not yet been filed. On the Order of House Bills, Third Reading, Short Debate Calendar. We are now on Third Reading, Short Debate Calendar. House Bill 104. Mr. Ronan, do you wish to call your Bill? Is Mr. Ronan in the chamber? Let the record show that the Bill was called. House Bill 296. Mr. Bowman, do you wish to call your Bill? Mr. Bowman. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 296, a Bill for an Act to amend Sections of an Act to revise the law in regard to estrays

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and other lost property. Third Reading of the Bill."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is probably one of the simplest Bills you'll see this Session. It simply raises the limit, the value of property, that if a person should find it, that they should be obliged to report its discovery to the County Clerk. The present limit is 15 dollars. The Bill raises it to a hundred dollars. The Bill was introduced growing out of a situation that occurred in my district. The Gentleman found a 20 dollar bill on the street, took it to the police station to see if anyone had reported it lost. No one had, but the police had... told him he couldn't... couldn't keep it because they had to publish... the law required that they had to publish the fact that it was lost in a local newspaper and then deduct the cost of publishing from the value of the property before he could... could get anything. And, of course by the time that happened, there wasn't anything left. So,... So, I decided that, to avoid this sort of embarrassing thing from happening again, that we should just raise the limit. It's been a long time since the limit has been raised, in fact so long no one can remember when it was last raised. I think a hundred dollar limit is a reasonable one, and I ask support of this House."

Speaker Madigan: "The Gentleman moves that House Bill 296 do pass. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 107 'ayes', 2 'nos' and no voting 'present'. For what purpose does Representative Nelson seek recognition? This

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Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 320. Mr. Brunsvold, do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 320, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 320 is not a new Bill. It was passed last year through this Assembly, but the problem still remains that school teachers are not allowed to examine their personnel files. The files are closed to teachers who do not have contracts stating so that they can't examine these Bills... or their personnel file. The personnel file being very important to a teacher's profession, as far as maintaining and... their job and getting another job should they leave that district, it's imperative that they be able to examine and copy materials out of that file at their own expense. I urge the support of the Bill of the House Members."

Speaker Madigan: "The Gentleman moves for the passage of House Bill 320. The Chair recognizes Representative Wolf."

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

Speaker Madigan: "The Sponsor indicates that he will yield."

Wolf: "Representative, is this your first Bill?"

Brunsvold: "Yes, thank you."

Speaker Madigan: "Is there any further discussion? Mr. Mays."

Mays: "Will the Sponsor yield to a question, please?"

Speaker Madigan: "Sponsor indicates that he will yield."

Mays: "What kind of materials will they be allowed to have access to that they can't already go to - any and all or?"

Brunsvold: "Right now the only... public employees... federal employees have access to their personnel files. Unless the teacher has a contract stating that they can get to a

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files, then a school district can disallow them from... from seeing their personnel files."

Mays: "So, is there a specific problem that you're aware of that prompted this Bill or...?"

Brunsvold: "The problem exists in the district I came from and I taught in; that things were being placed in the files that were detrimental to the teacher that could not be examined by that teacher. And this situation resulted in a seven-day strike in our district."

Mays: "Thank you."

Speaker Madigan: "Is there any further discussion? Mr. Brunsvold to close."

Brunsvold: "It's very evident that, if any school district does not want a teacher to examine their files, then they have something to hide, and I don't think most school districts are like that. But, in our situation, this did happen, and it could happen in other districts. And this should be something... that a teacher examining their own files and to see what people are saying about them should be something that would... would not be objectionable by the school board. So, I would move that we... that the House support me in this situation."

Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 100 'ayes', 10 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills, Third Reading. House Bill 12. Mr. O'Connell, do you wish to call your Bill? Gentleman indicates that he does not wish to call his Bill. House Bill 57. Mr. Olson, do you wish to call your Bill? Let the record show that

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Mr. Olson is not present today. House Bill 68. Mr. Preston, do you wish to call your Bill? House Bill 69, Representative Topinka. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 69, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Madigan: "Representative Topinka."

