

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

44th Legislative Day

May 12, 1983

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Father Anthony Tzortiz, Pastor of St. Anthony's Church in Springfield. Father Tzortiz is a guest of Representative Steve Nash. Will the guests in the gallery please rise to join us in the invocation?"

Father Tzortiz: "In the Name of the Father, and of the Son and of the Holy Spirit. Amen. Glory to Thee, O our God. Glory to Thee. O Heavenly King and comforter, the spirit of truth Who art everywhere present and feelest all things, the treasury of the blessings and giver of life, come and dwell in the hearts and in the minds of our State Representatives and all of your officers of our government of our country. Purify them from every stain and of Thy goodness save their souls. Amen."

Speaker Madigan: "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: "There are none on the Democratic side, Mr. Speaker."

Speaker Madigan: "Mr. Greiman, is it the intent that Mr. Mati... Thank you. And, Mr. Vinson indicates that there are no excused absences from the Republicans. The Clerk shall take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. For what purpose does Mr. Sam Wolf seek recognition?"

Wolf: "Mr. Speaker, for purposes of an introduction. In the rear

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right gallery we have a group from the Prather Junior High Student Council of Granite City, chaperoned by Counselor, Ms. Hall. I wish they would stand and be recognized please."

Speaker Madigan: "Mr. Clerk, Committee Reports."

Clerk O'Brien: "A corrected Committee Report. Representative Jaffe, Chairman of the Committee on Judiciary, to which the following Bills were referred, action taken May 5, 1983, reported the same back with the following recommendation: 'Interim Study Calendar' House Bills 1548 and 1824."

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

McMaster: "Thank you, Mr. Speaker. For the purpose of an introduction, we have with us today in the west gallery a group of students from Geneseo High School, accompanied by three of their instructors. They are the Better Business Club of Geneseo High School. I would ask them to stand, and would you recognize them, please?"

Speaker Madigan: "On page 39 of the Calendar, on the Order of House Bills Third Reading, the next Bill in the order of call is House Bill 814, Mr. Hoffman. Is Mr. Hoffman in the chamber? House Bill 815. For what purpose does Mr. Johnson seek recognition?"

Johnson: "Parliamentary inquiry. On page 38 of the Calendar for today, there's indication next Bill halfway down the page and at the bottom of the page. And I wonder what the significance of that is?"

Speaker Madigan: "It's a diversionary tactic to confuse certain Members."

Johnson: "It's easy to confuse me, Mr. Speaker."

Speaker Madigan: "Apparently, there was an error by the Clerk's Office, and the correct mark is the one at the bottom of page 38."

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Johnson: "Thank you very much."

Speaker Madigan: "Thank you. Has Mr. Hoffman come to the chamber yet? House Bill 820, Mr. Bullock. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 820, a Bill for an Act to award state contracts in targeted areas. Third Reading of the Bill."

Speaker Madigan: "Mr. Bullock. Mr. Bullock."

Bullock: "Thank you, Mr. Speaker. Mr. Speaker, I'd like to request leave of the Body to return House Bill 820 to the Order of Second Reading for purpose of a technical Amendment, which is technical only, and is offered by LRB."

Speaker Madigan: "Is there leave? Leave is granted. The Bill shall be placed on the Order of Second Reading."

Clerk O'Brien: "Amendment #1, Bullock - Panayotovitch..."

Speaker Madigan: "Mr. Bullock on Amendment #1."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #1 to House Bill 820 merely makes technical changes in language and in form. I know of no opposition to the Amendment and would request its adoption."

Speaker Madigan: "Is there any discussion? All those in favor of the Amendment signify by saying 'aye', all those opposed by saying 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Bullock, do you wish to proceed? Mr. Bullock on House Bill 820 on the Order of Third Reading."

Bullock: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 820 creates the Target Area Contract Preference Acts. This legislation is intended to award preference for bids for contractors who agree to certify fifty percent of the labor on those contracts are performed

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and by people from and at work sites located in economically distressed areas. We all know that there are high risk areas in the State of Illinois, and in Illinois there are approximately three-quarters of a million people out of work. This legislation is intended to respond to the high unemployment in those high risk areas. For example, if an employer is willing to invest in that particular community by employing individuals from that particular community, that contract would be provided on an incentive basis, an incentive and a preference in the bid agreement. I certainly, Mr. Speaker, think the time has come when we can, in fact, encourage contractors and employers in our state to help us address the unemployment problem, which is so prevalent in our state. The maximum preference that would be given to a bidder under this Act is approximately 15%. I would be glad to answer any questions. The legislation is designed to provide these duties and functions in the Department of Commerce and Community Affairs and the Capital Development Board."

Speaker Madigan: "Mr. Mays."

Mays: "Thank you, Mr. Speaker. Will the Gentleman yield?"

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

Mays: "This didn't pass out of Labor and Commerce unanimously, did it?"

Bullock: "I don't have the Digest before me, but the Bill did receive an affirmative vote necessary for passage."

Mays: "Okay. How do you define 'distressed area' in your Bill?"

Bullock: "Well, the Department of Commerce and Community Affairs would, in fact, establish guidelines for the designation of those distressed areas. I think most of us are aware that the distressed areas that we allude to would be those that have high rates of unemployment, perhaps, five or four times the national average."

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Mays: "You have six specific categories and a given community must... or a given work force must be in compliance, or meet at least four of those six categories. Is that correct, or is there twelve? I can't... You've got a person with high risk unemployment and six categories there and then distressed area with six categories."

Bullock: "The legislation does delineate individuals who are of high righ unemployment, and it totals approximately seven."

Mays: "What areas in this state would be eligible for this kind of preference?"

Bullock: "Well, I would suggest Rockford, in specific. Certainly Peoria. Certainly East St. Louis. Possibly Quad Cities. More specifically, Chicago."

Mays: "Did your Amendment, in any way that was just adopted, address the question of fixed work sites that I raised in Committee?"

Bullock: "No, this Amendment was technical in nature, offered by the LRB, and it was not, in any way, intended to change the substance of the Bill but addressing gramatical errors that were not caught in the initial draft."

Mays: "One final question. If, in my area, I had a community that met three of the given criteria, but your area had a community or a work force that met four of the criteria, they could be eligible... the contractor bidding on the project from your area, as I read this sliding scale, could be eligible for up to 15% preference over my local contractor. Is that correct?"

Bullock: "No, that's not correct. The legislation says that if you meet at least five of the criterias. I think that the incentive plan is necessary if we are to ask Illinois corporations and employers to help solve the unemployment problem inherent in our state."

Mays: "Then you're saying that if your area a contractor

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qualified under this program, and in my area we were one criteria short, that you would not be given any preference."

Bullock: "Well, you would be given a preference. The question remains as to what percentage of preference you would receive. I..."

Mays: "Mr. Speaker..."

Bullock: "... submit to you that if, in the area of Peoria where there are tremendous numbers of persons unemployed, that if in that area they qualified on four and say someone else from the Quad City qualified on five, it would certainly be up to the Department of Commerce and Community Affairs or, in some cases, the Capital Development Board to make a determination. We certainly anticipate that regulations will be written by DCCA specifying the specifics as it relates to this legislation."

Mays: "Mr. Speaker, to the Bill. Thank you. In this Bill, what could conceivably happen under the guidelines of this Bill is that a community like Chicago may not meet all the criteria and so downstate communities or any other communities neighboring could actually bid on those projects and receive up to a 15% preference on all of these bids. This is an anti-local labor Bill, and it is an anti-unemployment Bill, if you look at it. But I really question the effect and the impact of the Bill, because it has a provision that doesn't apply it to fixed work sites; and, as you know, for the Capital Development Board's projects, all of them are fixed work sites. So, I guess it's not all that bad of a Bill. It's not going to have much of an impact; but, if it were, it would definitely go to those communities and give a preference to those communities and those laborers within those communities conceivably outside of the given communities that you

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represent. I would, therefore, urge you to vote 'no' on this Bill."

Speaker Madigan: "Mr. Tuerk."

Tuerk: "Mr. Speaker, Members of the House, Representative Mays covered points quite adequately. I would just add to that that actually the way this Bill is written it's very ambiguous. We're not sure exactly what the Sponsor is driving at, except that we know that he's trying to get Chicago contractors downstate, which, I suppose, on one end, is alright if their bidding competitively. But to give them that 15% preferential treatment, just is not the way to go. I know on many contracts we have some preferential treatment already in the place. I don't think this Bill is needed at all. I know Central Management Services and DCCA oppose the Bill and the concept. I would ask those of us in the House to oppose it as well."

Speaker Madigan: "John Dunn. Representative John Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this legislation. I think it's time that we do the very best we can with the limited resources we have in the State of Illinois to promote employment in our underemployed areas. It so happens that I come from one of those areas. We have tremendous unemployment in our area. It's been chronic. It's been long-lasting. We're trying to work our way out of it. Something like this, which would give a preference to the people from our area who are trying their very best to keep their heads above water in these difficult economic times, to say to them that if you will take the risk, if you will try your best to stay in business, if you will try your best to hire the people from our area, if you will try your best to invest in the future of our area, we will give you some very slight incentive - a 5% preference - over

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contractors from other areas. I think that's the least we can do to say to the people of the State of Illinois, 'If you're from an area where everything is going along fine, that's great. Keep right on going. But, if you're from an area where times are tough and things are difficult and you're still willing to invest in that area to provide jobs, to provide business, to provide economic growth for your area, then we're going to provide you with a little bit of help.' This is a small businessman's Bill. This is a Bill to help the little guy. This is a Bill to help the people back home, and I urge an 'aye' vote on this good Bill by Representative Bullock."

Speaker Madigan: "Mr. Slape."

Slape: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, rise in support of House Bill 820. Usually, what happens in most parts of the state of ... parts of the state when they become depressed and the work goes out, we see all those small contractors go out, out of business. Then what happens when there is some new construction or a new highway or some new factory building, contractors come in from other parts of the country. They get the jobs. They bring in their own supervisor and personnel. They bring in their own people to do the job, in most instances. It usually leaves to strife... It raises the cost of the project, and it doesn't add to the employment in the local area. I would hope to see 820 pass here today. Thank you."

Speaker Madigan: "Mr. Brookins."

Brookins: "Thank you, Mr. Speaker. I, too, rise in support of this Bill. As a small businessman, I know that any inch you can get done in these times is much needed. We employ, the small business people, over 55% of the work force, and this would definitely be a help in keeping small businesses

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in business and giving him that much needed help. So, I urge your support of this Bill. Thank you."

Speaker Madigan: "Representative Didrickson."

Didrickson: "Yes, Mr. Speaker, will the Sponsor yield, please?"

Speaker Madigan: "Excuse me?"

Didrickson: "Will the Sponsor yield for a question, please?"

Speaker Madigan: "Yes, the Sponsor indicates that he will yield."

Didrickson: "Thank you. Representative Bullock, we are all proponents of small businesses. I, for one, certainly am in the area that I represent, but I do have a question. And I'm wondering if there is a provision in the Bill under... for how often we're going to review the figures for the percentage of population over age 25 with a high school education, the high rate of unemployment, the low per capita income? I guess, you know, are we going to update these figures on a yearly basis?"

Bullock: "Well, first of all, Representative, it's a little noisy in here, and I didn't hear your first question."

Didrickson: "Okay. I'll be glad to repeat it. What I'm asking is, are there any provisions in your Bill for updating the figures on unemployment, the high rate of poor people over age 65, etcetera, low per capita income?"

Bullock: "Well, I would think that the DCCA, under its regulations, would routinely make current its statistics and certainly, you know, they're using basic census data from the U. S. Census Bureau. So, I would think that DCCA would maintain those current census figures."

Didrickson: "On a yearly basis?"

Bullock: "I would imagine that they would keep them as current as possible."

Didrickson: "Is that clear in the Bill, I guess is really the intent of my question?"

Bullock: "I think that the intent of the legislation is to use

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the latest census figures in Section 3, and it deals with the definition of block grants. It deals with the definition of distressed areas. All of those reference the census figures. And so, whatever latest census figures are available, I would assume they'd use them."

Didrickson: "Okay. The lat... You know, the census figures are what - updated every ten years. Am I correct?"

Bullock: "Yes."

Didrickson: "Okay. Is that the intent then of the Bill; that every ten years..."

Bullock: "No. The intent of the Bill is to use the latest census figures. DCCA, which I think is a fine agency..."

Didrickson: "I would agree."

Bullock: "... Peter Fox, and I've commended them on this floor on many occasions. I'm certain that they would make every effort to make sure that the figures are current."

Didrickson: "Okay. Presently, do they update those figures on a yearly basis at DCCA?"

Bullock: "Well, I think we're being redundant here. I've indicated on three separate occasions to your question in three separate fashions that DCCA would keep current census figures and would utilize that data. I think what you're attempting to do is to get me to say it's done on a yearly basis, and that would be an incorrect statement. I simply don't know."

Didrickson: "Thank you."

Speaker Madigan: "Representative Ralph Dunn."

Dunn: "Thank you, Mr. Speaker. I'd like to, if I might, introduce Nashville, Illinois eighth grade. They're over on the Democratic side in the balcony, Tom 'Danks', the Superintendent, and I'd like for your to say hello to the eighth grade from Nashville."

Speaker Madigan: "Mr. Stuffle. Mr. Stuffle. Gentleman indicates

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that he does not wish to speak to the question. Mr. Doyle, are you seeking recognition?"

Doyle: "Mr. Speaker, I move to the previous question."

Speaker Madigan: "Mr. Doyle, I don't think there's any need for that, because there's no one else seeking recognition. Mr. Doyle withdraws his Motion. Mr. Bullock to close."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 820 will boast (sic - boost) employment for people in hard hit and economically distressed areas of our state. Contractors would agree to the conditions of the contract to employ the chronically ill in our state. House Bill 820 is a jobs Bill. House Bill 820 is a Bill that will aid the economy in the State of Illinois. I would urge an 'aye' vote for House Bill 820."

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 74 'ayes', 39 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 39 of the Calendar, House Bill 814, Mr. Hoffman. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 814, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 814 is one of a number of Bills the School Problems Commissions has introduced to encourage, on a voluntary basis, a school district reorganization. What this Bill does is very simply allows a reorganized unit district to keep, for the first three years, the same amount of state aid in the General Distributive Fund than they would have had had they remained separate districts or

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dual districts. This will not cost any additional dollars, because whatever the dual districts would have qualified for they would have received anyway. And this just makes the transition from dual districts to unit districts easier, and I would ask for your support of this legislation."

Speaker Madigan: "The Gentleman moves that House Bill 814 pass. Is there any 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 117 'ayes', 1 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Ronan, for the purpose of an announcement."

Ronan: "Thank you, Mr. Speaker, Members of the House. We're very pleased to have down with us today a group of young people from my district and Representative Joe Berrios' district sitting up in the Speaker's gallery, students and faculty from Chase School in the 33rd Ward. I'd like to welcome them to Springfield."

Speaker Madigan: "House Bill 815. Mr. Hoffman, do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 815, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 815 is a product of the efforts of the State Board of Education and the School Problems Commission, and it deals with the collateralization requirement which apply only to school districts and not to other governmental bodies. What this Bill will do will put the collateralization requirement on loans for school

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districts in the same position as other governmental bodies. Currently, banks and savings and loans are required to have, on deposit, the same amount of backing for loans that... that they make to school districts. This costs more money; and, although school districts now can buy commercial paper without collateralization, for some reason in the School Code it doesn't allow them to do the same thing with banks. All other governmental bodies can do this, and we are putting the school districts in the same position as other governmental bodies. And I would ask for your support."

Speaker Madigan: "Is there any 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 115 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 826. Mr. Wolf, do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 826, a Bill for an Act to amend Sections of the Personnel Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. House Bill 826 simply amends the Personnel Code to permit the Department of Central Management Services to enter into a fair share agreement of an agency shop agreement with the labor organization that is the exclusive representative of that particular group of state employees. Under the agency shop agreement or the fair share, employees who are not members of the labor organization that represent them can be required to pay a fair share fee to the labor

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organization as a condition of continued employment. They can't be required to join, but they can be required to pay their fair share. House Bill 826 simply authorizes the State of Illinois. It doesn't require them. It authorizes the State of Illinois to negotiate the question of agency shop agreements affecting the state employees; and, under this agreement, the employees can be required, as a condition of employment, to make payments to the labor organization that represents them. I simply ask for your favorable consideration."

Speaker Madigan: "Representative Pullen."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I certainly have a high regard for the Sponsor of this Bill, and I can understand why he would use a euphemism to describe a Bill of this nature. But I hope that the Members of this House will realize what they're voting on here. It has nothing to do with fair share, other than euphemistically. This is an agency shop Bill that would put the state in the position of negotiating with labor unions which represent some of the state employees, whether the other state employees would be required, as a condition of employment, to pay dues, even limited dues, to the union that they don't belong to. This is violative of freedom of association. It has nothing to do with benefit to the taxpayers or to the State of Illinois, which should be the only condition of employment that the state should be concerned about. It gives an unfair advantage to public employee labor unions. It is coercive to the individual employees involved, and it is anything but fair. I urge a 'no' vote on this Bill."

Speaker Madigan: "Mr. Stuffle."

Stuffle: "Yes, as I rise as the hyphenated principal Sponsor of this Bill. We're back to an issue here that involves

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whether you believe employees should pay their fair share or participate in an agency shop program. In labor negotiations, the prevailing situation is that where the majority chooses a bargaining agent, the majority acts for them. This is a function of majority rule, this Bill - House Bill 826. Those who support the contrary notion that you don't pay your share, that the bargaining agent ought to have to negotiate for you, bargain for you, get your benefit increases, your salary hikes and then you don't have to pay your share, that's what we refer to as the free ride. That's what we refer to as right to work, basically. This House has rejected that idea of right to work time and time again, and that's what the previous speaker's speaking for - right to work. This is a fair Bill that goes to the heart of the idea that you pay your share, if you're going to be represented, and you don't go along for a free ride. That's all it does, permissively allowing the negotiation of an agency shop provision."

Speaker Madigan: "Mr. Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. With all due respect, and the words that were previously spoken, frankly, have little... should get little respect, because they... equating a Bill like this with right to work is, frankly, garbage and not reading the Bill right. The concept of fair share is a fallacious one. Let me put this before you. In the last couple decades, groups such as the... the Wilderness Society, the Sierra Club have worked very hard on behalf of Clean Air Act, the Clean Water Act. All of us have benefitted from that. Now, only a certain number of people, certain percentage of the population, has stood up and actually paid dues to the Sierra Club or the Wilderness Society. The fact that you and I are breathing cleaner air or drinking cleaner water,

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because of the efforts of a group like that, does that mean that we should be forced to pay dues to those groups because we happen to be benefitting from it? I say no, but the analogy is correct. If you're saying that people who choose not to join a union are somehow benefitting from that action, fine. Let them, but they shouldn't be forced to pay dues to a union anymore than you and I should be forced to pay dues to the Wilderness Society simply because we've benefitted from an action on theirs. It's a fallacious assumption, and I recommend everybody vote 'no' on it."

Speaker Madigan: "Representative Mays."

Mays: "Would the Gentleman yield for a..."

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

Mays: "How many people are currently covered by the union?"

Speaker Madigan: "Mr. Sam Wolf."

Wolf: "Out of some 57,000 state employees, about 43,000 are unionized employees, Representative Mays."

Mays: "How many... How long has that been in effect?"

Wolf: "Would you repeat the question?"

Mays: "Yeah. How long have they had the exclusive representation of this state employee group?"

Wolf: "It depends on the organizing body and the particular group of state employees that you're talking about."

Mays: "You're saying that 43,000 out of the 56,000..."

Wolf: "Fifty-seven thousand."

Mays: "Fifty-seven thousand are currently dues-paying members?"

Wolf: "Currently unionized. They're currently unionize and represented by a union organization. That doesn't necessarily mean..."

Mays: "How may currently..."

Wolf: "Let me... That doesn't necessarily mean that all 43,000 actually belong and are paying dues to the union."

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Mays: "How many are?"

Wolf: "Don't have that information."

Mays: "Well, to the Bill, Mr. Speaker. We're basically, by enacting this law, not voting for right to work, but basically putting people out of jobs who don't want to pay homage to the union bosses. That's all this is. We've prohibited firing for age. We've prohibited firing for sex discrimination, or race or political affiliation, and now we're going to allow, with the passage of this Bill, firing of state employees who don't want to give homage to the union bosses. I urge a 'no' vote."

Speaker Madigan: "Mr. Sam Wolf to close."

Wolf: "Thank you, Mr. Speaker and Members of the House. Just a couple of points about this Bill, and number one is that the individual doesn't have to join the union. The only thing this Bill is asking is for a fair share due. The amount of money, if the employee is a conscientious objector and has religious objections to belonging to a union, can ask that whatever fair share he's required to pay can be contributed to a nonreligious charitable organization. I don't think that this is unreasonable. I think that any time the laws of the State of Illinois require that a union organization, in their negotiations with an employer, have to represent all employees, just not those that belong to the union, then I think it's only fair that that union be allowed to collect the fair share due from all of those employees. I think this is good legislation. I simply ask for your favorable consideration."

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? Have all voted who wish? The Clerk shall take

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the record. On this question there are 74 'ayes', 41 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 830, Representative Barnes. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 830, a Bill for an Act to amend Acts in relation to compensation for injuries resulting from mandatory immunization. Third Reading of the Bill."

Speaker Madigan: "Representative Barnes."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 830 amends the Communicable Disease Prevention Act to provide compensation by the Illinois Department of Public Health for injuries resulting from mandatory immunization for which no other compensation is available. This is a Bill that passed out of the House in 1981 by 125 'aye' votes but was bogged down in the Senate."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Sponsor yield?"

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

Cullerton: "Representative Barnes, the Bill indicates that a fund of 100,000 dollars shall be set up to cover awards. Our analysis indicates that the Bill will cost the state about 658,000 dollars. This fund, apparently, is established as a special fund in the State Treasury. Could you explain about the difference between this 100,000 dollars and the purported cost of 658,000?"

Barnes: "Representative Cullerton, we amended the Bill, because there had been some questions in Committee. And that is no longer in there."

Cullerton: "Well, I see your Amendment, and I don't see how it changes or answers that question. How much money is going into the fund? 100,000 dollars?"

Barnes: "Well, Mr. Cullerton, January 1st of 1984 is when this

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Bill would go into effect. So, we don't have any appropriation for it. It's just a Bill that would be in place if any problems should occur. And what we're talking about is young children that would be given the measles vaccine, the rubella vaccine, polio and the diphtheria tetanus vaccines."

Cullerton: "I'm not arguing against the Bill. I just want to know how much money... Is there an appropriation Bill?"

Barnes: "No. It's just... I said that. It's just a Bill that goes into effect January 1st of '84 that would be in place."

Cullerton: "So, it doesn't... It wouldn't... It would be there; but, if there's no money in it, then it wouldn't... it wouldn't... no one would get any money."

Barnes: "That's right."

Cullerton: "So like next year, or something like that, after we... come up with enough money to fund it, we can appropriate it next year."

Barnes: "Yes, Representative."

Cullerton: "And do you anticipate that it's going to be about 100,000 dollars or more?"

Barnes: "It would be very difficult to say, because we would only go to this fund after every other avenue has been exhausted. So, it's a little difficult to tell how many cases there would be."

Cullerton: "Alright, thank you."

Speaker Madigan: "Is there any further 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 112 'ayes', 4 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 835, Mr.

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Matijevich. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 835, a Bill for an Act to amend Sections of an Act in relation to State Police. Third Reading of the Bill."

Speaker Madigan: "Mr. Matijevich. Mr. Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 835 is a Bill to provide an additional longevity, a five percent salary increase, to State Policemen at 17 1/2 and 25 years of service. I appreciate your support."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Will the Sponsor yield?"

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

Cullerton: "My... I understand, Representative Matijevich, that will only cost the state a million point three. Is that right?"

Matijevich: "That's all, a million-three."

Cullerton: "Fine. Thank you very much."

Matijevich: "Thank you."

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? Have all voted who wish? The Clerk shall take the record. On this question there are 104 'aye', 13 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 836, Mr. Matijevich. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 836, a Bill for an Act to amend Sections of an Act in relation to State Police. Third Reading of the Bill."

Speaker Madigan: "Mr. Matijevich."

Matijevich: "Yes, this is another in my State Police agenda, Mr. Speaker and Members of the House. This would provide that

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when a police officer is found not guilty of a charge, that the Police Merit Board may instruct that the author... officer receive compensation for that period. In other words, the Bill has been amended. When the Bill was introduced, it was that the officers shall receive pay for that period for which he was found not guilty. This is permissive that the Police Board may order that they be paid. I appreciate your support."

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 117 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 838, Mr. Steczo. Mr. Steczo, let us interrupt you for one minute. The Chair recognizes Representative Rice."

Rice: "Mr. Speaker..."

Speaker Madigan: "Mr. Rice."

Rice: "I request leave to table House Joint Resolution #3."

Speaker Madigan: "Mr. Rice, are you the principal Sponsor of that Resolution?"

Rice: "Yes, I am, Sir."

Speaker Madigan: "Is there leave? Leave is granted. The Resolution is tabled."

Rice: "Thank you, Sir."

Speaker Madigan: "And let the record reflect that the Gentleman is referring to a Constitutional Amendment. House Bill 838, Mr. Steczo. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 838, a Bill for an Act to amend Sections of the Illinois Municipal Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Steczo."

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Steczo: "Thank you, Mr. Speaker, Members of the House. House Bill 838 is a Bill that mirrors something that we currently have in Illinois state law and have had since 1975 and that's legislation to require municipalities to provide prompt payments for goods or services. House Bill 838 would impose a one percent per month penalty for late payments for those various kinds of goods and services. I mentioned that since 1975 Illinois has had this particular statute on the books, and complaints from vendors have decreased almo.. just dramatically. And the purpose of the Bill isn't necessarily so that contractors can receive the interest. They testified in Committee they're less concerned with the interest than they are in really receiving the funds and the money that are actually due them from these appropriated projects. It was the testimony in Committee that because some of these contracts are on such small profit margins, that delayed payments, in a respect, actually causing them to lose money on these particular projects. The way House Bill 838 would work would be this; that from the time a project is completed or a time a bill is received, that municipality would have 30 days in which to approve or disprove the bill. If the bill is approved, then the municipality would have to come forth with the proper funds in 30 days. So, actually this is a Bill, technically, just to get the bureaucrats to act. I should mention, too, and it was brought out in Committee that it applies only to appropriated funds. And... would appreciate the support of the House in support of House Bill 838."

Speaker Greiman: "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

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question there are 112 'ayes', 2 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 869, Mr. Slape. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 869, a Bill for an Act to amend the Illinois Wage, Payment and Collection Act. Third Reading of the Bill."

Slape: "Thank you, Mr. Speaker. House Bill 869 makes a contractor an employer for the purpose of wages owed an employee by a subcontractor, and the liability is limited to any monies owed by the contractor to the subcontractor. This... During testimony in the Committee, the Department of Wage Disputes from the Department of Labor come down and spoke in favor of this Bill and said it would help facilitate some of the wage disputes his Department has to handle, and I would ask for 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? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 'ayes', 5 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 873, Mr. Bowman. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 873, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you, Mr. Speaker. If ever there was a merely Bill, this is it. This Bill I introduced because I got a letter from one of my constituents who is a public school teacher and pointed out to me that presently state law permits that institute days; that is, days that teachers get off from their teaching responsibilities and are able

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to go out and receive continuing education, that state law restricts institute days to be held at the site of other school facilities. Now, there are a number of classes that are taught in high school particularly, such as vocational education, or chemistry, or physics or other sciences, for which institute days might more profitably be spent at places like Abbott Laboratories, or Argon National Laboratories, or the National Accelerator in Batavia or, indeed, even the museums, the Field Museum or the Art Museum, in the case of art teachers. And so, the... this Bill simply permits institute days to be held at other than school facilities."

Speaker Madigan: "Mr. Vinson."

Vinson: "Inquiry of the Chair, Mr. Speaker. Is this the Gentleman's first Bill?"

Speaker Madigan: "You may have heard the Gentleman say that if there was ever a merely Bill, this is a merely Bill. And the thought ran through my mind, if there is a Sponsor in the House who could complicate it, here he is. Representative Pullen."

Pullen: "Well, I have a slightly more serious question of the Sponsor for clarification."

Speaker Madigan: "He indicates he will yield."

Pullen: "Is the current law regarding teacher institute days, does that limit the number of institute days that school districts may have?"

Bowman: "I believe it does; although, my Bill does not affect any limitations regarding the number of days. It neither expands or contract or, in any way, affects that."

Pullen: "That's exactly what I wanted to clarify; that this Bill does not expand the number of institute days but just applies to how they may be used."

Bowman: "That's precisely right, and the way they may be used

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must still be approved by the school board."

Pullen: "Thank you."

Speaker Madigan: "Mr. Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

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

Birkinbine: "Do I understand that presently it's the regional superintendent of schools who decides what is appropriate as an institute day and what is not?"

Bowman: "I believe the regional superintendent has something to say about it, but I also believe the local school boards do too. I believe that both have some input to that."

Birkinbine: "And this Bill - what - now puts us into the Act. We're saying what is... what we consider to be appropriate for an institute day?"

Bowman: "No. In effect, it takes us out of that Act. Right now there are limitations in the law that, in regards to where in... where institute days may be conducted. Right now the law restricts institute days to being held on the site of school facilities, and this simply opens it up to other kinds of facilities, such as industrial facilities, or laboratories and that sort of thing."

Birkinbine: "Would the regional superintendent of school or the local school board, whichever is doing it now, still have the right to make the determination as to what they consider appropriate?"

Bowman: "Absolutely."

Birkinbine: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Mr. Bowman."

Bowman: "Just a remark to the Chair. Now, aren't you sorry you said that terrible thing about me earlier?"

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Speaker Madigan: "There will be other opportunities, Mr. Bowman."

Bowman: "Thank you. You're absolutely right about that, Mr. Speaker."

Speaker Madigan: "Yes. Have all voted who wish? The Clerk shall take the record. On this question there are 116 'ayes', 1 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 925, Mr. Friedrich. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 925, a Bill for an Act to amend Sections of the Illinois Housing Development Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Friedrich."

