

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

46th Legislative Day

May 17, 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 today in prayer by Rabbi Israel Zoberman of Temple B'rith Scholom in Springfield. Rabbi Zoberman is a guest of Representative Michael Curran. Would the guests in the gallery please rise to join us in the invocation?"

Rabbi Zoberman: "God of a wonderous universe, dear Legislators, on this day facing a demanding agenda of political, social and economic concerns let us pause to reflect on our all-inspiring planet, Earth, a unique habitation and... strength and courage. At this season of spring in our beloved Springfield, witnessing the renewal of nature, may we be touched by its grandure and its guiding master. May we become God's coworkers sustaining and enhancing his gift unto us as we say 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. Are there any excused absences? Representative Greiman."

Greiman: "Thank you, Mr. Speaker. Representative Christensen should be excused by reason of illness today. Thank you, Sir."

Speaker Madigan: "Mr. Greiman, would you go to Mr. Christensen's desk, remove the key from his voting switch and put that key in the drawer."

Greiman: "We have done that already, Sir."

Speaker Madigan: "Well then, he's already recorded as voting 'present'. Mr. Clerk, dump this Roll Call. Mr. Clerk,

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

46th Legislative Day

May 17, 1983

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

Greiman: "Yes, thank you, Mr. Speaker. Representative Christensen is to be excused today. Representative McGann will be excused, and I wish the record would appropriately reflect that, Sir."

Speaker Madigan: "And, Mr. Greiman, would you go to those desks and make sure that those keys are removed and placed in the drawer?"

Greiman: "Indeed."

Speaker Madigan: "Mr. Vinson, are there any excused absences?"

Vinson: "Representative Oblinger."

Speaker Madigan: "Mr. Vinson, would you go to Representative Oblinger's desk and remove the key from her voting switch and put that key in the drawer?"

Vinson: "We are concerned enough about those things that it's already been done, Mr. Speaker, on this side."

Speaker Madigan: "Well, Mr. Vinson, we're very fortunate to have you with us in this Body. You are a pillar of..."

Vinson: "There are days we feel the same way about you, Mr. Speaker."

Speaker Madigan: "You're a pillar of integrity, and I only hope the people of your district realize how important you are. Mr. Clerk, take the record. There are 108 Members responding to the Attendance Roll Call. There is a quorum present. Mr. Clerk, do you have any business? We shall go to the point on the Calendar where we ended on Friday. Mr. Vinson, may I have your attention. The Calendar given to me by the Clerk indicates that the last Bill called on Friday was on the Order of the Short Debate Calendar, Second Reading. It's now on page six of the Calendar and that it was House Bill 1960. So that the next Bill to be called will be 1972 on page six of the Calendar. Now, in

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

46th Legislative Day

May 17, 1983

light of your reputation, your honesty and integrity, would you confirm that I am correct? Mr. Vinson."

Vinson: "Well, I can't confirm that, because I understood that there was suppose to be a notation that says next Bill at that point on the Calendar."

Speaker Madigan: "There is right here on the Calendar."

Vinson: "But if the Assistant Clerk, of the Assistant Clerk would confirm that, then I would confirm that."

Speaker Madigan: "Alright, Mr. Leone, is that correct? He nods assent."

Vinson: "Go ahead then."

Speaker Madigan: "Thank you. Page six of the Calendar, House Bills Second Reading, Short Debate, House Bill 1972. Mr. Hastert, do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1972, a Bill for an Act in relation to the Department of Transportation. This Bill has been read a second time previously. Amendments #1, 2 and 3 were adopted."

Speaker Madigan: "Mr. Clerk, were there any Committee Amendments?"

Clerk O'Brien: "Amendments 1, 2 and 3 were adopted previously."

Speaker Madigan: "Are there any Motions relative to those Amendments?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any floor Amendments?"

Clerk O'Brien: "Floor Amendment #4, McPike, amends House Bill 1972 as amended and so forth."

Speaker Madigan: "Mr. Cullerton, are you prepared to offer the Amendment? Is Mr. McPike in the chamber? Mr. Clerk, could you read that Amendment?"

Clerk O'Brien: "Amendment #4, McPike, amends House Bill 1972 as amended by deleting Article IX and inserting in lieu

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

46th Legislative Day

May 17, 1983

thereof the following: Article IX, Section 9-1 and so forth."

Speaker Madigan: "Mr. McPike."

McPike: "Thank you, Mr. Speaker. I withdraw Amendment #4."

Speaker Madigan: "Amendment #4 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Slape, amends House Bill 1972 as amended in the title."

Speaker Madigan: "Mr. Slape."

Slape: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #5 to House Bill 1972 authorizes the Capital Development Board to give up an easement in the City of Maryville, Illinois. I'd ask for adoption of Amendment #5."

Speaker Madigan: "All those in favor of the Amendment say 'aye', all those opposed say 'no'. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #6, McPike, amends House..."

Speaker Madigan: "Mr. McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #6 is a land conveyance from the State of Illinois to the City of Alton. I move the adoption of the Amendment. I know of no opposition."

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

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. And Mr. Hastert requests leave to keep this Bill on the Order of the Short Debate Calendar. Leave is granted. House Bill 1978. Mr. Vinson, do you wish to call your Bill?"

Vinson: "Yes, Sir."

Speaker Madigan: "Mr. Vinson, do you wish to call your Bill?"

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

46th Legislative Day

May 17, 1983

Vinson: "Yes, Sir."

Speaker Madigan: "Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1978, a Bill for an Act to amend Sections of the Civil Administrative Code of Illinois and an Act in relation to state finance. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1982, Mr. Tate. The indication is the Gentleman does not wish to call his Bill. House Bill 2004, Mr. John Dunn. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2004, a Bill for an Act to amend Sections of an Act requiring certain custodians of public monies to file and publish statements of their receipts and disbursements thereof. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2008, Representative Satterthwaite. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2008, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Satterthwaite, amends House Bill..."

Speaker Madigan: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, this is a technical Amendment suggested by the staff, picking up two additional Sections of the statute that need to be revised in the same way as the major portion of the Bill, and I

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

46th Legislative Day

May 17, 1983

move for its adoption."

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

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 2015, Mr. Giorgi. Leave is granted to keep House Bill 2008 on the Order of the Short Debate Calendar. Mr. Clerk, read House Bill 2015."

Clerk O'Brien: "House Bill 2015, a Bill for an Act to amend Sections of an Act in relation to the rate of interest on various sanitary district bonds. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2046, Mr. Hoffman. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2046, a Bill for an Act to amend Sections of an Act in relation to county zoning. Second Reading of the Bill. No Committee Amendments."

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

Cullerton: "Yes, Mr. Speaker, I understand that the Sponsor was going to hold this for an Amendment being prepared by the LBB."

Speaker Madigan: "This Bill shall be taken from the record. House Bill 2059, Mr. Vinson. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2059, a Bill for an Act to amend an Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities. Second

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

46th Legislative Day

May 17, 1983

Reading of the Bill. No..."

Speaker Madigan: "Mr. Clerk, take... take this Bill out of the record. The Sponsor indicates that he does not wish to call the Bill at this time. House Bill 2062, Mr. Ropp. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2062, a Bill for an Act to amend the State Property Control Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Ropp, amends House Bill 2062 on page two..."

Speaker Madigan: "Mr. Ropp."

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

Speaker Madigan: "Mr. Ropp."

Ropp: "When House Bill 2062 was made available to me, it did not do what the original Sponsors wanted it to do, in that it stated that surplus property would be appraised once. If it wasn't sold, appraised twice. If it wasn't sold then, the Director would have the authority to negotiate a price within 70% of the appraised value. That procedure has been taken out in this Amendment and urges the sale or disposal of property within 18 months."

Speaker Madigan: "Gentleman moves for the adoption of Amendment #1. On that question, Mr. Cullerton."

Cullerton: "Will the Gentleman yield?"

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

Cullerton: "Representative Ropp, as I understand your Amendment, after the first auction, the county would get the property..."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Mr. Ropp, after the first auction, the county would get the land for free... or the property for free. Is that correct?"

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

46th Legislative Day

May 17, 1983

Ropp: "Well actually, under the current law, the state has to reappraise it at least two times, and this is after the second time. Currently, the counties, local municipalities do have the authority to pick up the property as a part of State Government. Now, to be real honest, this is a portion of this that I don't really like either."

Cullerton: "What did you say? You don't like your Bill?"

Ropp: "No, I didn't like... I love the Bill. It's the one phrase in there that I don't like of the Amendment. It wasn't drafted the way I intended to have it drafted."

Cullerton: "Are you for the Amendment or against the Amendment?"

Ropp: "At this stage, I'm for the Amendment."

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

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 2065, Representative Nelson. Mr. Clerk, read the Bill. Leave is granted to allow House Bill 2062 to remain on the Order of Short Debate."

Clerk O'Brien: "House Bill 2065, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2073. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2073, a Bill for an Act to amend the General Not For Profit Corporation Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."



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

46th Legislative Day

May 17, 1983

Speaker Madigan: "Third Reading. House Bill 2078, Mr. Ropp. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2078, a Bill for an Act to amend the law regarding dead animals and related matters. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Cullerton, amends House Bill 2078..."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill proposes to amend the Dead Animal Disposal Act, the Feeding Garbage to Swine Act and the Horse Meat Act and to establish a license requirement for the mainten... I'm sorry - and repealing the Dead Animal Loading Platform Act. Now, included in these Bills is a criminal penalty and, once again, Representative Ropp, in his Bill, has not put in a mental state for the violation of these Bills. He also adds to these Bills the offense of using used cooked grease and oils. And, of course, if you did this inadvertently without knowing that you were doing it, you'd still be guilty of a criminal offense. So, the purpose of this Amendment is to add the word 'knowingly' in the criminal Section so as to make it clear that there must be a mental state before you can be found guilty and thrown in jail for using used cooking oils. I would ask for the adoption of the Amendment."

Speaker Madigan: "Mr. Cullerton moves the adoption of Amendment #2. Is there any discussion? All those in favor of the Amendment say 'aye', all those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there

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

46th Legislative Day

May 17, 1983

further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Leave is granted that the Bill shall remain on the Order of the Short Debate Calendar. House Bill 2079, Mr. Winchester. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2079, a Bill for an Act in relation to the conveyance of public lands. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2080, Mr. Ropp. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2080, a Bill for an Act in relation to grade A pasteurized milk and milk products. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2085, Representative Oblinger. The Lady has been recorded as absent and excused; therefore, the Bill shall not be called. House Bill 2097, Mr. Churchill. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2097, a Bill for an Act in relation to borrowing by governmental units for projects in the public interest. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2100, Representative Barnes. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2100, a Bill for an Act to amend

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

46th Legislative Day

May 17, 1983

Sections of the Capital Development Bond Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Terzich, amends House Bill 2100..."

Speaker Madigan: "Mr. Terzich."

Terzich: "Yes, Mr. Speaker, Amendment #1 simply proposes to keep at the current level the authorization for library construction grants."

Speaker Madigan: "Mr. Johnson."

Johnson: "I... Let me, Representative Terzich, summarize what our explanation... staff explanation of the Amendment says, and you can tell me where, if at all, this varies from what you said. 'Amendment #1 increases the bond authorization for library construction grants from 2.25 million to 15 million. The level of bond authorization for library construction is a perennial issue. The bond authorization level was increased to 15 million. This amount would be allocated as follows: six million, Chicago Public Library; three million, Illinois State Library, and six million for all libraries outside the state'. I also would... Okay. Go ahead. That's it."

Terzich: "Well, from what I understand is that - I'm not sure whether or not the Secretary of State has actually approved that distribution - but what the Amendment simply does is it brings up the authorization up to 15 million dollars. That's all the Amendment does, rather than the 2.5 million."

Johnson: "So, it increases the bond authorization by 12.75 million. Is that right?"

Terzich: "No, it simply maintains. You know, the bond issuance is for 15 million dollars and, to me, that simply maintains the 15 million dollars."

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

46th Legislative Day

May 17, 1983

Johnson: "I also asked the, and it may well have been, the Clerk whether this Amendment has been both printed and distributed."

Speaker Madigan: "Clerk informs me that the Amendment has not been printed and distributed; therefore, this Bill shall be taken from the record and left on the Order of Second Reading. House Bill 2105, Mr. Ralph Dunn. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2105, a Bill for an Act authorizing the Director of Central Management Services to convey title to certain parcel of land in exchange for title of another parcel of land. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2108, Mr. Winchester. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2108, a Bill for an Act to amend Sections of the State Employees Group Insurance. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2109, Representative Koehler. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2109, a Bill for an Act concerning public utilities. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2110, Mr. Hastert. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2110, a Bill for an Act to amend Sections of the Civil Administrative Code. Second Reading

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

46th Legislative Day

May 17, 1983

of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2111, Mr. Hastert.

Mr. Clerk, read the Bill.

Clerk O'Brien: "House Bill 2111, a Bill for an Act to amend Sections of the Civil Administrative Code. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2115, Mr. Barger.

Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2115, a Bill for an Act in relation to certain powers of the Department of Central Management Services. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Barger, amends House Bill 2115 on page one by deleting line five..."

Speaker Madigan: "Mr. Barger."

Barger: "I'd like to withdraw Amendment #1."

Speaker Madigan: "Amendment #1 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Barger, amends House Bill 2115 on page one by deleting line five and so forth."

Speaker Madigan: "Mr. Barger."

Barger: "In the drafting of the original Bill, the Department of Correction was left out. This Amendment merely adds them to the Department of Children and Family Services and the Department of Mental Health in regards to the leasing of their property. I move its adoption."

Speaker Madigan: "All those in favor of the Amendment say 'aye', all those opposed say 'no'. The 'ayes' have it. The

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

46th Legislative Day

May 17, 1983

Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Leave is granted that this Bill shall remain on the Order of the Short Debate Calendar. House Bill 2116, Mr. Ropp. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2116, a Bill for an Act in relation to insurance and amends certain Acts herein named. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments? A Floor Amendment has been filed. The Amendment has not been printed and distributed: therefore, the Bill shall remain on the Order of Second Reading. House Bill 2117, Mr. Winchester. Do you wish to call the Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2117, a Bill for an Act to amend Sections of the Regency Universities Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2118, Representative Hensel. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2118, a Bill for an Act to amend Sections of the Election Code. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2123, Mr. Harris. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2123, a Bill for an Act to amend Sections of an Act to provide for the management,

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

46th Legislative Day

May 17, 1983

operation, control and maintenance of the State Colleges and University system. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2135, Representative Oblinger. The Lady has been excused; therefore, the Bill shall not be called. House Bill 2144, Representative Vinson. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2144, a Bill for an Act to amend Sections of an Act to provide for staff assistance for the General Assembly. Second Reading of the Bill. No committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2170, Mr. Jaffe. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2170, a Bill for an Act to amend Sections of an Act to regulate solicitation and collection of funds for charitable purposes. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 2178, Representative Younge. This Bill shall not be called. House Bill 2194, Mr. Ewing. Is Mr. Ewing in the chamber? House Bill 2201, Representative Nelson. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2201, a Bill for an Act to transfer Child and Adolescent Office of the Department of Mental Health and Developmental Disabilities to the Central Office of the Institute for Juvenile Research. Second Reading of

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

46th Legislative Day

May 17, 1983

the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 2112, Mr. Bowman.  
Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2112... 2212, a Bill for an Act in  
relation to high-risk child births. Second Reading of the  
Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2213, Representative  
Alexander. Leave this Bill on the Order of Second Reading.  
House Bill 2221, Mr. Hannig. Do you wish to call your  
Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2221, a Bill for an Act to provide for  
the ordinary and contingent expense for the General  
Assembly."

Speaker Madigan: "Mr. Hannig, there's some confusion in the  
records relative to the Bill. The Bill shall be taken out  
of the record. We can return to the Bill at a later time.  
The Bill shall remain on the Order of Second Reading.  
House Bill 2230, Mr. Steczo. Is Mr. Steczo in the chamber?  
For what purpose does Mr. Hallock seek recognition?"

Hallock: "Yes, Mr. Speaker, Representative Steczo and I are Joint  
Sponsors on that Bill. We have an Amendment we'd like to  
offer at this time if possible, please."

Speaker Madigan: "Mr. Hallock, you are drowned out by everybody  
else. I couldn't hear you."

Hallock: "Representative Steczo and I are Joint Sponsors on that  
proposal, and we also have a joint Amendment we'd like to  
offer at this time, please."



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

46th Legislative Day

May 17, 1983

Speaker Madigan: "So, you wish to move the Bill. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2230, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Hallock - Steczo, amends..."

Speaker Madigan: "Mr. Hallock."

Hallock: "I would move to withdraw Amendment #2, please. Move to withdraw Amendment #2."

Speaker Madigan: "Amendment #2 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Hallock - Stec..."

Speaker Madigan: "Mr. Hallock."

Hallock: "Yes, this Amendment allows handicapped individuals to have vanity license plates. I would move for its adoption."

Speaker Madigan: "The Gentleman moves for the adoption of Amendment #3. Is there any discussion? All those in favor say 'aye', all those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. 2244. Leave is granted that the Bill shall remain on the Order of the Short Debate Calendar. House Bill 2244, Mr. Van Dyne. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2244, a Bill for an Act to amend Sections of the Joliet Regional Port District Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

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

46th Legislative Day

May 17, 1983

Speaker Madigan: "Third Reading. House Bill 2248, Mr. McMaster.

Gentleman indicates he does not wish to call his Bill.  
House Bill 2249, Mr. Davis. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2248, a Bill for an Act to amend  
Sections of the Illinois Pension Code... House Bill 2249, a  
Bill for an Act concerning the Will County Forest Preserve  
District. Second Reading of the Bill. No Committee  
Amendment."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Davis, amends House Bill  
2249..."

Speaker Madigan: "Mr. Davis."

Davis: "Thank you, Mr. Speaker and Members. Amendment #1 was not  
prepared for Committee. It should have been put on there.  
It simply delineates the lands to be conveyed by their  
legal title description, etcetera, and I would move for its  
adoption."

Speaker Madigan: "All those in favor of the Amendment say  
'aye'... For what purpose does Mr. Van Dwyne seek  
recognition?"

Van Dwyne: "Would the Gentleman yield for a question?"

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

Van Dwyne: "Yes, Jack, could you be a little bit more explicate  
as to where these lands are? Let me ask you a question.  
Are they..."

Davis: "I'll bring the list over, Representative Van Dwyne.  
They're Hickory Creek lands."

Van Dwyne: "Are they near Mokena in the flood plane area?"

Davis: "Exactly."

Van Dwyne: "Well, may I speak to the Amendment, Mr. Speaker?"

Speaker Madigan: "Mr. Van Dwyne on the Amendment."

Van Dwyne: "Thank you. I haven't seen the Amendment yet, but I  
really don't think, as far as I'm concerned, that it makes

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

46th Legislative Day

May 17, 1983

any difference. Because I think the whole Bill is very much premature, because the alternative plan hasn't been signed as yet. And I think until that time, in fact, until the project is completed, I think all this stuff should be held in abeyance. And so, therefore, you know, I... I suppose I'm not against the Amendment, but I haven't seen it yet. But I am opposed to the Bill. One other question. Has there been any appraisals filed?"