Topinka: "Mr. Speaker, Ladies and Gentlemen of the House, Representative Nash, Oblinger, Preston and myself would like to let you know about House Bill 69 which would remove the total discrimination that senior citizens now face in having to pass both a written as well as a road test everytime they renew their driver's licenses, even if they have a safe driving record. Now there's no law like this that applies to any other age group, including teenagers who have the highest incidents of accidents, including the greatest number of fatalities therein. This law is totally in conflict with the current trend in law to remove, not incur, discrimination. It causes great consternation to senior citizens, trauma, turmoil to people over 69 throughout the state. We have over 30 Cosponsors. The Bill came out of the Select Committee on Aging 15 to 1. It's supported by the Department on Aging, by Attorney General Hartigan and numerous senior citizens' groups throughout the state including ARP, the Retired Teachers' Association, Green Thumb and, as I say, numerous others. I certainly would encourage your vote, because I think it would be a tremendous help and a great saving grace to a lot of upset senior citizens. Thank you."

Speaker Madigan: "Representative Taylor."

Taylor: "Thank you, Mr. Speaker. Mr. Speaker, I would only ask that... leave of this Body that my name be included as a Cosponsor of this good legislation."

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Speaker Madigan: "For what purpose does Mr. Friedrich seek recognition?"

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

Speaker Madigan: "Before we proceed to that question, Mr. Taylor has requested leave to be added as a Cosponsor of the Bill. Is there leave? Leave is granted. Let the record show that Mr. Taylor is a Cosponsor of the Bill. Representative Friedrich. Would you yield to Representative Friedrich for a question? Proceed, Mr. Friedrich."

Friedrich: "Well, Representative Topinka, I guess my question is would... could the driver's license examiner require a road test if the senior citizen showed up in what appeared to him to be a... in a physical condition that he thinks that the road test is warranted?"

Topinka: "Generally speaking, everytime anybody takes out a license at this time, there is a questionnaire that comes with it which you always fill out, you know, even if it's mailed back to you if you have a safe driving record. And you fill out if there are any handicaps or any limitations that would cause difficulty, as far as driving. There is recourse for the inspector or for the Secretary of State's Office if there is any feeling that any driver of any age is either not answering those questions truthfully or if there is some suspicion that a... that a further test is in order. That recourse does exist. So, individuals having that difficulty can be addressed without discriminating against a whole group."

Friedrich: "But, in answer to the question, the driver's license examiner could require a road test if it appeared to them that..."

Topinka: "Not at that time. I think he would have to take it to his superiors at that point, but it could ultimately be done."

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Speaker Madigan: "Mr. Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor indicates that she will yield."

Cullerton: "Representative Topinka, I'm curious to know that the position of the Secretary of State is on this particular Bill. Has he formulated a position on this Bill that affects license... driver's licenses?"

Topinka: "It's my understanding, in talking to the Secretary of State, that he is involved with two other colleagues of mine here on the House floor who would be moving a partially discriminatory Bill through that would just eliminate the dri... written test and not the driving test. So, he is not particularly in favor of mine."

Cullerton: "So he's... The Secretary of State is not in favor of this Bill. Is that correct?"

Topinka: "That is correct. He is not in favor of this Bill."

Cullerton: "Okay, thank you."

Speaker Madigan: "Representative Pangle."

Pangle: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor indicates that she will yield."

Pangle: "Is there an increase in the fee for a retaking of the test?"

Topinka: "Originally, when the Bill was drafted, by mistake, the Section of the law that pertained to a discount for senior citizens was removed. That has been put back in by Amendment. It should never have been touched in the first place. So, senior citizens will continue to have half price, as far as their driver's licenses."

Speaker Madigan: "Representative John Dunn."

Dunn: "Perhaps this question has been answered; but, as I read the statute, people are required to take a written examination every nine years, but is there an exception to that if you have a good driving record?"

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Speaker Madigan: "Representative Topinka."

Topinka: "I... Okay, yes. At this point, anybody under age 69, if they have had a safe driving record, automatically get to pass through and do not have to take the tests. If you are over 69, you have to retest every three years if you've had a safe driving record or not. It pinpoints people 69 years of age and older."

Dunn: "You're talking about the behind-the-wheel test, aren't you?"

Topinka: "Both."

Dunn: "Both? Okay."

Speaker Madigan: "Is there any further discussion? Representative Topinka, to close."