Friedrich: "Mr. Speaker, for some unknown reason, when the Illinois Housing Development Authority Act was passed originally, it provided that the reports... the contracts be filed with the Auditor General. All other contracts have to be filed with the Comptroller, and this merely changes the filing of the contract from the Auditor General to the State Comptroller."

Speaker Madigan: "Is there any 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? The Clerk shall take the record. On this question there are 117 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 932, Mr. Ronan. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 932, a Bill for an Act in relationship to community building and educational programs and needs. Third Reading of the Bill."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. House Bill 932 is a, basically, noncontroversial measure. Passed it

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out of the House Secondary Education Committee about two weeks ago by a vote of 14 to 3. What it does is it establishes the Illinois Community Education Act to encourage communities to make maximum use of public buildings. It sets up a system so that it will be easier for community education programs to have access to public buildings and to use them in whatever capacity they see fit in order to encourage more community participation in the educational field. It's got the support of the Illinois School Administrators Association, the Illinois Federation of Teachers and the Illinois Community Education Association. It's a bipartisan measure. I've worked on it with Representative Josephine Oblinger and Representative Gary Hannig. I'm available for any questions."

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? Clerk shall take the record. On this question there are 107 'ayes', 8 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 933, Mr. Bowman. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 933, a Bill for an Act to amend an Act to create the Bureau of the Budget and to make an appropriation. Third Reading of the Bill."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This piece of legislation amends a Bill which we passed about three years ago, under my Sponsorship, that was the result of a series of hearings and study conducted by the Joint Long-Term Debt Committee. Various Members of the House who were still here served on that Committee, and one of the shortcomings of the state's long-term debt

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process is the failure to have a long-term capital plan, anything approaching a multi-year capital plan. We recommended, and this House approved, and the Governor signed, in fact, a Bill requiring a multi-year capital expenditure plan. However, since that legislation has passed, the Bureau of the Budget has apparently been satisfying the letter, if not the spirit of the law, because what they do is they come in each year with a list of the projects that they are planning to begin in that particular year and then provide us expenditure data for what they think those projects will cost over the next couple of years. But they do not tell us what they are... what they have on the drawing boards for the next couple of years, and that's really the purpose... was the purpose of the original legislation. We feel that the state ought to have a longer planning horizon than it apparently now has. So the effect of this legislation is simply to implement the spirit of the legislation that this House has already spoken on in the past and simply require that the Bureau of the Budget submit to us each year its three-year capital plan, including those projects which are expected to come on line in the next two years but for which no appropriation is currently being sought. That is all the Bill does. I have here a considerable amount of correspondence between the Economic and Fiscal Commission, which every year has objected to the way the original legislation was implemented. I have copies of that correspondence with the Bureau of the Budget, and it seems like, short of legislation, there's no way to resolve the issue. And that is why I bring this Bill to you today to move its passage."

Speaker Madigan: "Mr. Vinson."

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

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House. I rise in opposition to the Gentleman's Bill. One of the biggest problems with this State Government is that we continuously mandate agencies, commissions and departments to produce plans and then, very cavalierly, throw away those plans when they come to us in the mail. Every Member of this House has systematically engaged in the process of purging his mail of those plans so that he can get the constituent letters, so that he can get the problems of real concern. What this Bill might be appropriately termed as is the anti-tree Amendment of 1983. We ought to defeat it for that reason alone. We don't need to produce any more plans. But there's another reason we ought to... we ought to beat this Bill as well, and that reason is very simple. One of the problems, when you start creating these plans, is that you start locking them in concrete. You start getting the bureaucrats defensive of their plans, and the only thing they want to do is carry through on their plans. The Legislature ought not see that responsibility to the bureaucrats. We ought to determine what the plans are. We ought to determine what the projects are. We ought to determine where the capital development money is going to be spent. It ought to be among us up here on the floor of the House and in the Senate that is determined where that money is going to go and what projects are going to be built, and we don't need planning documents from the bureaucrats that get wedded to to do that. We simply need the requisite number of votes on both floors of this House, both floors of this chamber, both floors of this General Assembly. That's how we ought to go about determining how capital development money is spent, and we don't need this Bill to do it. For those reasons, I urge a 'no' vote on the Bill."

Speaker Madigan: "Mr. Ronan."

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Ronan: "Thank you, Mr. Speaker, Members of the House. Will the distinguished Gentleman from Evanston yield for a few questions?"

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

Ronan: "Yeah, Representative Bowman, what political party is the Governor of this state affiliated with?"

Bowman: "Please take this Bill out of the record."

Speaker Madigan: "The Bill shall be taken from the record. House Bill 944, Mr. Matijevich. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 944, a Bill for an Act in relationship to the State Police. Third Reading of the Bill."

Speaker Madigan: "Mr. Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 944 would provide that the expenses of the Police Merit Board be paid from funds appropriated for that purpose. Right now, the Police Merit Board is under the Department of Law Enforcement. The State Police feel that in order to be totally independent, because that Police Merit Board deals with their livelihood with decisions that may lead to their removal, demotion, suspension, promotion, that that agent... that Police Merit Board should have total independence. And by the submission of House Bill 944 and a companion appropriation Bill that is on the floor of this House at this time, that would provide for that total independence, and I believe that that is good policy and, therefore, ask for your support."

Speaker Madigan: "Mr. Ewing. Mr. Ewing. The Gentleman indicates he's not seeking recognition. 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 105 'ayes', 11 voting 'no'. This Bill, having received a Constitutional Majority, is

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hereby declared passed. House Bill 945, Mr. Matijevich.
Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 945, a Bill for an Act in relationship
to the State Police. Third Reading of the Bill."

Speaker Madigan: "Mr. Matijevich."

Matijevich: "Yes, Mr. Speaker, Members of the House, House Bill
945, as amended, probably beats Woody's Bill as a merely
Bill. As introduced, it would have maintained that the
mandatory retirement age be increased from 60 to 65 years;
but, as amended, it keeps the retirement age mandatory at
60. So all that the Bill does now is changes the title to
the Act so that it refer not just to State Police but to
law enforcement so that all the law enforcement officers
come under the retirement provisions. In other words,
those who are criminal investigators and all of those under
law enforcement. It's really now only a clean-up Bill, and
I ask for your support."

Speaker Madigan: "Mr. Ropp."

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

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

Ropp: "Representative, this is a question that deals, I guess, in
broad principle. Why is it that on the one hand we have
allowed those in the area of education to retire at 70, and
only State Police retire at 60?"

Matijevich: "Well, that... we voted on that some years ago. I
was not one who supported that 60 years, but we did vote on
that in both Houses and that's what's happened. I would
have supported the Bill as introduced, but that's since
been amended at the request of those who asked me to put
the Bill in. So, I acceded to their request. I, frankly,
would not... I would be supportive of eliminating a
mandatory retirement, but so be it. That's my own
opinion."

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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? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 111 'ayes', 5 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 946, Mr. Klemm. Mr. Clerk, read the Bill."

Clerk Leone: "House Bil 946, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Klemm."

Klemm: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 946 will help to equalize between school district that own their buses and school districts that utilize a school bus contractor. Presently, school bus contractors base their charges on total expenses which also include profits, and the school district utilizing this service simply is allowed to claim that total amount paid to the contractor for reimbursement from the state. School districts, however, that own and operate their buses are discriminated against in that they are not allowed to claim any administrative costs. Presently, the state does allow a 2 1/2 percent of net direct costs to cover what they define as indirect costs. And really, as we know, this does not really cover the expenses of the school districts that have their own buses. House Bill 946 has a cap on the amount that they can charge for indirect costs, up to 5%. This was at the request of the State Board of Education and some of the Committee Members, and I believe it is a fair compromise. And I do ask for your support."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "A question of the Sponsor."

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

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O'Connell: "Representative, the lifting the lid of the 2.5% administrative costs - is it replaced with another maximum? What is that maximum?"

Klemm: "Yes. As I mentioned, it's 5%. So, it raises it from 2 1/2 to 5%."

O'Connell: "Now, administrative costs - does that conclude just about every operating expense that a school bus company may have?"

Klemm: "Well, a school bus company charges all their indirect or any costs they wish to a school. I'm talking about the costs that the school district themselves were to incorporate or were to be charged in doing their own school busing."

O'Connell: "In other words, the 5% max is what the state would reimburse the school district for?"

Klemm: "Yes."

O'Connell: "So, presently, a school bus company would pass on all of their administrative costs to the school."

Klemm: "And profits and everything else, and they would get... the school district would get reimbursement for that. But school districts that do not contract with, you know, a separate contractor and have their own school buses, are not allowed to even put in those indirect costs but only, if they do, up to 2 1/2%; whereas, a private contractor can put unlimited amount... unlimited profits. And the state pays for that. So, really what we're doing, and it's not costing the state any additional funds. It's really a different reallocation of funds so that schools that have their own buses can, at least, get some of their administrative costs..."

O'Connell: "Okay. So, this is strictly for those school districts that operate their own school buses."

Klemm: "Yes, it would assist and help them. Yes."

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O'Connell: "Well, does... Is it directed strictly at the school districts that operate their own school buses?"

Klemm: "Yes."

O'Connell: "And it has nothing to do with the private school bus companies."

Klemm: "No. I... I... The Governor has indicated that he would prefer to put a cap on even those who are outside; but, for the state to try to figure out what a cap would be on profits, on overhead and everything else, would be almost impossible for anybody to do it."

O'Connell: "Thank you."

Speaker Madigan: "Representative Nelson."

Nelson: "Thank you, Mr. Speaker. Question of the Sponsor."

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

Nelson: "Precisely now, what is the fiscal impact of this Bill, Representative Klemm?"

Klemm: "Well, as you know, the monies come from the Pupil Transportation Reimbursement Fund. So really, it's the General Assembly appropriates the monies for that; and, if they don't appropriate any more, there's no cost to the state whatsoever."

Nelson: "I can understand your concern with the inequity between districts that operate their own transportation system and districts that contract out, but would it not also have been possible to address that inequity by going the other way? Instead of placing an unrestricted amount, what we could have done instead is place a restricted cap on those districts that contract for bus service."

Klemm: "Well, I do have a cap on it, and you had asked for it in Committee. And I put the cap on the Amendment #1, and you accepted it. So, I do have a cap on it, where I didn't have it in the initial legislation."

Nelson: "What I would like to point out is that there is a fiscal

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impact to this Bill and, in fact, to the Bill, Mr. Speaker. We did give it a hearing in Committee. There were questions raised, and Representative Klemm is exactly right; that there is less fiscal impact to this Bill than there was originally, but I would like the Members to realize that the money will have to come from somewhere. And the fiscal impact, according to our staff, may range anywhere from 13 to 19 million dollars. Thank you."

Speaker Madigan: "Mr. Davis."

Davis: "Thank you, Mr. Speaker. I rise in support of Representative Klemm's Bill. It's been a long time coming, and I congratulate the Sponsor. I believe the inequities that are existing in the current transportation network for schools is amply addressed in this Bill and protected with a cap. Despite the comments of the very able Representative from suburban Cook, I could tell you that there is no fiscal impact other than within the formula itself. There will be less monies to distribute in the formula. So, we may not be funding it, unless we appropriate more money, as Representative Klemm has pointed out. It's a very good Bill. It protects those school districts who are locked in, literally locked in, the rural and downstate districts that are locked in to operating their own buses. And I think it's a very good Bill, and I certainly urge your support."

Speaker Madigan: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The analysis would indicate that, according to the State Board of Education, we're looking at between 13 and 19 million dollars cost. Let me say that what you will have for that 13 or 19 million dollars is a redistribution of our transportation formula that is already fractionalized. And the truth of the matter is that our

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present transportation formula needs to be... needs to be reworked. The problem is, when we get over a certain level, we're reimbursing on an 80% basis, but let me tell you that those school districts that operate their own buses are not treated equitably and fairly, under the present situation, as those who contract out. Because the contractors can charge it all off. Those who operate their own buses cannot charge it all off. So if, in fact, the bottom line for transportation was the same - in other words, the same dollars were available, and this would create a redistribution to those school districts who operate their own buses - that would be fair. That would be equitable, and that would treat all of the taxpayers in the State of Illinois much more equitably than program we have in place now. And it's for that reason, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this legislation."

Speaker Madigan: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I, too, rise in support of the legislation. While it may seem to have a fiscal impact, I think that ultimately the fiscal impact will be less demand on state dollars, because these school districts then will not be forced into contracting out for their bus service. And they will not be forced into raising their cost of transportation even higher than under the current system. It is a cost-savings Bill in the long run, and I believe that it is justifiable that we distribute our funds in this manner."

Speaker Madigan: "Mr. Shaw."

Shaw: "Mr. Speaker, I move to the previous question."

Speaker Madigan: "Mr. Shaw, that, apparently, will not be necessary. That Motion shall be withdrawn. Mr. Klemm to close."

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Klemm: "Thank you, Mr. Speaker. You know, it's kind of interesting that the State Board of Education, they said it was going to cost 13 million dollars - that's when I had an unlimited amount where they could do it, their total cost. So they said that they would accept a cap on it, and I made an Amendment later to put a cap on it. But the interesting thing is that I had called three times to the State Board of Education's fiscal officer who testified against it to ask what would you like to see? What language would you accept? Not once did they return my phone call. Not once did they give a darn about what happened. So, I then worked with the people who are on the Committee on both sides of the aisle to reach a fair compromise. It's interesting that the State Board of Education, even today, is recommending that that cap be erased and increased. I think this is a fair compromise. I think it's really long overdue and should actually even be higher than what it is, but I'm trying to serve both the budget's restraints that we're talking about and fair inequity. I do ask for your support on this good legislation."

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 112 'ayes', 2 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does Mr. Ebbesen seek recognition?"

Ebbesen: "No, Mr. Speaker. My Bill was next was all. I just put on the light."

Speaker Madigan: "House Bill 954, Mr. Ebbesen. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 954, a Bill for an Act to amend the

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Funeral Directors' and Embalmers' Licensing Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, House Bill 954 is a good-government Bill. We've all... We've all heard and read in reports where millions of dollars in Social Security benefit payments are made to diseased people, and this legislation is really an effort here in Illinois to take action to prevent that Social Security benefits being paid to those diseased individuals. And what it does, it merely requires that funeral directors notify the Social Security number and the name of the diseased person within 30 days and also to the nearest district office and also the Department of Public Aid. It doesn't cost the taxpayers anything, and I think that it may help to save hundreds of thousands, if not millions, of dollars. Appreciate a favorable vote."

Speaker Madigan: "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 109 'ayes', 6 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 957, Mr. Ropp. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 957, a Bill for an Act in relationship to contracts. Third Reading of the Bill."

Speaker Madigan: "Mr. Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. House Bill 957, as amended, deals with the conflict of interest portion that deal with the election in municipalities in commission forms of government. Currently, in the statute it states that if an individual should own 7 1/2% of the

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stock of a business in which a company might provide service to that municipality, that particular individual is limited to only doing business within that company to 25,000 dollars per year. My Bill states that we're raising that 25,000 dollar annual amount to 250,000 dollar per project. The reason for that, even though that may seem high, when that Bill originally became law a number of years ago, 25,000 dollars went quite a distance, in terms of providing maybe concrete sidewalks, or street lights or any number of areas that a government, local unit of government might be involved. It is my judgement and at the request of many business and labor leaders within my district that this amount should be increased allowing for employees or owners of businesses be able to now run for city government or commission forms of government within the State of Illinois. The statute still states that the bids would be sealed and that the individual whose company may be involved in being awarded the project does not have the opportunity to vote. I think we have preserved all potential major conflicts of interest. We have met the challenge of the times, and we have increased that allowable sum from 25,000 dollars a year to 250,000 per project. I will be happy to answer any questions and welcome your support."

Speaker Madigan: "Mr. Greiman."

Greiman: "Thank you. I wonder if the Gentleman... Yes, I wanted to speak to the Bill. Is that a staff member, Mr. Speaker, that you have up on the podium with you?"

Speaker Madigan: "Yes. Proceed, Mr. Greiman."

Greiman: "Thank you, Sir. Mr. Bopp, if you would answer a question or two, as I understand it, this Bill - so I understand completely - this Bill would allow a municipal official to have a quarter of a million dollar contract

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with the city. Is that right?"

Ropp: "Yes, subject to the normal procedure of sealed bids and..."

Greiman: "Well, everybody has to do that. Right?"

Ropp: "That's right. That's correct."

Greiman: "I mean, you're not making any special thing for sealed bids only for aldermen who are dealing with the city. Everybody has to do sealed bids. Isn't that right?"

Ropp: "Correct."

Greiman: "Now, as I understand it, it's per project. Right?"

Ropp: "That's correct."

Greiman: "So, it would mean that I could have a quarter of a million dollar project with the Department of Sanitation. I could have quarter of a million dollar project to put computers into the corporation council's office. I could have a quarter of a million dollars to... project with the... for cars, selling... my automobile agency for selling cars to the village. Is that right?"

Ropp: "You could, but I doubt, if you was a private entrepreneur, would be involved in that many different businesses."

Greiman: "Are you kidding? Mr. Epton used to sit here, and he was involved in everything. He had a conflict of interest in everything. My gosh. There was nothing Epton didn't have a conflict of interest in. So, there are people, I guess, who are in a lot of businesses. Now, as I understand it then, that one could have an unlimited amount of money, an unlimited amount of contracts as long as they're held to a mere quarter of a million dollars. Is that right?"

Ropp: "That's correct. And the reason for that is that if you've had any opportunity to find out how much it costs to put in an intersection with lights, a quarter of a million dollars might not even be one project."

Greiman: "Well, to the Bill. It may well be that people who

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decide to be in government, to be alderman, to be school board trustees, may have to make some sacrifices. Now, it is absolutely nonsense to have any kind of a prohibition at all. I mean, let's just repeal the Section. Just repeal the Section and let the... go to the lowest bidders, and let's hope we have quality and no shenanigans. But to suggest that you could have a quarter of a million dollars as the minimum without that being called a conflict of interest, men live and die. That's lifetime money to me, Mr. Ropp. Now maybe not to you, Sir; but, to most of us, a quarter of a million dollars is lifetime dollars. Like we... Men live and kill and die for a quarter of a million dollars; but, under Mr. Ropp's Bill, you could have successively, in this same year, in this very same year, any unlimited number of quarter of a million dollar projects. For example, you could sell them a quarter of a million dollars worth of Chevy's, and a quarter of a million dollars worth of... worth of Pontiac's, and a quarter of a million dollars worth of computers and a quarter of a million dollars of anything with an unlimited amount. Now presently, it's 25,000 dollars per year. Now it's... He goes from that and he says, 'Well, just inflation after all. You know how things have gone up.' So, it's 25,000 dollars a year goes to 25,000... a quarter of a million dollars, unlimited number of times. Now, you've got to be kidding. Let's just get... If this offends you, if a limitation offends you, then let's get rid of this all together. Let's just let all the buckineers and all the folks who want to get in there and sell to the village, sell to the city, sell to the county, be a county officer, be president of a county... superintendent of a county board, be head of a township and control the purchases and sales. Nothing wrong with that,

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if that's what you want, but don't let us think that there's some limitations when we have a quarter of a million dollars any number of times in any year without limitation. Really, this one... I see a lot of Bills come across, and sometimes I snicker, but this one... this one just insults my intelligence. I'm going to vote 'no' on it."

Speaker Madigan: "Mr. McAuliffe."

McAuliffe: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like to rise on a point of personal privilege. Representative Greiman is usually very fair, but I think that he unwittingly made a bad comment about Bernie Epton. I don't think it's fair of him to say that Mr. Epton does have conflict of interest, because he's no longer here to defend himself. I don't think it's fair to attack someone who can't be here to defend himself."

Speaker Madigan: "Mr. Leverenz."

Leverenz: "Gentleman yield?"

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

Leverenz: "Sir, does the... did you check with the Coalition for Political Honesty about this Bill?"

Ropp: "No, I took direction from my local building trades labor organization in Bloomington-Normal."

Leverenz: "Oh, that would almost be a oops. What is the genesis... Who came to you for this Bill?"

Ropp: "I just told you the people who are the labor leaders in McLean County. Building trades people. People who are in the business of working for the city for concrete workers, cement people, blacktop workers in my area, and I don't think it's much different than in yours. You can't even pave for blacktop a quarter of a mile of road for anywhere near 250,000 dollars. And what we're doing, we're excluding a large number of qualified people who represent

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labor from serving in government."

Leverenz: "Would... Did you make some agreement that if you introduced and got this Bill passed, you would earn one flag?"

Ropp: "I've never even seen the first flag from labor."

Leverenz: "Does this Bill... the Bill have a title or is it an Amendment? For example, would this be called the Anti-Corruption Practice Act of 1983?"

Ropp: "I've got more faith in our governmental officials that they certainly do not have to award any bid to anyone in government anyway. That is already stated in our statutes. We're just dealing with attempting to solve a practical matter that 25,000 dollars per year really won't buy you a toothpick."

Leverenz: "This includes also an appointed official?"

Ropp: "No, these are elected officials."

Leverenz: "Now, our analysis says 'elected or appointed'. An I... Is the analysis incorrect? Is this elected only or elected and appointed?"

Ropp: "My intention is elected."

Leverenz: "Yes, but what does the Bill say?"

Ropp: "As far as I know, it says elected. It says municipal officers, and those are people, in my judgement, that are elected."

Leverenz: "Are village managers elected?"

Ropp: "Are they?"

Leverenz: "No, of course not. Now, is it elected only or elected and appointed?"

Ropp: "I'm advised that it's both."

Leverenz: "The Bill says 'elected or appointed', and that doesn't sound good to a few of us. Page one..."

Ropp: "It says municipal officers."

Leverenz: "... line eight. Thank you."

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Speaker Madigan: "Mr. Ropp to close."

Ropp: "Yeah, thank you, Mr. Speaker and Members of the House. I'm delighted to be a part of this particular debate in that it really does provide for a certain group of people who, heretofore because of our economy and the cost of doing business in this state, have been limited from having the opportunity to serve in municipal government or commission forms of government. As stated under the current law, 25,000 dollars, a few years ago, would buy you a street lamp or a portion of a curve, or gutter or electrical light in a city; whereas, today, 25,000 dollars... 250,000 dollars will, in about the same ratio, do the same thing. This is a Bill to provide the opportunity to meet what we consider is increased cost of doing business, and it also provides that opportunity for many people who heretofore have been excluded from serving the public in governmental office. I welcome your favorable support on this Bill."

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 7 'ayes', 97 'nos'. This Bill, having failed to received a Constitutional Majority, is hereby declared passed... Strike that. This Bill is declared lost. Mr. Ropp."

Ropp: "Is this the record?"

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

Johnson: "I just would like to ask 41 people to join Representative Ropp so he could put this on Postponed Consideration."

Speaker Madigan: "Mr. Tate."

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Tate: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I rise for the purpose of an announcement. I have a here today, up in the right hand balcony, a group of Political Science students from Lakeland Community College, and their professor, Mike 'Knotter', representing Representative Stuffle and Representative Dunn and Representative Brummer in my district. Appreciate a round of applause for them."

Speaker Madigan: "House Bill 974, Mr. Pierce. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 974, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Pierce."

Pierce: "Mr. Speaker, House Bill 974 is a modest attempt to help the school districts be reimbursed, on a slightly more timely basis, for the special education expenditures that they have made. It helps the real estate taxpayers because the school districts have expended this money, basically, from their local...from their local resources under our special education mandates. What the Bill provides is that they will be reimbursed one half on September 1st, and one half on December 1st of the year...school year following the expenditure. They have already expended these funds, and we know they are reimbursed on a prorated basis, not...not even near a hundred percent basis, but at least, instead of waiting 14 to 16 months after they have spent the money, this will shorten the period by a few months. Right now it's four payments over the following school year. This should make it two payments, in September and December. It doesn't put the reimbursement on a current basis, the way it is under several other Acts, the Orphanage Act and some of the other...the deaf programs and blind programs. It still is reimbursing them the following school year, but it's a modest improvement. There are no

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additional dollars being paid out under this, and I imagine if we have some revenue enhancement this year, the Governor, although he may not be crazy about the Bill now, would be pleased to sign it when he has some enhancement. It's not going to cost him any more money, at any rate, and the present system was put in by Governor Walker. Before Governor Walker, we did reimburse on this basis. I urge support for House Bill 974, which is supported by our Illinois Association of Special Education Administrators."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor of...of this Bill accurately described the history of the present program and the current situation. However, this particular program was put into effect when the cash flow problems were no better than they are at the present time. I must rise in opposition to this legislation because...not because I necessarily feel that it is such a bad idea, because we are reimbursing after the fact, but I rise because...in opposition because we absolutely do not have the money. If this program would have been in place for this current fiscal year, it would have bankrupt this state, because on December 31st, 1982, we had a balance of \$29,000,000. We would have been...We would have been out of business with the dollars at that particular time. We would not have been able to make the payment, as it were. I believe that until that Revenue Enhancement Program is in place, if, in fact, it does go into place, and every day is a clouded...is a clouded day, or a cloudy day on that particular issue, and for that reason, Mr. Speaker and Ladies and Gentlemen of the House, I must rise and support the position of our Chief Executive in opposition to this legislation.

Speaker Madigan: "Representative Nelson."

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Nelson: "Thank you, Mr. Speaker, Members of the House. For the Speaker...for the Sponsor of this Bill to say that the Governor is not crazy about it, is really an understatement. What Representative Hoffman has just outlined is exactly the case, that under current conditions in this state, although we do reimburse after the fact, by doing so, we are able to keep the state's cash flow at least workable. What would have happened if this Bill had been in effect in Fiscal Year '83, would have been that in December 1982, when our balance was 29,000,000, the Bill would have advanced 82,000,000 of spending that normally would have occurred in March and June, and that money simply was not there. I think that it is unfortunate that we have to reimburse school districts so long after the fact, so long after the money has been paid out, but now is not the appropriate time for this piece of legislation, and I would urge a 'no' vote."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. The previous speakers seem to suggest the state has a cash flow problem. That isn't new, but local school districts throughout the state have cash flow problems too. In fact, cash flow problems, in part, caused and certainly exacerbated by the actions of the Chief Executive of this state. The Special Education Reimbursement Program in the State of Illinois is a scandal. School districts presently wait up to 18 months for reimbursement. Representative Pierce's House Bill 974 would not cost any new state dollars, but it would mean that our local districts would not be in the position of having to go out and borrow money. Their cash flow problems would not be worsened because our cash flow problems are...are matters of which we are all most aware. House Bill 974 will not cost the

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people anything. It will save the people at home the dollars they otherwise would have to spend to go out and borrow. It's a good government Bill. It protects local school districts, and I urge everybody to vote 'yes' for House Bill 974."

Speaker Madigan: "Mr. Richmond."

Richmond: "Thank you, Mr. Speaker. May I interrupt long enough to make a brief introduction? In the Gallery to our left is a group led by teachers 'Bill Steltenpole' and 'Lee Irfurth', the eighth grade class from Gorham, Jackson County, District 116. Will you please stand?"

Speaker Madigan: "Mr. Kulas."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise for the purpose of an introduction. In the Speaker's Gallery today we have the eight grade class from the Drummond School from the northwest side of Chicago, which used to be in Representative Ronan's district, and is now in my district. Welcome to Springfield. Would you please rise?"

Speaker Madigan: "And now we shall return to Mr. Pierce to close on House Bill 974. Mr. Pierce."

Pierce: "Is that the Bill that we're on? Yeah..."

Speaker Madigan: "I believe we have finished with all the introductions, Mr. Pierce."

Pierce: "Alright, alright, but it's actually those young people in the Gallery, Mr. Speaker, that we are fighting for with this Bill, so the interruptions were most appropriate, because, as the lady from Cook said about five minutes ago, which was the previous speaker, that the school districts have cash flow problems too. The real estate taxpayers, Representative Nelson, have cash flow problems too. This money that the school districts are spending on your mandate, on our mandate, on our special education mandate,

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is local revenues of the schools. They're spending that money because we tell them to, and then 16, 18 months later, we are kind enough to reimburse them about 70, 75% if they are lucky, and this year maybe in the 60 percentile of that money that we order them to spend, and then we are reimbursing them 16 to 18 months later. All this Bill is a very modest attempt to return the law to where it was before Governor Walker messed it up, and provide, not for current reimbursement, but for reimbursement in September and December following the school year of expenditure. It's endorsed by the Whiteside and Carroll County Bi-County Special Education Cooperative, by the LaSalle County Educational Alliance for Special Education, and by other groups. Let me point out, it will have no fiscal impact in Fiscal 197...1984, I guess we are up to now. It will not have any impact in Fiscal 1984 because the first reimbursements will be in the Fall of 1984, which will be in Fiscal 1985. By that time, I'm sure the enlightened Members on both sides of the aisle, especially the other side, would have found some additional general revenue for our state's cash flow problem. The Governor has the final say here. If he finds he doesn't have the revenue for the cash flow for this Bill, because it costs no additional dollars, he still has his veto pen, but it would be a tragedy if, by the time this Bill reaches the Governor, or would have reached him, he had the money, but the Bill was defeated here today, and, therefore, he couldn't provide this little bit of cash flow help to our local school districts and to our local real estate taxpayers. So, House Bill 974 is a modest attempt to help the cash flow of the school districts and of the real estate taxpayers, and I urge you to pass and I do...and I do move the adoption and passage of House Bill 974."

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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? Have all voted who wish? The Clerk shall take the record. On this question, there are 92 'ayes', 25 voting 'no'. This Bill, having received received a Constitutional Majority, is hereby passed. House Bill 975, Mr. Stuffle. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 975, a Bill for an Act to amend Sections of an Act in relation to forest preserve districts. Third Reading of the Bill."

Speaker Madigan: "Mr. Stuffle."