Speaker Madigan: "Mr. Van Duyne has asked a question of Mr. Davis. Mr. Davis... to respond."

Van Duyne: "Are they... Since... Since... Or are they the original appraisals when the forest preserve bought the land?"

Davis: "The filings include the cost of the land when purchased - as you know, most of it was recent - and the appraisals at that point and time."

Van Duyne: "Yes. Well, then I'm to take it that there are no new appraisals?"

Davis: "No."

Van Duyne: "Thank you."

Speaker Madigan: "Is there any further discussion? There being no further discussion, the question is, 'Shall the Amendment be adopted?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Take the record. Have all voted who wish? In light of the discussion between Mr. Davis and Mr. Van Duyne, this Bill shall be taken out of the record. House Bill 2277. For what purpose does Mr. Johnson seek recognition?"

Johnson: "Well I realize you just want to reach an accommodation here, but I don't know where we have a provision in our rules that allows you in the middle of a Roll Call, without the request of the Sponsor, to take a Bill out of the record."

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

46th Legislative Day

May 17, 1983

Speaker Madigan: "Mr. Davis."

Davis: "I believe Representative Van Duyne and I have worked it out. I don't think there's any problem, Mr. Speaker, and the vote was 80 to 1 or whatever it was. Why don't you let it go to Third. If he's got any problems, I'll take it back."

Speaker Madigan: "Mr. Van Duyne."

Van Duyne: "As I stated... Thank you, Mr. Speaker. As I have stated previously, I am... I am against the Bill in its totality. The Amendments, to me, mean absolutely nothing, because I intend to do everything I can possibly do on Third Reading to defeat this Bill. It's, as a minimal, six years premature. So, I really have no position on the Amendments whatsoever."

Speaker Madigan: "Alright. Mr. Clerk, put House Bill 2249 back in the record. And, Mr. Clerk, were we on the question of Amendment #1?"

Clerk O'Brien: "Amendment #1 was under discussion."

Speaker Madigan: "Which was offered by Mr. Davis."

Clerk O'Brien: "Yes, Sir."

Speaker Madigan: "And Mr. Davis moves for the adoption of Amendment #1. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 2277. Leave for House Bill 2249 to remain on the Order of Short Debate. House Bill 2277. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2277, a Bill for an Act in relation to copies of Committee material. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

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

46th Legislative Day

May 17, 1983

Speaker Madigan: "Third Reading. House Bill 2283, Mr. Reilly.  
Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2283, a Bill for an Act to amend  
Sections of the Illinois Vehicle Code. Second Reading of  
the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 2284, Mr.  
Matijevich. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2284, a Bill for an Act to amend  
Sections of the Illinois Vehicle Code. Second Reading of  
the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. On the page seven of the  
Calendar, on the Order of House Bills Second Reading, Short  
Debate Calendar, appears House Bill 2194. This Bill was  
called previously. The Sponsor was not in the chamber. He  
has now returned. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2194, a Bill for an Act to amend the  
Illinois Pension Code. Second Reading of the Bill. No  
Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. For what purpose does Mr. Ewing  
seek recognition?"

Ewing: "Mr. Speaker, thank you very much for returning that Bill.  
Since I spoke with you, your staff has indicated to me they  
think a corrective Amendment is required here, and I agree  
with them. And so, I would like to hold it on Second."

Speaker Madigan: "Fine. Place this Bill on the Order of Second

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

46th Legislative Day

May 17, 1983

Reading. Page eight of the Calendar, House Bills Second Reading, House Bill 3. Mr. Levin, do you wish to call your Bill? Mr. Vinson, the Clerk informs me that on Friday we ended our consideration of House Bills on Second Reading at House Bill 1139. That now appears on page 11 of the Calendar. And, therefore, the next Bill will be House Bill 1182."

Vinson: "Would the Assistant Clerk confirm that, Mr. Speaker?"

Speaker Madigan: "The Assistant Clerk agrees."

Vinson: "Then we do, too."

Speaker Madigan: "He agrees. House Bill 1182, Mr. Stuffle. Do you wish to call your Bill? Gentleman indicates he does not wish to call his Bill. House Bill 1186, Mr. Steczo. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill..."

Speaker Madigan: "Mr. Steczo, are these Bills of the same nature? Do you wish to consider these at one time? You have four Bills in a row. Mr. Steczo."

Steczko: "Mr. Speaker, I... with leave of the House, I'd like to consider House Bill 1186, '88 and '89 and leave House Bill 1187 on the Order of Second Reading."

Speaker Madigan: "Mr. Clerk, read House... Mr. Steczo, are these Bills of a similar nature so they could be considered together?"

Steczko: "Yes, Mr. Speaker."

Speaker Madigan: "Mr. Clerk, read House Bill 1186."

Clerk O'Brien: "House Bill 1186, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1188, Mr. Steczo. Do you wish to call the Bill? Mr. Clerk, read the Bill."

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

46th Legislative Day

May 17, 1983

Clerk O'Brien: "House Bill 1188, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1189. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1189, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1202, Mr. McGann. The Gentleman has been excused; therefore, the Bill would not be called in an ordinary course. However, the Gentleman has left a letter with the Speaker informing the Speaker that he would like Representative Keane to handle his Bill. For what purpose does Mr. Steczo seek recognition?"

Steczko: "Mr. Speaker, relative to House Bill 1202, we were informed last Friday that there may have been an error in the Committee Report; and, in fact, House Bill 1202 should be on the Consent Calendar. So, with leave, I'd like to take House Bill 1202 out of the record and see if we can get that problem corrected."

Speaker Madigan: "This Bill shall be taken from the record. House Bill 1203, Mr. Cullerton. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1203, a Bill for an Act to amend

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

46th Legislative Day

May 17, 1983

Sections of the Election Code. Second Reading of the Bill.

Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "Amendment 1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1204, Mr. Yourell.

Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1204, a Bill for an Act to amend

Sections of the Election Code. Second Reading of the Bill.

No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1205. Mr. Clerk,  
read the Bill."

Clerk O'Brien: "House Bill 1205, a Bill for an Act to amend

Sections of the Election Code. Second Reading of the Bill.

Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1206, Mr. Nash. Mr.  
Nash, do you wish to call your Bill, 1206? Mr. Clerk, read  
the Bill."

Clerk O'Brien: "House Bill 1206, a Bill for an Act to amend

Sections of the Election Code. Second Reading of the Bill.

Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"



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

46th Legislative Day

May 17, 1983

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1216, Mr. McAuliffe.

Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1216, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Ebbesen, amends House Bill 1216 on page one in line one and six and so forth."

Speaker Madigan: "Is Mr. Ebbesen in the chamber? Mr. McAuliffe, do you wish to offer a Motion? Mr. McAuliffe moves to table Amendment #1. All those in favor say 'aye', all those opposed say 'no'. The 'ayes' have it. The Motion carries. The Amendment is tabled. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 1221, Mr. Tate. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1221, a Bill for an Act to amend Sections of the Illinois Purchasing Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Berrios - Mautino, amends House Bill 1221 in line 18 be deleting '75%' and so forth."

Speaker Madigan: "Mr. Berrios."

Berrios: "All this Amendment does is carry Mr. Tate's idea one step further and changes 75% to 50%."

Speaker Madigan: "Mr. Tate."

Tate: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I kind of reluctantly rise in opposition to this Amendment, and my other two Amendments will indirectly address this issue. I'm a little concerned that a 50% reduction in those agencies will result in a hardship for many of the

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

46th Legislative Day

May 17, 1983

agencies that do, in fact, have to rely upon, sometimes on outside expertise and do, in fact often times, many of the smaller agencies in State Government will only have one different legal case. And if that... And one legal case a year that they may contract outside legal work for, if we were just totally to reduce it by a 50% level, that would place an undue hardship on those agencies and could result in additional spending for the state if we would lose those kind of court cases."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you very much, Mr. Speaker. I, with Representative Berrios, stand in support of the Amendment. This is an outgrowth, as Representative Tate knows, from the Appropriation Committee hearings on the amount of attorneys and attorneys' fees that all departments of government are having outside of the Attorney General's Office. It seemed to us that many of those cases, whether that be the Department of Insurance, or Mines and Minerals, Capital Development Board, etcetera, that we were spending an exorbitant amount of money on attorneys' fees. In fact, the number, I think, presented to us was 771 attorneys outside of the Attorney General's Office handling provisions for each and every department. In the outgrowth of those investigations and evaluations and the reductions of funding levels based on the Governor's budget, we felt, should be attained by reducing the outside consultant and attorney contracts. And I think it's a good Amendment, and it should be adopted."

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

Berrios: "I think the Attorney General is well qualified to carry on the legal work that's going to be extended to him, and I would hope for a favorable vote."

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

46th Legislative Day

May 17, 1983

Speaker Madigan: "Those in favor of the Amendment signify by voting 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 35 'ayes', 58 'nos'. The Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Tate - Hawkinson - Mays."

Speaker Madigan: "Mr. Tate."

Tate: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 quite simply forces any agency contracts that are going in for legal services, it forces them to file, with the Bureau of the Budget, a written statement as to why the subject matter and the reasons for contracting with the legal services. The intent of this legislation, Ladies and Gentlemen, is that we've had a great deal of legal work done, as the previous speakers have mentioned, outside legal work that have... done; and, at present, there is no method of documenting or substantiating that work that is being done. And this would just give at least some credibility to the entire process. I would encourage a favorable Roll Call."

Speaker Madigan: "The Gentleman moves the adoption of Amendment #2. On that question, the Chair recognizes Mr. Leverenz."

Leverenz: "Will the Gentleman yield to a question?"

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

Leverenz: "On your documenting, who brought this Amendment to you? What's the genesis of this Amendment?"

Tate: "Well, Representative Leverenz, what I was concerned about is I had looked at several different alternatives to develop a method of disclosing or forcing the different agencies to disclose and documentate and substantiate the work they've done, and we thought the public filing of these statements would provide us a vehicle for them doing that."

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

46th Legislative Day

May 17, 1983

Leverenz: "Will this, in your thinking, increase contractual legal services or decrease?"

Tate: "Well, I think, if you feel there is a lot of unnecessary legal work being done in this state, I would think that you would vote 'yes' on this; because, if there is unnecessary work done, I think people are going to be reluctant to want to file with the Bureau of the Budget a written statement on what the subject matter they're working on."

Leverenz: "Why would... With your Amendment they would file with the Bureau of the Budget? Why did you pick the Bureau of the Budget?"

Tate: "It's as good a vehicle as any."

Leverenz: "Thank you very much for documentating that."

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

Giorgi: "I have a question for the Sponsor, Mr. Speaker."

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

Giorgi: "Representative Tate, is this aimed at the attorney that represented the Governor in the Public Aid case... Is this... I forget his name. I think his fee was in excess of 50,000 dollars for a couple of hours appearance in the courtroom. Is that aimed at that transgression?"

Tate: "Representative Giorgi, this doesn't have anything to do with the Attorney General refusing to represent the Governor in one of the recent court cases. What the intent of this Amendment is to accomplish is that we have 785 lawyers, disregarding all the lawyers that work for the Attorney General's Office, that work for State Government today which costs the State of Illinois 28 1/2 million dollars; and, at the same time in this state, last year we spent 16 1/2 million dollars on outside legal work. And that's the intent. I think that we can afford to reduce that figure."

Giorgi: "You wouldn't say we were skinned on that case, would

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

46th Legislative Day

May 17, 1983

you? Tell me, Representative Tate, in the event the Governor hired him again, now would he have to tell the Bureau of the Budget what the fees would be per hour or whatever? Is that what your intent is in this legislation? I know you're aiming at this Attorney Sam Skinner for the 70 grand he wants to get for going to court for a couple hours, but I thought you might be a little more explicit in your explanation."

Tate: "Well, Representative Giorgi, I think the Bill, the Bill itself, addresses the legal fee itself. We're..."

Giorgi: "Do you put..."

Tate: "And, after this Bill is adopted, so we will... we'll take care of that problem."

Giorgi: "Are you going to allow them to negotiate in the Governor's presence? In other words, the Governor wants to hire an attorney. He calls the Director of the Bureau of the Budget in. Are they going to negotiate the fees? Is that your intent?"

Tate: "Representative Giorgi, I would encourage you to read the Bill itself. The Bill addresses the issue of monetary compensation on outside legal work."

Giorgi: "Is there a limit on the fees in your Amendment or in your Bill?"

Tate: "Yes, there's a maximum fee of 50 dollars per hour."

Giorgi: "Fifty dollars per hour. Have you cleared this with the... the leader on the second floor, 50 bucks an hour?"

Tate: "Well, I... I have not cleared that; however, you know..."

Giorgi: "What's the prevailing wage, Representative Tate? What's the prevailing wage for lawyers in the Governor's entourage?"

Tate: "I think 50 dollars is a reasonable fee."

Giorgi: "Now, in your Amendment, if the attorney is talked to for one minute, does that... do you bill for the entire hour,

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

46th Legislative Day

May 17, 1983

in your case? Does he get a bonus for losing the case like we've done in the past?"

Tate: "Representative Giorgi, it doesn't address that issue."

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

Vinson: "Yes, Mr. Speaker, I wonder if Mr. Giorgi will yield for a question in regard to his reapportionment commission and counselor 'Hart'?"

Speaker Madigan: "The question is, 'Shall the Amendment be adopted?'. All those in favor of the Amendment 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 93 'ayes', no one voting 'no'. This Amendment is adopted. Are there further Amendments?"

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

Speaker Madigan: "Mr. Tate. Mr. Tate."

Tate: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, Amendment 3 just simply requires the different agencies, when they go through the appropriation process, to line item for legal services. We spend a great deal of time in the appropriation process, even though the appropriation process was some what of a joke this year, in asking questions about different legal services. I think this would provide an explanation of what and eliminate a lot of unnecessary conversation in the appropriation process. I'd encourage a 'yes' vote."

Speaker Madigan: "All those in favor of the Amendment... The Chair recognizes Mr. Leverenz."

Leverenz: "The Gentleman yield?"

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

Leverenz: "I don't know that it was a sham. If so, I might have been part of it, but what is the genesis of this Amendment? Who thought of this one?"

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

46th Legislative Day

May 17, 1983

Tate: "Representative Leverenz, again, as you know - you've spent a great deal of time working very diligently in the appropriations process this year. We've spent a great deal of time in the appropriation process inquiring about legal services. It seems to be a very thoroughly discussed issue in the process. I think that if we were... the Membership were given an opportunity to have in writing in front of them, on a line item basis, of what each agency actually spends for legal services that it would expedite that process substantially."

Leverenz: "Well then, to the Amendment, Mr. Speaker. The Gentleman's Amendment, whether he dreamed it up or someone else, is just short of being brilliant. It could only be enhanced by limiting the number of hours at 50 dollars an hour, plus this Amendment, that he could do. If it was his staff that produced the Amendment, they should be adequately compensated with any reward letter that the Gentleman might have, and I would urge the adoption of this Amendment."

Speaker Madigan: "Is there any further discussion? All those in favor of the Amendment 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 94 'ayes', 1 person voting 'no'. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Greiman, amends House Bill..."

Speaker Madigan: "Mr. Greiman."

Greiman: "Thank you, Mr. Speaker. Amendment #4 was a Bill that was before the Executive Committee and was on a list to go out and, apparently, got lost in the shuffle. However, I was able to discover a not-very-likely Bill which... with which to offer an Amendment. Amendment #4 provides that

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

46th Legislative Day

May 17, 1983

before an agency enters into a contract for legal services, it files the name... with the Register, files the name of the person, the proposed text of the contract, the amount of the consideration, the reasons for it for the purpose of the contract and then there's a 30 day period that allows the interested people just to look at this and develop the information. What we find is very often some newspaper person seeks out information on these at the Index Department, and they say, 'Holy cow, there's this, this, this and this'. This merely allows it to be considered up front. That's all it does so that the public has some knowledge of the extent of the legal services contracts that are entered into by the state... by state agencies."

Speaker Madigan: "Mr. Greiman moves for the adoption of the Amendment. On that question, the Chair recognizes Representative Karpziel."

Karpziel: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2017 did have a hearing in the House Executive Committee. It did not get lost in the shuffle. It was heard, and it was voted on and it was voted down in the Executive Committee. I really don't see the point or the purpose to this Bill other than to make a lot of makework and a lot of paperwork for the various agencies in the state. This Bill calls for a publication of rather extensive information in the... the Register; and, from what I understand, the Illinois Register only have 746 paid subscribers and has a total circulation of 1076. Now, that's not exactly going to be general information for the general public in this state. And in order for those subscribers to have this rather dubious, you know, information of dubious importance, the agencies have to provide that... it has to tell all kinds of information. Thirty days before they enter into a contract they have to



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

46th Legislative Day

May 17, 1983

publish the name of the contractor, the text of the contract, the amount of the fee, the line item of the appropriation... where the appropriation is coming from, the reasons for the contract, and they have to publish a revised estimate of this amount payable if the actual contract exceeds the estimate by 10%. And if the revised estimate is not correct by 10%, they must public it a third time to say that they're revising their estimate. The fiscal impact on this is about 100,000 dollars, which isn't a great deal of money but I think is just a lot of busy work, a lot of makework, a lot more bureaucracy, and I don't think you're going to achieve anything with it whatsoever. You're certainly not going to cut down on the amount of contracts. I don't believe there's another state in the Union that has this provision, and I think we should vote down this Amendment just as we did in the Executive Committee."

Speaker Madigan: "Mr. Tate."

Tate: "Yeah, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the Amendment. As the previous speaker has already stated, it was given a fair opportunity in a Committee. I commend the Sponsor of the Amendment for his efforts; however, this is going to cost the state an additional hundred thousand dollars. We've just adopted two Amendments, one that forces the different agencies to file with the Bureau of the Budget. We're now going to force the agencies to line item appropriation in the budget. The Bill itself addresses the issue and the problem with legal services. So, I would encourage a 'no' vote on this. Thank you."

Speaker Madigan: "Mr. Greiman to close."

Greiman: "Thank you, Mr. Speaker. With... I'm embarrassed; because; for me to say that this Bill had a fair hearing,

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

46th Legislative Day

May 17, 1983

would reflect badly on the management of that Committee. That Bill, if it had a hearing, it had a hearing without the Sponsor. If that Bill had a hearing, I don't know about it. So, it must have been in camera. The fact is that that's immaterial. I don't care whether they had a hearing or not. We have Motion to discharge and whatnot on Bills. This Bill did not have a hearing. But this Bill merely says such a very small thing. It wants to know how much a lawyer is going to get on a contract. It wants the lawyer to say, 'Well, this is what our deal is. This is what I'm going to do. Now, I'm a lawyer, and people come to me. They say, 'Greiman, how much you going to charge us, and what are you going to do for us?', and I don't think that's an unreasonable request of me. I don't get insulted when they ask me that. I think I owe that to people. I owe that to my clients. In this case, the lawyers who we hire - and I don't know why we hire all the lawyers we hire - but those lawyers that we hire are just... we're just their client. And we're saying, 'Hey, how much is this going to cost us? What are you going to do for us? What's the extent of our services?' And not to find out two years later that somebody's been working and is entitled to 'X' dollars. This is the simplest thing. Now, the fact that apparently Mrs. Karpel is very concerned that if the bills go higher than 10% that, my God, we'll have to readjust them. Well, I call my clients in and I say, 'You know, this is going to cost more than I thought it was going to cost. I'm sorry, but this is what the deal is.' And then the client may say, 'Forget it', or the client may say, 'Let's proceed'. Those are just normal things that we have between a client and a lawyer. The only problem is here that the client happens to be 12 million people, and I think this is a reasonable provision.