Topinka: "I think everything has been said that can possibly be said on this. This House before has acted and acted strongly and quickly when it came to matters of discrimination. I think we all know what the score is on this one, and I would ask your favorable vote because it's time we took care of this one."

Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 100 'ayes', 7 'nos', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 227, Representative Breslin. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 227, a Bill for an Act to amend Sections of the State Appellate Defender Act. First... Third Reading of the Bill."

Speaker Madigan: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, this Bill amends the State Appellate Defender Act to allow for a

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provision in that Act to allow the Association to employ two people in one employee position. This is called job sharing. I don't know if many of you are familiar with it; however, the State of Illinois already allows job sharing for all code departments. That has been allowed since 1979, and we already have 10 people engaged in job sharing in the state. However, the Appellate Defender Act requires a special provision, and I have also added to this provision that those attorneys who are sharing a position may not engage in the private practice of law in addition to their job with the State Appellate Defender Act. That is a provision that applies to their full-time employees. So, we have continued it over to shared-time employees. I would be happy to answer any questions that you might have."

Speaker Madigan: "Is there any discussion? Representative Ropp."

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

Speaker Madigan: "Sponsor indicates that she will yield."

Ropp: "Does this mean that there might be... Is there any additional costs involved if you're going to split the job? Will they actually work twice as long, or is it the same amount of time being split up and provided by two people?"

Breslin: "The same amount of time is being split up and divided by two people. There will be one employee position and a line item for that salary. This allows that position to be filled by two attorneys. There will no additional cost."

Ropp: "Okay, thank you."

Speaker Madigan: "Is there any further discussion? Representative Breslin, to close."

Breslin: "I would appreciate a favorable Roll Call."

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

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take the record. On this question there are 105 'ayes', no one voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 292, Representative Breslin. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 292, a Bill for an Act to amend Sections of the Workers' Compensation Act. Third Reading of the Bill."

Speaker Madigan: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, this Bill allows the corporate officers of all small businesses who are also wage-earning employees of that small business to opt out from covering themselves, only themselves, under the Workers' Compensation Act. This... This does not apply to their employees. It only applies to the corporate officers. There are 34 other states in the nation that apply a similar kind of opt-out provision for corporate officers. The... This Bill is particularly advantageous to the... the really small businesses. The retailers, the pharmacists in your area have some... have a great deal of interest in it, and I would be happy to answer any questions."

Speaker Madigan: "Representative Davis. Mr. Davis."

Davis: "Well, thank you. Mr. Speaker, I rise in support of the Lady's Bill. This Bill was brought to the attention of the General Assembly last year in a form of an Amendment late in the year, and it was endorsed by the House at that point. And then the Bill fell for other reasons and other provision, but this... this concept is endorsed by almost everybody, I think, that's reasonable in their approach to small business. And I think most of the major business groups are in favor of it. I certainly am, and I'm pleased to see the Lady bring it to our attention. I recommend an

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'aye' vote."

Speaker Madigan: "Representative Greiman."

Greiman: "Thank you, Mr. Speaker. I wonder if the Lady would yield for a question or two."

Speaker Madigan: "The Lady indicates that she will yield."

Greiman: "Could you tell me, Representative Breslin, what is the definition of a small business under the Act?"

Breslin: "Okay. A small business is already defined in the Business Corporation Act. It is any two or more offices... Oh, strike that. The offices of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the bylaws, a secretary and a treasurer, each of whom shall be elected by the board of directors as such time and in such manner as may be prescribed by the bylaws. The only... There is a provision that corporate officers can hold more than one of these positions. However, the president and the secretary may not be the same people. So, there are many small corporations in this state that have only two corporate officers, but they must have at least two."

Greiman: "Well, so that in a small business with the three employees, four employees, it would be... it would make sense for a guy who is the owner to... Like a pharmacist. So, he would say to the guy who is the soda jerk, you're our secretary and somebody else is the treasurer. Is that... Would that be advantageous to them? I mean, could he escape... If he had just a few employees, could he take a number of them out of the operation of the Act that way?"

Breslin: "He could do so; however, he could not do so on his own motion."

Greiman: "Well, they have to agree, I suppose."