Stuffle: "Yes, Mr. Speaker and Members. House Bill 975 is a Bill that came out of the hearings of the Committee on Economic Recovery and was passed out of the Counties and Township Committee thereafter. It provides basic amendments to the County Forest Preserve District Act, regarding the ability of those county forest preserve districts, in particular, to utilize their existing bonding authority for purposes beyond those which are now specified, the key part of which is development of acquired lands, which would allow these people to utilize existing proceeds or the sale of bonds from existing authority limitations for the purposes of creating jobs. Let me point out clearly to you, contrary to what some have seen in analyses, this Bill does not increase any bond authority limits or tax rates without referendum. The creation of new authority within the Bill is within the existing scope and limitations. There are three or four other changes in the Bill, in some detail, I'll go into if the Members wish, concerning limitations on contract length, the ability of these districts to acquire land within and around municipalities, the size of counties that may do that and the ability spelled out on the basis

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I have already indicated, concerning job development and land development. This Bill affects about ten counties in the state, not my own, I might add. This Bill was put in by me, as Chairman of the Committee on Economic Recovery, along with the five Republican Members who are affected, and I would ask for an affirmative vote on this Bill."

Speaker Madigan: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. As a Cosponsor of House Bill 975, I have to say that our analysis on this side of the aisle is...was originally incorrect, as Representative Stuffle has mentioned on their side. This is not a tax increase. It merely allocates three tenths of a percent for development cost of forest preserve land and it would be very helpful to Kane County. Other counties are seeing the need for development costs also, and I think it really would be very helpful. Thank you."

Speaker Madigan: "Representative Karpziel."

Karpziel: "Yes, will the Sponsor yield? Oh..."

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

Karpziel: "Larry, I just want to know, why is DuPage excluded from the Bill?"

Stuffle: "They aren't excluded from the Bill. They already come under those provisions that are changed to...allow those counties down to a size of 250,000 people to operate as the other provisions of the Bill do. They aren't excluded. They are already included."

Karpziel: "You mean they already have these provisions?"

Stuffle: "The provisions that..."

Karpziel: "I...I'm just looking at my analysis."

Stuffle: "The provisions that..."

Karpziel: "It says of the nine districts, only DuPage would be excluded."

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Stuffle: "Well, I don't think that's the case, clearly not. The part of the Bill that decreases from 600,000 population to 250,000, the population level where they don't have to go secure certain agreements with cities for acquisitions, that already covers them. This reduces that size so it covers those other counties between 250 and DuPage."

Karpiel: "Alright, so I guess you are saying that DuPage can already do this then, on statute."

Stuffle: "DuPage...That Section that I referred to is the only change on population. DuPage already has that authority."

Karpiel: "Alright, alright, thank you."

Speaker Madigan: "Representative Koehler."

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

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

Koehler: "Thank you. Representative Stuffle, on the face of the Bill, it...it states that the Bill allows each district to incur indebtedness of up to 3% of the assessed taxable property in such district without a referendum thereon, for the purposes of developing...forest land held by such district. Perhaps you should...you could explain because you stated very directly that this was not a tax increase without referendum, but the face of the bill seems to indicate differently."

Stuffle: "The...It is not. It is clearly not a tax increase of any sort or a bond authority increase of any sort. Perhaps the problem is with the synopsis on the cover of the Bill, as well as the original Republican and Democratic analysis, which have both been cleaned up. The current law provides the bond rate is 2.3% of the assessed valuation of the district, or that rate of tax limitation in effect July 1, 1979, times the EAV. This merely says that within that 2.3% or the other limit, whichever applies, that .3% of

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that already existent nonreferendum rate can be used for developmental purposes. There is no increase, whatsoever, in any tax rate or any bond authority sale amount, none whatsoever. If you read the provisions of the Bill, as well, that is very clear, if you go to page 4 of the Bill."

Koehler: "Thank you very much. You have explained what I, apparently, tore out there. Thank you."

Stuffle: "There's a hole in your Bill."

Koehler: "Right."

Speaker Madigan: "Mr. Davis."

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

Speaker Madigan: "Mr. Davis, I don't think there is any need for the Motion. The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'. All those opposed, by voting 'no'. Mr. Clerk, we're prepared to take the Roll Call, if you would open the board. Yes. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 110 'ayes', 3 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 976, Mr. Yourell. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 976, a Bill for an Act in relation to the establishment and apportionment of fire safety standards for public educational facilities. Third Reading of the Bill."

Speaker Madigan: "Mr. Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the Committee...of the House, House Bill 976 allows the Office of the State Fire Marshall to promulgate rules and regulations regarding fire safety for public schools, colleges and universities in Illinois. It creates the Fire Safety Act of 1983, and provides that the State Fire Marshall define and promulgate rules and regulations for

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the establishment of the minimum engineering and design standards for the construction of all new public schools. It also allows the Office of the State Fire Marshall to adopt the existing published codifications, known as the 1981 Model Building Code, the 1981 Fire Prevention Code and the 1981 National Fire Code. It allows units of local governments to inspect the schools, when they are being constructed, so as to be certain that they comply with the rules promulgated by the State Fire Marshall relating to the adoption of the Codes that I've mentioned. I think this is very important legislation. For the first time, it clarifies who has jurisdiction over the building of new schools in Illinois, relative to the provisions for fire and safety. I'd be happy to answer any questions, and I ask for a favorable consideration."

Speaker Madigan: "Representative Nelson."

Nelson: "Thank...Thank you, Mr. Speaker. Question of the Sponsor."

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

Nelson: "Representative Yourell, you have been saying all through your explanation on this Bill, that the Bill allows."

Yourell: "That's correct."

Nelson: "I have the Bill in front of me, and everywhere I look, the Bill says 'shall'. Now, to me that means something else."

Yourell: "Well, you didn't read the Amendment, Representative Nelson."

Nelson: "I have both Amendments in front of me; two DeJaeger Amendments that went on Committee, and there is no other Amendment that I know of on the Bill."

Yourell: "Amendment #3, Representative, changes all of the 'shalls' to 'says'."

Nelson: "And when did that go on the Bill?"

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Yourell: "Mr. Clerk, has that Amendment been adopted? Well, Mr. Speaker, then, I would ask leave of the House to move House Bill 976 back to Second Reading for the purpose of an Amendment."

Speaker Capparelli: "Capparelli to the Chair. Does Representative Yourell have leave to bring back his Bill to Second Reading for Amendment?"

Yourell: "Thank you, Mr. Speaker. Members of the House, Representative Nelson, I did not know, and I do want to apologize. I thought this Amendment had been adopted, but it does change all the 'shalls' to 'may'. I move for the adoption of Amendment #3 to House Bill...976."

Clerk O'Brien: "Amendment #3, Yourell, amends House Bill 976 from page 1, in line 11, 21 and 25 by changing 'shall' to 'may', and on page 2, in lines 2, 5, 8, 12, 17, 19, 23, 26, 29 and 33, by changing 'shall' to 'may'."

Speaker Capparelli: "The Gentleman has moved for the adoption of Amendment #...Amendment #3 to House Bill 976. All in favor, say 'aye'. Opposed? 'Ayes' have it. The Amendment is adopted. Mr. Yourell. Now, does the Gentleman have leave to move this back to Third Reading? All in favor? Opposed? 'Ayes' have it. The Bill is now back on Third Reading. Diana Nelson."

Nelson: "Thank you, Mr. Speaker. Now, my question of the Sponsor is, since the Bill no longer says 'shall', what does the Bill do? I...I can't possibly see that this piece of legislation will now make one whit of difference anywhere in the State."

Yourell: "Well, it allows...Representative Nelson, it allows the State Fire Marshall, the Office of that State Fire Marshall and the State Board of Education to get together something that they have not been able to do and decide really who has the jurisdiction. There have been several court cases,

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as you probably realize, relative to the jurisdictional authority, as...establishing the Fire Safety Code and the compliance of those rules and regulations, and I...and I think that is what they wanted in the first place, and I think that's...provides the answer to their problems."

Nelson: "To the Bill, Mr. Speaker? My question..."

Speaker Capparelli: "Continue."

Nelson: "...has not changed. What I think that we are looking at here is one of those classic cases of 'if it's not broken, why are we fixing it?' Yes, there have been court cases, and in those cases the Courts have ruled that those rules, those life safety rules that are promulgated by the State Board of Education are applicable to school districts. They protect the school children. There have not been instances of children in this state being killed or injured because of differences over those rules, and what I think we have here, really, is a turf fight. Perhaps the State Fire Marshall would like to be able to inspect schools. They certainly have a right to work with the State Board of Education, as things stand, but it is my considered opinion that this Bill is truly unnecessary, and I would urge a 'no' vote."

Speaker Capparelli: "Thank you. Representative Davis."

Davis: "Well, I am now a Cosponsor of the Bill, and I rise in support of it. This battle has been raging in Will County for the last five years, since a brand new school up there, the Oakview School, burned down in a period of about 35 minutes one day. Thank God it happened at night. There weren't any people in the school. The school and the Board of Education have categorically refused to allow the local fire chief, the Village of Bollingbrook, to go in and inspect this school. There were gross deficiencies in that school. The school was built under the aegis of the

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old...before the Capital Development Board...I forget who planned that darn thing...School Building Commission, but, notwithstanding that, this Bill also allows...I think it's very necessary. It allows and authorizes on a 'may' basis that local fire departments can go in, on an advisory basis, and inspect schools within the municipalities in which they have competent fire jurisdiction. I think it's a very good Bill, despite the removal of 'shall', which I'm not very happy with. I think it's a very good Bill, and it will get everybody's act together on this issue, and find us in...a situation where no tragedy can occur in the future, and I recommend an 'aye' vote."

Speaker Capparelli: "Representative Keane."

Keane: "Thank you, Mr. Speaker. I have a...some questions of the Sponsor to determine intent."

Speaker Capparelli: "Says he'll yield."

Keane: "The Chicago Fire Department has gone to a great deal of trouble over the years to establish their own fire safety program and their own fire standards with the schools. Under your Bill, would the State Fire Marshall now become the lead...if he...if he wished, would he become the lead in setting the fire safety standards in Chicago public schools?"

Yourell: "The local fire department, in this case, the Chicago Fire Department, does not have any jurisdiction to inspect new schools, or schools under construction in the State of Illinois. What they are doing, they are doing on their own. This allows them now, by statute, to do what they been doing all of these years. an architect is hired by the Board of Education in the City of Chicago to oversee the construction and engineering of these public school buildings in Chicago. Now...and the fire department has followed along with inspections, but if the State Board of

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Education did not want them there, they could tell them to get out, that they have no jurisdiction. This allows them to come in."

Keane: "Under your Bill, who would be primary...primarily responsible for safety? If there was a disagreement between the Chicago Fire Department's safety program and that of the State Fire Marshall, who would, you know, who would be the final word?"

Yourell: "When a public school is erected within the City of Chicago, then that corporation, which would be the City of Chicago, shall have the right, and the word 'shall' is here, of fire safety inspection and enforcement. If the school facility is constructed in an unincorporated area, which would be the county, then the county, along with the local fire protection agency, would...shall have the right for a life safety inspection and enforcement."

Keane: "Thank you."

Speaker Capparelli: "Representative Satterthwaite."

Satterthwaite: "Will the Sponsor yield for a question, please?"

Speaker Capparelli: "Says he will."

Satterthwaite: "Bus, I haven't really seen the Amendment, but where...where would the authority lie, if permission were given for the Fire Marshall to go in and inspect the school building? What authority would the Fire Marshal then have, in regard to getting the school into compliance with any shortcomings?"

Yourell: "They would have the authority, instead of the State Board of Education, as...as indicated in my opening remarks. There have been several court cases that have been in...well, they have been involved with that who really has the jurisdiction regarding this fire safety compliance in public buildings, and it has never been decided in either...either way. The...the State Fire

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Marshall would have the jurisdiction...and allow the local municipal corporation to come in with the fire safety compliance and enforcement."

Satterthwaite: "But the decision as to whether or not the Fire Marshall could come in, would that be made at the state level or at the local school level?"

Yourell: "At the state level."

Satterthwaite: "And so the local school district would have no jurisdiction at all?"

Yourell: "The local school district would come in with their inspections, if they have it, through the local fire department in that municipal corporation."

Satterthwaite: "But if the State Board of Education indicated that the...the State Fire Marshall's Office could come in, then the local school board would have no jurisdiction to overturn that to keep the Fire Marshall out?"

Yourell: "The local school district would not, but the local municipal corporation, where that school was located, would have the right of enforcement and fire safety compliance."

Satterthwaite: "But enforcement under the State Fire Marshall's Code?"

Yourell: "Right. The school district does not have personnel, as you know, nor the technical expertise to come in and do that, but the fire department, under the jurisdiction and authorization of the municipal corporation does."

Satterthwaite: "Well, Mr. Speaker and Members of the House, to the Bill. While I think the concept sounds good, to say that we would have the State Fire Marshall work in conjunction with the State Board of Education to bring all of our schools into some kind of standard, in fact, the experience has been that those facilities that are currently under the Fire Marshall's jurisdiction have had a great deal of difficulty with the Fire Marshall's Office,

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in getting any kind of a definitive set of regulations that they would have to comply with. My concern is, if there is no local auction in this case, if it is compelled that the school districts used the Fire Marshall's direction, that we would find all of our schools in the same kind of quandry that our day care centers and other centers that currently are inspected by the Fire Marshall have been in for years, where they are told one visit that they have to do certain things. They do those certain things, and then the Fire Marshall's Office tells them they have to do something else. When they do that, then they are told that they have to do yet a third thing, and what happens in that gradual process, where they really don't know what the ultimate is for the standards set by the Fire Marshall, is that they have to end up paying a much larger amount to bring their building into compliance than if they had clear direction to begin with. I think the concept is worthy. Unfortunately, the experience has shown that it is extremely difficult to get any direct communication with the Fire Marshall's Office, and I urge a rejection of the Bill."

Speaker Capparelli: "Is there any further discussion? Representative Yourell to close, please."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, any rules or regulations that are promulgated by the...State Fire Marshall relative to the passage of this Act, as you know, have to come before the Joint Committee on Administrative Review and then back to this House. I would suggest that this is good legislation because it brings the local control back to the construction site where it really is important. It says that where no local or county fire inspection service exists, then the Office of the State Fire Marshall is responsible for the

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compliance of all fire safety protection, but it's just incredible to me to think that in the case of Bollingbrook, that fire department, a local fire department, that has jurisdiction and authorization and inspection rights for all public buildings in that community, does not have the same right in public school buildings in that community. This brings the locals into it, where they have a certain expertise in complying with the fire safety codes, as established by this Act. I would hope that you would give this very important measure your support. Thank you very much."

Speaker Capparelli: "The question is now, 'Shall House Bill 976 pass?' All in favor, vote 'aye'. Opposed, vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On House Bill 976, there are 77 'yes', 35 'no', 1 voting 'present'. This Bill, getting a Constitutional Majority, is declared passed. On the Order of House Bills Third Reading, House Bill 977, Representative Farley. Representative Farley. Clerk, read the Bill."

Clerk O'Brien: "House Bill 977, a Bill for an Act to amend Sections of the Pharmacy Practice Act. Third Reading of the Bill."

Farley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask leave to bring back House Bill 977 to the Order of Second Reading for the purposes of an Amendment."

Speaker Capparelli: "Does the Gentleman have leave to take House Bill 977 back to Second Reading for Amendment? All in favor? Opposed? House Bill 977, back to Second Reading."

Clerk O'Brien: "Amendment #1, Farley, amends House Bill 977 on page 1, in line 15 and so forth."

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

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House. House Bill 977 regulates the distribution of sample prescription drugs, which presently can be distributed with no regulations. The Bill, as written, contains several exceptions to the general prohibition against distribution samples. Amendment #1 clarifies these exemptions and satisfies the concern expressed by representatives of the drug manufacturer that have talked to me. The term 'authorized investigation' is removed and replaced by the more specific 'investigation conducted under Federal Food and Drug Administration Regulations'. The requirement that doctors request for samples be written is changed so that the request only need to be signed by the doctors. Also the Amendment adds language which authorizes the distribution of samples to bonafide charities, and I would move for the adoption of this Amendment, Mr. Speaker."

Speaker Capparelli: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 977. All in favor, say 'aye'. Those opposed? The 'ayes' have it...and the Amendment is adopted and the Bill is now back to Third Reading and...alright, House Bill 977 will remain on Third Reading. Mr. Farley."

Farley: "Well, if I have leave to proceed with the Bill, Mr. Speaker, I would proceed."

Speaker Capparelli: "Does Gentleman have leave to hear House Bill 977? All in favor...on Third Reading. All in favor, say 'aye'. Opposed. 'Ayes' have it. Continue, Mr. Farley."

Farley: "Thank you, Mr. Speaker. I just explained House Bill 977, and I would move for a favorable Roll Call."

Speaker Capparelli: "Is there any discussion? Hearing no discussion, the question is, 'Shall House Bill 977 pass?' All in favor, vote 'aye'. Those opposed, vote 'nay'. Have all voted who wish? Have all voted who wish? Clerk, take the count. On House Bill 1...on 977, there are 107

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'yeses', 4 'nos', 2 voting 'present' and this Bill, getting the Constitutional Majority, is here declared passed. House Bill 986, Representative Preston. Clerk, read the Bill."

Clerk O'Brien: "House Bill 986, a Bill for an Act to amend Sections of the Code of Civil Procedure. Third Reading of the Bill."

Speaker Capparelli: "Mr. Preston, will you turn on, Mr. Preston, please?"

Preston: "Thank you, thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 986 is the most important Bill of this Session of the General Assembly. This is the Lee Preston Reelection Bill, and what this Bill does, it, as amended, House Bill 986 amends the Code of Civil Procedure to require a landlord to take reasonable steps to mitigate damages against a tenant who is in default. Give you a little bit of the history of Illinois law. In all areas of contract law in this state, without exception, except for the one that I'm going to mention, the nondefaulting, the nonbreaching party has a duty, imposed by law, to take reasonable steps to try to reduce the damages against the party who is in default. That is true in every contract in Illinois and throughout the United States, except in Illinois for landlord-tenant contract, which we normally call leases. Through a throwback to Old English Common Law, a landlord does not have to do anything to try to reduce the damages against a tenant in default. As a matter of fact, landlords do it anyway, even though they don't have to, because it's, frankly, crazy not to try to do something to reduce your damages, but let me give you a couple of examples of what need not be done under the current state of the law. If a tenant finds that he is just unable to pay rent on the

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apartment that he rented from a landlord, and he moves out, he wrongfully and meanly and illegally moves out of the apartment that he was renting from the landlord, somebody comes to the landlord and says, 'Hey, I would like to rent that apartment. I'll pay you not only the rent you were receiving, I'll pay you more rent than you were receiving.' Under present law, the landlord need not relet those premises. He may still sit back and do absolutely nothing and wait for the two years until the lease is up and sue the landlord for the full amount of the lease. As...excuse me, sue the tenant for the full amount of the lease. As a second example, if that tenant who moves out...leaves the door wide open, and the landlord, when the tenant abandoned, sees that there is water overflowing in the bathtub, and it's overflowing on the floor, the...landlord has no obligation, under current law, to merely go in and turn the faucet off. He can stand by and watch the water overflow, bring down the ceiling. In fact, perhaps even destroy the entire building, and then go and sue that tenant who had left the premises for the entire cost of that building. Now, obviously, you and I know that makes no sense, and landlords won't do that and they don't do that, but in a rare occasion, they can do that, and these examples that I gave you, I didn't just make up. These examples have actually happened. Now, what are reasonable measures to mitigate damages. Does that mean that a landlord, when a tenant abandons the premises illegally and against what he agreed to do, does he have to go and take out an ad in the paper and run it for two years? Of course not. What is reasonable is, if it's...if we're talking about an apartment that is abandoned, put a notice up, 'apartment for rent', or tell someone, 'Hey, I have an apartment for rent. Do you know anyone?'. Right now, a

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landlord need not do anything, whatsoever. Now, if...if I sold you a carload of tomatoes, and you didn't pay me, you breached our contract. You didn't pay for those tomatoes, I can't sit back and let those tomatoes rot, and then go and sue you because Illinois law won't let me do that. I have to take reasonable measures to try to mitigate or reduce those damages. That is all that this Bill does in landlord-tenant lease situations. It requires reasonable measures to try to reduce the amount of damages. Now, this sounds like this is really changing the law a great deal, but, in fact, it's not changing the law almost at all. Let me tell you some of the organizations that are not opposed to this Bill. The Illinois Realtors Association is not opposed to this Bill. The Illinois State Medical Society is not opposed to this Bill. The Optometric Society is not opposed to this Bill. The AFL-CIO is unopposed to this Bill, and the Illinois State Chamber of Commerce is also unopposed to this Bill. I encourage your 'aye' vote. Help me get reelected."

Speaker Capparelli: "Any discussion? Representative Hastert."

Hastert: "Would the...would the Sponsor yield?"

Speaker Capparelli: "Yes."

Hastert: "Just a question. I...I got into a discussion...the discussion of this and you got involved. I caught a piece of that. Now, what does this do with picking tomatoes? What...a load of tomatoes...what...how does that affect it?"

Preston: "Well, that...that's the essential core of this Bill, Representative. This permits you to sell tomatoes to a defaulting tenant, without having to mitigate damages."

Hastert: "And you're not against it, right?"

Preston: "No, I'm for this Bill."

Hastert: "Alright."

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Speaker Capparelli: "Representative Cullerton."

Cullerton: "Yes, I understand that your primary opponent next year is opposed to this Bill."

Preston: "Only if it passes, Representative. If it fails, my opponent will be for it."

Cullerton: "Right. If someone...if I am a landlord and my tenant ups and moves out two months before the end of a lease, do I have an obligation to take out an ad and pay the 25 bucks for an ad in the Tribune to try to rent it for that last month?" Preston: "No,...no, Representative, you don't. You...It's impossible for me to tell you in every situation what is reasonable, because..."

Cullerton: "Well, I have just given you a perfect example..."

Preston: "Alright. In that situation, it would be perfectly reasonable, under my legislative intent, to simply put up a 'For Rent' sign. Now, when would it not be reasonable to simply put up a 'For Rent' sign? Well, if we are talking about a piece of property that is in a very rural area, and the home that is rented is in the middle of a 20 acre vacant tract, so that putting up a 'For Rent' sign no one will see, well, that is not terribly reasonable, but in an apartment situation, putting up a 'For Rent' sign, as landlords do now, is perfectly reasonable."

Speaker Capparelli: "Representative Flinn."

Flinn: "Well, Mr. Speaker, I was impressed by the list of people who were not opposed to that Bill. I wonder if the Sponsor would add me to his list. I'm not opposed to it either."

Speaker Capparelli: "He said he will. Representative Mays."

Mays: "In the situation where a landlord is...he advertised for rent and he actually gets somebody who wants it, but he doesn't exactly want to rent to that person. He's not required in any way to rent to any given person, anybody that comes along the way, right?"

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Preston: "No, no, this...in that respect, this doesn't change the current law at all. As you may be aware, current law requires...current law in Illinois requires that if a tenant goes to a landlord and offers a substitute tenant to that landlord and that substitute tenant can pay the same rent and is objectively reasonable...doesn't mean the landlord has to like him, but if he is objectively...a reasonable subtenant, the landlord has a choice. Under current law, the landlord must either rent to that tenant, or credit the defaulting tenant with the amount of rent the new tenant would have paid. It doesn't change that area of the law at all."

Speaker Capparelli: "Is there any further discussion? Representative Preston to close."

Preston: "Well, I...I think everything that can be said about this Bill has been said. There are three or four other organizations also unopposed to this Bill, but I'll...I'll leave that for some other time, and I just encourage your 'aye' vote."

Speaker Capparelli: "The question is then, 'Shall House Bill 986 pass?' All in favor, vote 'aye'. All opposed, vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On House Bill 986, there are 102 'aye', 9 'nos', 3 voting 'present'. This Bill, receiving a Constitutional Majority, is declared passed. House Bill 1002, Representative Stuffie. Clerk, read the Bill."

Clerk Leone: "House Bill 1002, a Bill for an Act to revise the law in relationship to counties. Third Reading of the Bill."

Speaker Capparelli: "Representative Stuffie."

Stuffie: "Yes, Mr. Speaker and Members. This Bill merely provides that a county board may conduct a meeting in any

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county building located within the county that it serves. It must continue to post the required notices for those meetings already in the law. The Bill came out of Committee 13 to 1. It accomplishes allowing, in the case of the county I represent, Vermilion, the ability of the county board to move their meetings from a very small, too small, in fact, county board room to a facility that they own in the county, but not in the county seat, but adjacent thereto. I know of no opposition to the Bill. I would ask for an affirmative Roll Call."

Speaker Capparelli: "Mr. Stuffle, a moment. Representative Matijevich for an announcement."

Matijevich: "Yes, there is a group here from the Mother of God School in Waukegan, and I am happy to represent that area. They are supposed to be right up here. Will they stand? Are they here?"

Speaker Capparelli: "Yes, Representative Matijevich."

Matijevich: "I was told that was them, but that wasn't them and I will have to reintroduce my group in a little while."

Speaker Capparelli: "Alright, thank you. Representative Stuffle has moved for...Any discussion? Okay. I can't read your name, is it 'Magnusson'? Hawkinson, I'm sorry."

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

Speaker Capparelli: "He says he will."

Hawkinson: "Mr. Stuffle, the County Board in Knox County occasionally will go out to one of the township halls in...in one of the communities that are not...which is not the county seat in order to let the people from that area attend a county board meeting once or twice a year. Would this Bill prohibit the county board from meeting in a building that is not owned by the county?"

Stuffle: "I think you've asked the \$64 question. I think it's illegal now. we went through that in Committee. They have

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been doing it for years. Representative McMaster asked me about that and the answer is that it's already illegal. This Bill doesn't affect that. We're trying to do our thing legally. I think you have to take of your own problem there."

Hawkinson: "Well, it's...it's not a problem, as long as nobody calls them on it..."

Stuffle: "I know it isn't, but it's already illegal."

Speaker Capparelli: "Representative Vinson."

Vinson: "Will the Sponsor yield?"

Speaker Capparelli: "Says he will."

Vinson: "Representative, the way in which the language is constructed in your Bill, does that mean that in the event that a courthouse, for instance, is condemned by the Fire Marshall, prohibited from holding public meetings there, that the county board could hold the meeting there, and I'm interested in an affirmative answer."

Stuffle: "Which do you want? That's a strange question."

Vinson: "Well, I'm interested in an affirmative answer."

Stuffle: "You're asking me if the Fire Marshall says they can't meet there that they can?"

Vinson: "Well, I'm just asking you."

Stuffle: "This Bill doesn't change that situation. I don't know what the Fire Marshall's effect would be currently, but I think the answer is probably 'yes'."

Vinson: "Thank you."

Stuffle: "You wanted a 'yes'. That sounds good."

Speaker Capparelli: "Any further discussion? Representative Stuffle to close. The question is then, 'Shall House Bill 1002 pass?' All in favor, vote 'aye'. Opposed, vote 'nay'. Have all voted who wish? Have all voted who wish? Clerk, take the record. On House Bill 1002, there are 113 'yesses', 0 'nos', 0 'present'. This Bill,

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getting...receiving the Constitutional Majority, is declared passed. House Bill 1024, Representative Rice. Clerk, read the Bill."

Clerk Leone: "House Bill 1024, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Capparelli: "Representative Rice."

Rice: "Mr...Mr. Speaker, I request leave to...to return House Bill 1024 back to the Order of Second Reading for the purpose..."

Speaker Capparelli: "Does the Gentleman have leave to take House Bill 1024 back to Second Reading for an Amendment? All in favor, say 'aye'. Opposed. 'Ayes' have it. Representative Rice."

Rice: "The...the explanation of the Amendment..."

Speaker Capparelli: "On the Amendment."

Rice: "...of the Amendment is to establish a date and time as to when...or when a individual can reapply for his insurance broker's license. It also..."

Speaker Capparelli: "Continue."

Rice: "It also states how often, because of conflict of interest, that a person has to report to the Department of Registration or the Insurance Director for that purpose of conflict."

Clerk Leone: "Amendment #1, sponsored by Rice, amends House Bill 1024 on page 1 and so forth."

Speaker Capparelli: "Is there any discussion? Representative Piel."

Piel: "Question of the Clerk. Has this Amendment been distributed?"

Speaker Capparelli: "No, it has not."

Piel: "Thank you."

Speaker Capparelli: "The Bill will remain on the Order of Second Reading until the Amendment is received by all. House

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Bills Third Reading once again. House Bill 1032, Representative Taylor. Clerk, will you read the Bill?"

Clerk Leone: "House Bill 1032, a Bill for an Act in relationship to explosive disposal units. Third Reading of the Bill."

Speaker Capparelli: "Representative Taylor."

Taylor: "Thank you, Mr. Speaker. May I have leave of the House to return House Bill 1032 back to Second Reading for the purpose of an Amendment?"

Speaker Capparelli: "Does the Gentleman have leave to take House Bill 1032 back to Second Reading for an Amendment? All in favor, say 'aye'. Opposed. 'Ayes' have it. Mr. Taylor, on the Amendment. Clerk, read the Amendment."

Clerk Leone: "Amendment #2, Taylor, amends House Bill 1032 on page 1 and so forth."

Speaker Capparelli: "Mr. Taylor."

Taylor: "Amendment #2, in the Explosive Disposal Unit Act, it amends...the Amendment...deletes Section 4C of the Bill, which would have allowed security check of nuclear facilities. The State Department of Nuclear Safety indicated that that...that this provision would have been duplicated with the function of the Federal agency and the Nuclear Regulatory Commission, and I move for the adoption of Amendment #2 to House Bill 1032."

Speaker Capparelli: "Is there any discussion? Does the Gentleman have leave to adopt Amendment #2 to House Bill 1032? All in favor, say 'aye'. Those opposed. 'Ayes' have it. The Amendment is adopted and House...and Third Reading, House Bill 1032. Is there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Capparelli: "Third Reading. Does the Gentleman have leave to have House Bill 1032 heard? All...on the Order of Third Reading. All in favor say 'aye'. Opposed. 'Ayes' have it. Mr. Taylor on House Bill 1032."

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Clerk Leone: "A Bill for an Act in relationship to explosive disposal units. Third Reading of the Bill."

Speaker Capparelli: "Representative Taylor. Would you turn on Representative Taylor, please?"