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

46th Legislative Day

May 17, 1983

It's not an expensive provision, and it just makes sense."

Speaker Madigan: "The question is, 'Shall the Amendment be adopted?'. Those in favor signify by voting 'aye', 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 62 'ayes', 42 'nos'. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments?"

Speaker Madigan: "Third Reading. House Bill 1222, Mr. Matijevich. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1222, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1224, Representative Wait. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1224, a Bill for an Act to amend an Act<sup>k</sup> in relation to toll highways and create the Illinois State Toll Highway Authority. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1227, Mr. McPike. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1227, a Bill for an Act to amend Sections of the Use Tax Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Committee Amendments?"

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

46th Legislative Day

May 17, 1983

Clerk O'Brien: "No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1232, Mr. Bowman.

Mr. Bowman. Do you wish to call the Bill? The Bill shall

be taken from the record. House Bill 1236, Mr. Cullerton.

Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1236, a Bill for an Act to amend  
Sections of the Insurance Cod... of the Election Code.  
Second Reading of the Bill. Amendment #1 was adopted in  
Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1237, Mr. Yourell.  
Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1237, a Bill for an Act to amend  
Sections of the Election Code. Second Reading of the Bill.  
No Committee Amendments."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1238, Mr. Yourell.  
Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1238, a Bill for an Act to amend  
Sections of the Election Code. Second Reading of the Bill.  
No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1239, Mr. Yourell.  
Mr. Clerk, read the Bill."

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

46th Legislative Day

May 17, 1983

Clerk O'Brien: "House Bill 1239, a Bill for an Act to amend Sections of the Mobile Home Landlords and Tenants Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "Amendment 1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Cullerton, amends House Bill 1239 as amended with reference to page and line..."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "I would ask leave to withdraw #2, please."

Speaker Madigan: "Amendment #2 shall be withdrawn. Are there further Amendments?"

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

Speaker Madigan: "Mr. Yourell."

Yourell: "Yes, thank you, Mr. Speaker. I ask leave to withdraw or table Amendment #1 to House Bill 1239."

Speaker Madigan: "Mr. Clerk, what is the status of Amendment #1?"

Clerk O'Brien: "Amendment #1 was adopted in Committee."

Speaker Madigan: "Mr. Yourell, the Amendment was adopted in Committee. You wish to move to table..."

Yourell: "Yes."

Speaker Madigan: "... Amendment #1. Those in favor of the Motion say 'aye', those opposed say 'no'. The 'ayes' have it. The Motion carries. Amendment #1 is tabled. Amendment #2 has been withdrawn. Are there further Amendments?"

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

Speaker Madigan: "Mr. Yourell."

Yourell: "Thank you, Mr. Speaker. Amendment #3 does what Amendments #1 and 2 did along with other things. One of the provisions of Amendment #3 is the park owner of a ...

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

46th Legislative Day

May 17, 1983

park owner of a mobile home park shall not charge a transfer or selling fee as a condition of sale of a mobile home that is going to remain within the park and the words added 'unless the services is rendered'. It also takes out the Attorney General's role in the criminal activities of the... mentioned in the Bill. It also requires the management of prior approval of a prospective purchaser of a mobile home that remain in the park and that the selling tenant or his agent give notice of the sale to the management before the close of the sale. Approval can be withheld if the purchaser... cannot be withheld if the purchaser has the financial ability to pay the rent and other charges, but the management cannot refuse the compliance if he can comply with those provisions. I move for the adoption of Amendment #3 to House Bill 1239."

Speaker Madigan: "Is there any discussion? Mr. Leverenz."

Leverenz: "Gentleman yield?"

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

Leverenz: "This takes out the ability for them to charge a transfer fee. Is that correct?"

Yourell: "That's correct."

Leverenz: "If the mobile home is for sale and it is sold, I understand some of these courts now make it mandatory that they must remove the mobile home after it is sold. Is there anything that would stop them from that in this Amendment?"

Yourell: "I think that is presently being adjudicated in the courts and there has not been any results from that yet."

Leverenz: "Thank you."

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

Johnson: "Mr. Yourell..."

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

Johnson: "On page two, lines 24 through 26 or thereabouts, I'm

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

46th Legislative Day

May 17, 1983

really just questioning the wording, because I don't think... Maybe I'm wrong, but it doesn't seem to do what you indicate you want to do. It says, 'The management may require the right of prior approval by a prospective purchaser of a mobile home that will remain in a park'. That doesn't seem to make sense. I understand the second part - he can require that a selling agent give notice of the sale before the close of the sale, but the first part doesn't seem to make sense. It seems like there's some party or parties that are left out."

Yourell: "Are you referring to lines 24 through 26?"

Johnson: "Right."

Yourell: "The management may require the right of prior approval by a prospective purchaser of a mobile home that will remain in the park and that the selling tenant or his agent give notice of the sale to the management before the close of the sale."

Johnson: "Yeah, the second part I understand. What I don't understand are the first three lines. How would... How would a prospective purchaser..."

Yourell: "The management has to give approval to the prospective tenant or purchaser of the mobile home prior to its becoming effective."

Johnson: "But I know that, but that isn't the language of that Amendment. The language is, 'the management may require the right of prior approval by a prospective purchaser'. If you want to do what you say, it would seem to be that... the language to the effect that the management has the right of prior approval of a prospective purchaser of a mobile home that will remain in the park or something. That language just doesn't seem to do what you say..."

Yourell: "Do you want to take this out of the record, Mr..."

Johnson: "I don't... Yeah, why don't we just take it out and then

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

46th Legislative Day

May 17, 1983

let the staff look at it, and then we can just go back to it."

Yourell: "Alright. Fine."

Speaker Madigan: "This Bill shall be taken out of the record and left on the Order of Second Reading. House Bill 1250, Mr. Hoffman. Is Mr. Hoffman in the chamber. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1250, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1253, Mr. Rhem. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1253, a Bill for an Act creating the Casino Enterprises Authorization Study Commission. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Nash - Rhem."

Speaker Madigan: "This Bill shall be taken out of the record at the request of the Sponsor. House Bill 1255, Mr. Stuffle. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1255, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1257, Representative Breslin. The Bill shall not be called at the request of the Sponsor. House Bill 1259. The fiscal note has not yet been filed; therefore, the Bill shall remain on the Order of Second Reading. House Bill 1260. The fiscal note, as amended, has not yet been filed; therefore, the Bill shall



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

46th Legislative Day

May 17, 1983

remain on the Order of Second Reading. We can return to House Bill 1239. Mr. Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, we have found our difficulty, and we're going to make the necessary corrections. But I would now move to adopt Amendment #3 to House Bill 1239."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no'. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 1262, Mr. Reilly. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1262, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1269, Representative Younge. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1269, a Bill for an Act concerning renewable energy employment and economic development. Second Reading of the Bill. No..."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "No Committee Amendments. Floor Amendment #1, Younge, amends House Bill 1269..."

Speaker Madigan: "Representative Younge."

Younge: "Thank you, Mr. Speaker. Floor Amendment #1 would make the agency involved the Department of Commerce and Community Affairs, and I move for the adoption of the Amendment."

Speaker Madigan: "Those in favor of the Amendment say 'aye',

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

46th Legislative Day

May 17, 1983

those opposed say 'no'. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 1272, Representative Younge. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1272, a Bill for an Act to create the Illinois Procurement Institute in the Department of Commerce and Community Affairs. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1275, Representative Younge. Read the Bill."

Clerk O'Brien: "House Bill 1275, a Bill for an Act to create the East St. Louis Riverfront Development Authority. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

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

Friedrich: "Mr. Speaker, I'd like to request a 30 minutes recess for the purpose of a Republican Conference in room 118 immediately."

Speaker Madigan: "The request is for a 30 minute Republican Conference in room 118. The House shall stand at ease for 30 minutes until 2:00 for the purpose of a Republican Conference in room 118. Mr. Friedrich."

Friedrich: "I would like to ask the Republican Members to be prompt so that we can get back on the floor and get back to

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

46th Legislative Day

May 17, 1983

work."

Speaker Madigan: "The House shall come to order. The House shall come to order. The last Bill called was House Bill 1275. The next Bill is House Bill 1280, Representative Satterthwaite. Let the record show that I have received a Motion from Representative McGann requesting that he be shown as being recorded 'present' on the Attendance Roll Call and for purposes of the quorum call, and he's standing right here. Mr. Vinson, Mr. McGann has arrived. He's filed a Motion to be recorded on the Attendance Roll Call and to be permitted to take his key from his drawer to use it. Do you object? Mr. Vinson."

Vinson: "No, he is a fine Member. I think he's doing things the right way, and I'm pleased to see, at least this week, that you are."

Speaker Madigan: "House Bill 1280, Representative Satterthwaite. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1280, a Bill for an Act to amend Sections of the Illinois Income Tax Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "Amendment 1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1281, Mr. Ronan. House Bill 1281, Mr. Ronan. House Bill 1282. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1282, a Bill for an Act relating to the availability of compressed air and gasoline service stations. Second Reading of the Bill."

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

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

46th Legislative Day

May 17, 1983

recognition?"

Cullerton: "Yes, I wanted to ask Mr. McGann if he could hold this for an Amendment; and, having just arrived, I have not had that opportunity to ask him to hold it yet, but I would do so now."

Speaker Madigan: "The Gentleman indicates that he will hold the Bill on the Order of Second Reading. Mr. Ronan, have you returned to the chamber, Mr. Ronan?"

Ronan: "Yes, Mr. Speaker, I was outside the chamber talking to some of my friends concerning an event on June 7th, and I was inadvertently taken away from my business on the floor. So, since I'm done talking to them about the event on June 7th, I'd like to go to my Bill."

Speaker Madigan: "We won't talk about your friends, Mr. Ronan. House Bill 1281. Read the Bill."

Clerk O'Brien: "House Bill 1281, a Bill for an Act in relation to transportation and highways. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1288. Mr. Davis. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1288, a Bill for an Act to add Sections to the Regional Transportation Authority Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Madigan: "Third Reading. House Bill 1290. Mr. Klemm. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1290, a Bill for an Act to amend Sections of the Environmental Protection Act. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

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

46th Legislative Day

May 17, 1983

Clerk O'Brien: "Amendment #1, Mautino, amends House Bill 1290 on page one, line one..."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Before I get into Amendment #2 (sic - #1), I would like to publicly and personally thank Representative Klemm for holding this legislation until the Amendment was prepared. I sincerely appreciate that, because I believe that the Members of this General Assembly and the people of the State of Illinois should have the opportunity to have their input into site selection, as it pertains to hazardous waste in the State of Illinois. Amendment #1, for those of you that would like to examine exactly what's in it, is emb... was originally embodied in House Bill 42. What we did with House Bill 42, now Amendment #1 to 1290, was to have hearings around the State of Illinois to get input from citizens' groups, officials, interested parties in the question of site selection for hazardous waste. In our tour around the state, we accepted those recommendations that were presented to us by environmental individuals, environmental attorneys, state's attorneys of counties where this has been a problem, as well as some of the individuals involved in the production of hazardous waste. In that regard, we have with Amendment #1 the siting criteria which authorizes a \$50,000.00 application fee to be used for hydrological and geological independent studies at the local level, wherever that site's application is... is presented. We also have a notice provision that was recommended by many of the rural people. Instead of the 250 feet in the original Bill, two-and-one-half miles surrounding the property, the individual property owners would be notified of the possible change in the application provisions. The appeals

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

46th Legislative Day

May 17, 1983

process and the local zoning requirements have been addressed in this legislation, as well as the final determination of the... of the site application. It allows, as well, individuals to present their cases after the initial application has been presented. The... the local determination, as presented in this legislation, would have to be proven otherwise than the... than the fact of public health and safety as it pertains to site selection of hazardous waste. What I find most interesting and probably most disheartening was the fact that those individuals who produce hazardous and toxic waste did not appear before us in any of the site selection hearings we had around the state. Some of those individuals appeared before us in the Springfield Committee meeting, presented written opposition as far as the proponents and opponents were concerned, but not one time throughout this whole procedure have they come forth to address those concerns in the Bill, the concerns that were presented by the county governments, by the individuals who have sites currently in their counties and outside of their cities, and the public health and safety question which must be resolved and can be resolved with the site selection process embodied in Amendment #1 to 1290. I would at this time be happy to respond to any inquires on the question."

Speaker Madigan: "Representative Koehler."

Koehler: "Thank... thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think that it is important to point out that many of us do empathize with the Representative and the problems that he has in his district. I think that this Amendment and the previous Bills that he has introduced on this subject show his deep concern about his district, and we certainly empathize and share his concern. However, Amendment #1, while it is well

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

46th Legislative Day

May 17, 1983

intended, does not help the problem in the Representative's District, but it does create problems for others. For example, the Amendment includes dual appeal standards for the Pollution Control Board. In one place, the Amendment talks about any credible evidence for making decisions and in another place, the Amendment talks about and uses the terms the manifest weight of the evidence for judgments in certain cases. The Amendment also provides new powers for the Attorney General to appeal to the circuit court, so conceivably, we could have two appeals going at the same time, one with the Attorney General in the circuit court, the other before the Pollution Control Board. This could contribute to a long, costly process even for county boards. Let me tell you what one county board chairman has to say about the Amendment as it was introduced as a Bill. Mr. Roscoe 'McFedrin', the County Board Chairman, wrote to Representa... the Representative and said, 'Your legislation appears to be a patchwork attempt to refile... revise landfill regulations. In my opinion, this legislation should be defeated in its entirety, and a new Bill should be introduced taking a common sense approach to this situation.' And let me assure the Members of this House that the Representative has had many opportunities in which to air his ideas. Last year, similar legislation was introduced as a Bill. It was introduced as an Amendment and an attempt was made to place it in a Conference Committee Report. Each time it was rejected. Now this year in 1983, we have seen it introduced as a Bill. It was subjected to statewide hearings through the Subcommittee process, and now we see it as an Amendment. This is the sixth time in two years that we have considered these ideas in some form. Representative, it has recently come to my attention that your father's nickname is 'Mule'. I do

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

46th Legislative Day

May 17, 1983

believe that you must have inherited some of his tenacity."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. I agree with the remarks of the last speaker that this is an Amendment that we do not need added to House Bill 1290. Local siting criteria, local siting control over the question of hazardous waste landfills, is a fairly new item in the Illinois statute books. To my way of thinking, what we have in the statute books now seems to be working adequately. If and when it doesn't, then it's time to come back and change the provisions of what are presently known as 172. We have adequate local control now in 172, as it appears in the statute books. I think it is critical that the House Energy and Environment Committee defeated this legislation when it appeared as a Bill. Those of us, who think that the local siting criteria already are working, and if they aren't working we won't know about it for a little while, those of us who believe in the integrity of the House Committee system should vote 'no' on Amendment 1 to House Bill 1290."

Speaker Madigan: "Representative Vinson."

Vinson: "Thank you, Mr... Mr. Speaker, Ladies and Gentlemen of the House. First I want to say that the Sponsor of this Amendment has been very concerned about this issue for a long period of time, and I am certain is acting with total sincerity and a great deal of concern for the problem; however, the substance of his Amendment is not something that I can let pass without opposing on the floor of this House. In an industrial society, one of the necessary byproducts, is waste, hazardous sometimes, nonhazardous other times. If you're going to have factories, if you're going to have modern means of production, you are going to generate waste, and you're going to have to dispose of



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

46th Legislative Day

May 17, 1983

those wastes. Now, what the problem with his Amendment is, is that in attempting to regulate the disposal of those wastes, he goes so far, so substantially far, that he makes it impossible to create new sites for the disposal of those wastes. You'll find in a certain... in a certain place in his Bill, in his Amendment, that he would require a finding that the disposal site be absolutely necessary at that particular location. Now, if... if there is any other location, anywhere else in this state or in this country that you could locate a disposal site and dispose of waste at that other site, then you could never have a finding that the... the proposed site was necessary at that particular location. He... he would mandate an application fee of some \$50,000.00 with no concern as to whether the cost of reviewing the application or the cost of dealing with the site was commensurate with that \$50,000.00 fee. Third, he would provide a process wherein any person, and I repeat, any person could appear and fully litigate, both at the hearing and on appeal, the appropriateness of that... granting an application. Now what that means is, that any particular company who came in and filed an application to try to get a new site, anybody who disliked that company, whether they lived near that site, whether the process was good or bad, whether the site were good or bad, any individual who disliked that particular company, and had an axe to grind against that company for some totally different reason, could appear, could produce witnesses, could cross-examine at that hearing and again on appeal. Indeed, if there were 50 such people who just didn't like that company, but were nowhere... lived nowhere near that site, they could appear. They could produce witnesses. They could cross-examine throughout both the hearing and the appeal. It opens up the entire process to totally

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

46th Legislative Day

May 17, 1983

frivolous harassment. Indeed, it puts a... it puts the... a potential applicant in the position where they may have to pay money to keep someone from appearing on... without regard to the grounds in question, but just for the purpose of harassing that particular company. Finally, he... he puts the final arbiter of the decision of whether to locate that site, in the position of having to find against that site, in the event that in the record there is any credible evidence against that site. Now, everyone knows that when you go to a trial or a hearing on something, there are people who present evidence on both sides of the issue, but if there is any credible evidence against that site, then the court must rule against that site, and you will not have... you will not have a disposal site at that location. The requirements that he would mandate, in... in essence, prevent the disposal of wastes in Illinois. Now, if you're going to prevent the disposal of wastes in Illinois, I would suggest you have to live with the other side of the issue, and that is, you have to live with not creating wastes. And that is something that is totally irresponsible for anybody who participates in the consumer market. The Speaker and the Minority Leader are Cosponsors of a package that deal with many of these issues, a responsible and balanced package, a package that realizes that you have to deal with disposal. You have to deal with disposal responsibly, and you want to encourage responsible disposal of these wastes. I believe we ought to defeat this particular Amendment, and I believe we ought to pass the... the responsible package that the Speaker and the Minority Leader would sponsor. I believe that is an adequate answer to this issue, and I believe that you ought vote 'no' on this particular Amendment. Thank you, Mr. Speaker."

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

46th Legislative Day

May 17, 1983

Speaker Madigan: "Mr. Mautino to close."