Breslin: "Every corporate officer must sign in the waiver individually. For instance, the president may want to opt

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out for himself. He may have his own health insurance policy, may not need the workers' comp coverage; however, he cannot coerce other officers to do the same thing. It is completely permissive to each individual officer."

Greiman: "Well... If he asked... If the employer... No, strike that. Is there some mechanism for the situation where the employer would establish, as a condition of continued employment, that that person sign the waiver? Is that frowned upon, or is that..."

Breslin: "That is absolutely not allowed in the Act, and it is definitely frowned upon."

Greiman: "I mean is there something in the Act that would say that, if I ... if I gave... If the employer comes to me and he says sign it or you're out, and I sign it because I need the job. And then I get hurt on the job. Can I raise the... Can I raise that at a later time?"

Breslin: "That is not provided for in the Act, but it is definitely a subversion of what the Act is intended to cover. I have discussed this issue. It was discussed in Committee and no Amendments were suggested. However, I have discussed it most recently with the AF of L-CIO and have agreed that, if they want to sit down and work on language in the Senate, we would be happy to look at that."

Greiman: "I see."

Breslin: "However, it was discussed in the Labor and Commerce Committee in the House and no one proposed an Amendment."

Greiman: "I see. But... But there is no remedy now. Thank you very much, Representative Breslin."

Speaker Madigan: "Representative McPike."

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

Speaker Madigan: "The Sponsor indicates that she will yield."

McPike: "Representative Breslin, just to follow up on Representative Greiman's questions then, would you tell us

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the legislative intent of this so that... so that, in practice, the work comp laws are not subverted?"

Breslin: "Absolutely. The intent of this legislation is to allow those corporate officers, who do not feel that they need workers' compensation coverage themselves for whatever reason, to elect, on their own motion, to opt out of coverage under the Workers' Compensation Act. It is not the intent that they ever be allowed to coerce other members other than themselves. It is anticipated that there would be many people who already have other insurance coverage, or many times perhaps better insurance coverage than workers' compensation coverage, and, as a consequence, don't need the double coverage provided under the Act."

McPike: "It is certainly not your intent to allow the bylaws of a small business to provide for an unlimited number of vice presidents of that small business so that, in effect, every employee then becomes a corporate officer and every employee then signs a waiver to exempt himself or herself from the provisions of the work comp Act. That is a subversion of the Bill. That is not your intent."

Breslin: "That is not my intent, and that would be an absolute subversion of the Bill."

McPike: "Thank you."

Speaker Madigan: "Representative Satterthwaite. Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Madigan: "Sponsor indicates that she will yield."

Brummer: "Representative, I think the question was asked previously, and I'm not sure if you understood the question. Is the... Is a small business defined in the Bill, or... either specifically or by reference; and, if so, what is the definition of a small business?"

Breslin: "A small business is defined by reference as those

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businesses that are covered under the Small Business Purchasing Act, and they include a wholesale business with annual sales of 7.5 million or less, a retail business with annual sales and receipts of 1.5 million or less, a manufacturing business employing 250 people or less, a construction business with annual sales and receipts of 3 million or less. That's the definition already existing in the Small Business Purchasing Act."

Brummer: "Thank you."

Speaker Madigan: "Any further questions, Mr. Brummer? Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Represen... May I..."

Speaker Madigan: "Sponsor indicates that she will yield."

Mautino: "Representative Breslin, there are two areas in workers' compensation and unemployment compensation where the officers of closed corporations, family corporations, cannot now avail themselves of workers' compensation as it pertains to injuries on the job. Your legislation, I'm assuming, would allow those corporate officers of a closed corporation to opt out in workers' compensation in lieu of additional coverage if they so desire under the disability clauses of their own insurance, I'm assuming."

Breslin: "It applies to all corporations that would be included in the definition under Section 3 of the Small Business Corporation Act. That's the specific definition."

Mautino: "Okay. Is there a date of record for those existing corporations? For example, the corporate officers as of January 1, 1983?"

Breslin: "No. No, there is no specific date."

Mautino: "Okay. Thank you."

Speaker Madigan: "Is there any further discussion? Representative Breslin, to close."

Breslin: "I would yield to Representative Davis to close, if he

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would like to."

Speaker Madigan: "The question is, 'Shall this Bill pass?'.
Representative Davis, to close." op."