Taylor: "Thank you, Mr. Speaker and Members of the House. House Bill 1032 creates an Explosive Disposal Unit. It authorize and establish the Unit in cities of over 60,000 or more inhabitants. The Unit have operating expense paid by the State Department of Law Enforcement, but that has been taken out. Amendment #1, by Representative Karpziel, has taken out the...the...municipalities over 60,000 and placed in place of there in police district, which there are 20 in the State of Illinois. This Explosive unit is, in my opinion, very necessary and needed in out state and in police district. What is happening now, the Department of Law Enforcement do have the authority to regulate this agency and direct whatever police district that they feel is necessary in order to create a unit, I solicit your support for House Bill 1032."

Speaker Capparelli: "Is there any discussion? Representative Mays."

Mays: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Capparelli: "Says he will."

Mays: "As I understand it, Representative, the Amendment that was just adopted, instead of saying over 60,000 population for municipalities, it now is in...goes by police districts, is that correct?"

Taylor: "Not that Amendment, Amendment #1, by Representative Karpziel, is the one that goes to police district. The Amendment that was just adopted was the one that taking out the portion that was in duplication of the Nuclear Safety Act."

Mays: "Alright. I understand there is a companion appropriation

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for this Bill of \$750,000?"

Taylor: "Yes."

Mays: "Who currently handles the situation when a bomb scare comes in?"

Taylor: "Right now, that is very confusion that you see on the paper here that was out today, Illinois Times. Secretary of State is supposed to have some units, but I don't think that their personnel is up to par for handling the bomb disposal unit here in this area. There is very few areas in the State of Illinois that have it, with the exception of the City of Chicago and the County of Cook, and we do not need it, but here in this Springfield area, I think that this is a very necessary Bill."

Mays: "Has there ever been a situation arise when a bomb threat was phoned in and a bomb was discovered, but the bomb disposal unit didn't show up?"

Taylor: "Well, there has been a bomb threat many a time during the middle 1970's, when I was here in the House. As a matter of fact, one of your colleagues over there, Representative Tim Johnson, was one of those persons that had a bag and they felt that that bag had a bomb in it. They had taken it outside into the yard and they fired into it a couple of three times, and found out that it was not a bomb there, and therefore, our units are not operating efficiently."

Mays: "To the Bill, Mr. Speaker. This Bill, in itself, in and of itself, I guess, isn't all that bad. I guess my objections, primarily, would stem from the fact that it's a duplication of a service that is already available, that there is no real evidence of that service ever being not utilized to its...when it was required to do so, and even more than that, the money to implement this Bill, we just don't have in the General Revenue Fund, and I would...urge

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your opposition to this Bill."

Speaker Capparelli: "Any further discussion? Representative Davis."

Davis: "Well, Mr. Speaker, I just want to point out to Representative Mays and Representative Taylor, I believe the Secretary of State's Bomb Disposal Squad is under the Command of Sergeant Mike Howlett."

Speaker Capparelli: "Is there any further discussion? If not, Representative Taylor to close on House Bill 1032."

Taylor: "Thank you, Mr. Speaker. I think that this is a life saving Bill, and I think the very life you save might be your own. In times as they are today and the way threats are coming, and I understand just a few days ago we had a threat here in the Capitol, but in years gone past, there was a threat every other day. I feel that it's necessary that we have this type of unit available here, in the State Capitol, especially in the police district here where we can get the service, if needed...hopefully, that we will never need that and I solicit your support for House Bill 1032."

Speaker Capparelli: "The question is, 'Shall House Bill 1032 pass?' All in favor, vote 'aye'. Those opposed, vote 'nay'. Have all voted who wish? Have all voted who wish? Clerk, take the record. On House Bill 1032, there are 75 'yesses, 37 'nos', 0 voting 'present'. This Bill, receiving the Constitutional Majority, is declared passed. Representative Matijevich."

Matijevich: "Yes, Mr. Speaker. It is now my pleasure to reintroduce, although they are...now are really here, the students from Mother of God School. They are here with 'Joanne Perpich' and Mrs. 'Zelke', and I'm proud to represent that district. They're way over here. Will they stand? Thank you."

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Speaker Capparelli: "Thank you. House Bill 1045, Representative Breslin. Clerk, please read the Bill."

Clerk Leone: "House Bill 1045, a Bill for an Act in relationship to field sanitary conditions for agriculture. Third Reading of the Bill."

Speaker Capparelli: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill provides for sanitary facilities for farm workers in Illinois. The Bill requires that operators of farms in this state must provide farm workers with elementary toilet, drinking and hand washing facilities. At least one toilet and hand washing facility must be provided for every 30 farm workers or fraction thereof, if there are more than 10. The toilets are to be designed to provide privacy and to avoid contamination of neighboring crops. This is a...a problem for farm workers. Some farm operators...some farm operators already provide this...this kind of facility, but many do not. Let me give you a little general information about farm workers. Farm workers are statistically one of the poorest of all Americans. the workers include both sexes and all races. Their life expectancy is on the average 49 years. Death from tuberculosis and other infectious diseases is 260% higher than the national average. Infant mortality is 125% higher than the national average. There is an estimated 800,000 children under the age of 16 who work in agriculture. In Illinois, there are approximately 30,000 workers who come into Illinois and work in the fruit, vegetable and nursery crops. The U. S. Department of Agriculture estimates that at least 800 farm workers a year die of pesticide poisoning alone. We had considerable testimony in Committee, from a Gentleman who has worked with farm worker groups in California, and who is presently the head of Cook County's...Cook County

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Hospital's Family Medicine Division, who told us a great deal about the problems that farm workers and all people would encounter if they did not have sanitary facilities available to them. There is a direct correlation, verified for over a hundred years, that typhoid, dysentery, diarrhea and enteric diseases all can be prevented if sanitary facilities are provided. In addition to which, not using facilities, suppressing an urge to use a sanitary facility when it is necessary creates considerable urinary tract and bladder infections, kidney infections, high blood pressure, renal failure and the concomitant complications that ensue. Sanitary conditions are not presently provided on a long-term basis for seasonal workers, agricultural workers in this state. There are about 14 states in the nation that have a large population of seasonal farm workers in their state. Illinois is one of only four that does not have any legislation on the books right now that requires sanitary facilities be provided to those...to those farm workers. Under this Bill, if the sanitary facilities are not provided to the farm workers, there are adequate, I believe, remedies available to farm workers and the public, who are opposed to...to the facilities not being provided. One is that a complaint can be filed with the Department of Public Health. No inspection is required by the Department. It is hoped that there will be voluntary compliance. The Department will have the authority to fine up to \$1,000 for every violation of the Act. It is...the Bill is drafted so that people are...can consider...the Department can consider previous compliance and the lack of willful and wanton noncompliance when making their decision as to what the fine can be. In addition to that, people could also go to the State's Attorney and ask that criminal charges be brought. However, the penalty...the penalty

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would be the lowest criminal penalty provided for and that is a petty offense. The third remedy is that parties could go to the Attorney General for enforcement of the Act, if they have gotten no enforcement under the Department of Public Health. Please know that providing these sanitary facilities is not an astronomical cost to the farm operator. One portable toilet per month costs \$60. One portable sink costs \$65 to \$75 a month. One package, which provides 70 toilets...towelettes, I guess they call them. In this Bill, if you cannot provide running water for hand washing, it is acceptable to use antiseptic hand wipes. The cost of that is \$1.50 per package of 70. Cold drinking water can be provided at a cost of \$16 a month for every five farm workers. This request of the General Assembly is to provide for farm workers what every other worker in the state already has provided for it...for them under OSHA. OSHA does not happen to cover farm workers. I'd be happy to answer any questions."

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

Ropp: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Capparelli: "Says he will...she will, I'm sorry."

Ropp: "I have been listening very intent on your explanation and there...I just wanted to clear up a couple of things. You said that a rented portable potty was \$60 per month?"

Breslin: "\$60 per month."

Ropp: "And what were the other figures per month?"

Breslin: "\$65 to \$75 for a portable sink, with running water. \$1.50 for the towelettes that provided 70 towelettes per package, and cold drinking water was \$16 for every five workers."

Ropp: "Okay now, in your Bill, in fact, does it include detassellers for the summer?"

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Breslin: "It...it includes all seasonal farm workers and that certainly includes detassellers."

Ropp: "Well, can you explain to me how detasseled corn has anything to do with food production, per se?"

Breslin: "I think it requires that human beings do the detasseling and human beings have...have urinary tract needs, the same as everyone else."

Ropp: "Well, that's possible, but I guess most of the detassellers, in our area, are high school students and college students and probably are a little bit above the financial thing that you have mentioned. I don't think too many migratory people really come and detassel corn. I guess one of the concerns that I had is that in the Bill currently, it states that you should have one of these facilities one every sixth of a mile. Is that correct?"

Breslin: "No, it requires that a...the facility be readily accessible to the place of employment and that readily accessible means within one sixth of a mile. So, if you were working on a particular field, it must be within one sixth of mile from that field."

Ropp: "One sixth of a mile from the field?"

Breslin: "From the field. The typical situation, Representative, in other states that have this legislation, is that as people are taken from one crop to another, they have portable facilities that attach right to the...to the bus or the truck that...that is transporting the people and it goes with them from field to field."

Ropp: "Okay, well, I have no major problem with that. I thought, under your Bill, that you explicitly said you had to have one every one sixth of a mile."

Breslin: "To quote from the Bill, it says, 'readily accessible means a distance of no more than one sixth mile from the worker's place of work, and if that's a field, then that's

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a field."

Ropp: "Okay, in other words, it's not one every one sixth of a mile, like if you were on a golf course, it'd have to have two in a par four?"

Breslin: "No, no."

Ropp: "Okay. I..I originally was under the impression that it was one sixth of a mile and that you'd have to have actually 60 in a section of land and that that cost was rather substantial, but if you say it is only one in one sixth of a mile, it could be in town, even as far as that...if you were one sixth of a..."

Breslin: "In some communities, it could be that far away."

Ropp: "Yeah. Okay, thank you."

Speaker Capparelli: "Alright, Representative...I think Klemm was next."

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

Speaker Capparelli: "She'll yield."

Klemm: "I have a small truck farm, I guess it is, in my area, who...who expressed some reservations about it, and let me ask you a couple questions and maybe you can clarify in my mind, because I certainly do support some sort of sanitation facilities for these people. They have about twelve workers, and they have several hundred acres that they farm and have a little stand, and everybody in my county, practically, goes there. If they were to send one of their workers, since they have twelve altogether, up to the north 40, let's say, to fix the fence and send somebody else down to some other area, since one sixth of a mile is about 900 feet, or less than that, would they have to then provide, since the person would be there say longer than two or three hours, would they have to provide then two sanitary toilets and wash facilities and a trailer for each to go with those two because they would be further away

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than 900 and some feet?"

Breslin: "Under the Bill, if it is for more than two hours, the facility must be provided if there are more than ten workers involved, and the reason for that is because it's hoped that if there are fewer workers involved, it would be much easier for them to get in a car and...and go to the...to the main farm house to use the stationary facilities that are available, but if there are more than ten, that makes it more and more awkward."

Klemm: "So...so the provision of one toilet for thirty workers is if they are all together, but if I had five workers going in five different directions, I need five separate facilities, because they would each be further than 900 feet away?"

Breslin: "If they are all going more than...than the one sixth of a mile."

Klemm: "Which is about...well, less than 900 feet, but that's alright."

Breslin: "Correct, correct."

Klemm: "Okay, I've got...I was just trying to think that this person got twelve employees may have to then purchase four or five, possibly or even more, but depending upon the different directions these workers would be going for that particular day in the fields, is that...is that correct?"

Breslin: "That's correct. If he is going to assign his workers in that kind of split up shift, and he has more than ten workers."

Klemm: "Okay, thank you very much."

Breslin: "Surely. Oh...the only proviso is that if he's a nurseryman, there is a special provision for nurserymen that extends it from one sixth of a mile to one half a mile, or five minutes."

Klemm: "Do their bladders have different capacities than a farm

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worker's?"

Breslin: "No, the nurserymen just happened to ask for that Amendment and they said they happen to have smaller and smaller patches of...they have less than...than the forty acre situation that you have described. They...they have a tendency to have..."

Klemm: "The bushes grow higher than the soy beans or something?"

Breslin: "No, Sir."

Klemm: "So, it's a matter of lobbying efforts, rather than personal needs, in that particular case."

Breslin: "No, I think, as it was explained to me from the nurserymen, they have smaller plots of ground and are more likely to have the...have to go from place to place."

Klemm: "I wouldn't have asked the question, since you brought it up. Thank you."

Speaker Capparelli: "Representative Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. With all due respect to the Sponsor, this is the type of legislation that raises the price of food and vegetables. In the last few years, we have put on restrictions on these people and I can name you several small factories that have gone out of business, for example tomato factories and also the farmers...because the farmers quit raising. They couldn't afford to. So, what we are doing here, we are just raising the price of fresh vegetables and food, and if we keep on in Illinois, we are going to have ship it all in, because right now most of it comes in and that is one of the high cost of fruits and vegetables is...freight, and we have had this happen and we will continue to have it happen if we keep it...putting on restrictions. Therefore, I think this legislation should be defeated."

Speaker Capparelli: "Representative Ewing."

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Ewing: "Would the Sponsor yield?"

Speaker Capparelli: "Says she will."

Ewing: "Representative Breslin, being a good farm girl, as you are, would the one sixth distance...you know most of our fields are a quarter of a mile, some a half a mile..."

Breslin: "Half a mile, I would say."

Ewing: "Yeah, some a quarter, some of the small farmers are only a quarter of a mile. Now, wouldn't that mean they would have to have one at each end, at least, and maybe one in the middle?"

Breslin: "No, I believe I have already answered that for Representative Ropp. The language specifically says it must be readily accessible and readily accessible means it must be placed within one sixth of a mile of the place of the workers' place of work and the place is designated as the field."

Ewing: "The whole field, so it doesn't matter if they are working at the other end."

Breslin: "Surely. Ordinarily, they don't work at...I would assume that farm workers, if they went to the expense of...of bringing the sanitary facilities, they would make them as accessible to the worker as possible."

Ewing: "Right. Would you be willing to accept an Amendment to provide for additional restroom facilities for the ladies on this House Floor?"

Breslin: "No, Sir, I would not."

Ewing: "I...I mean, I think, Mr. Speaker, Ladies and Gentlemen of the House, that when we get through with this Bill, as Clarence Neff said, we can just run them all out of the State of Illinois. Now, you run all the industry out of the state, you want to run the migrant workers out, you want to run the costs up. Let's...you are going to have better facilities for the migrant workers than the ladies

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on this House Floor. I think a 'no' vote is deserved on this Bill."

Speaker Capparelli: "Representative Vinson."

Vinson: "Will the Sponsor yield for a question?"

Speaker Capparelli: "Yes."

Vinson: "Representative, you earlier suggested that place of work would mean the field in which the worker was working?"

Breslin: "Yes."

Vinson: "Where is that defined in the Bill?"

Breslin: "The place of work is not included in the definition of the Bill."

Vinson: "So, why should we assume that a Court would interpret the Bill to mean the place of work was a field?"

Breslin: "Because I think it's a reasonable interpretation."

Vinson: "Why wouldn't place of work be the farm?"

Breslin: "Because that's not where they happen to be assigned to work."

Vinson: "Why wouldn't place of work be the particular row of corn that the worker was working on?"

Breslin: "Because that is not typical usage in farm industry."

Vinson: "Well, I think that typical usage in the farm industry is clearly that place of work is the farm you are working on. Why is that any more accepted as a definition than...than the field?"

Breslin: "I disagree with you that that is the common reference. Representative..."

Vinson: "But you can...you can in no way assure us that the...that a Court will not interpret the Bill that way, can you?"

Breslin: "I am a Member of the Legislative Branch, as you well know, Representative Vinson, and we can establish that by legislative intent, and I think we already have. I make no commitments for the Judiciary of this state."

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Vinson: "Does this Bill apply to migrant workers?"

Breslin: "Yes, it does."

Vinson: "Does this Bill apply to any other kinds of workers?"

Breslin: "It applies to all nonseasonal...it applies to all farm workers, period."

Vinson: "So, a tenant farmer, the Bill might apply to a tenant farmer?"

Breslin: "Surely."

Vinson: "And the Bill...the Bill might apply to a kid that was hired to detassel seed corn."

Breslin: "Could, if they...depending on who...if the farm operator has employed more than ten farm workers. That's the qualifying factor."

Vinson: "So it's much more broad than just a migrant worker Bill."

Breslin: "Absolutely, it applies to all farm workers."

Vinson: "Thank you, Mr. Speaker. Thank you, Representative."

Speaker Capparelli: "Representative Christensen."

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

Speaker Capparelli: "The question is, 'Shall the previous question be moved?' All in favor, say 'aye'. Opposed. 'Ayes' have it. Representative Breslin to close."

Breslin: "Thank you, Mr. Chairman, Ladies and Gentlemen. Please know that this is not just a Bill for farm workers, although that is of major concern. It is also a Bill that affects public health. Studies have indicated that in some farm families the incidence of infectious diseases and parasitic agents in...in fecal matter is as high as 30 to 50%. If the farm worker has an infection with either of these agents and develops diarrhea, defecates in the field, he is creating a myriad of public health problems for you and I who eat the tomatoes and the lettuce and all of the fruits and vegetables that they pick. We had

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considerable testimony on that. Dr...Let me...In closing, let me...let me give you at least the example that Dr. 'Dolling' provided and that is, if any of you have the urge to use the toilet today, I suggest that you either suppress that urge or use the parking lot, and then, better yet, imagine that your desk, your pens, your coffee cups have been sprayed with a pesticide, such as Raid. We will serve sandwiches at our desks this evening, but there will be no facilities for hand washing. If you should develop dysentery, remember that the parking lot is available. Of course, the good doctor was being facetious, but he makes a good point. As a group, farm workers are a forgotten people. They are not politically active. They are nobody's constituency because they never stay there long enough to vote. They live in poverty. They are discriminated against, and they live in poor health. Today, we appeal to your sense of justice, your decency and your consideration for good public health. Thank you."

Speaker Capparelli: "The question is, 'Shall House Bill 1045 pass?' All in favor, vote 'aye'. Those opposed, vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the Roll. On House Bill 1045 there are 76 'yesses', 32 'nos', 3 voting 'present', and this Bill, receiving a Constitutional Majority, is here declared passed. Representative Friedrich for an announcement."

Friedrich: "Mr. Speaker, I'd like to ask for a 30 minute recess for the purpose of a Republican Caucus in Room 118 immediately."

Speaker Capparelli: "There will be a 30 minute recess for the purpose of a Republican conference. We will return at approximately 20 minutes to 4."

Friedrich: "I would appreciate it if the Republican Members would

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go to Room 118 as promptly as possible so we can get back on the Floor."

Leverenz: "Like to welcome the students from St. John Lutheran School in Forrest Park, in the rear of the Gallery. Stand up and be recognized. Welcome to Springfield. My constituents, the 51st District."

Speaker Capparelli: "House will please come to order. House will come to order, please. Representative Rice requests that House Bill 1024, which was left on Order of Second Reading, pending the discussion of the Amendment to be considered. Evidently, the amendment had been not filed and distributed and was delayed by the printer, so we'll have...Mr. Clerk, read the Amendment, please."

Clerk O'Brien: "House Bill 1024, a Bill for an Act to amend Sections of the Illinois Insurance Code. Second Reading of the Bill. Floor Amendment #1, Rice, amends House Bill 1024, on page 1, by deleting line 8 and so forth."

Speaker Capparelli: "Representative Rice on the Amendment."

Rice: "Mr. Chairman, the first line, 'a person, partnership, association or corporation, who because of employment or' has been substituted, and on page 1, by deleting line 10, inserting in lieu of, 'thereof was licensed as an insurance broker does not renew and,' or I might say at this point, as indicated in the Amendment. On page 1, line 11, by deleting broker and inserting in lieu of, 'agent or broker'. On page 1, by inserting the following language after line 15."

Speaker Capparelli: "Is there any discussion? Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. Would the Sponsor yield for a couple questions?"

Speaker Capparelli: "Says he will."

Birkinbine: "Mr. Rice, could...Now, do you have any idea how many

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people...how many people might be affected by this?"

Rice: "121."

Birkinbine: "121. One other question. As far as the third Section of the Bill that says that somebody who...a former holder of an agents' or brokers' license that does not hold a license, may renew such license without taking an agent or brokers' examination, as long as they pay the \$50 fee. Do you know of any other profession that has this kind of relicensing procedure?"

Rice: "No, I don't, sir."

Birkinbine: "Thank you."

Speaker Capparelli: "Is there any other discussion? Alright, all in favor of the Amendment, say 'aye'. Those opposed. 'Ayes' have it. The Amendment is adopted. The Gentleman requests to have...to hear House Bill 1024 on Third Reading? Does he have leave? All those in favor say 'aye', opposed...Mr. Rice, on the Bill. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1024, a Bill for an Act to amend Sections of the Illinois Insurance Code. Third Reading of the Bill."

Speaker Capparelli: "Mr. Rice."

Rice: "Amends the Illinois Insurance Code to provide for renewal of a brokers' license if such license has become nonrenewed at an earlier date, due to conflict of interest. I do at this time request an affirmative vote."

Speaker Capparelli: "Any discussion? Representative Tate."

Tate: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I arise to support Representative Rice's Bill, House Bill 1024. It should be, apparently, a noncontroversial issue. It's just is allowing an insurance agent who had his license lapsed. And we worked out in Committee. I don't see any problems with it. Thank you."

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Speaker Capparelli: "Representative Brookins."

Brookins: "Mr. Speaker, I arise in support of Mr. Rice's first Bill. Give him some moral support. Thank you."

Speaker Capparelli: "Any further discussion? Alright, the question is then, 'Shall House Bill 1024 pass?' All in favor vote 'aye', opposed vote 'nay'. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question House Bill 1024, there are 100 'ayes', 14 'nos', none voting 'present'. This Bill receiving the Constitutional Majority, is here declared passed. Representative Nash on announcement."

Nash: "Mr. Speaker, Ladies and Gentlemen of the House, up in the balcony on the Democratic side, we have some pupils from the Reinberg School in my district on Central and Belmont, with their teachers, Marine McMann, and Anna May. Ms. Anna May, who's from Representative Ethel Alexander's district. Will you please stand?"

Speaker Capparelli: "House Bill Third Reading, we have House Bill 1053, Representative Peterson. Clerk, will you read the Bill, please."

Clerk O'Brien: "House Bill 1053, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Capparelli: "Representative Peterson."

Peterson: "Thank you, Mr. Speaker and Members of the House. House Bill 1053 would expand the amount of information requested from nonpublic schools by the State Board of Education. Nonpublic schools may supply the information at their discretion. The State Board would then report this information to the Governor as required by existing statutes. I ask your support of House Bill 1053."

Speaker Capparelli: "Is there any discussion? Representative Keane."

Keane: "Thank you, Mr. Speaker. I'd like to ask a question, a

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few questions of the Sponsor."

Speaker Capparelli: "Go ahead."

Keane: "Mr. Sponsor, why do we need this information?"

Peterson: "Basically, the State Board of Education is required to gather information and to process guidelines for nonpublic and public schools as per Chapter 122."

Keane: "Did not the State Board of Education register an opposition to this Bill in Committee?"

Peterson: "No. They did not."

Keane: "It's my understanding that they... that they submitted a witness slip in opposition to House Bill 1053, along with the Catholic Conference of Bishops, and number of other similiar associations."

Peterson: "The Catholic Conference did. The Catholic Conference did, but I am not aware that the State Board did go on as a... an opponent of the Bill."

Keane: "Well, I specifically asked representatives of the State Board of Education if they were in favor of this Bill and if they wanted it, and they said that they were not... that they did not want the Bill. They were not the ones that requested it. So, I just wanted to clarify that. Why then, if it is not needed by the... or requested by the State Board of Ed, - and they don't want it - what will happen to the information? Why are we taking this information?"

Peterson: "Well, I think Representative, you know, over the years, that we've had several request to fund various aspects of nonpublic schools. One, recently, was the request for bussing of nonpublic school students. Much of the information that would be needed to ascertain the... the monies needed for the bussing could not be gathered. You may recall, I believe you were a Member of the House at that time, that the range was anywhere from 30,000,000 to

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150,000,000. And although we don't have at this time, any Bills requesting funds by nonpublic schools, I think this will happen in the future. And I think this will help the Board gather that information and report back to the General Assembly more effective cost figures."

Keane: "If you look at your Bill, what your Bill does is actually strikes... It says you're striking the total enrollment. So, what you're saying... what you're actually adding in there is certified, non certified teachers by sex, which I don't know if that's constitutionally acceptable. And you're looking for the enrollments. Instead of the total enrollments, you're looking for enrollments in all nonpublic schools. Is that correct?"

Peterson: "That's correct."

Keane: "What does to the fact of certified... the numbers of certified and noncertified teachers have to do with bussing students?"

Peterson: "That has no relationship."

Keane: "If the State Board of Education is not looking for this information, was there someone else that asked you to... and they didn't ask you to sponsor the Bill, where was... What is the reason of it?"

Peterson: "Yes, one of the proponents of the Bill is the Illinois Education Association."

Keane: "And what was the rationale for their desire to have the... to have this kind of information?"

Peterson: "Basically, going back to the School Code saying that the Board is responsible for educational guidelines for public and private schools, preschool through twelve."

Keane: "So, this is a way that the IEA feels that they should tighten up the state control over private schools?"

Peterson: "I am not aware of that fact."

Keane: "Well, no. What other sense is there of the Bill?"

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Peterson: "I can't give you an answer to that, Representative."

Keane: "Well, another final question is, what if one of the schools tell... does not submit the information on this to the State Board? What are the penalties?"

Peterson: "There are no penalties."

Keane: "So, what you're trying to do..."

Peterson: "The only requirement... The only requirement would be that any information that they gather now is reported to the Governor as per statute."

Keane: "So, basically, what you're saying is is that you are now putting the private schools in the position of where they... although, they still do not have to report it, they would somehow or other have a moral responsibility to fill out some kinds of questionnaires based on what your Bill wants them to do."

Peterson: "Representative, they currently do get a questionnaire."

Keane: "But they do it voluntarily."

Peterson: "And this would just expand the information requested. It would still be a voluntary basis."

Keane: "Thank you. Mr. Speaker, to the Bill. I stand in opposition to House Bill 1053. When I was aware of it... became aware of it, I did speak to the people from the State Board of Education. They disclaimed any knowledge or any authorship of the Bill. I view this Bill as a harassment of private schools in Illinois. I don't think that there's any need for it. The system presently is voluntary and is working very well. If the State Board wants more information, they can very well ask the schools for it, and it will be provided on a voluntary basis, as it would have to be under this Bill. All that this Bill does is put in some more language into the law that no one has requested, except for the IEA, and has asked... and that

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could create some embarrassment in the future. I would urge a 'no' vote on House Bill 1053."

Speaker Capparelli: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker, I hesitate to stand in opposition to this Bill, mainly because of the Sponsor, who is the first Chairman from my county, I believe, to be a very responsible State Representative. However, I agree wholeheartedly with Representative Keane. Neither the State Board of Education wants this Bill. There is no requirement for any nonpublic school, if they do not wish to submit this data to the State Board of Education, who doesn't want the data in the first place. I have always supported the Illinois Education Association. In this instance, I think they're wrong. I supported aid to nonpublic schools. I don't think any data that could be furnished by this Bill would give any impetus for... in these dire fiscal times and the problems we've had with aid in nonpublic schools in good fiscal times, that it would lead to any support in that area. So, I think the Bill, therefore, would provide a no good for anybody and possibly could be some sort of a harassment to nonpublic schools, who have enough work with their limited resources to provide education to their students. So, I would urge the Members to vote 'no'."

Speaker Capparelli: "Representative Marzuki."

Marzuki: "Thank you, Mr. Speaker, Members of the House. This Bill is a relatively simple Bill. It only requires of a nonpublic school what is required of public schools. If it is unconstitutional for the nonpublic schools, therefore, it should be unconstitutional for the public schools. The requirement is a very simple one. They already, supposedly, have to report to the State Board of Education which is responsible for all of the schools in Illinois,

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public and nonpublic. I think this information, whether it be collected or not, properly by the Board, and there is a question as to whether they ought to be doing this, that it hardly gets at the heart of trying to destroy the nonpublic schools. I think that the reporting ought to be even, and that's all it asks. As I understand it, that 90% of the schools already report, but we still do not know how many students are actually in school in this state. And I think that's something the State Board ought to know."

Capparelli: "Representative Nelson."

Nelson: "Thank you. Thank you very much, Mr. Speaker. I would like to agree with the Representative who just spoke, who said that this Bill is not a harassment Bill. It is a way of collecting data for us, not for the State Board Education. We're the ones who often ask the State Board of Education for data so that we can make an informed judgment on a Bill that may have a fiscal impact. This is one of those Bills that looks toward the future, and says, basically, that we will, in the future, have Bills before us that will call upon us to make decisions on money that the State of Illinois may spend for nonpublic schools. And we can best make those decisions if we have statistics on the number of pupils who are enrolled. This in no way asks for privileged information. It asks for numbers only. And I would urge an 'aye' vote."

Speaker Capparelli: "Representative Preston."

Preston: "Thank you, Mr. Speaker. My remarks are really duplicate of the remarks of Representative Matijevich. I agree with him to oppose this Bill. The requirements of this Bill, in most instances, is a duplication of efforts that are already required. The nonpublic schools now give these reports to the State Board of Education. Ninety percent of the nonpublic schools today make those reports.

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Whether they have to or not, they do it. More and more reporting requirements from nonpublic, from parochial schools, is an unnecessary, an unreasonable encroachment on the prerogatives of private schools. And when I taught in the City of Chicago at Public High School some years ago, I know that, speaking for myself and for other teachers, there was a tremendous outcry at the unreasonable and ridiculous reporting requirements. If they had to spend less time filling out report after report after report and were able to spend that time teaching the students, perhaps the public schools or the students in public schools would get out of public school with an ability to read and write. So, I don't think having additional reports in any way, whatsoever, helps the cause of education in this state. And I'm going to vote 'no'. And I encourage others to not unreasonably encroach on parochial and private schools."

Speaker Preston: "Representative Curran."