Mautino: "Thank you, Mr. Speaker. I'd like to, at this time, respond to some of the concerns, and I'd like to take them in the order of which they were presented. Representative Vinson says that it's irresponsible. I find that very difficult for anyone in this chamber to accept, since I am giving the control of a site selection procedure to the county in which that site could possibly be located. I know of no individuals who haven't read or seen or have not heard of the problems we have today with toxic and hazardous waste. If you truly believe that the people of this state should be protected, as it pertains to landfills, then I think you should have the foresight and the good common sense to allow the people in those counties to address that question with technological research and studies. Mr. Vinson, a year ago, submitted to me that the \$100,000.00 fee was unacceptable, because he felt that it was too high. I changed that, after his recommendation and brought it down to \$50,000.00 for the application fee. Since that time, local governments, counties specifically as LaSalle, that has spent over \$200,000.00 for attorneys' fees because of site selection inadequ... inadequacies in our existing law, and Bureau County, and Putnam, and Lee, and Henry that have hired environmental counsels to handle their concerns which are basically embodied in this legislation. I find Mr. Vinson's comments to be totally off the mark. Anyone who does not realize that the special interest in this state were very successful. Last Session and the Session before, with Chairman Ted Meyers not even allowing this same concept to be heard in Committee, and before him, former Representative Mike McClain, to do the same, I don't find that Committee system to be in jeopardy. I think it's a shame and a shambles when it comes to the

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

46th Legislative Day

May 17, 1983

public health and safety, possible water contamination, that we do not have the opportunity to have a full hearing and a vote in Committee. Under Representative Van Duyne, this year was the first time that we, at least, got a vote on this most important issue. Concerning the package that came out, under the Sponsorship of the Speaker and the Minority Leader, I find it difficult to accept that site selection was totally removed from any of these packages, site selection that has to do with House Bill 2106, for regional pollution control facilities, the multi-state compact with no safeguards for the State of Illinois. If this Body does not want to have the state have safeguards, I think they should be embodied in the county where those sites could possibly be started. The provisions for going to court by the Attorney General and the State's Attorneys of each county was presented to us, Representative Koehler, by the State's Attorney of Will County, who has had a problem in that area, when in fact, 'GEN Star' was totally irresponsible. And he had no authority to take that case to the Circuit Court in his own county. He presented testimony for this provision. This'll not clog up the courts. It will allow state's attorneys in conjunction with the Attorney General to respond to those operators of facilities that are not adhering to the rules, the regulations in the State... in the State of Illinois. It seems to me that anyone who has any regard for the public health and the future safety would vote 'aye' on this legislation. I don't understand why Members of this General Assembly do not want to give that local control to those local governments. The individuals who have the opportunity to testify, cross-examine, and become part of the petition process, in most cases, are very reasonable, and concerned, and knowledgeable people, as it pertains to

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

46th Legislative Day

May 17, 1983

the geographic, and the hydrological problems of any given site. I don't think it's fair to accept only what the Manufacturers' Association and the Chamber of Commerce has submitted to this General Assembly. If you want to support the people of this state, specifically those in rural counties, where almost all of those sites are located currently or could possibly be located in the future, I think that an 'aye' vote is the right vote. In a final comment to the Spokesman on the Energy and Environment Committee, Representative Koehler, I recall very distinctly in Princeton that your statement to the press, of which I have a copy of with a picture of you and I sitting at the same table, is that you were supportive of local control, and you would do all in your power to make sure that the local people had input into site selection. You must have forgotten what you said in Princeton. All I have to say to you, Ladies and Gentlemen, is if you want to give the people a fair shake and tell the special interest to go scratch, this is the one to do it on."

Speaker Madigan: "The question is, 'Shall Amendment #1 be adopted?' All those in favor of the Amendment 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 29 'aye', 71 'no'. The Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Klemm, amends House Bill 1290 on page six by deleting line nineteen through twenty-two and so forth."

Speaker Madigan: "Mr. Klemm."

Klemm: "Thank you, Mr. Speaker. Amendment #2 simply changes some of the language, actually becomes the Bill, but it changes the language simply to meet some of the concerns that

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

46th Legislative Day

May 17, 1983

Members of the Committee had expressed and also meets the EPA and Pollution Control Boards requirements, and I move for its adoption."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

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

Speaker Madigan: "Mr. Leverenz."

Leverenz: "Speaker, could the Clerk tell us if the... it has been distributed?"

Speaker Madigan: "Amendment #3 has not yet been distributed; therefore, the Bill shall be taken out of the record and left on the Order of Second Reading. The Chair recognizes Representative Levin for the purpose of an announcement."

Levin: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'm very pleased to introduce the first grade class from Melrose School, which is in my district, teacher is Karen 'Findler' and among those in the class is my daughter Halley. Will you please stand up? Thank you very much."

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

Klemm: "Well, I was just curious, Mr. Speaker. Since the Bill is called and all the Amendments that have been distributed have been acted on, is it possible to move it? I can bring it back to Third Reading if the Amendment is... is in order."

Speaker Madigan: "Mr. Klemm, the Amendment had not been printed."

Klemm: "It's been filed? It had been filed?"

Speaker Madigan: "Apparently the Amendment has been filed, but not yet printed and distributed. So as soon as the Amendment is printed and distributed, we'll come back to it."

Klemm: "I didn't realize it had been filed also."

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

46th Legislative Day

May 17, 1983

Speaker Madigan: "Thank you. House Bill 1305. Mr. Ronan. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1305, a Bill for an Act to amend the Motor Vehicle Tax Act. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "A Motion to table Amendment #2 by Representative Flinn - Winchester and..."

Speaker Madigan: "Mr. Flinn."

Flinn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I put in a Motion to table Amendment #2 to House Bill 1305, because it's a so-called ton mile idea. Maybe the ton mile tax is a good one if it's put on fairly, but in the Governor's proposal to raise the gas tax, he did not include it. The Governor had the rates of the trucks raised up according to the weights. He is increasing the gas tax, and he increased the diesel fuel tax, and so did the original Sponsor of this Bill, Representative McPike. But along comes a third tier of taxes a so-called ton mile idea, and it's above all the other taxes and not in lieu of. It's a very expensive thing. It will cause small truck owners to go out of business, small truck companies to go out of business. It will cause two of the commodities that we haul in this state to be increased for the haul cost, that is wheat and coal. It's something that we cannot stand. It's something even worse than that. It creates a problem for the Bill itself. It's liable to cause the defeat of the much needed gas tax increase, and I would ask that the Bill... the Motion that the Amendment be tabled."

Speaker Madigan: "Mr. Winchester."

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 represents a 49% increase in truck

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

46th Legislative Day

May 17, 1983

taxes compared to the present tax and fee form... and a 20% increase compared to the Department of Transportation's proposal. In an attempt to disguise the real issue, a certain special interest group is attempting to further tax an already economically sick industry to enhance its own competitive stance with their weight distance tax proposal. In fact, this approach if approved would be disastrous and the final straw for the Illinois based trucks. As a result of... primarily as a result of the economic woes of the entire state and nation, and in fact nearly 500 small companies have already gone broke in the past 18 months, the effect of what is purposed as Amendment #2 to House Bill 1305 will be to place at least a \$3,300.00 per truck, per year tax increase on all trucks. If this Motion to table prevails then we revert back to the Department of Transportation proposal, which represents a 29% increase or an additional \$600... or \$1,633.00 per truck, per year tax. Unfortunately, most Illinois based truckers will have these additional costs without the ability to haul any additional weight or gain any additional revenue. Plus, they will be paying for empty miles as well as loaded miles. Only 5% of Illinois based trucks can utilize the new size and weight limits. Could you withstand a 49% increase in your basic expenses and survive? Could anyone withstand this type of increase and survive? I ask on behalf of these small business people throughout the state that you support this Motion to table Amendment #2, which would eliminate the disastrous weight distance tax. Thank you."

Speaker Madigan: "Mr. Reilly. The Gentleman indicates that he is not seeking recognition. Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak to you today about the question of fairness in highway funding. Now Members of this Assembly



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

46th Legislative Day

May 17, 1983

are being subjected to a bunch of bologna about the weight distance Amendment to this Bill. The big truck lobby would have you believe that this is just a fight between the big trucks and the railroads, just a competition for freight hauling. Ladies and Gentlemen, nothing could be more misleading. This is a bigger issue. It is a people issue. For years big trucks have pounded our roads to rubble, and who's paid for it? The people who elected us. The car owners, that's who. Under the basic highway funding plan before this House, who would pay for the 50% greater damage caused by 80,000 pound trucks. It will be the car owners again, unless of course we have a weight distance measure attached to it. Sure, big truck owners will have to pay more for the extra damage through the motor fuel tax and diesel fuel tax, but that also falls on lighter trucks and diesel cars as well. And these are often driven by your average consumer, suburban housewives, downstate farmers and the like. On the other hand, car owners will be asked to pay much more under this plan unless we adopt a weight distance tax. The motor fueled tax fees on gasoline would go up by over \$264,000,000.00. Trucks 60,000 pounds and over now pay only 13% of the total user fee contributions to Illinois highways. Now, who in this chamber and who among our constituents believe that big trucks do only 13% of the damage? The plan would actually decrease the heavy truck contribution unless we impose weight distance tax proposal. Such a weight distance tax proposal will put the tax on those who do the damage. The weight distance tax plan will net about \$50,000,000.00 which is only what the Illinois Department of Transportation says it needed to pay for the damage done by the bigger, larger, heavier trucks. So let's not hear the cries that you're soaking the poor truckers. Even with this tax change, their contribution to

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

46th Legislative Day

May 17, 1983

user funding would rise only 17.5%, nowhere near the United States Department of Transportation recommended 30%. So Members of this House, we must address the question of who should pay, not just how much. The average motorist should not be asked to carry the freight for the big trucks. Ladies and Gentlemen, the weight distance tax Amendment is a question of simple justice and fairness. This is a people issue. If your constituents knew how much of the highway tax burden they were compar... carrying compared to the heavy and so on to be heavier truck, you would not hear the end of it. It has been a secret too long. Out constituents who drive autos and pickups need a break, and I urge your support to retain the Amendment and to vote against the Motion to table."

Speaker Madigan: "Mr. Friedrich."

Friedrich: "Mr. Speaker, Members of the House, I share some of Representative Bowman's concerns, but I think there's a better way to do it. If you look at Amendment 23, this puts the money up front. If you adopt this Amendment, then you're going to have to have 25 more field investigators out there just auditing the bookkeeping on this. So let's put the money up front where it belongs on the license plate, and you won't have this problem, and you can still raise another \$28,000,000.00."

Speaker Madigan: "Mr. Flinn to close."

Flinn: "Well, Mr. Speaker, I won't take anymore time of the House. I think that we should pass this Amendment in just as great a numbers as we defeated the utility tax on Chicago the other day."

Speaker Madigan: "The question is, 'Shall Amendment #2 to House Bill 1305 be adopted?' All those in favor of... the Chair stands corrected. The question is, 'Shall the Motion to table Amendment #2 be adopted?' All those in favor of the

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

46th Legislative Day

May 17, 1983

Motion say 'aye', all those opposed 'no'. The 'ayes' have it. The Motion carries. The Amendment is tabled. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #3, John Dunn and Tate and Neff, amends House Bill 1305 and so forth."

Speaker Madigan: "Representative John Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. At the present time in the State of Illinois, our motor fuel tax laws provide that essentially 60% of revenues collected from motor fuel tax shall be distributed to local governments comprising cities, counties, and townships and the remaining 40% of those funds collected shall be distributed to the state for state road fund purposes. House Bill 1305 purposes to increase the motor fuel tax and ask every motorist in the State of Illinois who buys motor fuel in our state to pay more tax, to provide more funds, to take care of all of our roads in the State of Illinois. That legislation as it now stands before Amendment #3 would provide that the share of new funds generated from a proposed three-and-one-half cent gasoline tax for local governments would drop. As I indicated a moment ago, local governments, at the present time, receive approximately 60% of the funds collected for motor fuel tax purposes. House Bill 1305 in its present form would provide that local governments will receive 33% of the new revenues generated. In other words, everyone back in your home district is going to be asked to pay three-and-one-half cents more per gallon gasoline tax, but if you have a township highway district, county highway district, or if your cities need streets, your local motorist is going to provide the money, but only half as much will go for those local needs as does today. The current motor fuel tax formula has been in place for approximately ten years. It allocates money to

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

46th Legislative Day

May 17, 1983

cities on the basis of population, and it allocates money to counties and townships on... in accordance with miles of road essentially. No one has been complaining about that formula. That formula does allocate quite a bit of money upstate. A lot of money goes to Chicago and Cook County. The downstate road commissioners aren't complaining about that. They know that a lot of people live in Chicago and a lot of people live in Cook County. A lot of people up there drive cars, and a lot of people up there pay motor fuel tax, just as downstate. What they want is an equitable distribution of the revenues collected, and that's what we have today. It's my understanding that pending in the Illinois Senate, at the current time, is a Bill which would preserve the existing formula in the event there is an increase in the gasoline tax. Amendment #3 to House Bill 1305 is a middle ground Amendment. House Bill 1305, Amendment #3 takes into consideration the view point of the Governor of this state that he needs most of the money for... generated from the additional motor fuel tax for state road fund purposes to build major state highway construction projects and to capture federal funds. But it disagrees with the Governor about the extent of his need. As many issues which have arisen before in this General Assembly, this issue is very complex. It is a difficult decision. It is very difficult to decide who should get what. As any time we have a pie to slice up, the question always arises, what's my share? What's your share? What could be more fair than to divide things 50-50? What could be more fair than to say if three-and-one-half cents gasoline tax is paid, new money will be allocated 50% to the local governments and 50% to the road fund? If we debate this Amendment fully, you will hear people say that this will jeopardize the ability of the Governor and the

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

46th Legislative Day

May 17, 1983

Secretary of Transportation to construct major highway funding projects in this state over the next four year period. Well, I am here to disagree with you about that. There is pending at the present time in the Illinois Senate, the only piece of legislation which Governor Thompson has seen fit to have introduced regarding an income tax. And part of that legislation, which is now pending in the Illinois Senate, provides for diversion from the road fund of \$20,000,000.00 for state police salaries. This Bill doesn't provide for that. I'm here to tell you that if we take the formula that is in House Bill 1305 now for local governments, and if the Governor gets his way about diversion for state police salaries, which as some of you will recall was legislated to be illegal in 1979, return to legality on a temporary basis for one year, last year, if the Governor gets his way and subtracts \$20,000,000.00 from the motor fuel tax fund for local governments and you do not adopt Amendment #3, those of you who represent towny... town... townships, counties, and cities, all over the State of Illinois, not just downstate, are going to have to go home and tell your people that you have voted for a situation which generates more revenue at the gasoline tax pump, more revenue at every pump in your community, more revenue from every motorist in your community. And you let the money slip away from your hands, so that your counties, your townships, and your municipalities are going to have the same or less money than they had before the new tax. I don't want to go home and tell my people that. I think we can do both things. I think we can put pressure on the Illinois Governor, Governor Thompson, to do what he said he would do in 1979, and that is to pay the state police salaries out of General Revenue Funds. If and when he gets an income tax increase,

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

46th Legislative Day

May 17, 1983

there will at least be money there available for that purpose. \$20,000,000.00 is what we're talking about. You will hear people say that my Amendment will cost the road fund 20 to 30 to \$40,000,000.00 a year. Well I'm here to tell you that if we subtract the \$20,000,000.00 out that the Governor wants to divert for the road fund purposes or put it back in the road fund, we would have the money the Governor would be talking about on my Amendment. My Amendment could pass. There would be a 50-50 distribution. You could go home with your head held high, and you would be able to do everything you need to be done for your people. I would also like the Members to know that since the time this Amendment has been filed, I have had a lot of people come up to me and tell me they don't want to be put in a box. They don't want to be put in a box between their local people who need money to fix the county roads, the township roads, the city streets. And they don't want to be put in a box with Secretary Krammer and Governor Thompson, who are promising them that if they're good little boys and girls when Christmas time comes the pork barrel time in the Department of Transportation budget, they'll get more than their share of state highway projects. Well, I'm here to tell you that you better stand up and call the shots the way you see them, and that's why I'm here to present this Amendment. I've seen my house of cards crumble behind me and for all I know, I'm standing here by myself on this Amendment at this time. In order to obtain a Roll Call vote on an Amendment in this chamber, a Member has to be joined by four other Members. To protect my right to a Roll Call vote, I earlier today filed a written Motion on behalf of myself and four other Members of this chamber to demand a Roll Call vote. Using his influence, the Governor has now seen fit to have the names

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

46th Legislative Day

May 17, 1983

of two of those four Members stricken from that written Motion. As you might say, I can read the handwriting. I know I'm in a very difficult position, and I've also been checking with our Parliamentarian, and I wouldn't be surprised if he's going to rule my Amendment out of order. So before I fall on my sword, before I make my kamikaze run, I want everyone here in this chamber to know and all of you who are listening back home at the township level, and the county level, and the city level that I'm not afraid to stand up for you. I'm here today to present my Amendment. I want a Roll Call on Amendment #3 to House Bill 1305, and if I get that Amendment I'll be voting 'green' and everybody else who wants to protect their people back home will be voting 'green'. And we won't be intimidated by Governor Thompson, John Kramer, or anybody else in this chamber or any other chamber. And I urge you stand up and demand a Roll Call and put this Amendment on this Bill, and let's see where it goes and what happens to it."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. I rise in opposition to this Amendment. This isn't a partisan issue. Everyone understands my complete and total distaste for the present Governor; however, this Amendment is unfounded at this time. The real issue here is... is how much money are we going to get in the State of Illinois, and how much matching federal dollars we can get to match with the state money. If we adopt this Amendment, it's going to mean a loss of money into the state, because we're not going to have as much money available for matching funds. So I rise in opposition to the Amendment. Our goal here is to pass a gas tax that once and for all can do something about the roads here in the State of Illinois, and any time we

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

46th Legislative Day

May 17, 1983

attempt to cut getting federal money into this state, we're making a mistake, so I'm opposed to the Amendment."

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Ronan is right. This is not a partisan issue. Pursuant to agreement between the Speaker and the Minority Leader, Representative McPike, and I have been working on Amendments to this, and I think we're in agreement that this Amendment should be defeated. I happen to be one who thinks that at some point in this process, this is not the last step. At some point in this process, we're going to have to look at a variety of ways in which we can give local governments more money. Though I would raise this question, when it comes time to campaign two years from now, and those of us who have the courage to do the right thing and vote for this tax, and you run into somebody on the street who's mad about it, who do you think will be there to defend you? Your local highway engineer? The problem here is the state and the state's highways. We are the most generous state in the nation already with local governments in terms of the share that we give to them. Now it's true that this formula is different for the new money, but the simple fact is, and everybody I know that studied the matter from the Transportation Study Commission, from the Department of Transportation, from the Democrat and Republican Staffs agree that in order to match not only the new federal funds that are coming because of the nickel increase at the federal level, but in addition the existing federal funds that were coming along anyway, in order to do that and in order to have any money at all to build roads in those parts of the state like the one I represent, which doesn't have many of those kind of federal priority highways, in order to do that, it's absolutely



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

46th Legislative Day

May 17, 1983

essential at the three-and-one-half cent level that we defeat this Amendment and that the state get a reasonable share of the money. We can debate what that is. It seems to me that the 70% provision is reasonable. If we put on this Amendment and then pass the Bill, I think every Member in the chamber will regret it, particularly, every Member who intends to vote for the Bill anyway, because you'll find that as... comes to summer, and next fall, and on into the year after that, when you're asking that highway projects be built that there just plain won't be enough money to do it, to do an adequate job for the people that you represent. I join with the other side of the aisle and the Leadership in asking that this Amendment be defeated."