Davis: "Well, I don't think anymore..."

Speaker Madigan: "For what purpose does Representative Peterson
seek recognition?"

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

Speaker Madigan: "The Sponsor indicates that she will yield."

Peterson: "If a person opts out, can they later on opt back in,
or are they out of it for good?"

Breslin: "I'm sure that they can opt back in. There is
presently, by Amendment adopted in Committee, a provision
for sending a notice to the Commission and to their
insurance carrier that they have opted out. That has not
specifically provided for; however, I am sure that a... an
elimination of that notice could be accomplished by the
same person."

Speaker Madigan: "Is there any further discussion?
Representative Davis, to close."

Davis: "Well, I won't take much more time of the House. This
concept was endorsed by this House last year. I think,
with the Amendment, the Insurance Agents Association that
we put on on the floor yesterday or day before yesterday;
that the insurance agents are now for the Bill, or at least
at best, neutral. I think almost everybody is for it. The
Bill has been thoroughly debated, and I think
Representative Breslin did a fine job of presenting the
Bill. It's a good Bill for small business. It's a good
Bill to put downward pressure on some premiums that are
unnecessary in the view of some corporate office holders,
or of corporation officers, rather, and I believe it
deserves your 'ayes' vote. And I would certainly recommend
it to you."

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Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question there are 109 'ayes', 1 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Mauti... House Bill 305, Mr. Mautino. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 305, a Bill for an Act to amend Sections of the Fish Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 305 is a very simple piece of legislation commonly referred to as the Jesse White trolling legislation. We have within our Fish and Game Code a provision whereby a fisherman who is trolling can only use two poles in their boat. Basically, what this does is move it to three, which most fisherman in the State of Illinois who do some trolling do use three poles and; therefore, we do not cause additional citations to be issued for something that's been going on for quite a few times. There is... There's virtually... I know of no opposition to the legislation, and it has been before us before."

Speaker Madigan: "Is there any discussion? Representative Yourell."

Yourell: "Yes, would the Gentleman yield?"

Speaker Madigan: "The Sponsor indicates that he will yield."

Yourell: "Representative Mautino, under this legislation, is it possible for a lake fish... Lake Michigan charter fisherman to have 36 lines in the water at one time?"

Speaker Madigan: "Mr. Mautino."

Mautino: "It doesn't look like it. I did not address Lake... Lake Michigan fisherman and their trolling for coho with

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this legislation."

Yourell: "I have no objection to the Bill; but, for those of you who know anything about Lake Michigan fishing and the charter boats, they generally take out six fisherman, and they're restricted now to two rods for fisherman which is twelve. But they do have a practice to use what they call sliders. That's another rig that they slide down on the same pole on the same line; and, under this legislation, they'll be able to troll 36 lures in the water at one time."

Mautino: "God bless them. That's good fishing."

Speaker Madigan: "Representative Hoffman. Representative Hoffman."

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

Speaker Madigan: "Sponsor indicates that he will yield."

Hoffman: "Mr. Mautino, we...we've gone from two to three. Is that correct? Is the third one, is that troll being taken from under the bridge?"

Mautino: "You're very quick today, Gene. You're very good."

Speaker Madigan: "Representative McPike."

McPike: "Thank you, Mr. Speaker. Representative Mautino, a number of people are curious as to who will rise to speak for the fish."

Mautino: "I think Mr. Marzuki raised that question in... in the Committee..."

McPike: "They thought Representative..."

Mautino: "Karpziel. Karpziel may do that for us. Doris Karpziel may rise..."

Speaker Madigan: "Representative McAuliffe."

McAuliffe: "I just wanted to say, Mr. Speaker, that the kind of luck I have fishing on Lake Michigan, I would need 36 lines to catch one fish if I fished for a month."

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Speaker Madigan: "Mr. Mautino, to close."

Mautino: "The last comments were from my major Cosponsor of the legislation. I think that Jake Wolf, who had this legislation last year, now Deputy Director of the Department of Conservation, and I agree, as well as Jesse White, that it's something that's going on now. We might as well legalize exactly what's going on now."

Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question there are 111 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 319, Mr. Jaffe. House Bill 350, Mr. Rea. Mr. Rea, do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 350, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Rea."