Curran: "Mr. Speaker, Ladies and Gentlemen, I also rise in opposition to this Bill, and reluctantly, because of my affection for its Sponsor. I'll tell you that I've received a tremendous amount of negative calls and letters to my district office on this Bill. The Catholic schools in my district are overwhelmingly opposed to it. They tell me that the requirement is already that they report how many students there are in their school. And they tell me that they are deeply concerned that this is not a voluntary reporting requirement, but a mandatory reporting requirement. And they're worried that down the road some years or soon, that this would directly get into public control of our private schools. And so, I ask other Members to join me in a negative vote."

Speaker Capparelli: "Any further discussion? Mr. Peterson, Representative Peterson to close."

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Peterson: "I think discussion has comprehensively covered the Bill. I would close by asking your support of House Bill 1053. Thank you."

Speaker Capparelli: "The question is, 'Shall House Bill 1053 pass?'. All in favor vote 'aye', those opposed vote 'nay'. All voted who wish? All voted who wish? All voted who wish? Clerk, take the record. House Bill 1053, receiving 16 'yes', 98 'nos', 1 voting 'present', having failed to receive the Constitutional Majority, is declared lost. House Bill 1061, Representative Giglio. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1061, a Bill for an Act to amend Sections of the Township Law. Third Reading of the Bill."

Speaker Capparelli: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1061, is a Bill pertaining to township government. What it does, it allows the Township Board of Trustees in counties with less than a million population are authorized by... no. I'm sorry, excused me. Wrong Bill. The Bill simply provides authorization for a tax levy to be increase from .10% to .2%. What's happening at the township, is the monies that are used for the general assistance program, have run out. And they can't raise it unless they get permission. And what this does, it allows the township trustees at a meeting with the town people to raise it .10 to .20."

Speaker Capparelli: "Is there any discussion? Representative Giglio to close."

Giglio: "I would just ask for your favorable support, Mr. Speaker, Ladies and Gentlemen of the House."

Speaker Capparelli: "The question is, 'Shall House Bill 1061 pass?' All in favor vote 'aye', those opposed vote 'nay'. Clerk, take the record. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Clerk, take the record. On House Bill 1061, there are 91 voting 'yes', 18 voting 'no', 5 voting 'present'. This Bill receiving a Constitutional Majority, is declared passed. House Bill 1073, Representative Yourell. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1073, a Bill for an Act to repeal an Act to revise the law in relation to private employment agencies. Third Reading of the Bill."

Speaker Capparelli: "Representative Yourell."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1073 repeals the law regulating employment agencies. And that may, in the initial announcement, sound rather drastic, but I hope that after reviewing the situation as it relates to the regulation of employment agencies in Illinois that you'll come to feel as I do, that through the years the regulation of this specific occupation has not produced the kind of activity that is intended. The Act itself was instituted in 1935 and, in subsequent years, was amended to license private employment agencies, Domestic and Theatrical Employment Agencies, and Nurses Registry Agencies. The Act in Illinois is administered by the Division of Private Employment Agencies in the Illinois Department of Labor. The Act was originally designed to protect a large low income, immobile and basically unskilled work force, which could at that time be manipulated by employers who could hold virtual social/economy control over those workers. As you know, since that time, the work force has developed into a more mobile, educated and generally middle income population. And the employers have lost any social/economical control to the extent that the employment agency business has changed largely to employ paid fee arrangement. A prominent employment agency association in

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Illinois began to consider some years ago the whole theory of regulation under the Act. And they were commissioned... a law firm was commissioned to examine the real protection provided to the people of Illinois by the Division of Private Employment Agencies. And I would like to share with you the results of those findings. From April 4, 1980 to October 1, 1980, there were 413 notices with 578 alleged violations. On the face of this number of violations, it would appear that the Division was certainly needed to protect the people of Illinois. However, a more careful study of these violations against the state shows that we may have more effort to justify the Division's existence than to help people get back to work. Examination of the breakdown of the 578 violations shows that they were cited under certain provisions of the Act. And under those Sections, 235 violations were cited for failure to renew the counselors' and agencies' licenses or their bonds on time. Not that they failed to do so, but because they failed to do so on time, which is, in an actual course of events in all regulatory agencies, is just an automatic kind of thing. A simple automatic renewal form would have eliminated those 235 violations. There were also ten violations under another Section of the Act that do not apply to employment agencies as they are against nurses registries and domestic agencies. Under another Section of the Act the agencies failed to list 18 times in the thousands of ads that appeared daily, the fact that they were employment agencies. And also, 17 times under another rule adopted by the Department, they failed to notify the Department of their telephone number changes. What I'm driving at, out of all of those five hundred and some violations, when they sifted through them, they found that only three violations were of any subsequent nature. And

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the purposes of the licensing, of course, was to correct that and to regulate and police that industry. But out of over 500 alleged notices of violations that went out, only two, only two out of that entire number were found to be violations of any substance. Now, what the cost to the state is about \$222,000 a year. The employment agencies provide about \$250,000 in license fees to the state. So, with the washout with the Department and the enforcement agency, which is the Department of Labor, there would be no cost to the state. The total figure of \$224,000 and \$250,000 applied by those licensees to the state. And we have put the effective date on this law, on this legislation, to be April 1, so that the state would not suffer any license loss in that period of time. The Department of Labor and the Department that regulates the licensees have agreed that it's time to deregulate this agency. And I would ask for your favorable consideration. And I'd be happy to answer any questions that you might have."

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

Ropp: "Thank you, Mr. Speaker and Members of the House. I have a number of these employment agencies in my district, and they have contacted me stating that this is a Bill that was introduced by the State Association to which has a membership of not very many groups. And they're saying that this is... organization is really not representing the mass majority of employment agencies. And my people are very much concerned about the fact of the potential unscrupulousness about the employment of people in searching for new jobs, and they're urging me to oppose this. I guess in all due respects to the Sponsor, who stated that there are really very few major concerns or

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violations, should this not be an Act, there is no telling how many that we could have. So, I think in part it's saying that it's doing a good job. It is causing some sort of a deterrent about violations, and this Bill and the one following it should be defeated."

Speaker Capparelli: "Further discussion? Oh, Representative Harris."

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

Yourell: "Yes."

Speaker Capparelli: "He indicates that he will."

Harris: "Representative Yourell, the Illinois Association of Personnel Consultants, how many members does that organization have?"

Yourell: "I am not sure how many they have, but they are the Association that brought the Bill to me, as Representative Ropp indicated. And they have been in contact with other employment agencies throughout the State of Illinois. And some of the objections by employment agencies to this legislation have been from employment agencies that didn't even bother to get registered or licensed under the Act. I don't know, and I can't answer your question, definitively, as to how many are in the Association, but I would suggest to you, having attended some of their meetings, that there are many, many individuals involved at agencies."

Harris: "Do you know generally how many employment agencies there are throughout the state?"

Yourell: "No, I don't."

Harris: "Alright. To the Bill, Mr. Speaker? To the Bill, Mr. Speaker?"

Speaker Capparelli: "To the Bill."

Harris: "Thank you. Ladies and Gentlemen of the House, normally I would jump and be the first one to lead the charge in

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Representative Yourell's Bill to deregulate an industry. Government red tape is too often time-consuming and burdensome. However, in this instance, I would argue against the Bill. What we have here really is a case of government regulation doing nothing more than setting minimum standards, rather than causing an onerous burden on the industry. There are approximately 550 to 600 employment agencies throughout the state. As I understand it, only 15 to 20% are members of the Illinois Association of Personnel Consultants, the group which has proposed this legislation. Setting minimum standards for the industry does nothing more than protect the consumer that needs it most. We're talking about protect... we're talking about registration for firms which deal in annual salaries of less than \$15,000. The person who goes to an employment agency seeking employment for less than \$15,000 is the one who is probably least able to watch out for himself. We're doing nothing more than setting minimum standards, which are not burdensome. The standards are simply a 5,000 dollar bond which has to be posted with the Department of Labor, a \$400 maximum annual yearly fee, and \$25 licensing fee for each counselor which is in that agency. As Representative Yourell indicated, in 1981, the last time they took the statistics, it cost \$220,000 to administer this law, and the fees brought in \$250,000. The fact that the law right now may not be enforced tightly is no reason for elimination of the law. The people who use these agencies still need protection. A person could go to an agency and be sent out to a job which does not exist. The current law... mandates that a job order be logged, be numbered, be kept in a log. And that the Department, if needed, can go to that agency and justify or determine that a job really did exist before that person was sent out. I

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would argue that deregulation at this point is not necessary, that regulation is not burdensome to the industry involved, and that we would vote against this Bill."

Speaker Capparelli: "Representative Tate."

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

I rise in opposition to House Bill 1073. First of all, I have served on the Registration/Regulation, and the Bill was passed out of Committee. And for those on the Committee, the workload that week, it was extremely large. And it was an oversight, probably by our part in not giving it a real thorough examination. If you look closely at the Bill, you'll find out that there are several provisions of this Act when it was created that should concern us all. If you're concerned about domestic service employees, if you're concerned about public health, there's a requirement right now that this Bill would eliminate to provide that employment agencies make sure that their employees receive physicals every year. And I'm concerned that we're going to send out people that are unhealthy and untrained. You're also concerned that this is a very anti-farm worker Bill. And you'll see in the statute, also, that this covers the farm workers and the statement of terms of employment for farm workers, an important provision for workers in the area. The bottom line is that... that the Sponsor may represent 15% of the personnel agencies or private employment agencies in this state, but there are many agencies out there that are in opposition to it. And if you Gentlemen or you Legislators have read your mail, you'll find out that the best vote is a 'no' vote. Thank you."

Speaker Capparelli: "Representative Davis."

Davis: "Thank you, Mr. Speaker. I'm the hyphenated Cosponsor of

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the Bill. And with regard to the last speaker, the Bills were heard in that Committee that day, and I believe that the vote was an Attendance Roll Call vote, on the first Bills that came out of Committee on that particular hearing date. But that notwithstanding, I think there's some red herrings being tossed around here, and I'd like to clear up just a couple of things. It is... well it is true that the numbers of the association itself are small in terms of their agency numbers, and that there are a wide variety of other employment agencies. Representative Yourell was correct. Many of those others that are now objecting to being licensed, never bothered to be licensed and pay the fee in the first place. The other salient point is, that of those 20 to 25% of the agencies in this state that represent and are the Association of Employment Agencies that seek deregulation themselves, are responsible for almost 80% of the job placements in this state. They are basically in the metropolitan area of Chicago and the northeast six counties. Now, if you're for deregulation, you're for deregulation. Representative Yourell was absolutely right about something else. There hasn't been one complaint of substance - well, there were two, I take it back - in the last 10 to 15 years, not one complaint. The people who are doing 80% of the placements are confident, are confident that deregulation won't hurt the industry. There will be no abuses. These are very good Bills and very good ideas. Everybody wants to be licensed. Everybody wants to protect their turf. It's time to start removing the licenses. And this is one industry that requests the removal of the licenses. And I think it's a good 'yes' vote for all of us."

Speaker Capparelli: "Further discussion? Mr. Yourell to close."

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

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House. I would like to just comment on the remarks by several of the opponents to the Bill. It was mentioned that this was a kind of gift out of Committee, but I would suggest to the Gentleman, and if he was there he would recall, that this was the first Bill heard in Committee that day. And it was offered... moved 'do pass' by Representative Davis, second, by Representative Stuffle, and the Bill received a 14 to nothing Roll Call vote in Committee that day. I would also suggest to you that Representative Davis has hit the nail on the head when he indicated about the number of employment agencies in the state that are in the Illinois Association, and that 80% of all the employment placements in the State of Illinois have been placed by the agencies that belong to that Association. So the overwhelming numbers are there for you to consider. All of the 593 violations that I mentioned to you in my opening remarks are indeed covered by other state and federal laws, such as the Fair Employment Practice, the FTC, the Illinois Deceptive Advertising Act. And these agencies and these Acts covered under those agencies carry heavier fines and even prison sentences for violations. They are much stronger remedies that are available under the Division from Private Employment Agencies. And however, I would like to mention that no employment agencies in Illinois were ever cited by these federal... other federal and state agencies. Now, the Department that registers and regulates this agency has turned the enforcement over to the Department of Labor, and they have indicated to me this inner departmental merger is cited by the Department as justification for repealing the Employment Agency Law. I would appreciate affirmative vote. This is good legislation. This is the same as sunset legislation. This is a Bill to deregulate an agency

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that doesn't want to be regulated, and I think we ought to do just that. I hope that you'll give this your favorable consideration."

Speaker Capparelli: "The question is, 'Shall House Bill 1073 pass?' All in favor vote 'aye', those opposed vote 'nay'. Has every one voted who wish? Have everyone voted who wish? All voted who wish? Clerk, take the record. On House Bill 1073, there are 74 'yesses', 35 'nos', 7 voting 'present'. This Bill, receiving the Constitutional Majority, is declared passed. House Bill 1074, Representative Yourell. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1074, a Bill for an Act to amend Sections of an Act to revise the law in relation to private employment agencies. Third Reading of the Bill."

Speaker Capparelli: "Representative Yourell."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What this Bill does, House Bill 1074, is to exempt certain categories of employment in the Bill that we've just considered. The present Bill would limit application of the amended Act to agencies attempting to place applicants for employment in positions as domestic servants, farm workers, nurses, actors or performers, or entertainers in theatrical engagements. An agency could still be covered by the Act, if it attempted to place some applicants in any of the above job categories. I would ask for your favor consideration of House Bill 1074."

Speaker Capparelli: "Is there any discussion? Having no discussion, Representative Yourell to close."

Yourell: "I think it's a very simple Bill. I would ask for your favor consideration."

Speaker Capparelli: "The question is, 'Shall House Bill 1074 pass?' All those in favor vote 'aye', all opposed vote 'nay'. Have all voted who wish? Representative Ropp."

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Ropp: "Yeah. Mr. Speaker, just a point of question. If we've just repeal this, what is a need for this if we've just repeal this in the last Bill?"

Speaker Capparelli: "Representative Yourell, could you answer that?"

Yourell: "Yes. I don't know what's going to happen to either one of these Bills. And the reason for 1074, in case something happens to 1073."

Speaker Capparelli: "Have all voted who wish? The Clerk, take the record. On House Bill 1074, there are 72 'yes', 38 'no', and 5 voting 'present', and this Bill, receiving a Constitutional Majority, is declared passed. House Bill 1077, Representative Curran. Clerk, read the Bill, please."

Clerk O'Brien: "House Bill 1077, a Bill for an Act to amend Sections of the Illinois Pension Code and the State Mandates Act. Third Reading of the Bill."

Speaker Capparelli: "Representative Curran on the Bill."

Curran: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1077 simply amends the Downstate Firemen's Article of the Pension Code to include cancer as an occupational disease for firemen. This Bill simply puts downstate firefighters on a par with Chicago firefighters. Where two weeks ago, we included cancer as an occupational disease for Chicago firefighters. Now, the increase in cancer incidents has been attributed in firefighters to the widespread use of synthetic organic chemicals. Firefighters tend to contract cancer 15 to 18% more often than the rest of the population. Remember, that all we are really doing here is putting the downstate firefighters on a par with Chicago firefighters. I'll entertain any questions."

Speaker Capparelli: "Are there any discussion? Representative

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Mays."

Mays: "Will the Gentleman yield, please, for a question? It looks like we, you know... why are we extending this cancer into the occupational disease area? I thought that it... if it is determined an occupational disease, in other words, arising in the course of employment, then they're already eligible for this benefit, aren't they?"

Curran: "It's my understanding, Representative, that what is necessary for their pension fund to be able to pay for cancer is for us to include it in the statute. And it's already happened in the case of Chicago firefighters. All we're doing is bringing up the firefighters in my home town, and in your home town on a par with those guys in Chicago."

Mays: "So, regardless of whether the cancer that a person gets came out of his employment or not, you want to put that under the pension system?"

Curran: "No, but, what we realize here, is that the firemen tend to contract cancer at a much higher rate than any other... then the rest of the population. And this Body allowed that for the Chicago firefighters just about ten days ago."

Mays: "How much is it going to cost?"

Curran: "The maximum estimate, it would be about a \$100,000 dollars."

Mays: "Are there any funding mechanisms to make up for that in the Bill?"

Curran: "The firefighter's trust... pension trust fund is in very good shape. And they feel... they're in support of it. And they feel that their pension fund can stand it."

Mays: "Thank you."

Speaker Capparelli: "Representative Kirkland."

Kirkland: "Yeah. What's the number of the House Bill that did involve Chicago? Do you recall?"

Curran: "I just can't remember, Jim."

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Kirkland: "Will somebody get that?"

Curran: "Representative Terzich, maybe could tell us what the number was for the Chicago Bill."

Kirkland: "377? Okay."

Speaker Capparelli: "Is there further discussion? Representative Curran to close."

Curran: "I just like the Members to know that what we are doing here is putting downstate firefighters on a par with Chicago firefighters, in an area where they tend to contract the disease 18% more than the rest of the population. I ask for a favorable Roll Call."

Speaker Capparelli: "The question is, 'Shall House Bill 1077 pass?' All in favor vote 'aye', those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? Clerk, take the record. On House Bill 1077, there are 97 'yes', 19 'no', one voting 'present'. This Bill receiving the Constitutional Majority, is declared passed. House Bill 1082, Representative Cullerton. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1082, a Bill for an Act to amend Sections of the Code of the Civil Procedure. Third Reading of the Bill."

Speaker Capparelli: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill provides that an action brought pursuant to a federal law, which grants concurring federal and state jurisdiction, shall not be dismissed or transferred by a court having venue on the ground that there is a more convenient forum, unless the the action imposes a substantial burden upon the court. This Bill deals with the doctrine of forum non conveniens. Courts have issued numerous opinions giving conflicting standards as to when the doctrine would apply and when it wouldn't. Now, if there is a trial and the trial has been over, it's been

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reached a conclusion, and the defendant is lost, the defendant appeals, and then perhaps four years later an Appellate Court or the Supreme Court might say, 'Well, it would have been more convenient if you had tried the case somewhere else.' And then at that time, of course, it's too late to find the witnesses. And it's very inconvenient, inconvenient to have to try the case again. So, the purpose of this Bill is to set the standard, to say that it should not be transferred unless it imposes a substantial burden upon the court. And then, of course, the transfer would be granted. I ask for support on this concept. Be happy to answer any questions."

Speaker Capparelli: "Is there any discussion? Representative McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. The doctrine of forum non conveniens is a commonlaw doctrine akin to the courts in hearing equity powers. The purpose of the doctrine, historically, has been to make sure that the lawsuit is tried in a fair forum. The doctrine is not for the purpose of merely alleviating the court's schedule. The doctrine is not merely for the purpose of making sure that a person gets a trial. The purpose of the doctrine is to try it in a fair forum. The considerations that are taken into account on this issue, historically, have been not only the court's docket, but even primarily, the considerations of whether it's fair to make the defendant defend in a foreign jurisdiction. One of the primary cases which has given rise to this, or has given the impetus to this Bill, was a case where all parties and an accident occurred in the State of Michigan. A federal,... or an action was brought under federal law in state court under the Federal Employers' Liability Act. That Act allows the

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federal action to be brought in a concurrent jurisdiction to state in a place where ever venue is proper. Madison County has turned into the plaintiff's paradise of the State of Illinois, and indeed, for these types of actions for the entire nation. It is not uncommon, therefore, where there is absolutely no connection to the State of Illinois, to try the case in Madison County. It has historically been the plaintiff's forum in the entire nation. The attempt to change the Supreme Court formulation of the doctrine of forum non conveniens ignores the equities that the doctrine incorporates. It ignores the fundamental fairness involved in not requiring a defendant to testify in a foreign jurisdiction which has no connection to the case. If we were to take into account only the court's docket, there would be no balancing of interest, no fundamental fairness in trying the lawsuit in a fair jurisdiction. What happens now, is that an interlocutory appeal, an appeal prior to a decision on the merits of the case, is available to contest where a Motion to dismiss on a basis of forum non conveniens has been made. There is, therefore, no reason why we have to change the law. There is no possibility anymore of a person trying a case and then losing an appeal, because of the doctrine of forum non conveniens. I would move that the... I arise in opposition to the Bill because it is a forum shopping Bill. Plaintiffs are after a sympathetic jury or maybe unduly sympathetic, historically inept. In Madison County, that's precisely what it's been. It's not merely a simple Act to codify forum non conveniens. It changes the law completely. It is limited to Acts of Congress which grant concurrent jurisdiction. The two most used Acts of that type, two of very few, is the Jones Act, which allows river barge employees and seamen and stevedors to

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sue and the 'FBLA'. Those two Acts would have application in Madison County. It's located on the Mississippi River. Many railroads go through Madison County. This is not a Bill which merely codifies forum non convenience, it changes it. I would ask that you would opposed the Bill and vote 'no'."

Speaker Capparelli: "Representative Greiman."

Greiman: "Thank you, Mr. Speaker. The Gentlemen from DuPage has made a great many comment about a equitable fairness of all the buzz words that we love so much. But, what he has neglected to say, is that a plaintiff may file. The defendant may ask for a change in the forum. If the defendant loses and the trial goes ahead, the defendant does not have an interlocutory appeal. That defendant may raise that after the whole trial is over. After a judgment has been rendered for the plaintiff, that plaintiff can find out four years later, that whoops, it was in the wrong forum. And that judgment, he's had a fair trial, the defendant had a fair trial in an Illinois court. And all of a sudden, he finds out that... that poor plaintiff finds out that somehow the court below was wrong, and it should have been in, you know, Ypsilanti, Michigan. Is that fairness? Is that equity? Is that justice? I say Illinois courts can handle these fairly. Illinois courts can handle these equitably. The congress has suggested that they may be filed in federal courts and in state courts. And indeed, this Bill brings to that area fairness, brings to that area equity, so that no plaintiff will file a suit, find that he's in court, try the case before a jury, and then find after he has his judgment, that whoops, it was in the wrong court. This is a fair Bill. And I intend to support it."

Speaker Capparelli: "Further discussion? Representative Johnson

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to close."

Johnson: "I... Mr. Speaker and Members, I didn't mean to preclude any other debate. Were there other lights on?"

Speaker Capparelli: "No, there are not."

Johnson: "Thank you, Mr. Speaker and Members of the House. With all due respect to my distinguish colleague on this side of the aisle from DuPage. In my judgment, the equity, the fairness to this Bill is absolutely overwhelming. We have jurisdictional requirements. We have venue requirements in this state that are tightly drawn. And they require and provide that corporations, or any other business, doing business in the county can be preceded against in that venue. Now, why on the one hand, should we have jurisdiction here, clear jurisdiction? Why on one hand, should we have clear venue here, and then turn around on the other hand and say, 'Even though, we passed this jurisdictional statute, and even though we have clear jurisdiction, venue statute and clear venue, that we're going to turn around on some judicially created, court created doctrine and switch the trial somewhere else because in the court's discretion, it's more convenient to be heard somewhere else'. The witnesses that testified in this Committee were not only individuals who practice civil law in this state, but the Republican State's Attorney of Madison County, who feels that in his judgment, Madison County, just as Champaign, or Cook, or Rock Island County is perfectly capable of handling the cases that are brought pursuant to the lawfully enacted jurisdictional and venue statutes of this state without the courts tinkering with them with this judicially created device. It's a home rule Bill. There's clearly saving provisions in the Bill that provide, if there is a substantial burden on the court, it can be transferred elsewhere. And what could be more

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unfair than an individual who, let's say lives in East Alton, and happens to be on a railroad traveling through Southern Mississippi, where he or she is injured, and then is brought to be on this judicially created doctrine, is required to go to trial in Southern Mississippi, and transport all of their witnesses down there and everything else? Now, it's clear that there's a cost to the plaintiff, if one would decide to proceed, according to these laws, and let's say bring a case in Madison or St. Clair County. And those things are not done willy - nilly. There're done where... combined with what laws we have, and the equities of the case that has spared all the parties that they heard there. I don't think, again, with do respect to Representative McCracken, that there is anything unfair about this. All this does is bring some common sense to what, in many people's judgment, has been a runaway attitude on the courts part to get out of hearing cases that ought to be heard in Illinois, and where the jurisdiction and venue lies within this State. It's a good Bill. It passed overwhelmingly in two separate Bills out of the Judiciary Committee, and I would urge its enactment."

Speaker Capparelli: "The question is, 'Shall House Bill 1082 pass?' All in favor vote 'aye', opposed vote 'nay'. Vote is open. Have all voted who wish? Have all voted who wish? All voted who wish? Mr. Clerk, take the record. On House Bill 1082, there are 74 'yes', 36 'no', 3 voting 'present'. This Bill, getting the Constitutional Majority, is declared passed. In the Chair will now be Representative Greiman."

Speaker Greiman: "On the Order of House Bills Third Reading, appears House Bill 1083. Representative McPike. Representative Currie. Mr. Clerk, read the Bill."

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Clerk O'Brien: "House Bill 1083, a Bill for an Act to add Sections to the Civil Administrative Code. Third Reading of the Bill."

Speaker Greiman: "Ms. Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. House Bill 1083 changes the Civil Administrative Code to require the Department of Public Health to monitor and study the relationship between adverse reproductive outcome and parental occupations. We know that there are more than 400,000 chemicals used in the workplace. We know that some of those toxic chemicals are clearly related, both from the point of view of the father and of the mother, in unpleasant reproductive outcomes. One of the questions we do not know the answer to is how many of those chemicals cause reproductive problems, which those chemicals are, what kind of effects they have, whether they are effective only with the male, or with the female, as well or separately. This study would, I think, give us the data so that we could avoid some of the problems of babies born with handicaps, babies born dead, babies born shortly to die after birth. I urge your support for House Bill 1083."

Speaker Greiman: "The Lady moves for passage of House Bill 1083. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those... The Gentleman from Kendall, Mr. Hastert."

Hastert: "Would the Sponsor yield?"

Speaker Greiman: "She indicates that she will."

Hastert: "She went through that explanation kind of fast. Would she, again, explain what adverse reproductive outcome is?"

Speaker Greiman: "She indicates that she'll respond to a question."

Currie: "An adverse reproductive outcome is when the baby is born dead, a baby is born handicapped, a baby is born with

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serious deformities or other kinds of problems. Birth defects."

Speaker Greiman: "Gentleman from McLean, Representative Ropp."

Ropp: "Would the Sponsor yield, please, Mr. Speaker?"

Speaker Greiman: "She indicates that she will."

Ropp: "Do I understand, by this Bill, that this is a study to determine these abnormalities? Is that what this Bill does?"

Currie: "Yes, that's what this is. It requires the Department of Public Health to check the connection between chemicals in the workplace and birth defects."

Ropp: "I thought that there are some studies, maybe not dealing with chemicals, but dealing with the fact that where the potential mother either just smokes or drinks has a major effect on the birth of the child and the offspring. Is that true or not true?"

Currie: "Some of those studies have been done, and that's why Public Health Agencies recommend that pregnant women do not smoke, or do not drink coffee, or drink alcoholic beverages, only in moderation. The point of this study is that we know some toxic chemicals that used in the workplace cause reproductive problems, whether the employee is the incipient mother or the incipient father. What we don't know at this point is which chemicals cause what kind of problems, in what quantities, and what kind of problems may result. We can't tell pregnant women or men, who would like to become fathers, to stay out of particular workplaces or stay away from particular chemicals in those workplaces, because we don't know what the problems may be. We know that some toxic chemicals cause problems. Lead, for example, and lead can be a problem for the baby, whether the... it is the mother or the father who is exposed to quantities of lead in the workplace. But there

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are 400,000 chemicals in American workplaces, and we don't yet have the information to be able to advise would-be mothers and would-be fathers how best to protect the health of an unborn baby. The point of this Bill is to say, let's find out what those answers are, so we can have our Departments of Public Health encourage people to stay away from workplace environments that will be harmful or indeed fatal to an unborn child."

Ropp: "One other question. Is the Department of Public Health, are they supporting this or not here in Illinois?"

Currie: "The Department of Public Health testified against the Bill in Committee. They thought it was a splendid piece of legislation, but they were reluctant to spend the very small dollars that they feel would be involved in conducting the study."

Ropp: "I guess, I'm wondering too, and I've seen a lot of figures relative to this same kind of thing dealing with smoking. And the fact is, we've got legislation that's already...in fact, on every cigarette package, we state that it's harmful to your health, but it does not apparently seem to do a lot in terms of discouraging people from doing this if they want to. So, what... the Bill apparently will just do... will be to at least tell people how or what kind of effects...abnormalities might come about should they do particular thing, and it still leave them the prerogative of rather or not they want to continue to either smoke or inhale whatever chemicals that might be involved in that particular vocation where they're working. We're not going to start to pass legislation prohibiting this and that, or will we, maybe?"

Currie: "This is a preliminary study."

Speaker Greiman: "Well, I think just... Excuse me. That was... I think that was more than a question, Mr. Ropp. That was

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discussion on it. And we'll give you an opportunity to close, Ms. Currie. Mr. Ropp, further? Is there further discussion? There being none, Ms. Currie to close."

Currie: "Thank you, Mr. Speaker and Members of the House. The cost involved in House Bill 1083..."

Speaker Greiman: "Excuse me, Mrs. Currie. For what purpose the Gentleman from Cook, Mr. Piel, arise?"

Piel: "Mr. Speaker, I think this is about the second day in a row that we've had problems. Either the board is not working or your glasses are dirty."

Speaker Greiman: "Your light was not on."

Piel: "It wasn't my light. I'm sitting here, and I can see Representative Didrickson's light flashing from here. Now, you're little bit closer to your board than I am from her light, but if I can see here light... Why don't you look at your board a little bit closer?"

Speaker Greiman: "I'm looking at my board. And, Ms. Currie, we're going to interrupt you for moment. And Ms. Didrickson, the Lady from Cook."

Didrickson: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Greiman: "She indicates that she will."

Didrickson: "Thank you. Representative Currie, I have a question. In Labor and Commerce, we overwhelmingly passed out a Bill... by Representative McPike on right to know, whereby in the workplace those chemicals would have to be identified clearly, displayed, workers be aware of what it is that they're are working with. If that legislation were to be passed, would this negate what you are trying to do here, or how would that affect it?"