Speaker Madigan: "Mr. Vinson."

Vinson: "Mr. Speaker, inquiry of the Chair. In my judgment, now that Amendment #2 has been tabled, Amendment #3 is not in order, and I would ask this Chair to so rule."

Speaker Madigan: "Mr. Vinson, your point is well taken and therefore, Amendment #3 is not in order. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Bowman, amends House Bill 1305 as amended so..."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Many of you may recall, back in 1979 when we adopted a transportation package that we provided that five-and-one-half percent of general sales tax collections would be taken right off the top and put into the two highway funds. Now this unusual step was deemed to be necessary at the time, because the highway funds, that is to say the road fund and the motor vehicle license fee fund, were in dire straits, and the General Revenue Fund looked to be in pretty good shape. So we took this unusual

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

46th Legislative Day

May 17, 1983

step making highways the only program in the State of Illinois that have a statutory claim on a given percentage of any General Revenue source. Education doesn't have statutory claim like that. Mental Health doesn't have such a claim. Day-care doesn't have such a claim, but highways have the claim. Now that we are considering increasing the highway taxes in various forms and enhancing our resources for highway programs, we ought to reconsider our position on transferring five-and-a-half percent of general sales tax collections into the highway funds. We ought to take this opportunity to end that practice, because as you and I know, the General Revenue Funds are in a deplorable state. The Governor's proposing to cut almost \$900,000,000.00 in spending next year, because he says we don't have the money. Now if we were to eliminate this transfer, we could save the General Revenue funds about \$132,000,000.00. Now that's \$132,000,000.00 that could be put to many good purposes, for education, for colleges and universities, for mental health, for day-care, for many, many good purposes. We can no longer afford the luxury of earmarking general revenue for highway purposes. You may recall also a couple years ago, there was big controversy over diversions from the road fund. People were all bent out of shape, because we were diverting road fund monies into programs that people felt should be funded through General Revenue. But let me tell you, Ladies and Gentlemen, we have an even more serious diversion taking place today, this diversion of General Revenue monies into road projects. And if you care about these programs, you ought to take this opportunity to end the General Revenue diversions and to permit the new gas taxes and motor vehicle license taxes to restore adequate programming for highways. And if people get up and oppose this Amendment saying that, 'Well, that'll...

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

46th Legislative Day

May 17, 1983

this'll just take money away from the highways which they need too,' I submit to you that we should reconsider the amount by which the highway taxes are being increased. But if we don't do this now, we will never do it. This is our last, best opportunity. So, Mr. Speaker, I move for the adoption of Amendment #4."

Speaker Madigan: "The Gentleman moves for the adoption of Amendment #4. On that question, the Chair recognizes Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. I rise in opposition to this Amendment. What Representative Bowman's trying to do is divert money from the road fund. This is a gas tax. We've got to do something about the transportation system here in the State of Illinois. I agree there is a serious problem dealing with General Revenue funds, and that's why we're going to hopefully have an income tax at some point later in this Session; however, this is not the method. This is not the tax we should use to divert money in the General Revenue fund. That's why I oppose this Amendment."

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. I would also oppose the Amendment. The fact is that we're one of the few states in the country that imposes a sales tax on gasoline. All that we do is put a very small part really of what the sales tax on gasoline is into the road fund. In my opinion, it all ought to be there, and to call it a diversion is just to misstate the facts. It's a bad Amendment. It ... may as well not pass the Bill, if you put this Amendment on, because this takes out as much money as we're trying to put in with the gas tax itself, so I would oppose the Amendment."

Speaker Madigan: "The question is, 'The adoption of Amendment

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

46th Legislative Day

May 17, 1983

#4?' 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 8 'ayes', 99 'nos'. The Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Reilly, amends House Bill 1305 as amended with reference to the page and line numbers of House Amendment #1 on page fifty-two and so forth."

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. I withdraw Amendments 5 and 6."

Speaker Madigan: "Amendment #5 and Amendment #6 are withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #7, Davis, amends House Bill 1305..."

Speaker Madigan: "Mr. Davis."

Davis: "Withdraw Amendment #7."

Speaker Madigan: "Amendment #7 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #8, Ronan."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. Amendment #8's a very simple Amendment. This would make park districts, forest preserve districts, and conservation districts eligible to receive a share of the motor fuel tax revenues by including them under the category of road districts. Basically, what the situation is, we've got a lot of miles of roads covered in park districts, and conservation districts, and forest preserve districts, and the state should be accountable for those roads, as far as getting a share of that for maintenance purposes. It's a negligible amount on the total money raised, somewhere between \$250,000.00 and \$300,000.00. I know of no opposition to the Amendment."

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

46th Legislative Day

May 17, 1983

Speaker Madigan: "All those in favor say 'aye', all those opposed say 'no'. The 'ayes' have it. The Clerk shall take a Roll Call. Those in favor of the Amendment will signify by voting 'aye', 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 90 'ayes', 18 'nos'. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #9, Rea - Hicks and McPike, amends House Bill 1305 as amend..."

Speaker Madigan: "Mr. Rea."

Rea: "Thank you, Mr. Speaker, Members of the House. This Amendment increases the motor fuel tax fund transferred to the State Boating Act Fund from 168,000 per month to 336,000. The Boating Act Fund is used by the Department of Conservation for administering various programs, and this has not been increased since 1969. I know of no opposition to this Amendment."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. I agree with Representative Rea's concern, and I support the Amendment."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #10, Davis."

Speaker Madigan: "Mr. Davis."

Davis: "Well, thank you, Mr. Speaker and Members of the House. It's a rare opportunity I think that the General Assembly has to debate a major tax increase of this nature in a deliberate manner in... in the way in which we're doing it here today. It is also a rare opportunity that our constituents all over the state are for this tax. They

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

46th Legislative Day

May 17, 1983

want the roads fixed. We all know it. We're hearing it back home. I have yet to hear one person say to me, 'Do not vote for a gas tax if the money is going to fix our state highways, and yes, if the locals get a share.' This proposal was almost identical to a proposal in 1305 developed by the House Transportation Policy Committee. There was one small codicil in our report, however, and in this Bill that I think there's reasonable objection to, and that's the notion of developing the amount of money necessary for the federal match and for a multi-year, five year road program, certainly of the magnitude which we would all like to see in this state. And that proposal was indexing of an automatic increase each year in the successive four out years of the multi-year road program. I think philosophically indexing is a mistake to... to... for us to do in this General Assembly to automatically write a blank check to an unknown quantity to succeeding generations. I think it testifies to the courage and the integrity of this General Assembly that we are now going to an Amendment #2, I hope, remove the indexing provision from House Bill 1305 and replace it with a straight up front increase of one penny in the motor fuels tax... motor fuel tax in 1984, in fiscal year '84, and one penny in fiscal year 1985. Make no mistake about it, if this Amendment is on the Bill, and the Bill comes to Third Reading and clears the Senate and goes to the Governor, you will be voting for a five-and-a-half cent motor fuel tax increase in the succeeding two years plus this next fiscal year. Now I can simply say to you that we owe this to the people of Illinois to say it out front. This amount of money is absolutely essential to match the federal dollars that are coming to Illinois. To recapture all of those federal dollars, I say to you, it's absolutely essential that we

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

46th Legislative Day

May 17, 1983

tell the people of Illinois that this deliberative Body is willing to do it out front and not go through the sham of an indexing or an ad valorem, backdoor increase of unknown quantities. So we're saying to you, constituents of Illinois, here it is. This is what we need, and this is what we're going to put our votes up for. Amendment 10 removes the indexing provision. Amendment 10 increases the motor fuel tax in the two out-years of fiscal year '84 and '85 by one cent each year, and I move for it's adoption, Mr. Speaker."

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. I support the adoption of the Amendment, and I want everybody to understand this doesn't change the practical effect of the Bill at all in the next three years. It would have had exactly the same effect. Representative Davis is correct. It's just more honest this way, and it avoids establishing a principle that many of us question as to whether this tax ought to go up automatically without our taking any actions. Good Amendment. Should be adopted."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. I agree with the comments made by the previous Speaker. I think it's a good Amendment that let's the people know what we're trying to do, and it shows what kind of revenue we're going to raise. I support Amendment #10."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #11, Davis."

Speaker Madigan: "Mr. Davis."

Davis: "Withdraw 11, Sir, please."

Speaker Madigan: "Amendment #11 is withdrawn. Are there further

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

46th Legislative Day

May 17, 1983

Amendments?"

Clerk O'Brien: "Floor Amendment #12, Mautino - Stuffle."

Speaker Madigan: "Mr. Mautino."

Mautino: "Please withdraw Amendment #12."

Speaker Madigan: "Amendment #12 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #13, Mautino - Stuffle."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #13 to 1305 does a very... it basically does what Representative Davis' Amendment #10 did without the automatic increase in the two final years. What Amendment 13 does is include within this provision three-and-a-half cents gas tax with no automatic increase and no indexing. Up front, this is the three-and-a-half cent increase and no more. I feel, as many Members do here, that what is needed today, what we have been talking about is three-and-a-half cents, not five-and-a-half cents, but three-and-a-half cents. This will allow us, in my estimation, to capture the federal funds necessary. It does what I believe most of us have been saying. The three-and-a-half cents is what is needed, and this is your opportunity to vote on that proposal."

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. I would oppose the Gentleman's Amendment. The plain facts are that the amount of federal funds we will be entitled to will continue to increase in the out-years, '85 and '86. We are simply not being... not producing the kind of money that we need unless we maintain the effect of Representative Davis' Amendment which has now gone on the Bill. This is a bad Amendment. We will not have the money that we need if we accept this Amendment. At some point we all have to screw up our courage and tell



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

46th Legislative Day

May 17, 1983

the truth, which is that we haven't increased this thing since 1969. In order to recapture the federal money and do anything in any of the rest of the state that doesn't have the federal priority highways, we must defeat this Amendment."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker. I, too, rise in opposition to this Amendment. It defeats the purpose for passing a gas tax this year. We all are aware that the state needs the money. We're aware that they're not only going to need it for this year, but for the upcoming years. The Federal Government's taken the action necessary to generate the kind of money we need to fix up the highways and bridges of this state, and if we adopt Representative Mautino's Amendment, we're going to be short-circuiting our task down the road and have to come back probably next year with another gas tax. Let's stop kidding the public. Let's vote for it right in the proper amount, and I oppose this Amendment."

Speaker Madigan: "Mr. Stuffle."

Stuffle: "Yes, Mr. Speaker and Members of the House, I rise in support of the Amendment as the hyphenated principle Sponsor of that Amendment. Representative Mautino, I think, has advanced an idea that you ought to give careful consideration to. There are really three options that you have. One of the options is a three-and-a-half cent flat tax. We know what we've got. We know what we're putting into it. We know what we can get in the short term. The second option's the other Amendment just talk about and just adopted. It does away with indexing, but in effect has the same down the line impact of adding a cent later on, and a cent later on, and so forth. The third option's the indexing. I don't think anyone wants. This is the

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

46th Legislative Day

May 17, 1983

most basic way to go. This provides the money now that we need to capture federal dollars or better yet, keep those federal dollars now. Some have suggested that down the line in '86 and '87 we'll need more money. Well, '86 and '87 are not here now. If you want to go back and be honest with your taxpayers and tell them the truth, you can tell them that you put in place now what you know we need to get federal dollars. You don't have to go back and tell them that we took a chance that someday down the road there's going to be another big bag of federal money, so I voted for another hike down the road two years, three years, so forth. This is a flat three-and-a-half cents, the original request. It does just what Representative Mautino said. It takes care of now, and it reasonably assures us of the ability to capture the necessary federal money to run a decent highway program on. I think, too, as you look at this, there's the real need to put this Bill in shape now that will pass. We know that prior gas tax Bills have failed because they either ask for too little and we didn't know what we'd get or they ask too much, and in the final analysis we knew our taxpayers would not stand behind our 'green' vote. I think a 'green' vote on this puts us in a posture of getting what we need, providing what we need to capture federal dollars and doing it in a way that ought to be acceptable to our taxpayers, and for that reason, I would urge an 'aye' vote. And a Roll Call vote, Mr. Speaker."

Speaker Madigan: "The question is, 'The adoption of Amendment #13?' Those in favor of the Amendment signify by voting 'aye', 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 34 'ayes', 71 'nos'. The Amendment fails. Are there further Amendments?"

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

46th Legislative Day

May 17, 1983

Clerk O'Brien: "Floor Amendment #14, Mautino - Stuffle."

Speaker Madigan: "Mr. Mautino."

Mautino: "Mr. Speaker, it looks to me like this House wants to enact a five-and-a-half gas tax, so in that regard I'll just withdraw #15."

Speaker Madigan: "Mr. Mautino, do you wish to withdraw Amendment #14?"

Mautino: "Yes, Sir, that's what I said, Mr. Speaker."

Speaker Madigan: "Amendment #14 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #15, Mautino - Stuffle."

Speaker Madigan: "Mr. Mautino."

Mautino: "Same position, Sir."

Speaker Madigan: "Amendment #15 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #16, McGann."

Speaker Madigan: "Mr. McGann."

McGann: "Thank you, Mr. Speaker, Members of this Assembly. For many years since motor fuel tax monies have filtered into the City of Chicago very little has been expended on nonarterial streets such as... better know as side streets in the City of Chicago. What Amendment #16 is requesting that 25% of the monies received from motor fuel tax into the City of Chicago will be expended for the improvement and reconstruction of the nonarterial streets. Throughout the City of Chicago, the inner streets of the inner city and the streets from the peripheral area are in deplorable condition. We believe that the Legislature should be obligated in earmarking some of these funds, so they will filter down to the true taxpayers and take care of those streets that they have to travel on also; therefore, Mr. Speaker and Members of this Assembly, I would ask you once again to join in a bipartisan support for Amendment #16 to

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

46th Legislative Day

May 17, 1983

House Bill 1305. Thank you."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker. I... I support this courageous Amendment by Representative McGann. I see no problem with..."

Speaker Madigan: "Mr. Reilly."

Reilly: "I... I support this Amendment also. I should explain to the people on our side of the aisle who may be concerned and other downstaters, this in no way effects the amount Chicago gets. It just specifies that some proportion, 25% of what they would get anyway, would be used on the nonarterial streets. I commend the Representative for representing his neighborhood in his area. It's a good Amendment and should be adopted."

Speaker Madigan: "Mr. Daniels."

Daniels: "All Session long we've been talking about bipartisan help, and all Session long we've wanted to help Chicago. Mr. McGann, we heard what you said. We're going to be there for you."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you... thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I join the previous speakers in supporting this Amendment, and I'm going over and check with the Representative to see who's going to make this decision in Chicago where this money's going to go."

Speaker Madigan: "Those is favor of the Amendment say 'aye', those opposed 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #17, Bullock."

Speaker Madigan: "Mr. Bullock."

Bullock: "Thank you, Mr. Chairman and Ladies and Gentlemen of the House. Amendment #17, not unlike one of the previous Amendments, basically, tries to provide some equity to this

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

46th Legislative Day

May 17, 1983

Bill which, quite frankly, only deals with highway funding. Before I proceed, Mr. Speaker, I certainly want to request a Roll Call vote on Amendment #17, and I'm certain that I would be joined by the requisite number of individuals that's necessary. Amendment #17 essentially says that in this instance the status quo is necessary. We recall how things were before 1979. We recall how things are since 1979. And quite frankly, the City of Chicago, the County of Cook, northeastern Illinois, has not really had a chance to benefit from the 1979 compromise. Representative Bowman alluded to it earlier when he talked about the five cents, and the fact that one of the previous speakers alluded to the fact that we're unique in this state and that we do use sales tax for the highway and road fund. And so, Amendment #17 asks that we redistribute to the status quo 60% to local governments and 40% to the state. I'm certain that the Sponsors of this particular Amendment, who hails from the northeastern part of the state, would not object to it for we're only asking for fairness, and we're only asking for equity, and we're asking for time to make certain that we benefit from the compromise. If we don't allow that to be in place, while we're raising the tax revenue from the motor fuel tax fund, the City of Chicago, northeastern Illinois will be shafted. We don't want to shaft any part of our state. We're a great state. We deserve to be a unified state, but I'm fearful that if this Amendment does not go on the Bill that certainly at the passage stage we will do nothing more than exacerbate the regional differences of which this Body has been characterized so often. I urge an 'aye' vote. I respectfully request a Roll Call vote, and that Amendment 17 be adopted to House Bill 1305 and restored to the previous position a 60-40 split of motor fuel tax revenue."

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

46th Legislative Day

May 17, 1983

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Amendment. First we have 50-50. Now the state only gets 40. When I saw this Amendment, I was tempted to have my staff draw an Amendment so that we didn't get anything. I mean if... if we're going to take all the heat to raise the tax and then give all the money to the locals who will take no heat, get all the credit and give us none, while the state highway system which is in terrible shape continues to deteriorate, which is the effect of this Amendment, than I don't know what we're doing here. In every case, there is some give and take. We have attempted our best to... between the two sides of the aisle to work this out so that it is equitable between sections, and so that it's equitable between the state and a local share. This is a bad Amendment. It would absolutely destroy the purpose of the Bill. I urge the defeat of this Amendment."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. I reluctantly have to oppose this Amendment for the next Congressman from the 1st Congressional District of Chicago. It's an interesting idea, but the votes aren't here to pass it. I think we have to reject it at the present time."

Speaker Madigan: "Mr. Shaw."

Shaw: "Thank you, Mr. Speaker, and I rise in support of this Amendment. And they... they talk about the... taking the heat for pa... raising the taxes, but if they look around their state and talk about the motor fuel and the vehicles that's around this state, you'll find that a great many of them come from Chicago and Cook County. There're the ones that's paying the bill for... that... what we're doing here today, and I... Representative Bullock, I rise in support

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

46th Legislative Day

May 17, 1983

of the Amendment. And I think that it would be fair to the people of Cook County and Chicago if some of this money was earmarked for the... Transit... transportation. Thank you."

Speaker Madigan: "Representative John Dunn."

Dunn: "I rise in support of this Amendment and join with the Gentleman's request for a recorded vote."

Speaker Madigan: "The question is, 'Shall Amendment #17 be adopted?' Mr. Bullock to close."

Bullock: "Thank you, Mr. Speaker. I'll be very brief. In closing, I'd just like to reference for this Body the Illinois Transportation Study Commission's report of 1982. Certainly that Commission is a fine Commission. It's a bipartisan Commission. It submitted to this Body and other bodies across the state for our consideration the facts as it relates to adequate levels of funding in the State of Illinois. The RTA needs state money for operations and for capital projects. The capital projects, as you know, will come under tremendous assault from the Federal Government if subsidies are discontinued. I'm suggesting in this Amendment that we be fair. I'm suggesting in this Amendment that we provide equity, and certainly, I would urge an 'aye' vote for adoption of Amendment #17 to House Bill 1305."