Rea: "Thank you, Mr. Speaker and Members of the House. House Bill #350 would eliminate the written part of the driving examination for senior citizens 69 and over. It does not eliminate the behind-the-wheel testing, and we have found that there is a higher rate of accidents for the young under 16 and for senior citizens over 69 and that there are negative effects, physiological factors that are important to driving, such as; reaction time, distance judgement, field of vision, accuracy and quick responses and that the most likely causes of accidents of the older drivers consists of failing to yield the right of way, improper turning, ignoring stop signals, intersection pull-outs, and other incidents of this type. When seniors do have accidents, it is more likely to be fatal, more like to be

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the senior citizen's fault, more likely to be caused by behavior that cannot be observed during a driving test situation behind the wheel. When accident records are weighed by the number of miles driven, both older and younger drivers have higher accident rates compared to the average driving population. This Bill is supported by the Secretary of State, by the Motor Vehicles Commission and by the Attorney General's Office and would appreciate a favorable vote."

Speaker Madigan: "Mr. Vinson. Mr. Vinson."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House, Representative Rea's bill, which I Cosponsor, is a good Bill which will place senior citizens on an equitable basis with other drivers in the State of Illinois. It is a Bill which admittedly is somewhat a lesser Bill than Representative Topinka's Bill, but I believe that it's important that we have it as a back-up Bill. And, for those reasons, I would urge all Members to vote for this Bill."

Speaker Madigan: "Is there any further discussion? Mr. Rea, to close."

Rea: "Thank you, Mr. Speaker, Members of the House. I feel that this is very necessary and will end discrimination that is now in existence for the senior citizens 69 and over and would ask for a favorable vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 106 'aye', 2 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair is prepared to adjourn. Is there any further business to come before the House?"

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Representative Rhem."

Rhem: "Mr. Speaker, I would like to move to suspend the posting requirements for House Bill 291 so that it can be posted for a Subcommittee hearing of the Personnel and Pensions Committee on Tuesday, March 15th. The Minority Spokesman is in agreement with this Motion."

Speaker Madigan: "Mr. Rhem, have you spoken with the Minority Spokesman?"

Rhem: "Yes, I have."

Speaker Madigan: "There's an agreement on this matter?"

Rhem: "It's in agreement, yes."

Speaker Madigan: "The Gentleman requests leave to suspend the posting requirements for the purposes enunciated in his Motion. Is there leave? Leave being granted, the posting requirement shall be so suspended. Mr. Rhem, would you come to the well to reduce that Motion to writing? Is there any further business to come before the House? We are prepared to adjourn, and we can adjourn today on the adoption of a Death Resolution for a former Member. Before we move to that question, there are two Agreed Resolutions. Mr. Giorgi."

Clerk O'Brien: "House Resolution 96, Hallock and House Resolution 98, Bowman - Madigan."

Giorgi: "Mr. Speaker, Hallock's 96 honors a Scout Master, and Bowman's 98 notes an ordination. I move for the adoption of the Agreed Resolutions."

Speaker Madigan: "The question is, 'Shall the Agreed Resolutions be adopted?'. All those in favor signify by saying 'aye', all those opposed by saying 'no'. The 'ayes' have it. The Motion carries. The Resolutions are adopted. Is there any further business? Death Resolution."

Clerk O'Brien: "House Resolution 97, by Representative Younge, with respect to the memory of James E. Williams, Sr."

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Speaker Madigan: "Mr... Mr. Giorgi, for a Death Resolution. Mr. Giorgi moves the adoption of the Death Resolution. All those in favor signify by saying 'aye', all those opposed by saying 'no'. In the opinion of the Chair, the Motion carries. The Resolution is adopted. Mr. Clerk, anything further? Alright, we are prepared to consider the Death Resolution of a former Member; and, upon adoption of that Resolution, we shall stand in adjournment. Would all Members please rise, including our guests in the gallery? Mr. Clerk, read the Resolution."