Currie: "I don't think so, Representative Didrickson. Even knowing what chemicals are in a particular workplace situation - and there're over 400,000 at work in the United

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States today - we don't have the information to be able to link up a particular toxic chemical in the workplace with the hazard to a baby not yet born. So that even if you know that there is lead or there is methyl sulphate in the material with which you are involved at the workplace, we don't have the information today to be able to say that if you are a would-be father, or you are a woman who would like to bare a child, that maybe this is a place that you should not be at work. If this Bill passes and the Department of Public Health does the kind of study that shows us what the risks are to father and mother in the workplace with respect to birth defects, then, in fact, these two pieces of legislation will be quite complimentary. Because, then not only will we know what kinds of items in the workplace cause reproductive hazards, but the individual worker will know whether that particular chemical is involved in the work that he or she does."

Didrickson: "So then you're saying that those 450,000 known chemicals, like, let's take the State of New York has 450,000 chemicals, I believe in their legislation and right-to-know, are not identified in terms of how they would affect the reproductive situation in the workplace. That's what you're saying, those identified chemicals?"

Currie: "Of the 400,000, some have been specifically linked to birth defects, but we don't have available the scientific data to know how many other chemicals can be linked, either through the father or through the mother, to an increased risk of birth defect in an unborn baby. And the point of the study is to say, we know enough about some chemicals to know that there are problems out there. Let's find out enough at very minimal cost to be able to ensure that individuals, parents, mothers, fathers have an opportunity to protect themselves from an increased risk of birth

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defects, of fetal abnormalities, of still births. And that my point is only that the two pieces of legislation, together, would increase the capacity of any individual to make a judgment, make a choice, about where it is safe to work and when it is safe to give birth to a child."

Didrickson: "Thank you. And thank you, Mr. Speaker."

Speaker Greiman: "The Lady from Cook, Ms. Topinka."

Topinka: "Yes, I have a question for Representative Currie. Is there any carry-over on these multifarious type chemicals that would be in the workplace, upon their, let's say, reaching the home environment or the same pregnant women and/or potential father would be around, because I know I use a considerable amount of household products that could be considered chemically upsetting to a pregnant mother. And I mean, I know I survived nine months of it while smoking and drinking coffee and have an awfully healthy kid. And I'm just wondering, is there any carry-over like that, or don't we worry about the home place when the chemicals move on, or can't we identify them any way anyway?"

Currie: "My understanding, Representative Topinka, is that some of these materials can be brought home by the parent who works in that particular industrial place and can, thereby, infect the individual who is already in the home. So, we may be expanding the number of hazards in the household where the parents are expecting a baby, if we don't have some sense as to what kinds of chemicals in the workplace, what kinds of lint that is ingested or materials that are rubbed upon the skin can come into the home and create additional hazards there."

Topinka: "You mean, you can possibly foresee an expansion of this Bill down the road to include chemical agents that would be brought into the house? Again, I get into cleaning

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products and insecticides. I mean, you know, when you spend a great deal of time in your garden or in your kitchen and things of this sort, would you not experience some kind of a questionable atmosphere in the household in general? I mean, I'm wondering if I'm living in an area that really is a war zone, and I'm not aware of it."

Currie: "Well, I hope you aren't, Representative Topinka, and I hope I'm not either. But the point of this Bill is just to say that, that items... toxic chemicals used in the workplace that may affect reproductive success, either when the father works there or the mother works there, let's find out what those are. Let's find out how they relate to birth defects. Let's find the information available. We're not looking in this Bill. We're not requiring the Department of Public Health to find out what kind of garden equipment, or what kind of laundry detergent is used in the home. The connection we're looking for is where does the mother work, what kind of workplace environment is the father involved in, and can we find a connection between birth defects, still births, fetal abnormalities and hazards in the workplace either of the mother or the father?"

Topinka: "I hear you, but I still don't quite understand what you're trying to get at. Thank you."

Speaker Greiman: "Further discussion? Mrs. Currie to close."

Currie: "Thank you, Mr. Speaker and Members of the House. We know that toxic chemicals have been linked to birth defects, when the toxic chemicals are part of the work life of either mother or father. What we don't know, is how many of the 400,000 chemicals at work in American industry pose that kind of risk to an unborn baby. House Bill 1083 would require the Department of Public Health to do the kind of epidemiological study that would enable us better

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to connect toxics in the workplace with the risk of birth defect of hazardous birth as the outcome. I urge your support for House Bill 1083."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. All voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 74 voting 'aye', 41 voting 'nay', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1084. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1084, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Greiman: "Ms. Nelson."

Nelson: "Thank you, Mr. Speaker, Members of the House. House Bill 1084, is a Bill that was recommended by JACR. In a letter to me he explained, that in going over our statutes they found a discrepancy exists. And I would like to explain very briefly what House Bill 1084 does. It amends the School Code to provide that the Department of Correction School District shall be included in administrative structure of the Department of Corrections. The Department of Corrections has a school district, District 248, which enables them to receive state aid under the same formula other districts in this state do. The correspondence that I have from JACR says this, 'It is doubtful that the legislator intended that both bodies and by both bodies, they mean the Department of Corrections and the Department's Board of Education for this district have concurrent responsibility for the educational programs and authority for rule making. However, legislative intent in regard to ultimate authority for educational programs is

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somewhat unclear. The purpose for creating School Districts 428 was to ensure the benefits to public school districts in Illinois, financial and advisory would accrue to the Department's District. The School District would then presumably be eligible for federal funds, etcetera. So, what we are doing in this Bill is adding very briefly one sentence to the School Code that clearly indicates where the responsibility lies, says such school district 'shall be included in the administrative structure of the Department'. I would appreciate your affirmative vote."

Speaker Greiman: "The Lady has moved for the passage of House Bill 1084. Is there any discussion? There being none. The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 108 voting 'aye', 3 voting 'no', 1 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, appears House Bill 1089. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1089, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Greiman: "Mr. Hicks."

Hicks: "Yes, Mr. Speaker, Thank you. House Bill 1089, is a farm Bill, amends the Vehicle Code Bill to allow one additional classification for farm vehicle license plates. What it actually does, it allows a farm vehicle plate for semitractor trailer trucks. And I would ask for an affirmative vote."

Speaker Greiman: "The Gentleman moves for the passage of House Bill 1089. Is there any discussion? There being none.

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The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? All voted who wish? Mr. Clerk, take the record. On this Bill there are 97 voting 'aye', 14 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, appears House Bill 1100. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1100, a Bill for an Act to amend Sections of the Illinois Insurance Code. Third Reading of the Bill."

Speaker Greiman: "Mr. Giglio."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1100 was brought to my attention by the pharmacists in the State of Illinois. What's happening now, when the negotiators for a fee for the pharmacy prescription get together, the people that are in the pharmacy business are excluded. The insurance people, and the management people, and the labor people, when they put together what they're going to charge in their contracts for prescription fees, they don't really get a comparative market value as to what the pharmacists charge. Now, in the past in our state, the people who negotiate these contracts usually use the Department of Public Aid. And even the Department of Public Aid prices for prescriptions are not come near what the fair market value is. Other states that have enacted this legislation over the past few years, the figures that they come up with, approximately 60¢ to 75¢ for the prescriptions. So, what it does, you know the pharmacist, now like any other businessmen that talked together, are excluded because you can not get together and talked about your business or prices or

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anything else. So, what this Bill will hopefully do, is get the pharmacist in on other negotiations and come up with an equitable and fair price for their prescriptions. Mr. Speaker, is there any questions, I'd be happy to answer them if I can. If not, I would ask for a favorable Roll Call."

Speaker Greiman: "The Gentleman moves for passage of House Bill 1100. Is there any discussion? There being none. The Question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 96 voting 'aye', 17 voting 'no', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, appears 1118. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1118, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Greiman: "Mr. McPike. Mr. Stuffle, you're going to take that Bill? The Gentleman from Vermilion, Mr. Stuffle."

Stuffle: "Yes, Mr. Speaker and Members of the House. House Bill 1118 was passed out of the Elementary and Secondary Education Committee on a 15-0 vote. Sponsored by Representative McPike and I. It's a Bill from the Office of Education, which is an attempt to prevent what is occurring now in terms of the dumping of students from the state of Missouri into homes in Illinois without reimbursement to the state facilities in Illinois. The Bill requires that there must be an approval in payment in advance, or an agreement for that activity for those students to be placed here so Missouri can not dump students into Illinois without payment. And I would ask

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for a favorable Roll Call on the Bill."

Speaker Greiman: "The Gentleman has moved for the passage of House Bill 1118. Is there any discussion? The Gentleman from Champaign, Mr. Johnson. Do you have your light on? Mr. Johnson."

Johnson: "Didn't remember when mine was on yesterday, and you didn't recognize? So, you're trying to get even, and I appreciate that. But my light wasn't on. Thank you."

Speaker Greiman: "Oh, thank you, Mr. Johnson. There being no discussion, the question is, 'Shall This Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 114 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared... Mr. Davis 'aye', is hereby declared passed. And on the Order of House Bills Third Reading appears House Bill 1120. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1120, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Greiman: "Mr. Stuffle, Gentleman from Vermilion."

Stuffle: "Mr. Speaker and Members, again this is a Bill from the Office of Education. I'm not aware of any oppositions to it. There was some question in Committee about whether or not the Special Education Bill changed the reimbursement formula for any type of special education payment in the state. The answer is no, as you can see by reading the fiscal note. What the Bill does, is simply provide that there shall be a uniform method of calculating local special education cost that enter into the existing payment formulas in Illinois. It's in to reduce paperwork and make for a consistent process, so the school districts will know

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what there charges are with regard to in district and inter-district programs, and know what the formula calculations will be in every case for state reimbursement.

I would ask for an affirmative Roll Call."

Speaker Greiman: "The Gentleman moves for the passage of House Bill 1120. Is there any discussion? There being none. The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 112 voting 'aye', none voting 'no', none voting 'present', and this Bill having... Ms... and Ms. Karpiel 'aye', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1121. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1121, a Bill for an Act concerning hearing aids. Third Reading of the Bill."

Speaker Greiman: "Mr. Dunn."

Dunn: "Thank you, Mr. Speaker. I would ask leave to take this Bill back to Second for the purpose of an Amendment."

Speaker Greiman: "Would you repeat that?"

Dunn: "Like to move, move this Bill back to Second, please?"

Speaker Greiman: "The Gentleman asks for leave to move..."

Stuffle: "Purpose for an Amendment."

Speaker Greiman: "Gentleman asks for leave to move to the Order of House Bill Second Reading for purpose of an Amendment. Does the Gentleman have leave? He has leave, and House Bill is on the Second Reading. Are there any Amendments?"

Clerk Leone: "Amendment #2, Pangle - Stuffle, amends House Bill 1121, on page 1 and so forth."

Speaker Greiman: "Mr. Pangle. Mr. Pangle."

Pangle: "Mr... Mr. Speaker, I ask leave to table the Amendment,

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please?"

Speaker Greiman: "Yeah... Gentleman asks leave to withdraw... Gentleman does withdraw Amendment #2 to House Bill 1121. Further Amendments."

Clerk Leone: "Floor Amendment #3, John Dunn, amends House Bill 1121 on page 1 and so forth."

Speaker Greiman: "Mr. Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #3, is the Amendment which puts this Bill in order. With the adoption of this Amendment, there will be to the best of my knowledge, no opponents to this Bill. The Public Health Department will approve the Amendment, and I would request a favorable vote on Amendment #3."

Speaker Greiman: "Is there any... is there any discussion? The Gentleman from Vermilion... the Gentleman from Champaign, Mr. Johnson."

Johnson: "The Gentleman may well be correct, but prior to adopting this unanimously, I would appreciate it if Representative Dunn would tell us what the Amendment does, rather than tell us that nobody objects to an Amendment that we don't know what it does."

Speaker Greiman: "Well... are you asking a question? What..."

Johnson: "Yeah, I'd like to know what the Amendment does?"

Speaker Greiman: "Alright, the Gentleman will yield for question. Mr. Dunn."

Dunn: "The Amendment #3, if adopted, would to the following things: It would define clinical audiologist and it would also define hearing and adaudiologist. The significance of those two definitions is, that these are the two groups who are most interested in the testing of hearing and dispensing of hearing aid devices in the State of Illinois. And it clearly provides that each group which falls within the separate definition will be covered by the Act. It

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also makes a further change, it defines in every occurrence licensed physicians to mean a physician licensed to practice medicine in all its branches. And it does also, provide that the Department of Public Health will be involved in the coordination of the implementation of this law. And it makes changes in the Board to accommodate those people who wish to have a representative on the Board that will be provided for upon implementation of this Bill. And the Board is provided for Amendment #6 will consist of six members. And one will be a licensed physician, who specializes in otology or otolaryngology, ears. One will be consumer oriented, two shall be certified hearing aid dispensers. And one will be a certified clinical audiologist, and the other shall be a certified hearing audiologist. And the final member shall be the Director of the Illinois Department of Public Health or its designee."

Johnson: "That sounds like a good Amendment to me. We support it. I support it. I ask for..."

Speaker Greiman: "The Gentleman from Vermilion, Mr. Stuffle."

Stuffle: "Yes. Mr. Speaker, will the Sponsor yield to a question? Representative Dunn, I haven't had a chance to read it either. Is there agreement now on line 15 and 16 of page 1, or is that still a question between the parties?"

John Dunn: "Of the Bill or the Amendment?"

Stuffle: "Amendment. On the Amendment."

Dunn: "To the best of my knowledge, the definition of licensed physician means a physician licensed to practice medicine and all its branches. And there was, I think different language in Amendment #2 which was withdrawn. And it was withdrawn in light of the adoption of this Amendment. So, it is my understanding that there is no objection to this

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language."

Stuffle: "You've put the standards back in the Bill that was suggested by Amendment #2 on... is that, I see it. Okay. I see that. How many Amendments are there?"

Dunn: "I don't know of anymore after this one."

Stuffle: "Okay. Thank you."

Speaker Greiman: "The Lady from Cook, Ms. Topinka."

Topinka: "Yes, originally the Department of Registration and Education was opposed. Are they... do they continue to be opposed?"

Dunn: "Would the... would you repeat the question?"

Topinka: "Originally, the Department of Registration and Education was opposed, and you haven't mentioned them. And I'm wondering are they still opposed, or has your Amendment taken care of that?"

Dunn: "I don't... I can not answer that they are either way. As for as I know, they're neutral on this Bill. If it's adopted, they will have the responsibility for implementation."

Topinka: "Well, you've apparently taken care of some of the problems that you know, other groups have had. And I... that one still stands out. I was just wondering if that had been taken care of because, if it had not been taken care of, I'm assuming that they're still opposed."

Dunn: "I can not... They have not contacted me about any opposition. The Department of Illinois Public Health did have some concerns. And with the adoption of this Amendment, they will be in support of the Bill."

Speaker Greiman: "Is there further discussion? There being none. Mr. Dunn to close."

Dunn: "Well, I move for adoption of Amendment #3."

Speaker Greiman: "The Gentleman moves for the adoption of Amendment #3 to House Bill 1121. All those in favor

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signify by saying 'aye', those opposed vote 'no'. The 'ayes' have it, the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. Representative Dunn."

Dunn: "Mr. Speaker, I would ask leave to consider this Bill at this time on Third Reading."

Speaker Greiman: "The Gentleman asks leave to suspend the appropriate rule to hear for immediate consideration of House Bill 1121 on the Order of Third Reading. Does the Gentleman have leave? He has leave. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1121, a Bill for an Act to regulate the selling practice of fitting, dispensing, of servicing hearing aid in the State of Illinois. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Macon, Mr. Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1121, as it is now amended, is a Bill which will provide for the regulation of those who dispense and sale hearing aids in the state of Illinois. This is a consumer protection piece of legislation. The background of this legislation is that there has been a number of complaints about people who dispense and sell hearing aids without being adequately trained to do so, and who do so without regulation by the State of Illinois. Most other states have regulation. Particularly, senior citizens seem to be in a spot where they are victimized by those who don't take the proper care to advise them and fit them properly for hearing aids. This Bill will provide for licensing of those who dispense and sell hearing aids in the State of Illinois. It is worked out now so that the... there will be a board set up. As I indicated earlier in

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Amendment #3, it will have a consumer on it. It will have people in the field who are involved with dispensing these hearing aids. And they will have a representative of the Illinois Department of Public Health. This Bill's, supported by the Department of Public Health, by senior citizens groups, and by the Attorney General of the State of Illinois. And I would ask for a favorable Roll Call on House Bill 1121."

Speaker Greiman: "The Gentleman moves for passage of House Bill 1121. Is there any discussion? On that Mrs. Currie, Lady from Cook."

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

Speaker Greiman: "Indicates that he will."

Currie: "Several years ago, this House and the Senate as well passed legislation, sunset legislation, that in effect, put this House and the Senate on record as saying that we're not in favor of further licensure and certification programs, that often are passed under the guise of protecting the Public Health, but generally speaking, do more to protect the titles of those people who hold those certifications or those licenses. Did the Sunset Committee hear testimony on House Bill 1121, and if they did, what was their recommendation with respect to its passage?"

Dunn: "The Sunset Committee has not yet heard testimony on this particular piece of legislation. Their hearings are schedule May 31, which takes place after the final deadline for passage of House Bills in the House. So, we can not wait that long for consideration of this piece of legislation. It is the intention of the sponsors and everyone involved with this legislation to cooperate fully with the Sunset Committee. They have submitted a

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questionnaire, has been completed and filled out and returned to them. And the... everybody interested in this Bill will be available at the Sunset hearing, which I understand is the last week in May. After our deadline."

Currie: "Has a proposal similar to this been presented to the Sunset Committee in the past, or is it the first year that a Bill like this has been introduced in the General Assembly?"

Dunn: "I think this issue has been debated before in the Illinois General Assembly, but I have not been the Sponsor of the legislation in past Session. So, I can't answer whether there's been specific Bills filed and considered or not."

Currie: "Is it your intention to table the Bill if the Sunset Committee says this is exactly the kind of additional regulation of commerce that the legislator told us we didn't want to see more of?"

Dunn: "As the questioner knows, in this business, we react to problems as they come up. And we try not to put road blocks and problems in front of us. It is anticipated that the Sunset Committee will approve this legislation, because this legislation arises out a literally hundreds of complaints which were made to the Illinois Attorney General Office, and not just the current Illinois Attorney General, the previous Attorney General. And so that cuts across both parties line. There's been a lot of complaints out there. Most states have this type of regulation. And I see no reason why the Sunset Committee would not approve of this legislation."

Currie: "Thank you."

Speaker Greiman: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Greiman: "He indicates that he will."

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Friedrich: "Is there provision in this Bill for a grandfather clause? We have a lot of people, a legitimate people in the business now that, I know are capable and have never had any complaints of any kind."

Dunn: "That's a good question. I should have brought that up, yes, in fact, there is a grandfather clause in the legislation. Anyone who is in the business now, and if I recall correctly, has been in the business for two of the last five years and can demonstrate that they have been actively participating in that business will be grandfathered in, but I should be quick to point out, however, that the grandfather clause unlike in some other areas of legislation, will only be for three years. During that period of time, everyone will have to see to it that they qualify and become licensed to dispense hearing aids in the State of Illinois. And those who are involved in the field feel that this is not undue, unreasonable requirement and they see no problem with it. But for the first three years, there will be a grandfather clause. And there will also be a possibility of obtaining a temporary certificate for someone who wants to work with someone who is licensed, so that they can, in effective, learn the trade or learn the business."

Friedrich: "Well... I don't want to delay this any longer than necessary, but what do they have to do if... what would a... someone who is not in the field have to do to be qualified, does he have schooling or what is it?"

Dunn: "Well there... in the Bill there are some... there are certain guidelines which will indicate the areas of testing that an applicant will have to be prepared to be tested successfully those are set forth in the statute. And that background can be obtained either in effect by working for someone who is licensed in the field..."

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Friedrich: "Okay."

Dunn: "...or by formal training at... at an institute of education, which provides such training and background."

Friedrich: "Thank you."

Speaker Greiman: "Lady of the Lake, Miss Frederick."

Frederick: "Mr. Speaker, Ladies and Gentlemen, I do not have a question. I simply rise in support of House Bill 1121, because I've had personal experience, in my district, with constituents who have had hearing aid problems, and this Bill would go a longway towards correcting those problems and provide protections for the consumer. By creating an Illinois Consumer Protection Board, we'll have a place to go in Illinois to get help, when a consumer has been ignored, as a result of a complaint. In one of the complaints in my district, I finally had to go to the Attorney General's Office, in the State of Minnesota, to get help for this constituent, because the hearing aid distributor refused to respond. I just want to urge your 'aye' vote on this Bill, HB 1121, in order that you provide the help that Illinois citizens need. Thank you."

Speaker Greiman: "Lady from Cook, Miss Topinka."

Topinka: "Yes, at this moment in time, if I might just ask some questions. Is it ne..."

Speaker Greiman: "Indicates that he'll yield for some quest... a question."

Topinka: "For a question, all right. Is it necessary now to have a like a doctor's prescription to get a hearing aid, or can you just walk in off the street anywhere and get one? And if that be the case, are the requirements such... I mean the requirements I see in my analysis for instance, that you're free of infectious disease and you know, you're a citizen or something like that, does... wha... wha... does that qualify you necessarily? Are you reducing the

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requirements for this, or are they much the same?"

Dunn: "At the present time, there are no requirements. There is... there are no restrictions of any kind or nature whatsoever in the State of Illinois with regard to anyone who wishes to dispense or sell hearing aids. Anyone, who wishes to, can set himself of herself up in the business. If this legislation is... is passed, the requirement with regard to seeing your physician will be quite similar to the existing federal regulations in this regard. Anyone, who comes to someone who sells or dispenses hearing aids, and who is eighteen years of age or older, will be required to be informed that they should see their licensed physician to determine whether or not they have a need for a hearing aid. Anyone eighteen years of ol... age or older, who wishes to, may waive that requirement, and then proceed with the dis... the person, who in fact, dispenses or sells the hearing aids. If someone is eighteen years... younger than eighteen years of age, they will have to go to their medical doctor, and let the doctor determine whether or not they need a hearing aid."

Topinka: "All right. Thank you."

Speaker Greiman: "The Gentleman from Lee, Mr. Olson."

Olson: "I'd like to move the previous question."

Speaker Greiman: "Indicates he will... No one else seeking recognition, Mr. Dunn to close."

Dunn: "Thank you very much, Mr... Mr. Speaker and Ladies and Gentlemen of the House. In closing, I would just ask for an 'aye' for an ear."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Mr. White to explain his vote."

White: "Well, Mr... Mr. Speaker, Ladies and Gentlemen of the House, I was going to explain my vote, but since we have

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the required number of votes, I'll withdraw. Thank you."

Speaker Greiman: "Thank you. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 100 voting 'aye', 10 voting 'no', 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, appears House Bill 1136. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1136, a Bill for an Act to amend the township law. Third Reading of the Bill."

Speaker Greiman: "Mr. Steczo, the Gentleman from Cook."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 1136 is sponsored by Representative McMaster and myself, and it deals with situations in townships over \$15,000,000.00 or under... I should say under \$15,000,000.00 equalized assessed valuation. Under the present township law, a township under \$15,000,000.00 of EAV can tax a maximum rate of .45. The day or the... the fiscal year after they reach that \$15,000,000.00 EAV automatically, sort of a shock sets in, when their EAV automatically drops to .25. The purpose of Ho... House Bill 1136 is to take those townships, in that particular situation, and those township that will... that will reach in the future \$15,000,000.00 EAV, and put them on a declining schedule, so they would reach that .25 level over a number of years, at a time when that reduction can result in some great problems with various kinds of activities the township is involved in. It could really mean a great loss of services to people in those particular townships. We've also provided a stipulation too, that those townships, currently over \$15,000,000.00 in EAV, can at their annual meeting, adopt in... adopt this present schedule that we put forth in House Bill 1136. I would appreciate your

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support on this piece of legislation and would feel free to answer any questions that you might have."

Speaker Greiman: "The Gentleman moves for the pa... passage of House Bill 1136. Is there any discussion? The Gentleman from Effingham, Mr. Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Greiman: "He indicates that he will yield for a question."

Brummer: "I... I guess I did not understand the explanation. Is this applicable to all townships?"

Steczo: "The way the Bill was amended, Representative Brummer, this Bill will apply only to townships that reach \$15,000,000.00 EAV after the effective date of the Act. Those townships, who have already reached are between \$15,000,000.00 and \$36,000,000.00 can adopt the schedule by a vote of their electorate at their annual township meeting."

Brummer: "Okay, and with regard to those above \$15,000,000.00, it would authorize an increase of tax, if that was authorized at the town meeting. Is that correct?"

Steczo: "Yes, it will. Yes."

Brummer: "Okay."

Steczo: "But they can not... this... this Bill will not pro... allow them to adopt the system outright."

Brummer: "Would you... would you explain to me, what a township town meeting is?"

Steczo: "The annual township meeting is the annual meeting, once a year, where residents of the township will meet and will adopt the township budget and any other... perform any other types of business..."

Brummer: "Is that a meeting that is typically... that typically has high attendance?"

Steczo: "In some cases... in some cases it does, and depending on

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the township, I presume, or the issues involved."

Brummer: "Okay. One final question with regard to the Bill. Is there anything that would provide that at the town meeting this issue will be considered? I mean, is there a requirement of advanced notice?"

Steczo: "In the law, itself, there's an advanced notice of the annual town meeting, and I believe the kinds of issues that will be... that will be discussed at the town meeting."

Brummer: "Thank you."

Speaker Greiman: "The Gentleman from Winnebago, Representative Hallock. Is there any other... further discussion? There being none, Mr. Steczo to close."

Steczo: "Thank you, Mr. Speaker. This Bill is intended to really alleviate some of the... some of current difficulties that are being experienced by those townships with under \$15,000,000.00... 15,000,000 EAV, and I should also mention that it does not affect generally any township in Cook, Lake, and DuPage. I think in those three counties, there is only one township that is under 15,000,000.00 or under 36,000,000.00 or so. And considering the kind of programs that these townships provide or have to provide, that loss of revenue without this schedule would really create dif... some... some very difficult hardships, and I would ask for the support of the Members of the House on House Bill 1136."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 69 voting 'aye', 41 voting 'no', 3 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, appears

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House Bill 1144. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1144, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Greiman: "Mr. McGann."

McGann: "Thank you, Mr. Speaker. Mr. Speaker and Members of this Assembly, I ask you to give me support on House Bill 1144, which amends the Chicago Municipal Employees Article of the Pension Code. What has happened here... time was not given to all those persons that would want to file for refunds. These were persons who withdrew from service or began receiving a widows annuity in 1981. I'm asking for an extension til March 1, 1984, and also raise the maximum annuity, subject to refunding, from \$200.00 to \$250.00 per month. This does not have a fiscal impact on the fund, and I'd ask your bipartisan support on this House Bill 1144. Thank you, Mr. Speaker."

Speaker Greiman: "The Gentleman moves for the passage of House Bill 1144. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 98 voting 'aye', 11 voting 'no', 2 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, appears House Bill 1164. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1164, a Bill for an Act to amend the County Auditing Law. Third Reading of the Bill."

Speaker Greiman: "Mr. Keane. Mr. Pangle and Mr. McMaster, could you just kind of sit down? You won't sit down?"

Keane: "Thank you, Mr. Speaker. House Bill 1164 is a request of

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the Comptroller. Under current law, counties with populations of over 10,000 but under 500,000 must file the annual audit... audits with the Comptroller. The Comptroller's also requesting that these counties file a financial report designed... it's so designed so that it does not require professional accounting service to complete in its preparations. All 110 counties covered... 101 counties covered by this proposed legislation currently filed both the audit report and the financial forms voluntarily. House Bill 1164 merely extends the law to cover current practice and makes reporting requirements consistent among the various units of local government. I'd ask for your favorable consideration on this Bill."

Speaker Greiman: "The Gentleman moves for the passage of House Bill 1164. Is there any discussion? On that, the Gentleman from Champaign, Mr. Johnson."

Johnson: "I apologize, Representative Keane, if I'm... I couldn't quite hear your full explanation, so I'm reading from our analysis, and your Amendments may have... if there were some may have addressed this. Our analysis indicates that this Bill would require all counties, except Cook and DuPage, to file financial reports annually with the Comptroller. Is that right?"

Keane: "That's correct. They do now file... the law says that they have to have an annual audit that they give to the Comptroller. They now voluntarily file a financial report. What we're trying to do is standard... the Comptroller wants to standardize the financial report and also change it from being voluntary to being mandatory."

Johnson: "Why is it that the... all the other counties of the state should be mandated, and I assume there's some local expense involved in this, and Cook and DuPage shouldn't?"

Keane: "Probably because of the size of the counties and the

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financial audits that's required. The audits, as you know, of a County of Cook, and the audits of a small county with a substantially smaller budget, are different. To develop one financial report, in terms of the financial report, the financial report, that the... you would have for Cook County and the financial report you would have for other counties would be substantially different."

Johnson: "Well, I guess my point is that I assume the Comptroller, being the proponent of this Bill, wants to have in his office certain information and data with respect to those counties, and I don't see any real logical reason why if you're requiring Hardin County, and Pope County, and Champaign, and Madison, and St. Clair County to do it, that the respect corporate officers or county officers in Cook and DuPage shouldn't do the same thing. I guess my.. my follow up question is, this seems to be... since you're indicating that... that it's now voluntary, all be it complied with on a fairly widespread basis, and we're changing it to a mandate, that there... that this is to some extent flying in the face of what many of us have said we don't want to do. And that is to impose mandated programs on various units of local government and provide nothing with that except the state mandate. Do you have some response to that?"

Speaker Greiman: "Excuse me, Mr. Johnson. I know you are concerned with the form as well as the substance of the House, but the proper procedure is to first ask leave to ask questions, then to put the questions succinctly and not to debate them in a debatable fashion, and then hope for a response. And I am going to allow the question, but it was a little long and a little rambling and a little more or less debatable."

Johnson: "I appreciate that, Your Honor."

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Speaker Greiman: "Thank you..."

Johnson: "I'll try to direct my questions more specifically to the way..."

Speaker Greiman: "Mr. Keane on the question."