Speaker Madigan: "The question is, 'Shall Amendment #17 be adopted?' Those in favor of the Amendment signify by voting 'aye', 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 31 'aye's, 79 'nos'. The Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #18, Beilly, amends House Bill 1305."

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

46th Legislative Day

May 17, 1983

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. I withdraw Amendment #18."

Speaker Madigan: "Amendment #18 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #19, Bullock - Panayotovich, amends House Bill 1305 as amended by inserting after..."

Speaker Madigan: "Mr. Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #19 is an Amendment that I certainly expect this Body to support, because as I said previously in alluding to Amendment #17, it's an Amendment of fairness. This Amendment, Ladies and Gentlemen of the House, to the Bill 1305 would, in fact, support the increase of the motor fuel tax from 7.5 to 11%, but more specifically this Amendment will put 5%... 5.5% of the money into urban mass transit. For the first time in my recollection in this General Assembly, we have before this Body a piece of legislation which intentionally, and in my estimation, maliciously separates mass transit funding from highway funding. That's not fair. It should not be separated. We understand that 50% of the population of this state depends upon the mass transit system in northeastern Illinois. And certainly, if you can't give us money for our roads and certainly they need repair, you can provide us money for the mass transit system, northeastern Illinois. You can provide us money for the rail lines. You can provide us the money we need for the RTA, \$108,000,000.00. You can provide us the money we need for the CTA operation and maintenance of \$40,000,000.00. Mr. Speaker and Ladies and Gentlemen of the House, I respectfully urge your support for Amendment #19. For this Amendment in and of itself would represent to the City of Chicago and to the RTA approximately \$108,000,000.00. But



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

46th Legislative Day

May 17, 1983

more specifically, Mr. Speaker and Ladies and Gentlemen of the House, this Amendment is fair, and that's all I ask for, no more, no less, but fairness for the mass transit system in the City of Chicago and the County of Cook. We need the money. The need is there, and I'm certain that this Body will join with me in meeting that need to make certain that our L's run on time, and that the commuters in that area are not exposed to the raw winter, exposed to the elements, exposed to the inconvenience. And yes, in the final analysis exposed to increased and ungodly high fare rates. I urge an 'aye' vote."

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. I believe Representative Vinson has a point of order to make, so if you might recognize him. Pending the outcome of that, then I would wish to address the Body again."

Speaker Madigan: "Mr. Ronan."

Ronan: "Vinson."

Speaker Madigan: "Mr. Reilly, did you defer to Mr. Vinson? Mr. Vinson."

Vinson: "Thank you, Mr. Speaker. Inquiry of the Chair. The title of the Act as amended by Amendment #1 is an Act in relation to the financing of state highways and local streets and highways. This Amendment deals entirely with the financing of public transportation. The Bill, which we currently have before us, deals entirely with the financing of streets and highways. For that reason, this Amendment, which deals only with public transportation, is nongermane, and I would ask the Chair to so rule."

Speaker Madigan: "Mr. Vinson, your point is not well taken. Mr. Reilly."

Reilly: "All right. Sometimes the Parliamentarian rules, sometimes the Speaker rules. We accept that. I would rise

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

46th Legislative Day

May 17, 1983

in opposition to the Amendment. The subject of mass transit is one that we must deal with in this Session. I have said that. The Leadership on this side of the aisle has said that, and indeed for a downstater, I've spent a great deal of time lately trying to deal with that question. Just moments ago, after weeks of discussion, the Governor announced that Thursday he is convening a summit meeting of the Leadership of both sides of the aisle from both... both chambers to discuss and try to work out such a proposal. I commend him for that. I commend the Legislative Leadership for agreeing to participate in that. To try now when, with all credit on this point going to both sides of the aisle, we are proceeding smoothly on one of the parts of the transportation question, that is the gas tax question, I think to entertain this Motion at this time would be just plain wrong and would lead to the defeat of the Bill and endless confusion, and probably nothing happening on either highways or mass transit. I'm under no allusion that before we adjourn on June 30th if the Bill 1305 is to become law, some other provisions will be made that will deal with mass transit. But to deal with that on Second Reading, under these circumstances, without a thought out program that includes reform of the Regional Transportation Authority along the guidelines that have been entered into in discussions is just plain wrong, and we should not do that. I would ask everybody to join with me in opposing this Amendment, no matter how you may feel about mass transit. I am committed. We are committed to doing something about that, but this is not the proper time, nor the place, nor the right forum, nor the right program. It's a bad Amendment and should be defeated."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. This

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

46th Legislative Day

May 17, 1983

Amendment 'causes me a tremendous conflict. Obviously funding for mass transportation's a very important issue for the residents of northeastern Illinois and the residents of the cities that are served by mass transportation. For the last five years, since I've been a Member of the General Assembly, we've tried to tie the two issues together. We haven't accomplished it, and consequently, we're into the problems we have today. I do support this Amendment even though I happen to agree that we've got to do something about the gas tax today. We've got to move this Bill along. I support the Amendment; however, if I feel that this Amendment's going to hurt the Bill, I'll move to withdraw it at some later date. But at this point, I do support it and urge my... my friends from Chicago to also support it."

Speaker Madigan: "Mr. Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, I was very pleased to hear the remarks of the previous Gentleman. It is important that public transportation be addressed in this particular Bill, because the Gentleman on the other side of the aisle, the Sponsors, I know Mr. Vinson, for one, is very much against tax increases. If we don't get public transportation money out of this particular tax increase that he's sponsoring enthusiastically, the gas tax increase, we're not going to get it anywhere else, because he... he's not for any other revenue enhancement, as he called it before the election. We have no pledge from the other side of the aisle for any money for transportation. We're told it's not the right form by the Gentleman from Jacksonville. If this isn't the right form for state aid for public transportation, what is? We're told it's not the right time, when we have six weeks to go in this Session, and the end of next week is the last time to pass

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

46th Legislative Day

May 17, 1983

a Bill in the House. We told... we're told it's not the right Bill. Why isn't it the right Bill? We're being asked to vote for a substantial tax increase on our constituents with not one cent for those who take public transportation and who leave the highways open to the speeding, tandem trucks and the other people speeding down our highways causing accidents and causing inconvenience to all of us. Public transportation should be encouraged. The way to keep it going... just keep going what we have on the RTA and the CTA is to provide the amount of money that Mr. Bullock's Amendment would provide, here in Amendment 19. I believe all of us who support public transportation should vote for Amendment 19, because it could well be our only opportunity in this Session of the General Assembly to provide funds for public transportation. Believe me, the Governor's not worried about public transportation. He had to be goaded by the Minority Leader even to meeting with them. He finally, I guess, agreed to meet with them Thursday, after two weeks of goading by the Minority Leader. And I suppose the Minority Leader is interested in public transportation, although his law office is about two miles from where he lives, but he's worried about his other constituents, one mile, six blocks from where he lives, but he's interested in a broader aspect than his own individual life, I'm sure. So therefore, he might be interested in public transportation. Believe me the Members on his side of the aisle aren't interested in any other tax increases for public transportation. It's going to be this Bill 1305 or no Bill in this Session. If you want funds for public transportation, support Amendment 19."

Speaker Madigan: "Mr. McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment for the very

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

46th Legislative Day

May 17, 1983

simple reason that it would cost the road fund \$104,000,000.00 a year and local government MFT distribution \$40,000,000.00 a year. The entire purpose of this Bill was to raise money to build roads, both at the state, the county, and the local level, and this would really destroy the Bill. I have maintained and I still maintain that this...that there is an obligation of state government to fund and to supplement mass transit. All downstate mass transit districts are supplemented by the State of Illinois, and all of those come from general revenues, whether it's in Decatur or Springfield or East St. Louis or Belleville or...or anywhere in the state. All the downstate mass transit systems are subsidized out of general revenue. The only system that is not subsidized out of GRF, is the RTA System in the northeastern part of the state. I think that we need to address that. When we address ourselves to the income tax this year, when we decide how much money needs to be raised, we should also decide where that money is going to be spent, for mental health, for education and for mass transit. I strongly support that principle. But I do not think that we should destroy this Bill by taking the money that we are raising right now to build and repair roads, to destroy this Bill and take the money out of this area and use it for mass transit. I think the Amendment has credit, because it addresses the problem. I simply think that it draws the money out of the wrong place. For that reason, I oppose the Amendment, but I state again on record that I think this General Assembly must, and I support myself too, addressing ourselves to the area of subsidizing mass transit later this year."

Speaker Madigan: "Mr. Bullock to close."

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

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

46th Legislative Day

May 17, 1983

House. Amendment #19 to House Bill 1305 is predicated on something more than a promise and a prayer. One of the previous speakers told us to just be patient and be faithful, that the tax increase was on the way, and a part of that tax increase would be money for urban mass transit, that we were going to get a state subsidy. Now, I respect that previous speaker, and knowing the man to be of great integrity, but I'm not willing to accept a promise and a prayer when it comes to the lives of millions of people in Northeastern Illinois. We know about the promise and the prayer. We saw it in '79. We know about the promise and the prayer, for we saw it in the recent actions of Congress. We know about the promise and the prayer, for we saw the Governor this year didn't even promise a federal match, so that we could get \$476,000,000 for only \$91,000,000 of bonded series B bonds. He didn't even promise us a match. Ladies and Gentlemen of this Assembly, if Amendment 19 is not adopted to House Bill 1305, we'll be taking the taxpayers for a ride in Northeastern Illinois. I don't want the taxpayers to take a ride in Northeastern Illinois, unless its on the RTA, and I tell you if this Amendment isn't adopted, we won't have the RTA running, we won't have the CTA running. We won't have anything running up there, but we certainly will have roads. Ladies and Gentlemen of the House, we need this state subsidy for the RTA for Northeastern Illinois, and I suggest to you the time is now to combine the two. That certainly will prevent any further promises and a prayer, and we can move this Bill out. I'm sure the votes will be there at passage stage, if Amendment 19 is adopted to House Bill 1305."

Speaker Madigan: "The question is, 'Shall Amendment #19 be adopted?' Those in favor, signify by voting 'aye'. Those opposed, by voting 'no'. Have all voted who wish? Have

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

46th Legislative Day

May 17, 1983

all voted who wish? The Clerk shall take the record. On this question, there are 46 'ayes', 63 'nos', and the Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #20, Curran-Flinn, amends House..."

Speaker Madigan: "Mr. Curran."

Curran: "Mr. Speaker, Ladies and Gentlemen. Amendment #20 imposes a tax upon railroads, not your constituents, not your voters, but railroads of this state. It imposes a tax of \$500 per crossing, per railroad, to be deposited into the road fund for highway safety and maintenance. Now, according to Secretary Edgar, he feels that we need to spend about \$6,000,000 on safety in this particular area. That's the reason we chose the \$500 figure, because there are just over 12,000 railroad crossings in this state to which this new tax would apply, and at \$500, that would raise just over \$6,000,000 that Secretary Edgar said that we needed. I want to point out to the Members that since 1970, over 1,100 Illinois citizens have lost their lives at railroad crossings. Here in Springfield, two police officers were injured permanently at a railroad crossing, and those injuries could have been avoided, had these railroad crossings been repaired. I think this Bill would provide the money for that repair, and so I ask the Members of this Chamber to consider taxing the railroads for a problem that the railroads directly participate in, the crumbling of the street right around the railroad, and the lack of safety therein. I ask for a favorable vote."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker. I rise in opposition to this Amendment. I don't think this is the proper vehicle to be addressing this issue."

Speaker Madigan: "Mr. O'Connell."

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

46th Legislative Day

May 17, 1983

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I...I rise to oppose my seatmate on this Motion. I would like to point out that the Illinois Railroad Association and its Members have been extremely active in promoting railroad safety. I, as a Representative from a district where the Burlington Railroad dissects our district, that the Burlington Railroad, in conjunction with the Illinois Railroad Association has been extremely active in working with our police departments to promote...railroad safety, so I would take umbrage with my seatmate on the issue that the railroads are responsible for the lack of safety that exists at our railroad crossings. Quite the contrary, the negligence of individuals crossing have been the primary reason for the many...for the accidents that have occurred and that I think an awareness program amongst the users of the railroads and the railroads are the answer, and that, indeed, the railroads have been doing their part in that endeavor. I would oppose this Amendment."

Speaker Madigan: "Mr. Flinn."

Flinn: "Well, Mr. Speaker, I rise to support the Amendment. I think we are not asking too much of the railroads to provide more safety. Safety is something lacking at the crossings in this state, and especially here in Illinois. We have a higher rate of crossing accidents than any state in the Midwest, and even though this may not be a gas tax or that sort of thing, it's still a tax and it goes for a good cause, safety. I'd ask for support...Amendment #20."

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. I would rise in opposition to the Amendment. The...by taking out the weight distance, I think we have already punished the railroads enough today. This is a bad Amendment and should be defeated."



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

46th Legislative Day

May 17, 1983

Speaker Madigan: "Mr. Curran to close."

Curran: "Mr. Speaker, Ladies and Gentlemen, I want you to understand that what we are talking about here is not an increase in the tax on your own constituents. We are talking about taxing the railroads for safety of your constituents. Since 1970, 1,100 of your constituents have died at those locations. We are talking about \$500 per railroad at which...which, at 12,000 railroad crossings in this state, achieves the amount of money that Secretary Edgar said we needed for a safety project in this area. Here in this community, we have had two local police officers, which were on an emergency run, and they were injured permanently for life at a railroad crossing which was in disrepair. I ask for an 'aye' vote."

Speaker Madigan: "The question is, 'Shall Amendment #20 be adopted?' Those in favor, signify by voting 'aye'. Those opposed, by voting 'no'. Have all voted who wish? Have all voted who wish? On this question, Mr. Clerk, take the Roll Call. On this question, there are 12 'ayes', 89 'nos'. The Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #21, Flinn-Curran."

Speaker Madigan: "Mr. Flinn."

Flinn: "Mr. Speaker, I withdraw Amendment #21."

Speaker Madigan: "Amendment #21 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Amendment #22, Leverenz."

Speaker Madigan: "Mr. Leverenz. Mr. Leverenz. Is Mr. Leverenz on the Floor? For what purpose does Mr. Reilly seek recognition?"

Reilly: "On the absence of Representative Leverenz, I would move to table Amendment #22."

Speaker Madigan: "For what purpose does Mr. Ronan seek

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

46th Legislative Day

May 17, 1983

recognition?"

Ronan: "I'd like a ruling by the Parliamentarian. I don't even think the Amendment is even germane to the Bill."

Speaker Madigan: "I wonder if Mr. Leverenz knows he has all these friends on the Floor."

Ronan: "That's why he left."

Speaker Madigan: "Let us just take Mr. Reilly's Motion to Table. Those in favor, say 'aye'. Those opposed, say 'no'. The 'ayes' have it. The Motion carries. The Amendment is tabled. Are there further Amendments?"

Clerk O'Brien: "Amendment #23, Dwight Friedrich."

Speaker Madigan: "Mr. Friedrich."

Friedrich: "Mr. Speaker and Members of the House. For a number of years, we were successful in Illinois and some of the surrounding states in keeping the 80,000 pound trucks off the road. Unfortunately, and I resent it very much, the Federal Congress imposed it back on us by...by voting the 5¢ tax and says you can have it if you let the 80,000 pound trucks get back on the road. I think it's blackmail, but, nevertheless, there it is. There was a suggestion made a while ago on the weight distance tax, but that would require a lot of bookkeeping. It would require a lot of inspectors. I still think these trucks, these new...this new group of trucks should pay their fair share. Someone has calculated, and I won't vouch for this calculation, but I think it has some semblance of truth, at least, the pavement damage done by heavy trucks will increase when Illinois is forced to...to raise the truck limit to 80,000 pounds. Federal and state studies have demonstrated conclusively that damage to pavement increases geometrically with the weight of a vehicle. One 80,000 pound truck causes as much damage as 9,600 automobiles. This Amendment merely raises the license fee for those

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

46th Legislative Day

May 17, 1983

trucks another thousand dollars, and I think the Amendment is in order and I think it is proportionate to the damage they do, so I move the adoption of the Amendment."

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. Reluctantly, I rise in opposition to the Gentleman's Amendment. In the Bill itself, with the fees that we are imposing, we are already imposing a huge increase on a lot of people, but particularly the trucking industry. Now, I don't disagree with what Representative Friedrich said. The big trucks do a lot of damage. We are imposing on them in the Bill already a huge increase. I think at this time, to go beyond that, and to impose on top of that, at a time when the economy is trying to recover, and when the trucking industry has got to be a part of that recovery, to go beyond that and impose an additional new burden on the trucking industry would simply be wrong. I ask you to join with me in opposing this Amendment."

Speaker Madigan: "Mr. Ronan."

Ronan: "I also rise in opposition to this Amendment. The taxes being imposed on trucks are...are very high at the present time with this Bill. Secondly, we are the only state left in the Union that doesn't allow the 80,000 pound trucks, so this really isn't necessary at this point."

Speaker Madigan: "Mr. Friedrich to close."

Friedrich: "I would remind you, Ladies and Gentlemen of the House, this is a new truck weight classification. They are not presently on the roads, so you are not discriminating against any trucker that presently has a truck on the road. This merely puts it into perspective and says that those blockbusters of 80,000 pounds are going to have to pay for some of the damage they are doing. I might tell you, this would raise 28.8 million dollars to help pay for the...some

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

46th Legislative Day

May 17, 1983

of the damage they do."

Speaker Madigan: "Question is, 'Shall Amendment #23 be adopted?' Those in favor, signify by saying 'aye'. Those opposed, by saying 'no'. The 'nos' have it. The Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Amendment #24, Friedrich."

Speaker Madigan: "Mr. Friedrich."

Friedrich: "Amendment 24 is out of order, since the Amendment #2 was tabled. Move it be tabled."

Speaker Madigan: "Amendment #24 shall be withdrawn. Are there further Amendments?"

Clerk O'Brien: "Amendment 25, Leverenz."

Speaker Madigan: "Mr. Leverenz. Amendment #25 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Amendment #26, John Dunn."

Speaker Madigan: "Representative John Dunn. Amendment #26."

John Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #26 does one thing. It provides that the small car license plate fees shall only go up from 18 to \$36, instead of all the way to \$48, and I think that is a good Amendment. We should encourage people to drive small cars. We have a differential now. We should keep the differential. If this Amendment is adopted, small car fees will be 36...\$30, I guess it is, and large cars 48."

Speaker Madigan: "Mr. Dunn moves for the adoption of Amendment #26 on that question. The Chair recognizes Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. I rise in opposition to this Amendment. Our goal here today is to establish a gas tax that is going to do something to fix up the roads and the bridges here in the State of Illinois. Every time we adopt an Amendment that takes revenue out of that situation, we are defeating our purpose. We are just setting up a...a problem that we are going to have to face

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

46th Legislative Day

May 17, 1983

next year and the year after. Let's stop kidding the public. Let's adopt the kind of tax we need to solve this problem, hopefully, once and for all. That is why I'm opposed to this Amendment."