Clerk Leone: "Senate Joint Resolution #11. Whereas, Marie H. Suthers was born on March 12, 1895; and whereas, Mrs. Suthers, a native Chicagoan and graduate of Chicago Teachers College, was an adult-education teacher in the Chicago public school system and a noted instructor of parliamentary procedure and public speaking in classes, seminars and institutes from coast to coast; and whereas, Mrs. Suthers' interest and acumen in parliamentary procedure and public speaking carried her into the 67th General Assembly where, from 1949 through 1951, she held office as a Republican Representative from what was then the 13th District in Cook County; and whereas, Mrs. Suthers left the General Assembly after one term and became the Commissioner of the City of Chicago Board of Election Commissioners in December of 1952, serving Chicago in that capacity until April 30, 1981. Therefore, resolved by the Senate of the 83rd General Assembly of the State of Illinois, that the House of Representatives concurring herein, that while feeling sorrow over the loss their former colleague, the Members of the General Assembly salute the memory of Marie H. Suthers, an individual whose vitality and public service as... (sic, public spirit serve)...as an example to all and; therefore, be it

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resolved that suitable copies of this Preamble and Resolution be presented to Mrs. Suthers' grandchildren as a formal token of our admiration for their grandmother and our sense of loss at her passing."

Speaker Madigan: "The Chair recognizes Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I move the adoption of Senate Resolution #11."

Speaker Madigan: "Mr. Hoffman moves for the adoption of Senate Joint Resolution #11. Upon the adoption of this Resolution and upon the Motion of Representative McFike, we shall stand until adjournment until Monday, March 14 at twelve noon. All those in favor signify by saying 'aye', all those opposed by saying 'no'. The 'ayes' have it. The Resolution is adopted. We stand adjourned until Monday, March 14 at twelve noon, and we will provide for a half an hour of Perfunctory Session."

Clerk O'Brien: "Introduction and First Reading of Bills. House Bill 649, Leverenz - Madigan, a Bill for an Act to provide for the ordinary and contingent expense of the State Comptroller. First Reading of the Bill. House Bill 650, Hallock - Kirkland, a Bill for an Act to amend the Toll Highway Authority Act. First Reading of the Bill. House Bill 651, Ewing, a Bill for an Act to amend the Open Meetings Act. First Reading of the Bill. House Bill 652, McCracken, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 653, Hawkinson - McCracken - Hoyer, a Bill for an Act to amend Sections of an Act relating to the acquisition, possession and transfer of firearms and firearm ammunition. First Reading of the Bill. House Bill 654, McCracken - Hoyer - Hawkinson, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 655, Rea - Stuffle, a Bill for an Act in relation to the powers

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of conservation police officers. First Reading of the Bill. House Bill 656, McCracken - Hawkinson - Homer, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 657, McCracken, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. House Bill 658, McCracken - Hawkinson - Homer, a Bill for an Act to amend Sections of the Juvenile Court Act. First Reading of the Bill. House Bill 659, Bowman, a Bill for an Act to amend Sections of the Illinois Municipal Code. First Reading of the Bill. House Bill 660, Bowman - Braun - Levin - White, a Bill for an Act to amend Sections of the Illinois Municipal Code. First Reading of the Bill. House Bill 661, Bowman - Braun - Levin - White, a Bill for an Act to amend Sections of the Illinois Human Rights Act. First Reading of the Bill. House Bill 662, Pangle - Mautino, a Bill for an Act to amend Sections of the Illinois Lottery Law. First Reading of the Bill. House Bill 663, Reilly, a Bill for an Act to amend Sections of the Illinois Securities Law. First Reading of the Bill. House Bill 664, Younge, a Bill for an Act making an appropriation to the Illinois Industrial Development Authority. First Reading of the Bill. House Bill 665, Terzich, a Bill for an Act to amend Sections of the Illinois Marriage and Dissolution of Marriage Act. First Reading of the Bill. House Bill 666, Piel - O'Connell - Pullen - Terzich, a Bill for an Act to amend Sections of the Illinois Abortion Law. First Reading of the Bill. House Bill 667, Brummer, a Bill for an Act to amend Sections of the Illinois Drainage Code. First Reading of the Bill. House Bill 668, Friedrich, a Bill for an Act to amend Sections of an Act in relation to the rate of interest and other charges in connection with sales on credit and the lending of money. First Reading of the

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Bill. House Bill 669, Stuffle - Brunsvold, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. Are there any further Bills for introduction? No further business. The House now stands adjourned."

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