Keane: "Thank you. I think I can answer the inquiry. What we're doing, if you'll look at the Bill itself, all we're doing is amending Section 3, which deals with counties with a population of between 10,000 and 500,000. So in amending that, we are not in any way reducing reporting requirements of Cook County, but we're only dealing with those counties that are affected by Section 3. In terms of the mandate, if you remember when we set up the State Mandates Act, it does not apply to this Bill, because the Bill qualifies as a local government organization and structure mandate pertaining to the prescription of administrative practices and procedures for local governmental... governing bodies. I don't... in no way are we limiting or are we reducing or taking away any... any requirements that deal with reporting from Cook County. I hope I've answered your question."

Johnson: "Well, you have, but I guess... well, I know.... I think everybody understands what the Bill does. I don't have to argue."

Speaker Greiman: "The Gentleman from Knox, Mr. McMaster."

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

Speaker Greiman: "He indicates that he will."

McMaster: "Representative Keane, I understand, of course, and we all know that every county files their audit report, those between 10,000 and, 500,000 with the Comptroller's Office. And as I understand your reason for this, are you going to then have them also file the audit report and this financial statement?"

Keane: "That's correct."

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McMaster: "They will file both."

Keane: "Both."

McMaster: "Then you're just piling a double workload on them. When this goes to the Comptroller's Office, Jim..."

Keane: "As you know, Tom... let me inter... answer your question there. As you know, there is no standard audit report, so the Comptroller gets the information in from 101 counties, and it could be in a different... 101 different formats on the audit report. The reason that you need the financial report, along with the auditing report, is so that it can come in, in the machine ready, computer ready standard, you know, can come in in that format. And it's usable to him, rather than having him go in, convert those different audits into common terminology."

McMaster: "Then I guess my comment, Mr. Keane, would be, why don't we do away with the filing of the audit report and only file these financial statements? I think that we should continue to have the law requiring the audit of these counties. I'm not against that. I think they should be audited by independent auditing firms. I agree with that completely, but then when it comes to filing with the Comptroller's Office, both an audit report and a financial statement, I think we... if he isn't going to look at the audit report anyhow, if he can't understand it and is only going to be able to look at the financial report, why do we have to send both in?"

Keane: "The financial report is based on an audit, so in other words to get the basic information, you have to have the audit. Personally, I would have no problem if you... if this Bill was amended over in the Senate, so that we mandated the audit format that they use, you know, which could be the same thing, and then they would only have to shoot in the audit, as with the state format. I think that

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you know what would happen to that Bill is that the CPAs would come out screaming on it, because they all want to use their own audit format. This is an attempt to reduce the workload of the Comptroller's Office in taking the audit information from each of these counties and putting it into a common audit language that he can then make comparisons with and can utilize it, so that when we ask him, 'How is County A versus County B in such and such an area?' He has some rational in which to answer, rather than handing us both audits."

McMaster: "I guess, Jim, then my next question would be, according to what you're saying, evidently, the Comptroller's Office does look at these reports, and I really had a question in my own mind whether anyone ever looked at them, or whether they just went into the files in the archives someplace, because I know that the townships also must file their financial statements with the prescribed form, and the counties also are now going to have a prescribed form, rather than their regular audit form. And it seems to me like we could do away with one or the other, and I wonder if the Comptroller's Office ever looks at them, and if they do, what use do they make of them?"

Keane: "You'd have to ask the... the Comptroller. Right now... right now the counties do file, as I mentioned in an earlier answer, they do file a financial... financial report in addition to their audit. They do it now. We're not asking them to do anything more."

McMaster: "I have no further questions."

Speaker Greiman: "Thank you. The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Mr. Speaker, would you recognize Mr. Johnson?"

Speaker Greiman: "Well, didn't Mr. Johnson I... I think spoke..."

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point of parliamentary inquiry. For what purpose does the Gentleman from Champaign, Mr. Johnson, rise?"

Johnson: "Yeah, I would ask for a ruling from the Parliamentarian on Article VII, Section 6, Subsection G's applicability to this Bill and the vote requirement, and specifically the provision that indicates to the General Assembly, by a law approved by three-fifths vote, may deny or limit the power to tax and any other power function of a home rule unit not exercised or performed by the state. My argument would be that this is not something that's currently being exercised or performed by the state, and that there are counties that are home rule units that would be effected by this Act; and therefore, it ought to take three-fifths for the passage of this Bill. It's an inquiry."

Speaker Greiman: "The Parliamentarian will examine it. Mr. Keane."

Keane: "It's my understanding the only home rule county is Cook."

Speaker Greiman: "Well, the Parliamentarian is aware of that. Let him examine it, and we'll have a rule in a moment. And we're going to continue with the debate now. The Gentleman from Har... Mr. Johnson."

Johnson: "I... I misstated myself, I guess. My point is that there... under the Constitution, other counties, whether they're now opting or not opting, have the ability to become home rule units, assuming they meet other requisites. I didn't mean to say that they were currently exercising in every case that's..."

Speaker Greiman: "The... the Parliamentarian is going to consider this issue, and before we take the vote, I will announce the number needed. The Gentleman from Hardin, Mr. Winchester."

Winchester: "Would the Gentleman yield to a question, Mr. Speaker?"

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Speaker Greiman: "Indicates that he will."

Winchester: "Representative Keane, six of these fourteen counties that you've listed is in my legislative district. The total population combined is less than 50,000 population for... for the six counties. I assume that it's the... the responsibility of the county clerks to file these financial reports. Is that true?"

Keane: "The county board."

Winchester: "The county boards. Well, Mike, is there going to be any additional cost on... on the counties, because some of these small counties only have one or two staff people, and if this is going to be a burdensome deal, we're really handicapping some small counties that have small tax bases that can't afford additional staffs to comply with. What I think you want to do is make an easier job for the Comptroller and maybe a more difficult for fourteen counties of less than 10,000 population."

Keane: "Well, if you have six counties that have 50,000 people in them, a couple of those counties don't... it doesn't apply, because this deals with counties between 10,000 and a half a million. So if you have six... if you have six counties with 50,000, that means that some of those counties, at least one of those counties has fewer than 10,000."

Winchester: "I would think that all of them would have fewer than 10,000 people."

Keane: "Well, then it doesn't apply to you."

Winchester: "Oh, it does not? I thought that that's what you wanted to do is make them..."

Keane: "No. It's... it's... Bob, it's over 10,000 and under a half a million."

Winchester: "Oh, so, okay. All right. I'm sorry. I'm right. Wait a minute, Representative Keane, I understand that... that it says 'in addition to each county of having a

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population less than 500,000 shall file with the Comptroller a financial report containing information required by the Comptroller'. You're saying 'less than 500,000.'"

Keane: "All right. You're correct on that. In the... in the Amendment, it says, 'Each county having a population of less than 500 (sic - 500,000) shall file only the financial report.' That financial report is a one page... a one page financial report. It can be done very simply by a clerk. I apologize. I thought you were talking about the Section applying. They don't have to file an audit under the present situation. They will, under this, have to file the financial statement."

Winchester: "Thank you."

Keane: "It is a one page statement."

Speaker Greiman: "The Gentleman from Henderson, Representative Neff."

Neff: "Thank you, Mr. Speaker. Question to the Sponsor, please."

Speaker Greiman: "Indicates that he'll yield for a question, Sir."

Neff: "Jim, I think I... you answered part of this. As of now, there's fourteen counties that do not have to file... file annual financial reports. Isn't that right, as of now?"

Keane: "I... I will take your word for that. I'm not... I am ignorant on that subject."

Neff: "And under this Bill, they would have to re... all file these small counties, whether there was 5,000 or 10,000 or whatnot, up to 10,000."

Keane: "That's right. They would have to file a financial statement."

Neff: "And the thing is that bothers me, you are putting some additional expense on these small counties. Speaking to the Bill, I think the purpose of this Bill is probably

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right, but I think we're in a situation here, and these small counties have real financial problems, and this is going to be another finan... cost to them that I don't think that they can absorb at this time. And so at this time, I think this legislation should be opposed."

Speaker Greiman: "Further discussion? Is there further discussion? There being none, Representative Keane to close."

Keane: "The amount of debate on this Bill was substantial. I feel that the Bill is a minor Bill. It codifies what the practice is, in terms of putting more expense on the small counties. I think it's important that we exercise our control, which we're responsible for the operations of the counties... we're the ones that charter them. The small counties of under 10,000 would bear very little expense. The format... the form that they have to send in does not have to be prepared by an accountant. It can be prepared by someone that the county board designates. It's a one page form, and it's relatively simple. It could... it's, I would say, substantially easier than the State of Illinois Income Tax Form. If the issue has become... if the Bill has become politicized, so be it. I think if you want to... if you want to look at the merits of it, it's a very simple Bill, and we're not asking for that much. I'd appreciate an 'aye' vote."

Speaker Greiman: "The Gentleman from Champaign has inquired as to whether House Bill 1164 preempts home rule powers of a home rule unit, and would, therefore, require an extraordinary majority. On that, the Parliamentarian will advise us of his advice in this matter."

Parliamentarian Getty: "On behalf of the Speaker, Chapter 1, Section 1106 provides, 'No law enacted after January 12, 1977 denies or limits any power or function of a home rule

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unit pursuant to paragraphs G, et cetera, of Section 6, of Article VII of the Illinois Constitution, unless there is a specific language limiting or denying the power or function, and the language specifically sets forth in what manner, and to what extent, it is a limitation or a denial of the power or function of a home rule unit.' In addition to there... thereto, Rule 42 provides similiarly that, 'No Bill denies or limits any power or function of a home rule unit pursuant to paragraph G, et cetera, of the Illinois Constitution, unless there is specific language limiting or denying that power.' Accordingly, the Speaker would rule that there is no limitation contained and that this Bill would take 60 votes in order to be passed."

Speaker Greiman: "And that is the ruling of the Chair. Mr. Vinson, the Gentleman from DeWitt."

Vinson: "Inquiry of the Parliamentarian, Mr. Speaker. Does that mean that if a county, to which the Bill would apparently apply, became a home rule county that the Bill would not apply to it?"

Speaker Greiman: "Yeah, that... that question goes well beyond the scope of what is before us at this time. If that Bill comes up, we'll certainly rule on that at that time, Mr. Vinson. The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Mrs. Karpiel to explain her vote."

Karpiel: "Thank you, Mr. Speaker. Actually I had a question for Representative Keane, and maybe he can just sort of nod. Very quickly, if the Comptroller would get this information, Jim, is he going to put out any kind of information from these forms for the public? For instance, what I... what I would be interested in, is he going to have this on a fund by fund basis, showing the end of the

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year cash balance as a percentage of the previous year's expenditure?"

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Keane, to explain his vote."

Keane: "Yes, in explaining my vote, the audit... the... a couple of years ago, I sponsored a Bill to do away with the Comptroller's publication of all of the audits, which was costing this state a lot of money, and no one read them. What happens is that information is kept available in the Comptroller's Office and is available to whoever wants to go in. We just quit publishing those things, because we found there was very little need for the published information, and very few people use them; however, there are comparisons that are made, both for state purposes and for studies by professors or by people looking at local government, making comparisons. And that... that information would be available in the Comptroller's Office. It is right now."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 60 voting 'aye', 54 voting 'no', 1 voting 'present'. Mr. Johnson, the Gentleman from Champaign."

Johnson: "We would request a verification."

Speaker Greiman: "The Gentleman requests a verification. It's within his rights. The Gentleman from Cha... Cook requests a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. DeJaegher, John Dunn, and Mautino."

Speaker Greiman: "Mr. Clerk, verify the Affirmative Roll."

Clerk O'Brien: "Alex..."

Speaker Greiman: "Mautino 'aye'. Representative DeJaegher."

DeJaegher: "Sir."

Speaker Greiman: "Pardon."

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DeJaegher: "What... what... what, did you classify me as absent?"

Speaker Greiman: "Yes, you were absent."

DeJaegher: "Would you... would you place me in favor of the Bill, please?"

Speaker Greiman: "DeJaegher 'aye'. The Lady from Cook, Ms. Wojcik."

Wojcik: "Yes, I'd like to change my vote to 'no'."

Speaker Greiman: "The Lady votes her... how is she recorded? She's recorded as 'aye'?"

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

Speaker Greiman: "Change her to 'no'. Proceed, Mr. Clerk."

Clerk O'Brien: "Poll of the affir... infirmative... (sic - affirmative). Alexander, Berrios, Bowman, Braun, Brookins, Brummer, Bullock, Capparelli, Christensen, Cullerton, Currie, DeJaegher, DiPrima, Domico, Doyle, Farley, Flinn, Giglio, Giorgi, Greiman, Hensel, Huff, Hutchins, Jaffe, Karpiel, Keane, Krska, Kulas, Laurino, LeFlore, Leverenz, Levin, Marzuki, Matijevich, Mautino, McGann, McPike, Nash, O'Connell, Panayotovitch, Pangle, Pierce, Preston, Rhem, Rice, Richmond, Ronan, Saltsman, Shaw, Slape, Steczo, Taylor, Terzich, Turner, Van Duyne, Vitek, White, Wolf, Younge, Yourell, Mr. Speaker."

Speaker Greiman: "For what purpose does the Gentleman from DuPage, Mr. Hensel, arise?"

Hensel: "Yes, I had my light on before the verification call, and I'd like to change my vote from 'aye' to 'no'."

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

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

Speaker Greiman: "Record him 'no'. Mrs. Karpiel. Change Mrs. Karpiel to 'no'. Mrs. Braun."

Braun: "Leave to be verified."

Speaker Greiman: "Does she have leave to be verified, Mr. Johnson? Indicates that you do. The Gentleman from

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Jefferson, Mr. Hicks."

Hicks: "Yes, Sir, change my vote from a 'no' to an 'aye', please."

Speaker Greiman: "Vote Mr. Hicks 'aye'. Mr. Johnson."

Johnson: "I would request, pursuant to the rules, that you request the lobbyist for the Comptroller's Office to abide by the House rule. In the middle of a verification, he come over and asked me... tell me about the Bill. You know, I don't think that's... that's in keeping with the House rules here. If he wants to... to lobby, let him do it pursuant to the House rules."

Speaker Greiman: "Well, it may be within the House rules..."

Johnson: "The Gentleman is right here."

Speaker Greiman: "... But not a very wise idea. All right, let's proceed, Mr. Johnson, with the verification."

Johnson: "What is the count before we start?"

Speaker Greiman: "There are 60 'ayes' and 56 'nos'."

Johnson: "Representative Alexander."

Speaker Greiman: "Representative Alexander is in her seat."

Johnson: "Representative Capparelli."

Speaker Greiman: "Representative Capparelli is in his seat."

Johnson: "Representative Domico."

Speaker Greiman: "Representative Domico. How is the Gentleman recorded?"

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

Speaker Greiman: "Remove him from the Roll."

Clerk O'Brien: "Representative Farley."

Speaker Greiman: "Representative Farley. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Greiman: "Remove him."

Johnson: "Representative Flinn."

Speaker Greiman: "Representative Flinn is in his chair."

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Johnson: "Representative Huff."

Speaker Greiman: "Who?"

Johnson: "Huff."

Speaker Greiman: "... Oh, Representative Huff. Representative Huff is in his chair."

Johnson: "Okay. Representative Kulas."

Speaker Greiman: "Representative Kulas. Is the Gentleman in the chamber? How is the Gentleman recorded?"

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

Speaker Greiman: "Remove him."

Johnson: "Representative Laurino."

Speaker Greiman: "Representative Laurino. Is the Gentleman in the chamber? How is the Gentleman recorded? Representative Kulas has returned. Return him to the Roll."

Johnson: "Representative Nash."

Speaker Greiman: "No, excuse me. Representative Laurino. How is he recorded?"

Johnson: "I'm sorry."

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

Speaker Greiman: "Remove him from the Roll."

Johnson: "Representative Rhem."

Speaker Greiman: "Representative Rhem. Repre... Representative Rhem is in his seat."

Johnson: "Okay. Representative Richmond."

Speaker Greiman: "Representative Richmond is in his seat."

Johnson: "Representative Turner."

Speaker Greiman: "Representative Turner. Representative Turner is at the rear of the chamber."

Johnson: "I have no others."

Speaker Greiman: "What's the count, Mr. Clerk? Mr. Dunn. Mr. Dunn votes 'aye'. Mr. Hannig."

Hannig: "'Aye'."

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Speaker Greiman: "Mr. Hannig votes 'aye'. Mr. Curran."

Curran: "'Aye'."

Speaker Greiman: "Mr. Curran votes 'aye'. Mr. Stuffle votes 'aye'. I'm going slowly, very slowly. We had Mr. Dunn. We had Mr. Curran. We had Mr. Hannig, and we had Mr. Stuffle. This Bill... there are now 61 'ayes', 53 'no', 1 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, appears House Bill 1179. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1179, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Greiman: "Ms. Breslin."

Breslin: "Thank you, Mr. Speaker. I'd ask leave to move this Bill back to Second for the purposes of an Amendment."

Speaker Greiman: "The Lady asks leave for the purposes of re... re... returning this Bill to Order of Second Reading. Does the Lady have leave? Leave is hereby granted. The Bill is on Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "The Bill has been read a second time, previously."

Speaker Greiman: "Are there any Amendments?"

Clerk O'Brien: "Amendment #1, Breslin, amends House Bill 1179 and so forth."

Speaker Greiman: "Ms. Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, Amendment #1 would exempt special education students from the requirements of the mandates necessary to receive a high school diploma in this state. We discussed this issue in Committee, and the House Committee did not feel strongly on the issue; however, I have been advised that the Senate does feel strongly on the issue. And as a consequence, the Bill will not get out of the Senate without this kind of an

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Amendment on it. Since I believe that we ought to make our own decisions on the issue, rather than letting the Senate dictate to us, I would ask the... the Membership to approve Amendment #1 and exempt special education students from the requirements necessary for..., under this Bill, for a high school diploma in Illinois."

Speaker Greiman: "The Lady moves for the adoption of Amendment #1 to House Bill 1179. Is there any discussion? There being none, all those in favor signify by saying 'aye', those opposed 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Yes, the Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Now, I would ask leave to suspend the appropriate rule to have this Bill heard immediately."

Speaker Greiman: "The Lady asks leave to suspend the appropriate rule for immediate hearing of House Bill 1179. Does the Lady have leave? The Lady has leave. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1179, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Greiman: "Mrs. Breslin."

Breslin: "Ladies and Gentlemen, this Bill provides requirements for, receiving as prerequisites, receiving a high school diploma in this State. It requires three years successful completion of language arts, English, two years of math, two years of science, two years of social studies, one of which must be history and the study of the Constitution, and one year of either a foreign language, music, or art. The present mandates include already the three years of English, the one year of history with concentration on the

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Constitution, plus many other things that you and I are familiar with, health education, physical education, safety education, consumer education, conservation of natural resources. This puts into the statute and increase the requirements for receiving a high school diploma in this state. I want you to note that it is carefully drafted, so that no... none of these requirements will increase the necessary school hours under the present code for completion of... of high school required courses. It does not conflict with present mandated courses and still allows plenty of time for vocational education courses and other courses that schools might require. The present school requirements is that all school... high school students complete sixteen units of education. This Bill can be complied with and still comply with all the other mandated programs, without any change. Happy to answer any questions."

Speaker Greiman: "The Lady moves for the passage of House Bill 1179. Is there any discussion? And on that, the Gentleman from Cook, Representative Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I am a Cosponsor of this legislation, and I rise to speak favorably on the passage of the Bill, but I really think that we ought to go further than this Bill does presently. You know, the National Commission on Education, recommended that we mandate math, social sciences, computer sciences, English, and other subjects that are being considered for application to what the Governor and others refer to as high tech. The 700,000 people, who are unemployed presently in Illinois, will not return for the most part to the jobs they had before they were retired from those jobs. And high tech. is supposed to take the place of those industries that will no longer rehire those

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people, who are now unemployed. I would like to see this Bill mandate that at least three years of math, three years of science, three years of social science, three years of English, and demandate some programs that certainly don't serve any useful purpose in our educational system today, such as driver's ed and... and other things of that nature. I think we... we have to do that in order to get rid of the mediocrity that is certainly present in our elementary and secondary levels of education, because I think the taxpayers are tired of paying the bill to teach some students to read and write in college, at the college level, because they haven't received the proper education in our ed... in our elementary and secondary levels. I think that is the wave of the future. I think we should also increase the school hours one day... one day... one hour a day, and perhaps, thirty days in a year. We're going to be asked to vote on tax increases for education. I've received a lot of letters from school teachers and other individuals that are involved in the educational process. They all ask me to vote for increased revenues for education. I do not intend to do so, unless we do something about mandating essential programs to provide that the students graduating from high school will at least be prepared to enter the college level of education. I think it's a good Bill. I think it's a start, but I would hope that something happens in the future, in the very near future, to mandate some of the things that I refer to. I ask that you consider this Bill favorably, but to keep in mind that there's more we can do in this area."

Speaker Greiman: "The Gentleman from DuPage, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I would only make the observation that while a number of Bills were introduced to demandate some programs,

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we received a lot of mail on both sides of that issue. And the State Board of Education has just made an exhaustive study of some of those mandates, vis-a-vie the idea that we wanted to encourage and develop a greater degree of local control and local decision making. We find this Bill coming in prescribing, if you will, a certain curriculum for senior high school students, and I'd only point out to you that this is a little incongruent when we recognize that those Bills demanding other kinds of subjects were held in Subcommittee or put on Interim Study. And here we come in again with a prescribed program. I don't have any question or any concern about the contents of the requirement. I just think that we all ought to be aware, as we make our decision on this legislation, that we are in fact doing what there's been a great deal of pressure to undo, and that is to prescribe mandates from the state level on our local school districts."

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

Satterthwaite: "Mr. Speaker and Members of the House, one of the complaints we get from our constituents is that we do not currently have in the state statutes the mandates for basic educational programs. And even though there have been requirements made through the State Board for those qualifying for... as qualified programs within the schools and the number of units that have to be taken, I think that it is essential that we adopt a Bill like this, so that we can show the general public that there is more than currently meets the eye to the requirements for high school education in the State of Illinois. While this Bill goes slightly beyond the current requirements set by the State Board, it is something that is still very manageable. As the Sponsor has indicated, it... it will still fit into the

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regular school day, as it is currently set up, and yet it will start us along the road to having a better quality education in terms of our math programs in particular. There is a concern that we may not be giving enough math or science, even at this level, but I also have a concern that there is a shortage of teachers in math and science areas. And so, I think we have to be rather cautious and only mandate those things that we see as feasible at the moment with the hope that we will also be upgrading these qualifications in the future. California and other states are recommending more stringent qualifications than this Bill requires, but I think this is a step in the right direction, something that is obtainable and something that will put in line for the public the fact that there are mandates for basic educational programs within our high schools."

Speaker Greiman: "Further discussion? There being none, the Lady from LaSalle to close."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. The National Committee on Excellence in Education revealed two weeks ago that there are 23,000,000 illiterate Americans. That 13% of all seventeen year olds in this country can neither read nor write. That on SAT scores, since 1963, we have declined 50 percentage points in a steady rate from 1963 to 1980. Internationally, testing our students reveals that with other countries, other western industrialized nations, on those nineteen test, American students never placed first once. We never placed second once, and we placed last seven times. That's a serious indictment of our educational system. I'm not saying this... this Bill corrects everything, but I think it is a start, and I think it deserves serious consideration. Thank you."

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Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Mr. Ropp to explain his vote."

Ropp: "Thank you, Mr. Speaker and Members of the House. I think this is a good Bill. I received some information, not too long ago, which I found difficult to believe. But it is true, in that high school student in 1977, as freshman entering a freshman class, 25% of those entering did not graduate. We have to deal with our educational problems in some way and, hopefully, this is a beginning. When students cannot complete school, they are not able or qualified to enter into the job market and hopefully this is a step to resolve or to assist those students through some mandate that they become better educated."

Speaker Greiman: "The Lady from Sangamon, Mrs. Oblinger."

Oblinger: "Mr. Speaker and Members of the General Assembly, I would like to compliment the two Sponsors on this. I've been in education far longer than most of them here, in fact, dating back 50 years. And I want to tell you, you're now getting back to where we were 50 years ago, when we took four years of English, four years of math, six years of language, four years of physical sciences, and four years of social sciences, and thank God we're getting back there."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 110 voting 'yes', 6 voting 'no', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1223. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1223, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

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Speaker Greiman: "Mr. Matijevich."

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, in 1968, we created the Special Education Building Tax Program. We have, since, expanded that program in the last Session, so that school boards can by resolution use those special education building revenues for special education purposes. House Bill 1223 is a broadening of the special education building program. It clarifies that local revenue from the special education building tax may be used for general special education purposes, provides that a school district, which accumulates funds from the special education building tax and determines that such funds are no longer required for building purposes, the board may use such funds for general special education purposes and removes the eight year limitation. This Bill is needed badly because of the lack of funding by the federal government of Public Law 94-142 and the continuing proration of special education dollars at the... at the state level. School districts have been forced into the position of funding handicapped students out of the General Education Fund. The need for additional monies for special education is plac... placing school districts in a very tough financial positions, since they do have the federal mandate in the law to educate handicapped children first. This Bill was proposed by the Illinois Association of School Board... of School Boards, the... supported by the Illinois Education Association, Special Education Administrators Association, and by many special education par... parent groups. It passed favorably out of the Committee by a 17 to 2 vote, and I appreciate your favorable support."

Speaker Greiman: "The Gentleman from Lake moves for the passage of House Bill 1223. Is there any discussion? And on that,

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the Lady from DuPage, Nelson."

Nelson: "Thank you very much, Mr. Speaker. I would just like to point out to the Body that although school districts do already have this none referending taxing authority, it was originally capped at an eight year limit, and this Bill removes that limitation. Thank you."

Speaker Greiman: "The Gentleman from DeKalb, Representative Ebbesen. Is there further discussion? Any further discussion? There being none, Representative Matijevich to close."

Matijevich: "Nobody needs our help more than the handicapped children in Illinois, and I appreciate your favorable support."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 91 voting 'aye', 25 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1228. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1228, a Bill for an Act concerning services for the blind and deaf. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1228 establishes in law a Bureau for the Blind and a Bureau for the Deaf within the Department of Rehabilitation Services. Presently there is a Bureau for the Blind and a Division for the Deaf in the Bureau of Adult Services, but these are merely ornaments on the current DORS organization chart. The fact is that blind

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and deaf organizations and individuals all over this state have complained for years that the Department of Rehabilitation Services has been unresponsive to their needs. Why? Because the blind and deaf units within doors have no responsibility for any programs effecting their client groups. This Bill transfers all programs effecting the respective client groups to their own bureaus. Then to make sure that these programs will be responsive to client needs, we have provided that each bureau shall be supervised by a Self-Determination Board composed of a majority of consumers. These boards were patterned after the Medical Determination Board that this General Assembly established in the Department of Public Health to keep an eye on things there, in the event that the Director of the Department of Public Health is not a medical doctor. The main differences between these proposed boards and the Medical Determination Board are that the DORS Boards shall also make nominations to the Director of DORS for the position of associate Director to head the respective bureaus. They may also veto an attempt firing of an associate Director, and they shall be consulted by the Director of the Department in preparation of the Department's budget. Speaking of budgets, the Department has been working hard against this Bill and have relied heavily on financial arguments; however the basic reasons they do not want this Bill is that they do not want the Legislature to tell them how to organize. But here's what they say. I trust that many of you have seen the fact sheet the Department has distributed, so I wish now to comment on a couple of their maiden points. First, they say that the Bill will cause a loss of federal funding. That is wrong. Federal law requires only that a single state agency administer vocation rehabilitation. We do not

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change that feature of our vocational rehabilitation programming. We are merely reorganizing within the Department of Rehab Services. Two, they say that separate budgets for each bureau will limit their flexibility to transfer funds to meet unforeseen needs. Now that is true, but this only... this only serves to underscore the need for the Bill. Right now the Department of Rehabilitation Services flexibility has worked to the disadvantage of the blind and the deaf. But because there is not a detailed budget for each bureau, the exact extent of the problem cannot be documented precisely; however, we do have testimony from blind and deaf organizations indicating that very real concern and feeling that there has been... that flexibility has worked against them. Now why does DORS want to keep this information and control away from the legislative branch of government. Other agencies have to live with line items for their bureaus and facilities. Why not DORS? We pass transfer Bills all the time to allow for unforeseen circumstances. This should be no big deal for the Department, but it will be a big deal for the blind and the deaf. The most ludicrous of the Department's claims is that administrative costs will be increased by a half a million dollars. Now I hope that you've read the fact sheet they distributed, because it's a joke. They are saying that merely by reorganizing the programming, they are going to have to hire a Clerk III, an Accountant Clerk I, an Accountant III, a Programmer III, and in addition... 11 additional secretaries. No wonder the Department of Rehabilitation Services is so messed up. We need to exert legislative oversight here and restructure the Department, so it serves client needs. All organizations representing the blind and the deaf in this state, including the Illinois Affiliate of the National Federation for the

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Blind, and the American Counsel for the Blind, and the Illinois Association for the Deaf, support this legislation, and I ask for your support too."

Speaker Greiman: "The Gentleman moves for the passage of House Bill 1228, and on that, the Lady from Cook, Ms. Topinka."

Topinka: "Yes, if I may ask the Sponsor some questions. First of all."

Speaker Greiman: "Indicates that he'll yield for a question."

Topinka: "Thank you. When we talk about the federal funding, you would indicate that the... the federal contract for the funding now goes to the... to one agency here in the State of Illinois. Is that agency not DORS?"

Bowman: "Well, that was a lengthy question, but I think you're saying doesn't federal funding now float through DORS, and the answer is yes."

Topinka: "It is. Now if we would split a Bureau of the Blind and a Bureau of the Deaf off of that, would that now remove from DORS the requirements and the qualifications it now has to qualify for that federal funding?"

Bowman: "Representative, I think you're mistaken about what the Bill does. The Bill does not split off the blind and the deaf services from DORS. We're merely reorganizing within DORS. And by the way, I should point out my very opening lines of my speech indicated that there is currently a Bureau for the Blind within DORS and currently a Division for the Deaf within the Bureau of Adult Services within DORS. What we are doing here is codifying..."