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment. The fact has to be faced. We haven't increased these fees since 1969. In the meantime, we've come to the point where the distinction, small, large, has nothing at all to do with the size of the car. You can get a full sized Cadillac these days with a 4 cylinder engine in it that qualifies for the lower fee. There is no evidence, whatsoever, that there is any difference in damage in terms of different size of cars. The guts of this program is that we've got to increase these fees in order...and all that money goes into the road fund and all of that money will be spent on highway construction. We have safeguards in the Bill to make sure that happens. Again, we can't...we are not presenting here, purposely, a program that is going to raise more money than we need. We have tried to work between the two sides of the aisle, and I think have a reasonable agreement that will produce what we need, but no more. Indeed, if you really wanted to build roads, you could ask for a lot more money than this. What we have is a reasonable compromise. The Amendment would really greatly reduce the amount of money that we will have to match federal funds and build highways. It's a bad Amendment, and should be defeated."

Speaker Madigan: "Mr. Tate."

Tate: "Yeah, Mr. Speaker, Ladies and Gentlemen of the House. The previous speakers presented a very good argument in opposition to the Bill. I'd just like to bring out one

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

46th Legislative Day

May 17, 1983

additional point. Oftentimes...and in fact this General Assembly will entertain different legislation, the 'buy American', et cetera, et cetera. Small cars drive 15,000 miles just like large cars drive. They use the roads just like large cars, and if we are really going to encourage our people to buy cars and...why should we give them a break on their cars for buying small cars which are...the majority of those cars are imported cars, so if you are in favor of differentials, I can assume...I would assume that you are in favor of encouraging people to buy foreign cars. So, I rise in opposition to the Bill."

Speaker Madigan: "Mr. Dunn to close."

Dunn: "Some good comes of everything, Mr. Speaker. It's nice to get the previous speaker to make a pro-labor speech once in a while. I urge the adoption of this Amendment."

Speaker Madigan: "Those in favor of the Amendment, signify by voting 'aye'. 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 45 'ayes', 62 'nos'. The Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment 27, Davis."

Speaker Madigan: "Mr. Davis."

Davis: "Withdraw 27, Mr. Speaker."

Speaker Madigan: "Amendment #27 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Amendment #28, John Dunn."

Speaker Madigan: "Representative John Dunn."

John Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #28, essentially does what an earlier Amendment did that I presented which was ruled out of order. Amendment #28 would allocate new revenues generated by an increase in motor fuel tax 50-50, 50% to the road

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

46th Legislative Day

May 17, 1983

fund, 50% to local governments. On the occasion of the presentation of the earlier Amendment, I indicated to the Membership that this measure has a long way to go. We don't know what the negotiation process will be. We have seen attempts to eliminate the sales tax, transfer it to the road fund. Who knows what will happen to that. That is an item that is in the Governor's budget. The Governor has generally gotten his way in past years. If that happens, both the road fund and the motor fuel tax fund will suffer a shortfall that will accrue in the amount of \$20,000,000 shortfall to the motor fuel tax fund for local purposes and about \$20,000,000 also for motor fuel tax purposes to the road fund. This...this Amendment would be an equitable... middle ground. At the present time, the local share of motor fuel tax funds is 60%. The Bill, as it now stands, would cut that share, with regard to the new monies, to 33%. Amendment #28 would say, 'Let's strike a middle ground. Let's make a compromise'. Let's do what is fair. Let's treat everybody alike. Let's put 50% of the funds in the local governments and 50% in the road fund for state highway construction, and I would ask for adoption of Amendment #28, and I would ask for a Roll Call vote."

Speaker Madigan: "Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. Once again, I would rise in opposition to the Gentleman's Amendment. The fact is that we know, we can predict with some certainty how much federal funds we are going to get, not only this year, but in the out years. We also know, with some certainty, that that will eat up all the money and more, if we accept Representative Dunn's Amendment. The fact is, if we are going to match those federal funds and if we are going to have any money left at all for any kind of other state road projects, for example, in my area, they have very few

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

46th Legislative Day

May 17, 1983

priority federal highways, and therefore, will benefit very little from the match of the federal funds. We must defeat this Amendment. The fact is, the state highway program, which our constituents have asked us to beef up, desperately needs this money. We must defeat the Amendment and go on to consideration of the Bill."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker. I, too, rise in opposition to this Amendment. We've debated it quite a bit already this afternoon. The goal in this tax is to raise revenue so we can use matching federal dollars in order to rebuild the roads and highways of this state. All this Amendment is going to do is going to cost us the ability to get additional federal dollars. It's a mistake. It sounds good on paper to help the local friends. We are going to do that with this...with this Bill, but this is not the method to use and I...and I move for a 'no' vote."

Speaker Madigan: "Representative John Dunn to close."

John Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think it will be very tough to convince people back home that 50-50 is a bad split. Those who drive up to the gasoline pump, are going to be driving up all around the State of Illinois, in every city, every village, every township, every county, and they are going to have some reasonable expectation that a fair amount of the new gasoline tax which they pay will come back home to them. A 50-50 split would see to it that those who need the money for county, township, city, municipal purposes will get a fair share of the money, and that will still leave a large portion of the funds available to match federal funds. We have heard that the adoption of this Amendment will jeopardize the ability to capture federal funds. I would just like to direct, particularly the



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

46th Legislative Day

May 17, 1983

Members on this side of the aisle, to the analysis for Amendment #3, which I presented earlier. That analysis shows, and I think the numbers are correct, that in Fiscal Year 1984, this Bill as it presently stands, would generate \$139,000,000 in new motor fuel tax revenue. The state's share of those funds would be \$92 and the local share would be \$47,000,000. \$47,000,000 is what the local share will be if the Amendment is not adopted. Let's take a look at what happens if this Amendment is adopted. The analysis shows that if this Amendment is adopted, the local share will jump from 47,000,000 to 69 and a half million. That's a big jump, but if...but if the Governor gets his way and the transfer of sales tax into motor fuel tax purposes for local roads and state roads is eliminated, that means there will be a shortfall of \$20,000,000 to local governments. So, if the Bill, in the present form in which it stands becomes law, the locals stand to receive 69.5 million dollars less, if the Governor has his way, \$20,000,000 or 49.5 million dollars. If you adopt my Amendment, the local share will be \$47,000,000. I ask...I ask you...or if you don't adopt my Amendment, the local share will be \$47,000,000. I ask you if you don't want to protect yourself for your local governmental people and see to it that if the Governor gets his way, you will get what you are being promised right now in House Bill 1305. House Bill 1305 promises you \$47,000,000 back home and I'm saying to you that if you adopt my Amendment and the Governor gets his way, you'll get 49.5 million dollars. If you do not adopt my Amendment and the Governor gets his way, you will get 27 and a half million dollars back home. You'd better protect yourself. You'd better take care of yourself. You'd better deal for the people back home right now and deal with the other emergencies as they arise. There will

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

46th Legislative Day

May 17, 1983

be plenty of funds to capture federal money. There is bonding legislation floating around this General Assembly at the present time to help recapture some of those federal funds, and I think we will meet that need. I think that if you vote for this Amendment, you will not have to vote somewhere along the line to vote for a higher gasoline tax. Today every measure which has come up during the debate on this Bill to increase the gasoline tax from 3 and a half cents to index or increase it higher has been defeated. That's the will of this General Assembly. We'd better divide what we have equitably. I would ask for a favorable vote and a record Roll Call vote on Amendment #28 to House Bill 1305."

Speaker Madigan: "The question is, 'Shall Amendment #28 be adopted?' Those in favor, signify by voting 'aye'. 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 29 'ayes', 69 'nos'. The Amendment fails. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "The Clerk informs the Chair that a Fiscal Note, as amended, has been filed relative to this Bill. Mr. Reilly nods his assent. The Bill shall be placed on the Order of Third Reading. Mr. Yourell, Mr. Yourell, Mr. Yourell in the Chair."

Speaker Yourell: "The Chair now will go to Third Reading, page 32, next Bill. Appearing on the Order of Third Reading, appears House Bill 61. The Chair recognizes the Gentleman, Representative Ropp. For what reason does Mr. Johnson arise?"

Johnson: "Well, I don't remember last Friday that, you know, I guess I am saying this because we...my Bill is House Bill

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

46th Legislative Day

May 17, 1983

7. There is only four ahead of new Bill. I don't remember having this called and having it taken out of the record. I wonder...in light of the fact there's only four Bills, if we could go to the top of the Calendar?"

Speaker Yourell: "Representative, the next Bill is House Bill 61. The Chair recognizes Mr. Ropp."

Clerk O'Brien: "House Bill 61, a Bill for an Act to amend the Boiler and Pressure Vessel Safety Act. Third Reading of the Bill."

Ropp: "Thank you, Mr. Speaker and Members of the House. House Bill 61 Deals with the fact that we have a number of people, actually not too many, about a hundred to a hundred and fifty people, who as a hobby, collect old machines that were steam generated a number of years ago. And they take these machines around to demonstrate and show at county fairs, at steam engine shows and for historical purposes in bringing to life today what used to be history a number of years ago. the current statute states that some of these...these machines have to be inspected annually. They are actually used maybe ten to fifteen hours yearly. The people who have these machines as hobbies takes tender loving care with them and really, in my opinion, know more about the engine than maybe the people who are doing the inspections, but we're attempting to state now with the Amendment that they don't actually have to be inspected for exhibition purposes annually, that now they may be inspected biannually, which is every other year, and still we're able to insure and provide the safety because the people who own these machines certainly are knowledgeable and the intent is to extend the inspection now every two years, rather than every year, because there really aren't that many and I have a copy of the findings put out by the Auditor General stating that in this particular area a lot

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

46th Legislative Day

May 17, 1983

of these machines are not being inspected, and if they are, the follow-up as to whether or not cases should be brought against those people are not being filed anyway. So, in an attempt to reduce costly government bureaucracy, it is my judgment by this Bill passing that this...we would not place in jeopardy the lives of people and still provide the opportunity to review the past. I urge your favorable vote."

Speaker Yourell: "The Gentleman from Cook, Mr. Greiman."

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

Speaker Yourell: "Gentleman indicates he will yield."

Greiman: "You indicates that...something about the cases weren't being filed anyway. What does that mean? I mean are there violations and they are just not pursuing them? Is that what you are saying?"

Ropp: "Well,...the agency personnel stated they do not have sufficient manpower to inspect boilers and pressure vessels on a timely basis. Therefore, the cases are never brought to the attention of the Courts where fines may be assessed. Place a perfect example, last year, a friend in..."

Greiman: "No, well...well, okay. You...you answered the question, but so there are some...there are some violations of the safety standards, but they don't have an opportunity to pursue them, isn't that what the agency says? Isn't that what they mean when they say they can't file...file them in Court? If they had nothing to follow in Court, they...if there were no violations, they wouldn't have anything to file in Court, isn't that right?"

Ropp: "One of the problems, I think, is that when they bring these machines to the exhibition places, no one is around to actually inspect to see whether or not there are any violations at all anyway."

Greiman: "Well, they are kept in some place, they are kept in a

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

46th Legislative Day

May 17, 1983

house or a building or something, aren't they, so that the inspector could go over and take a look at them any time during the year, couldn't they?"

Ropp: "Yes, but they are also supposed to be there while the machines are being exhibited."

Greiman: "Well, they are only...they only have to do it annually now, so apparently, they only have to do it once. What happens when...if one explodes? I mean what...what happens when that happens to a standard boiler? Can it explode? Can it tear a seam? Can it emit hot water or boiling hot steam? Are those things possible?"

Ropp: "The last time, as I understand, that something like this ever happened was in the State of Minnesota back in 1920."

Greiman: "So there have never been any accidents at all, despite the violations?"

Ropp: "There have been no explosions, if that is what you mean."

Greiman: "No explosions. Well, on the Bill, I'm a little reluctant about this kind of Bill simply because we are not talking about regulation. I'm all in favor of letting government off of peoples' backs. We're talking about some kind of...of an instrumentality which can...which possesses the potential to be dangerous. We are talking about taking it to crowded places, to state fairs and county fairs and whatnot. We are talking about bringing it to where people are, where a lot of people are. You only need one of them. I don't think there is any serious question. The...there apparently are only a hundred or so of these people around in the state, as Representative Ropp says, so it's not a great burden on interstate commerce or anything like. Why don't we just continue to inspect them and...that kind...just the...the threat of inspection or the possibility of inspection sometimes has very salutary affects on people keeping things in good shape, so I think

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

46th Legislative Day

May 17, 1983

we should just...continue to do our inspections."

Speaker Yourell: "...Gentleman from Henderson, Mr. Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is good legislation because we talk about checking these out and registering them. Some of these real oldtimers don't even have serial numbers on them. They were built back before...they have been preserved and to my knowledge there has never been an accident at one of these shows. Over Iowa, Mount Pleasant, Iowa, which is considered one of the biggest old thrashers reunion that there is and they have hundreds of them over there and they have been doing this for years, for at least 30 years they have been putting on this show and there has never...to my knowledge been a...been an accident. But mainly, there is some of these that they can't get inspected because they were built back before they put serial numbers on them and this is one of the troubles that many of these people are running into here in Illinois, that they don't run into in other states."

Speaker Yourell: "Is there further discussion? No further...Representative Ewing from Livingston."

Ewing: "Yes, Mr. Speaker, I feel obliged to rise and correct the last speaker and tell him that the first and probably the granddaddy of the shows for steam engines was in Illinois, in Pontiac, Illinois, and not in Iowa, and that he ought to be promoting Illinois and the tourism here. This is a good Bill. I'd like to see it passed and I hope everybody will vote 'yes', and Clarence, you come to Pontiac and see our steam engines."

Speaker Yourell: "Is there further discussion? Gentleman Mr. Ropp to close."

Ropp: "Thank you, Mr. Speaker and Members of the House. I urge your favorable passage of this vote. Many of our

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

46th Legislative Day

May 17, 1983

surrounding states have this same kind of legislation that do not require inspection for exhibition purposes only, and in an attempt to encourage tourism, this would do it. It also brings out the history of our state and our nation and I urge your favorable support."

Speaker Yourell: "Question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'. Those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this...on this Bill there are 88 voting 'aye', 13 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 82. The Chair recognizes Representative Mulcahey. Out of the record. Appearing on the Order of Third Reading is House Bill 87, Representative Terzich. Representative Terzich in the Chamber? Out of the record. Appearing on the Order of Third Reading appears House Bill 89. The Gentleman from Cook, Representative Ronan. Gentleman in the Chamber, Ronan, Representative Ronan. Out of the Record. 96, out of the record. Appearing on the Calendar on the Order of Third Reading is House Bill 174, Representative Johnson."

Clerk Leone: "House Bill 174, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

Speaker Yourell: "Representative Johnson."

Johnson: "Thank you, Mr. Speaker and Members of the House. This is one of a number of Bills that was...that was and is a part of the legislative package of our Circuit Judge, Robert Stigman. this Bill received a 10 to nothing, with 2 voting 'present' recommendation out of the Judiciary Committee, and provides standards upon which prior identification of a defendant at a lineup is rendered admissible in a later trial. This is a good law and order

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

46th Legislative Day

May 17, 1983

Bill. The reason for its necessity is the fact that oftentimes the year or year and a half or even six months after the offense, it's very difficult for a person in Court to identify an offending individual. Whereas, at a much closer time to the incident, as an example, one or two days, or even hours after the rape or armed robbery or murder, the offending individual, the defendant, has been identified validly at a lineup by an individual that simply provides that that prior identification under certain circumstances is rendered admissible in the later trial."

Speaker Yourell: "Is there discussion? Gentleman from Cook, Representative McGann. Your lights flashing. No. Being no discussion, the Gentleman to close."

Johnson: "Just ask for a favorable Roll Call. Thank you."

Speaker Yourell: "The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'yes'. Those opposed will vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 99 voting 'aye', and 1 voting 'no'. The Bill, having received a Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 186, the Gentleman from Winnebago, Representative Giorgi."

Clerk Leone: "House Bill 186, a Bill for an Act to amend the Workers' Compensation Act. Third Reading of the Bill."

Speaker Yourell: "Representative Giorgi."

Giorgi: "Mr. Speaker, I'd like leave of the House to return 186 back to the Order of Second Reading for the purpose of Amendment #5."

Speaker Yourell: "Gentleman asks for leave. Leave is granted. Proceed, Sir."

Giorgi: "Mr. Speaker, Amendment #5 only excludes state



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

46th Legislative Day

May 17, 1983

universities from the application of the Act, which is the Workmens' Compensation and Solvency Fund Act, and I urge the adoption of Amendment #5."

Clerk Leone: "Amendment #5 amends House Bill 186 on page 3 and so forth."

Speaker Yourell: "Is there discussion? All those in favor of Amendment #5 will signify by saying 'aye'. Opposed, 'no'. The 'ayes' have it. Amendment #5 is adopted. On the Bill, Representative Giorgi, go ahead."

Giorgi: "Put it on Third Reading. Put it back on Third Reading."

Speaker Yourell: "The Bill is now on Third Reading. Does Gentleman have leave to hear the Bill? Leave is granted. Proceed, Mr. Giorgi."

Giorgi: "Mr. Speaker, House Bill 186 creates a Self-insurers' Insolvency Fund. The fund will guarantee payment of compensation awards to injured workers whose self-insured employers have gone bankrupt. The State Treasurer will have responsibility for administering the fund, and its effective immediately, and there has been agreement on this Bill by the people in the self-insured field, and the people that have created this self-insured field. I urge the adoption by the entire House."

Speaker Yourell: "Gentleman from Peoria, Representative Tuerk."

Tuerk: "Mr. Speaker and Members of the House, in my fifteen years here and Representative Giorgi's been here that long or longer, longer, I guess, I haven't had the occasion to support many of his Bills. This one I proudly get up to support because it does do precisely what Representative Giorgi has said. It is a good concept. I would urge your support. It does have an agreement between the self-insurers and the organized labor people. I would ask for your support for the Bill."

Giorgi: "God bless Fred Tuerk."

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

46th Legislative Day

May 17, 1983

Speaker Yourell: "Further discussion? If not, the Gentleman to close."

Giorgi: "I urge...I urge support of the House for this good Bill."

Speaker Yourell: "Question is, 'Shall this Bill pass?' All those in favor will signify by voting 'yes'. Those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 111 voting 'aye', no voting 'no'. The Bill, having received a Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 187, the Lady from Cook, Representative Currie. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 187, a Bill for an Act to provide for state grants to certain public radio stations in the State of Illinois. Third Reading of the Bill."