Topinka: "But not with the separate boards, and not with separate structure."

Bowman: "Well, but they're under the Director. The Director is still the Director of DORS. We do have... we do have a Self-Determination Boards that work with the associate Directors and make recommendations to the Director for who

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those associates shall be. But it's all the Department of Rehabilitation Services."

Topinka: "Apparently DORS does have a legal opinion which would show that if indeed the... your Bill did become effective that there would be the potential loss of federal funding, and that legal opinion would seem to contradict what you had said. Now, you know, six of one or twelve of the other, what a lawyer wants to say, but, you know, I do bring that up that I think it's a fair... it's a fair question."

Bowman: "Well, it that..."

Speaker Greiman: "I think the Lady was debating the Bill at that point."

Topinka: "No, I don't wish to debate that. Okay. Let me ask you another question, if I might. How... what is the percentage of blind and deaf to the rest of the disabilities that are served by DORS? Would you know that?"

Bowman: "Well, the Department testified at the hearing before the Human Services Committee that each group... each group is about 4% of the total population."

Topinka: "So there'd be 8% of the total population, and... and if indeed this thing came to pass, how much would it cost... what would be the cost of this program if your Bill became effective?"

Bowman: "Representative Topinka, as Chairman of the Appropriations II Committee through which their budget must pass, I assure you that we will keep very tight control over it, and that the Department's figures are grossly exaggerated, and we will not permit the Department to spend that much money."

Topinka: "How... how much were the grossly exaggerated figures? I'm... I'm just curious."

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Bowman: "Oh, Representative Topinka, I said in my opening remarks, you must have been off the floor, that the Department is circulating a fact sheet that indicates a \$500,000.00 figure, but that includes 11 new secretaries and one accountant, one programmer, another accounting clerk, a Clerk III. It's ridiculous, absolutely ridiculous, and no need for it."

Topinka: "Well, even if you start talking to... to new boards though and new Directors, what would be the cost of their salaries?"

Bowman: "Well, we already have these... these entities in existence within the Department, and we're doing some reorganization, and the boards serve without pay. They do get expenses, so there would some modest ex... travel and so forth to the boards, but they'r volunteer boards."

Topinka: "Let me ask... according to DORS, and they say this point blank that they feel that this just totally unadministerable. Would you disagree with that?"

Bowman: "I do. I would advise you and all the Members of the Body to... to disregard anything the Department says. I... I don't think we can trust what they say. The... the point is that right now the case management services are a nightmare and this is intended to address that problem."

Topinka: "... I... You said the district or anything that they said..."

Speaker Greiman: "Please bring your remarks to a close."

Topinka: "I... I think I've asked enough. Thank you."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Greiman: "Indicates that he will yield for a question."

Vinson: "Representative, is it your intention to pay for the

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increased costs that would be necessitated by this Bill, to raise utility taxes on the poor?"

Bowman: "Mr. Speaker, would you ask the Gentleman to ask a serious question? I will give him a serious answer."

Speaker Greiman: "Mr. Bowman... if you have a response make it. Apparently he has not response. You have any further questions, Sir?"

Vinson: "No, I don't think so. I'll accept the none response. Mr. Speaker..."

Speaker Greiman: "The Lady from Cook, Ms. Pullen. Oh, you want to speak on the Bill, Sir?"

Vinson: "Yes."

Speaker Greiman: "Proceed on the Bill."

Vinson: "I would call the Assembly's attention first to page five of the Bill. Page five says in part, 'New language. New responsibilities. The responsibility for cooperation with the federal government in the administration of these Acts shall be administered by the Associate Directors for the blind and the deaf.' It says further, 'The Associate Directors for the blind and the deaf, through their respective bureaus shall prescribe and super... supervise such courses.' Page six says, 'The Associate Directors for the blind and deaf, through their respective bureaus, shall administer such assistance.' Clearly all of the authority for these programs will be vested in the Associate Directors. None of the authority remains in the Director. Now, when you have to weigh the question of whether that violates the federal law, I think you have to take a look at what the intent of the federal law is. The intent of the federal law is to establish a single state agency responsible for administering the program. That may be a good intent or it may be a bad intent, but that is the intent of the federal law, and that intent governs whether

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or not the State of Illinois can reserve... can receive funds for these functions. When it is clear on the face of the statute that the director has nothing to do with administration of these programs. When it's clear that the Director has no responsibility for coordinating with the Governor. When it is clear that the Associate Directors are totally independent creatures, who have the full responsibility for supervision and administration of these programs and even for coordination with the federal government. Then it's clear that the Bill violates both the federal guidelines and the federal law. Now, it may be a wise way to structure a program, but I ask you, Do you want to forego funding for the blind and the deaf? Do you want to forego hand... funding for the other handicapped, simply because you want to support some administrative structure proposed by Mr. Bowman? I suggest that you take a close look at that structure. I suggest you'd consider whether or not Mr. Bowman's suggestions in regard to structure and organization should command the attention and respect of this Assembly, and I would urge a 'no' vote on the Bill."

Speaker Greiman: "The Gentleman from St. Clair, Representative Flinn."

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

Speaker Greiman: "The Gentleman has moved the previous question. The question is, 'Shall the previous question be put?' All those in fav... favor signify by saying 'aye', those opposed 'nay'. The 'ayes' have it. Mr. Bowman to close."

Bowman: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. It seems like the only argument that is really being raised by the other side of the aisle is the very amorphous organizational argument that they're... they are placing a very strong presumption that this kind of

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reorganization would somehow be inhibiting to federal funding. Now, they have not produced anything other than an anonymous legal opinion which sounds like it probably came from Mr. Vinson, who I understand, is a lawyer. And... and I would simply point out to Mr. Vinson that it is a... a basic tenant of organizational theory and practice that people are responsive to whomever appoints them. And these Associate Directors will be appointed in each instance by the Director of DORS, subject to nominations by these boards. And they will be working for the Associate Directors, so... for the Director of the department. I think that what we are having here is a nit-picking, an exaggeration about the... the structure of this legislation, and I would once again point out that we do have these agencies already within DORS, but they don't have any programming responsibilities, so they don't have any current need to be responsive to their client groups. Their client groups sought this legislation. This legislation is being sought..."

Speaker Greiman: "Bring your remarks to a close, Sir."

Bowman: "I know. This legislation is being sought by the blind and the deaf, and that is why we should pass this Bill."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. Ms. Pullen to explain her vote."

Pullen: "Thank you, Mr. Speaker. As a matter of fact, I think that the Bill is something of nit-picking, because there are already agencies within DORS for the visually impaired and the hearing impaired, as the Gentleman has indicated. This is not and should not be a partisan issue. I would like to ask the Members to please consider what they are doing here, because they are setting up boards that have

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the power to nominate the Associate Directors and the Director must choose from among those nominees, and then the Associate Directors serve at the pleasure of those boards and cannot be disposed of until the boards approve of that. That is totally unprecedented in administration. It is a wrong way to go. These boards are not appointed by people who are elected by the people, and they... and this Bill ought to be defeated. It is wrong policy. I urge everyone to please vote 'no'."

Speaker Greiman: "The Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen, I rise to explain my 'aye' vote and to explain that contrary to some of the testimony which was... has been offered relative to this Bill, the Bill was drafted in cooperation with all of the interest groups that work with the blind and the deaf in Illinois. This is not the idea of an individual Legislator or a group of Legislators, but rather, it was done in complete and total cooperation with those groups that on a day-to-day basis, work and advocate for the interest of the blind and the deaf. And I would sincerely recommend an 'aye' vote."

Speaker Greiman: "To explain his vote, the Gentleman from Sangamon, Mr. Curran."

Curran: "Mr. Speaker, Ladies and Gentleman, I think we've got the 67 votes. I think I don't need to say anything more."

Speaker Greiman: "Lady from Champaign, Representative Satterthwaite, to explain her vote."

Satterthwaite: "Mr. Speaker, I think we should just admonish the Gentleman from across the aisle who spoke in opposition to this Bill, to have more faith in his own Governor, his own Governor, has found strange and marvelous ways of putting federal money into the Protection and Advocacy Board under a contorted route through the Guardianship and Advocacy

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Commission, even though that's clearly in violation of the intent of the federal law. His Governor won't have any problem taking care of any bottlenecks in this Bill. We should pass the Bill."

Speaker Greiman: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Mr... Mr..."

Speaker Greiman: "To explain his vote."

Friedrich: "Mr.... Mr. Speaker, I... all I can say is if you pass this Bill, there'll be less money for the blind and the deaf than there is now, because all the bureaucrats will eat it up in staffing this new set up."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 71 voting 'aye', 46 voting 'no', none voting present. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1240. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1240, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Greiman: "Mr. Stuffle, the Gentleman from Vermilion."

Stuffle: "Yes, Mr. Speaker and Members, this is one of a series of administrative Bills in the state university system that are intended to save the system money by prohibiting certain activities that now go on in the pension system that allow for adverse selection against the system. This particular Bill would prohibit a situation in which an employee could buy cheaply a prior service or an optional credit, then come back at such time as they have excessive number of years of service for a full benefit and get a refund for service in later years and, in effect, get more

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money back from the system than they actually paid in. This is a pro... a Bill that is indorsed by the Pension Laws Commission... would prevent the type of practice that I've indicated that is now occurring and would save the system money, and I would ask for an affirmative Roll Call on the Bill."

Speaker Greiman: "The Gentleman moves for the passage of House Bill 1240. Is there any discussion? And on that, the Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, to expedite the proceedings in the next... this Bill and two more, Representative Stuffle has three excellent Bills here. When I stand up in support of them, you know they don't cost money. They're going to save money. They're excellent legislation, and for... we should move with great dispatch on these next three Bills."

Speaker Greiman: "Is there any further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by say... voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 115 voting 'aye', no voting 'present', none voting... We'll start again. There are 115 voting 'aye', no. voting... none voting 'no', none voting 'present'. Yes, Representative Topinka. Ms. Topinka 'aye'. Mr. Hallock 'aye'. On this Bill, there are 117 voting 'aye', none voting 'no', none voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1242. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1242, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of

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the Bill."

Speaker Greiman: "Mr. Stuffle."

Stuffle: "I take this same Roll Call on this one. Approved by the Pension Laws Commission... cuts the cost of the system, requires that a person pay for the service credits that they get and nothing more, and I would ask for an affirmative vote."

Speaker Greiman: "The Gentleman moves for the passage of House Bill 1242. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 116 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1244. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1244, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Greiman: "Mr. Stuffle."

Stuffle: "Will shoot for the tri-effect here. I'd appreciate the same Roll Call. Approved by the Pension Laws Commission, amends the same Act, provides simply that the Board of Trustees of the System that have the fiduciary responsibilities of the pension system make the final determination to who is actually a member for pension purposes. I'd ask for a favorable Roll Call."

Speaker Greiman: "The Gentleman moves for the passage of House Bill 1244. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting

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is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 117 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1315. Mr. Clerk, read the Bill..."

Clerk O'Brien: "House Bill 1315, a Bill for an Act to amend Sections of an Act to provide for the management, operation, control and maintenance of state colleges and university system. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1315 amends the Board of Governors of State Colleges and Universities Act to provide that the student members who have been appointed to the Board or elected by the student bodies to that Board, collectively may vote a single vote that is counted as one vote with all the other members. In 1973, we created student members as members of the various boards. In 1976, we gave those student members the right to second motions and to make motions, but as yet they don't have the right to cast a vote on the Board, and by this Bill, they will have a full one voting right. It gives them a minority right, of course, but it does give them the ability to cast a single vote, and I ask for your 'aye' vote."

Speaker Greiman: "The Gentleman moves for the passage of House Bill 1315. Is there any discussion? The Gentleman from Livingston, Representative Ewing."

Ewing: "Would the Sponsor yield?"

Speaker Greiman: "Indicates that he'll yield for a question?"

Ewing: "How many students on a Board?"

Preston: "There are five students on the Board, and collectively

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those five students cast but one single vote. The vote is cast as the five students vote within their own five by their consensus. If they fail to reach a consensus of three... at least three members agreeing, there will be no vote cast."

Ewing: "Does that mean that they will... will that be a little unwieldy? Will they have to kind of have their side board meeting every time..."

Preston: "No. They do... they do much the same thing now, because, Representative Ewing, they now vote on every issue. Now though, however, their vote does not count, but with this it will count as a single vote."

Ewing: "But when they vote now don't they each cast a vote?"

Preston: "No. Well, they each will cast... they each cast a vote now, and they each will cast a vote later, but the only vote that will be counted in a vote of the Board is when the student members on this board, being five, when at least three of those five votes agree."

Ewing: "Yes. Mr. Speaker, Ladies and Gen..."

Speaker Greiman: "On the Bill, yes, Sir."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I... I think that there is probably some merit to student involvement with the boards. I'm certainly concerned about the unwieldiness of having five students there and have a caucus over in the corner every time they have to decide on a vote. And I think, maybe, this is certainly just the first step to... next year we'll give them all the vote or two years from now, and I think, maybe, we ought to leave it just as it is. We can hear their voice, and we can consider what they're saying, but we don't need to give them a second caucus right inside the board meeting."

Speaker Greiman: "The Gentleman from Perry, Mr. Dunn."

Dunn: "Thank you, Mr. Chairman. I... I have continually opposed

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the right for students to vote. I think the Governor makes the appointment to these boards, and if he wants to appoint a student to the Board, he could, and then he'd have full rights. I think Representative Ewing is correct that if... you don't need to worry about them only having a fifth of a vote. They'll be back next year for a whole vote. Soon they'll have five votes on the Board of Governors, and... and the other Boards, the Board of Regents and all the Boards. And so... and... and I'll show you all their votes will be for less scholarships and less... more taxes, and it'll be a great day for the universities when the students are able to run the Boards all together. I'd urge an 'aye' vote just to get it over with, so that we can turn it over to the students pretty quick. Thank you."

Speaker Greiman: "The Gentleman from Macon, Mr. Dunn. The Gentleman from Kendall, Mr. Hastert."

Hastert: "Would the Sponsor yield?"

Speaker Greiman: "Indicates that he'll yield."

Hastert: "I have a question here. Is this... now are you saying that there's members on the Board here tha... that elected... duly elected members, and they sit there, and they listen to all the proceedings, and they don't have a vote?"

Preston: "That's correct."

Hastert: "And they can, you know, they can pretend to make m... amendments and second things and stuff?"

Preston: "They can, but they cannot vote."

Hastert: "And you're saying that these people are duly elected members, right?"

Preston: "They are elected by their universities. Yes, Sir."

Hastert: "Is that kind of like the... our Appropriations Committees?"

Preston: "Well, I don't... I don't think the Members of the

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Appropriations Committee are duly elected, but they're elected."

Hastert: "To the Bill."

Speaker Greiman: "Mr. Hastert to the Bill, Sir."

Hastert: "Well, I... I just think whenever you elect somebody to do a job and to sit on a board or in a body to make motions and amendments and to vote on things, they really should have the right to do that. And I certainly... I... I go along with the Gentleman's Bill."

Speaker Greiman: "The Gentleman from McLean, Mr. Ropp."

Ropp: "Thank you, Mr. Speaker. I'm not too sure that I support this, because I've got people who are actually students serving on the Board now. They've come to me, and they've said that this is not necessary. They're in school for four years, and many of these decisions are of longer duration, dealing with how to spend money and so forth. And not that they could not do that, but I thin... really think that they're more of advisory, short term kind of consultants on that Board, and the four years that they're there is sufficient time to give them the experience of being on the Board. But to really have a full vote, as this eventually will undoubtedly turn out in two or three more legislative Sessions, is not something that we ought to start at this point, and I urge you to vote against it."

Speaker Greiman: "The Gentleman from Cook, Mr. Shaw."

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

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

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen. I would like to, in closing, comment on the remarks of the

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previous speaker. I didn't make up this Bill. This Bill came to me from the Illinois Student Association. The statement that there are students on boards who don't want a vote is as inaccurate as anything I've ever heard. The students who were down here who are members of the Illinois Student Association about a week or ten days ago were here three, four, five hundred strong, lobbying primarily for this Bill and this package of Bills that give them voting rights. Today, they make motions. They second motions. We had testimony in Committee by an adult board member, appointed by the Governor, that among the most diligent members of the board are the student members of those boards. I... we send these student to... to fight our wars. We have them vote for President of the United States, but we tell them when they sit on a Board of Higher Education that they can't vote, and that's ridiculous."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those vote... those opposed vote 'no'. Voting is now open. Mr. Curran to explain his vote."

Curran: "Mr. Speaker, Ladies and Gentlemen, I just think that the suggestion that students might not be in favor of this is ludicrous on its face, and I ask for 71 'aye' votes. Thank you."

Speaker Greiman: "The Gentleman from DeKalb, Mr. Ebbesen, to explain his vote."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I... I think that in casting my affirmative vote, you know, we used to look at institutions of higher education... students were eighteen to twenty-two years of age. Now in higher education, they range from ten years of age in some cases to ninety, and we're talking about an input, a strong voice, that should be heard by these

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boards. This is good legislation, and as the Sponsor, Representative Preston, has stated that it came from the student association, and it is a good Bill and should be supported. There ought to be 117 votes up there just like the last three Bills that passed out of here."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 85 voting 'aye', 33 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Madi... Madigan in the Chair."

Speaker Madigan: "House Bill 1316. Mr. Preston. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1316, a Bill for an Act to amend Sections of the Regency Universities Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a far less controversial Bill than the previous one. House Bill 1316 amends the Regency Universities Act and allows the student members who are sitting on that Board to collectively cast a single vote as the member... the student members of the Board that we had just voted on, and I encourage your 'aye' vote."

Speaker Madigan: "Mr. Ropp."

Ropp: "Mr. Speaker, to the Sponsor. Two of the three students who serve on this Board have personally told me that they do not want this Bill passed. I urge you to vote 'no'."

Speaker Madigan: "Is there any further discussion? The question is, 'Shall this Bill pass?' Representative John Dunn."

Dunn: "I'd just like to urge the Dunn party to vote 'no' on this Bill also."

Speaker Madigan: "The question is, 'Shall this Bill pass?' All

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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 81 'ayes', 36 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1317. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1317, a Bill for an Act providing for Southern Illinois University. Third Reading of the Bill."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker. House Bill 1317 amends the Southern Illinois University Management Act and permits the student members of the Board governing Southern Illinois University to collectively cast a single vote on that Board, and I ask for your 'aye' 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 78 'ayes', 35 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1319. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1319, a Bill for an Act to amend Sections of the Public Community College Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1319 amends the Public Community College Act and provides that the student member of the Community College Board collectively casts a single vote as a member of the board."

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

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who wish? The Clerk shall take the record. On this question, there a 77 'ayes', 39 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1320. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1320, a Bill for an Act to amend an Act creating the Board of Higher Education, making an appropriation therefore. Third Reading of the Bill."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This final Bill, House Bill 1320, amends the Board of Higher Education Act and provides that the student members of the Board of Higher Education collectively cast a single vote as members of that Board."

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 who wish? The Clerk shall take the record. On this question, there are 81 'ayes', 37 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1696. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1696, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Stuffle."

Stuffle: "House Bill 1696, Mr. Speaker, Members of the House, is the next to last Bill in the series of Bill... Bills that clean up provisions of the existing law in the state university pension system. This Bill, again, provides for a prohibition against a method of adverse selection against the system in which it's possible now to, frankly, utilize nontaxable fringe benefits in such a way that an employee does not pay his or her full pension contribution cost early in their career. And then later on takes full cash

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value for compensation at the time they're to retire, pays on that, and comes out, in fact, paying very little in the front end of their career and still has the same pension benefits of others who have paid throughout on the entirety of their compensation. It has no effect upon taxable wages at the state or federal level. Obviously, it's approved by the Pension Laws Commission. I know of no opposition and ask for an affirmation 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? The Clerk shall take the record. On this question, there are 117 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1789. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1789, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Stuffle."

Stuffle: "This is the last Bill in the series that I indicated... amend the state university system. This Bill has no opposition. It's approved by the Pension Laws Commission. It came out of Committee unanimously. It merely requires in the granting of the existing option for early retirement in this particular system, that the employer may ask the employee to give a reasonable notice of the intention to exercise the early retirement option that's in place now, so that they know what their personnel situation is from year to year. I'd ask for an affirmative 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? The Clerk shall take the record. On this question, there are 117 'aye', no

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one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Consideration Postponed Second Reading there appears House Bill 18. Mr. Clerk, has this Bill been read a second time?"

Clerk O'Brien: "This Bill has been read a second time previously. Amendments 1 and 2 were adopted, and the Bill was held for a fiscal note to be filed."

Speaker Madigan: "Has the fiscal note been filed?"

Clerk O'Brien: "The fiscal note is filed."

Speaker Madigan: "Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Representative Johnson, amends House Bill... Amendment #3, Representative Hastert, amends House Bill 18, as amended and so forth."

Speaker Madigan: "Mr. Hastert."

Hastert: "Mr. Speaker, I move to table Amendment #3."

Speaker Madigan: "The Gentleman requests leave to table Amendment #3. Is there leave? Leave is granted. Amendment #3 is tabled. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Hastert, amends House Bill 18, as amended and so forth."

Speaker Madigan: "Who is the Sponsor of this Amendment?"

Clerk O'Brien: "Representative Hastert."

Speaker Madigan: "Mr. Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #4 to House Bill 18 leaves the Bill as it is currently amended... leaves it at 25,000 rate to January 1st, 1984, and then after January 1st, 1984, it leaves it at a \$30,000.00 rate, and then, every assessment year after 1984, instead of... adjusted by the Consumer Price Index. So what we're doing here, instead of coming back to this Assembly every year or every two years and making... putting substantive legislation in that ups this, it would

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just keep it even with the Consumer Price Index and will ride with that flow. It'll keep it even and every four, or five, or six years, we don't have to take a tremendous jump in this exemption. I've talked to the Sponsor about it. I think it's a good Amendment and ask for your support of the Amendment."

Speaker Madigan: "The question is, 'Shall Amendment #4 be adopted. All those in favor signify by saying 'aye', all those opposed by saying 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "This Bill shall be placed on the Order of Consideration Postponed Third Reading. For what purpose does Mr. Hallock seek recognition?"

Hallock: "Thank you, Mr. Speaker. I'd just like to remind the Members that the Illinois Legislative Correspondence Association will hold the 12th Annual Grid Iron Dinner, May 18th at the Springfield Hilton. Tickets for the fourth year in a row are still at \$20.00, and my word is that they're going very fast, so you better order now. Thank you."

Speaker Madigan: "On page forty-six of the Calendar, on the Order of Concurrence there appears House Bill 547. Mr. Daniels. House Bill 547. Oh, you wish to take this out of the record? Take this matter out of the record. The Chair recognizes Representative Homer for the purpose of a Motion."

Homer: "Thank you, Mr. Speaker. I have filed a written Motion, and at this time, I would ask leave to have the Clerk read that Motion."

Speaker Madigan: "Mr. Clerk, read the Motion."

Clerk O'Brien: "'A Motion pursuant to Rule 27(c), I move to discharge the Committee on Judiciary Interim Study from

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further consideration of House Bill 1383..."

Homer: "Thank you. I know..."

Clerk O'Brien: "... suspend... suspend Rule 77(b) relating to Calendar requirement and advance to the Order of Second Reading first legislative day."

Speaker Madigan: "Mr. Homer."

Homer: "Thank you. I know of no opposition to this Bill... or this Motion. This Motion is simply to rectify a technical error that now exists in the record of this Body. Specifically, House Bill 1383 was inadvertently included in a list of Bills that were offered for Interim Study on May 3rd in this Body, by the Chairman of the Judiciary Committee. On May 5th, the Judiciary Committee had hearings on this Bill and actually reported it out favorably by a 14 to 1 vote. The parliamentary... Parliamentarian noted that, in fact, the Bill was technically in Interim Study and in order for the Bill to be placed back on the Order of Second Reading, I would ask this Body to... to adopt this Motion."

Speaker Madigan: "Mr. Johnson."

Johnson: "Mr. Homer is correct. That's exactly what happened. He cleared this with both the Chairman and myself, as the Minority Spokesman, and as far as I know there's no opposition to the Motion."

Speaker Madigan: "You've all heard the Motion. Is there leave? Leave is granted to use the Attendance Roll Call in support of the Gentleman's Motion. On page thirty-six of the Calendar, on the Order of House Bills Third Reading. House Bill 56. This Bill shall be taken out of the record at the request of the Sponsor. House Bill 60. Mr. Flinn, do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 60, a Bill for an Act to amend Sections of the Bingo License and Tax Act. Third Reading

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of the Bill."

Speaker Madigan: "Mr. Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, the House Bill 60 is a so-called bingo Bill. It's been hassled around for quite a bit. You can tell by the low number that we've had a lot of goings on in the Committees and Subcommittees and so forth. We've finally come to a conclusion to come down to a compromise and effect this Bill in only two counties. We do that by saying that it would only apply to counties of 200,000 up to 275,000 population and those in between, and it does not involve any counties except Madison, St. Clair. The necessity of the Bill is that we are down to \$2,200.00... \$2,250.00 pay off total in the state... all over the state including Madison, St. Clair County, and we're faced with stiff opposition... not opposition... but stiff competition with St. Louis that has a \$3,600.00 pay off. And it's virtually impossible for us to continue the bingos in the veterans organizations, the firemens organizations, and many of the church organizations across the river from St. Louis. Who all of them are hurting, and Repre... Representative Wolf and myself, along with Representative Yourell have asked that we furnish this relief to that area of the state, and I would ask for a favorable vote and try to answer any question."

Speaker Madigan: "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... the Clerk shall take the record. On this question, there are 109 'ayes', 3 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrence, page

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forty-six of the Calendar, there appears House Bill 547.
The Chair recognizes Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 547 is a supplemental appropriation to DOT of federal funds. As passed this House, there is \$332,182,000.00 and the Motion is to concur in Senate Amendments #1, 2, 3... or just 1. Senate Amendment #1 would... added the substance of House Bill 542, 543, 888, and 4... Senate Bill 405. Those four Bills, basically, in reference to House Bill 542 appropriate \$11,606,573,000 of federal funds to aid individuals and local units of government effected by the New Baden tornado and state-wide flooding problem. And in reference to House Bill 543, provide for a supplemental appropriation of \$1,346,700.00 to the Department of Commerce and Community Affairs for the tourism promotion fund and intra-state agencies services fund, and federal labor projects fund of \$1,200,000.00 in accordance with the recently enacted federal job training partnership act. House Bill 888 transfers \$4,569,800.00 in the FY '83 Department of Labor appropriation. And Senate Bill 405 provides a supplemental appropriation of \$107,000.00 under the federal criminal justice trust fund. And I would move to concur on Senate Amendment #1 to House Bill 547. Mr. Speaker, this is a rare opportunity to vote on an appropriation Bill."

Speaker Madigan: "Mr. Leverenz."

Leverenz: "I rise in support of the Gentleman's Motion. We heard the Bills that he innumerated as subject matter only, so we would be prepared for this when it came back from the Senate. I would request everyone vote 'aye'."

Speaker Madigan: "Is there any further discussion? The question is, 'Shall the House concur in Senate Amendment #1 to HB 547?' All those in favor signify by voting 'aye', all

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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 118 'ayes', no one voting 'no'. This Motion, having received a Constitutional Majority, the Bill is hereby declared passed. The Chair is prepared to adjourn. The Clerk wishes to address the Body. Will the Body please give their attention to the Clerk.?"

Clerk O'Brien: "A memorandum from the... Michael J. Madigan, Speaker of the House. Please be advised that I have made the following appointments, effective immediately, to the House Select Committee on World's Fair 1992, Representative Barbara Currie, Chairperson; Representative Carol Braun, Representative Larry Bullock, Representative William Laurino, Representative Richard Mulcahey, Representative Daniel Pierce."

Speaker Madigan: "Mr. Clerk, do we have any Agreed Resolutions?"

Clerk O'Brien: "House Resolution... Senate Joint Resolution 41, John Dunn; House Resolution 255, Hensel; 257, Giglio; 259, DiPrima; 260, McAuliffe; 261, Yourell; 263, Wojcik; and 265, Woodyard."

Speaker Madigan: "Mr. Giorgi."

Giorgi: "Mr. Speaker, Hensel's 235 notes 30 years of service; Matijevich's 256 logs the first class win; Giglio's 257 recognizes 35 years of priesthood; DiPrima's 259 records the record... the recipient of the prestigious Dante Award; 260 by McAuliffe deals in the offensive art exhibit; 261 by Yourell notes a birthday; 268 (sic - 263) by Wojcik calls attention to Infant Death Syndrome Awareness Week; and 265 by Woodyard tells of a retirement. I move for the adoption of the Agreed Resolutions."

Speaker Madigan: "The Gentleman moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye', all those opposed by saying 'no'. The 'ayes' have

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it. The Agreed Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Joint Resolution 41, Virginia Frederick. House Resolution 245, Davis; House Resolution 258, O'Connell - McCracken; House Resolution 262, Alexander - et al; House Resolution 264, McCracken; House Resolution 266, Hicks - et al."

Speaker Madigan: "Committee on Assignments. Mr. Clerk. Introduction and First Reading."

Clerk O'Brien: "House Bill 2292, Younge, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill."

Speaker Madigan: "The Chair recognizes Mr. McPike for the Adjournment Motion."

McPike: "Does the Clerk need any time, Mr. Speaker?"

Speaker Madigan: "No."

McPike: "I move that the House stand adjourned until tomorrow at the hour of 9:00 a.m."

Speaker Madigan: "The Gentleman moves that we stand adjourned until tomorrow at 9:00 a.m. The Chair would encourage all Members to be here promptly at 9:00 a.m., because we will immediately move to consideration of Bills, promptly at 9:00 a.m. The plan is to stay into Session until 4:00 p.m. I would ask all of you to plan to stay here until 4:00 p.m. We only have two weeks left for consideration of House Bills. We will need all available time in order to give every Member an opportunity to have their Bill heard. All those in favor of the Gentleman's Motion signify by saying 'aye', all those opposed 'no'. The 'ayes' have it. We stand adjourned until tomorrow morning at 9:00 a.m."

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