Speaker Yourell: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. House Bill 187 would provide parity for public radio stations in this state with respect to that kind of program which is already available to public television stations. I'm sure everybody is aware of cuts at the federal level with respect to national public radio. Certainly the Board of Higher Education, which has done a good job of helping to fund local public radio in the past, is pressed to provide basic educational services through its own educational programs. As an example, let me tell you about the Sangamon State radio station, WSSR, the one many of us listen to while we happen to be in Springfield. Sangamon State University, two years ago, provided something like \$217,000 to help operate that station. Under the Board of Higher Education proposals this Fiscal Year, the amount was cut to something...by something like \$40,000. At the same

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

46th Legislative Day

May 17, 1983

time, the Federal Public Broadcasting Corporation has proposed substantial cuts in their support for public radio stations across the country. Sangamon State University, for WSSR, used to get \$90,000 a year. As of October, 1982, the federal proportion was down to \$62,000. Public radio serves more than Board of Higher Education purposes. It serves more than the purposes of a single university or school system. It serves the purpose of providing cultural public affairs programming for everybody within its broadcast area. This state commits a principle of support for public television already. I think it is time to give parity to public radio stations throughout the state, in Champaign Urbana, in Rock Island, DeKalb, Normal, all across the State, and make sure that we are willing to accept some share of State responsibility for helping to fund this important cultural asset."

Speaker Yourell: "Is there discussion? The Gentleman from Cook, Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The same Lady who presents us with this Bill talking about public radio stations, is also sponsoring a Bill dealing with public aid. Now, I'm sure when that comes up, we are going to hear all kinds of sob stories about the problems of those people on public aid. Well, let's face it. Everybody knows the state has a fiscal crisis. There's a problem. We don't seem to have enough money to do all those nice things we wish to do. Here is a classic case of someplace where we can save money. I doubt that anybody here can name how many radio stations there are in the State. Why? Because the bands AM and FM are full of radio stations. If these stations can't make it on their own, in other words, if the programming that they put out is not of the kind of quality or interest that

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

46th Legislative Day

May 17, 1983

people are willing to tune into and subscribers are willing to pay for, then it should die. That radio station should die. The fact that this may provide cultural and, if you will, public affairs programming that seems to be attractive to the Sponsor of this Bill and to a number of other societies, fine. Let them contribute. Let them help fund these stations. My wife and I send money to the local public TV station in Chicago because we like what it puts on, but it's none of our business down here in Springfield to take our neighbors money, those neighbors who, apparently, aren't willing to support such stations and hand it out to various public radio stations. Here we are with a classic case of government sticking its nose into an area where it has no business. If you want to make a good vote today, you can vote 'no' and put these stations back on their own. Thank you."

Speaker Yourell: "Gentleman from Cook, Representative Marzuki."

Marzuki: "It's always interesting... what really is in the public good. The handful of public radio stations in this state is probably worth more to those people who want to be informed than all of the others put together. The survival of a good democratic process is because of the dissemination of information. We do what is good for many people in this legislature, whether they like it or not, whether our friends or neighbors like it. We wouldn't need to be down here if we weren't doing some of these kind things. The support of this kind of programming is vital to provide a balance in the State of Illinois, especially, in news programming. The deliberations of this Body is covered in a three second episode on most money-making TV stations. There is no in-depth coverage. I think this is a good Bill. I think it deserves the support of the Members of this Legislature. The federal administration

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

46th Legislative Day

May 17, 1983

has seen fit to cut this out. They would return the country and the State of Illinois to the dark ages. I urge yours 'yes' vote on this Bill."

Speaker Yourell: "Gentleman from Morgan, Mr. Reilly."

Reilly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As a Republican spokesman on Appropriations II, I rise to oppose this Bill, though if Representative Currie would like to take it back to Second Reading and leave it there for a couple day, we might be able work out a...an accommodation, but she is not listening and I doubt that she would want to do that. Seriously, all the arguments have already been made. I am a proponent and a supporter of public radio and for that matter, public television. This is a program that we ought to go into at some time, but it is really incredible to be saying, in a day in which we are scraping to come up with enough money to restore the horrendous cuts in education and public aid and in the other areas, that we ought to start a new program. I believe, from talking to a lot of the public radio people, that even they, basically, agree with that in terms of money for this year. What they want is to pass a substantive Bill so that at least the principle is on the books. To be dealing with the money question at this time is just wrong. We said that in Committee. Voting for this is to vote against attempts to restore money for education and public aid and all the other important areas. I would ask everybody to oppose this Bill."

Speaker Yourell: "Gentleman from Cook, Representative Greiman."

Greiman: "Thank you, Mr. Speaker. I certainly hope that when the Public Aid Bill comes through the Gentleman from Wilmette, or Winnetka, wherever in the North Shore won't be too disturbed by those terrible sob stories. We are going to try and keep those sob stories at a minimum because I know

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

46th Legislative Day

May 17, 1983

how trying they can be on a tough day like this, but the truth of the matter is that this Bill does not address the amount of funding, the level of funding. That's a question that can be taken up at another time. That's a question that will be taken up at another time. The truth of the matter is that this Bill does embody a principle, a principle of whether we, as people in a society, striving for thoughtful, intellectual, bright and shiny thought, are going to, indeed, put our money where our mouth is. I have a conflict of interest on this Bill because I listen to public radio all the time. WBZ is...is honestly the Star of Chicago's air waves. On a nothing budget, it provided better election coverage than any of the TV or other radio channels that were commercial. It did an incredible good job of covering it in a nonpartisan way. That is part of the commitment of public broadcasting. I'm proud to listen to WSSR here while...and wake up to it in the morning, and wake up to some of your voices and still, I have a good day anyhow. But, in any event, I'm going to be for this Bill. I think it's an important piece of legislation, important that we make a statement that we are for the kind of things that public radio bring to its listeners. Thanks."

Speaker Yourell: "Gentleman from Kendall, Mr. Hastert."

Hastert: "The Sponsor yield?"

Speaker Yourell: "Sponsor indicates she'll yield."

Hastert: "Madam Sponsor, would you...could you tell us what's...what's the dollar amount on this Bill?"

Currie: "Representative Hastert, there is no dollar amount in House Bill 187. House Bill 187 is substantive legislation that would bring parity to Illinois...public radio stations, as against Illinois public television stations, already recognized in our state statutes as an appropriate

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

46th Legislative Day

May 17, 1983

item for state support. There is not one dollar in House Bill 87...187, itself."

Hastert: "Is there an Appropriation Bill following it?"

Currie: "There is...there is a companion Appropriation Bill, which can be dealt with quite separately by the Members of this House, House Bill 188, but this is not an Appropriation Bill."

Hastert: "Well, Mr. Speaker, to the Bill. Yeah, it's amazing that 187 and its companion, 188, comes before us at this time. We haven't moved anything, or almost anything out of the Appropriations Committee, but yet, we come before this Body with a Bill asking for half a million dollars for public radio, which in itself is laudable. It's a good thing, but we have to ask ourselves where are our priorities? What do we say is important in this Body? Are we saying that the only Bill that we move out, both substantive and appropriative, are Bills that affect people's listening pleasure? I think that's a grave, grave mistake for this Body. I think we have to order our...priorities and say what's important. I think this is on the bottom of that list. Thank you."

Speaker Yourell: "The Gentleman from St. Clair, Representative Flinn."

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

Speaker Yourell: "The Gentleman has moved the previous question. All in favor will say 'aye'. Opposed, 'no'. The 'ayes' have it. The previous Motion is moved. The Chair recognizes Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. I was grateful that the Minority Spokesman on the House Appropriations II Committee did not tell us his preference with respect to House Bill 187. He told us he is not prepared to spend money for public radio stations this

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

46th Legislative Day

May 17, 1983

year. He may or may not be right in that perspective, but he didn't tell us that the idea that we ought, in our state statutes, give the same kind of opportunity to public radio stations that our state statutes presently provide public television stations. That's a very different proposition. Maybe this is not the year when we can fund either of those programs. We know right now we are not funding the public television program. This is certainly the year to say that public radio should be an...in as advantaged a position as public television stations when and if we have the money to fund the program. Any dollar we spend on public radio is worth ten times its value, as against a dollar spent on public television. This House has long since been on record that the cultural, the public affairs activities provided through public television programming are...are objects of appropriate state support. I would ask that the House support that same principle when it comes to the many public radio stations across the state, from Champaign to Chicago, from Rock Island to DeKalb, from Normal to Springfield, let us say 'yes' to House Bill 187 this afternoon and leave the issue of funding to another Bill, another time, if necessary even, another year. I urge support from the Members of this House for House Bill 187."

Speaker Yourell: "The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'. Opposed, 'no', and on that question, the Chair recognizes the Gentleman from Cook, Representative McAuliffe to explain his vote."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, I would like to call...the attention of the conservative Members on the other side of the aisle to what this kind of funding is going to do. If you have ever watched public television or listened to public radio, you know that it is



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

46th Legislative Day

May 17, 1983

always biased against the conservative position. It's always biased in favor of the liberals. You notice who is up supporting this type of legislation. If you feel comfortable with the liberal philosophy, then you ought to be voting for this. If you don't, you ought to be voting 'no'."

Speaker Yourell: "Gentleman from Sangamon, Representative Curran."

Curran: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this Amendment...this Bill. When we talk about \$500,000 as the companion Appropriation Bill discusses, we're talking about four cents per person per year in this entire state, four pennies per year per person. I think it's ludicrous to suggest that the only view you hear on public radio is the liberal philosophy. We have a very good station here, WSSR. I would suggest to the Members that you listen to it. All we are talking about here is parity for public radio. I ask for an 'aye' vote."

Speaker Yourell: "Gentleman from Marion, Representative Friedrich."

Friedrich: "If you believe in a free press, you ought to be voting 'no', because eventually, this will destroy the free press. Those radio stations and newspapers and TV stations that are open...operated by private taxpaying enterprises who are out here in the competitive field, and that's not the way to go. I don't believe you want to spend \$500,000. It was said four cents apiece. That may not sound like much, but \$500,000 is a lot of money in today's needs."

Speaker Yourell: "Gentleman from Lake, Representative Matijevich."

Matijevich: "Mr. Speaker, I may be out of order, but I would like to introduce him before he leaves, former Member, Harry

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

46th Legislative Day

May 17, 1983

Leinenweber. He's over here looking at Leroy Van Dwyne's seat."

Speaker Yourell: "Welcome back to Springfield. Have all voted who wish? The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, we have heard reference to allowing free enterprise to take its way, but I think we should bring out the fact that, by regulation, the educational TV or radio stations are not permitted to take paid advertising. We have limited them in that regard, hoping that there will be an unbiased voice available to us in our communities. If we are not going to allow our educational radio stations to compete with private enterprise in regard to getting funds for their programming, then I think we need to provide them with another method of support. This is what we are doing by a Bill of this sort, at least putting the form there, so that if funds become available at the state level, we can provide that support. We need fair, unbiased presentation. We need to have people who are not beholden to the commercial establishments in our community and I urge your support."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 54 'ayes', 58 voting 'no', and the Lady would like to place this Bill on Postpones Consideration. Postponed Consideration. Appearing on the Order of Third Reading, appears House Bill 188. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 188, a Bill for an Act making appropriations to the State Comptroller for the purposes of making grants to certain public radio stations."

Speaker Yourell: "Excuse me, Mr. Clerk, but that's an Appropriation Bill. We take that out of the record."

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

46th Legislative Day

May 17, 1983

Appearing on the Order of Third Reading, appears House Bill 200. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 200, a Bill for an Act relating to exemptions from jury service. Third Reading of the Bill."

Speaker Yourell: "Gentleman from Cook, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In connection with House Bill 200, I would first like to introduce to the House of Representatives a former State Representative, Harry Leinenweber, who is over here on the Democratic side of the aisle. Now, the reason why I'm introducing Representative Leinenweber is because House Bill 150, passed a couple years ago out of his Committee, and he was in favor of that Bill back then. It was killed in the Senate, passed 138 to 19. This is the same Bill. It's come...it's come back again. It's a good Bill, and it's endorsed by former Representative Leinenweber, and I also hope that you would support it. You may recall that we passed a Bill with regard to jury duty exemptions earlier in this Session, but we had people who were not allowed to be on jurors...juries, blind people and deaf people who wanted to be, and at that time, I read to you a list of the exemptions of people who are not even eligible for jury duty by virtue of their occupation; the Governor, Lieutenant Governor, Secretary of State, State Comptroller, Treasurer, Members of the State Board of Education, State Superintendant of Education, Attorney General, Members of the General Assembly during their term of office, all judges, all clerks of courts, sheriffs, coroners, practicing physicians, Christian Science practioners, Christian Science readers, postmasters, practicing attorneys, all officers of the United States, Officiating ministers of the Gospel, members of religious communities, mayors of cities, aldermen of cities, village

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

46th Legislative Day

May 17, 1983

trustees, policemen, active members of the fire department and all persons actively employed upon the editorial or mechanical staffs and departments of any newspaper of general circulation printed and published in this state. Now, this Bill passed overwhelmingly two years ago and it was defeated in the Senate. Now, there has been one change to this Bill that was made as a result of arguments made by the Illinois Press Association. To avoid a Constitutional argument that to require reporters to be...and employees of newspapers to be on jury duty would be prohibited by the First Amendment, I have accepted an Amendment in Committee that says that people employed by the editorial department of any newspaper and those performing the functions of typesetting, page composition and printing of such newspapers shall be exempt, but they would be the only ones. The purpose of this Bill is simply to recognize the fact that people should not be exempt from jury duty simply because of their occupation. They can be excused, just as many people who are now not exempt are excused. Take, for example, a woman who is eight months pregnant. Take, for example, a nurse who is not exempt from jury duty, or teachers who are not exempt from jury duty, they simply are excused and when they are available for jury duty, then they are called. Recent articles in the Chicago Suntimes and Tribune show that there is close to 70,000 people throughout the state who are now exempt from jury duty, and what this means is that the people who are not exempt, there is a smaller group of people to be picked. So, to be fair and to really insure that there is a jury of your peers, if you will, I think it's very important to eliminate these exemptions and to allow for excuses to be made by jury commissioners throughout the State. As I indicated also before, in the entire U. S. Constitution,

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

46th Legislative Day

May 17, 1983

there is only one obligation imposed upon the citizens of the state, upon the citizens of the nation, and that is to serve on jury duty. It's not to pay taxes or to serve in the military, but to serve on jury duty. It make eminent sense to me to say that all people are equal in this regard with respect to this obligation, so I would ask for your support for House Bill 200."

Speaker Yourell: "The Gentleman from Lake, Representative Pierce on a point of special privilege."

Pierce: "Mr. Speaker, thank you. On a point of personal privilege. In the Speaker's Gallery behind you are college presidents and administrator from the Illinois association of Independent Colleges and universities, led by 'Stormy Weber', former Alderman for the 50th Ward and great alumnus of Harvard College and Harvard Law School. They are hosting their annual legislative dinner tonight about 7:30, out at the...near the lake in the form of an outdoor barbecue at the Island Bay Yacht Club, if you can find it. That is your IQ test. If you can find that Island Bay Yacht Club...I have been lost four times or five times over eighteen years trying to find that place, then you get a free dinner. Thank you, Mr. Speaker."

Speaker Yourell: "Welcome to Springfield. Gentleman from Champaign, Representative Johnson."

Johnson: "Well, a comment and a question for the Sponsor."

Speaker Yourell: "Would the Gentleman yield?"

Johnson: "Representative Cullerton, as you are aware from Committee, I...I, generally and do support the idea of universal jury service, but with all due respect to my friends in the media, I guess particularly with this journalists and persons working on print staff, it seems to me to be a little unreasonable that the only exemption at all that we have is for journalists. We don't exempt

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

46th Legislative Day

May 17, 1983

judges, and everybody knows that having a judge on a jury would be something that at the very least would be a little unusual. We don't exempt doctors, no matter what the medical necessity is. We don't exempt clergy, even though, I presume, the same arguments about First Amendment and so forth in terms of a right to free press would be applicable to the right to...the various religious guarantees in the First Amendment, so I guess my question is...I'm going to support the Bill because I think it's an improvement on what we have, but again, with due respect to the Illinois Press Association, whom I think I support about 99% of the time, this doesn't seem to me to be a reasonable Amendment if you are going to have any."

Speaker Yourell: "The Gentleman from Cook, Representative Birkinbine."

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

Speaker Yourell: "He indicates he'll yield."

Birkinbine: "Does the fact that...Does the fact that Representative Leinenweber supported this Bill have anything to do with the fact that he is now former Representative Leinenweber?"

Cullerton: "Absolutely not. This was probably the reason why he got so close, was supporting this Bill."

Speaker Yourell: "Is there further discussion? The Gentleman to close."

Cullerton: "I would simply ask for your support on House Bill 200. I think that this is a Bill which once again, I indicated, passed overwhelmingly a couple years ago, was killed in the Senate. This year we are going to work a little harder and pass it in the Senate. I would ask for your support on this Bill today."

Speaker Yourell: "The question is, 'Shall this Bill pass?' All

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

46th Legislative Day

May 17, 1983

those in favor will signify by voting 'aye'. Those opposed, vote 'no'. The voting is open. Will Representative Davis come to the podium? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Bill, there are 101 voting 'aye', 7 voting 'no'. The Bill, having received a Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading, is House Bill 238. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 238, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Yourell: "Mr. Mautino."

Mautino: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to House Bill 238 now becomes the Bill. In the Select Committee on Small Business hearings around the state, we received a recommendation from municipalities that they requested that they be allowed municipal industrial development commissions to exercise all those powers expressly invested in industrial development commissions in other forms. That would be to acquire, hold title to, develop and sell real estate, to promote and to enhance the purposes of an industrial development commission. That is what the legislation does. I'd be happy to answer any questions. If there are not questions..."

Speaker Yourell: "Is there discussion? Being no discussion, the question is, ' Shall this Bill pass?' All those in favor will signify by voting 'aye'. Opposed will vote 'no'. The voting is open. Have all vote who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 111 voting 'aye', 1 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 239. Read the Bill, Mr. Clerk."

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

46th Legislative Day

May 17, 1983

Clerk Leone: "House Bill 239, a Bill for an Act relating to the establishment of small business assistance centers. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from...Mr. Mautino. Mautino."

Mautino: "Mr. Speaker, I respectfully request this be taken out of the record at this time."

Speaker Yourell: "Out of the record. Appearing on the Order of Third Reading is House Bill 241. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 241, a Bill for an Act to amend the Illinois Pension Code and the State Mandates Act. Third Reading of the Bill."

Speaker Yourell: "Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker. This Bill amends the Downstate Policemen and Firefighter's Pension. It raises the minimum pension from \$200 to \$300. This Bill helps the downstate widows because they have no escalator clause in their pensions. This Bill was amended from \$350 down to \$300 in Committee. As an example, the City of Peoria has 38 members. This is one of the largest pension funds in downstate, along with Rockford, and these people would receive anywhere from \$8 to the tops of \$100 at the highest increase. Some pensions funds in the state are not affected by this increase because they don't have members that have retired when pensions had this small of a payout. I ask your support on this Bill."

Speaker Yourell: "Is there discussion? Being no discussion, is...the question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'. Opposed will vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Bill, there are 79 voting 'aye', 24 voting 'no'. This Bill,



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

46th Legislative Day

May 17, 1983

having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 247. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 247, a Bill for an Act to amend the Revenue Act and the Real Estate Transfer Tax Act. Third Reading of the Bill."

Speaker Yourell: "Gentleman from Lake, Representative Pierce. Representative Pierce. House Bill 247."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 247 is a work product of the Joint House-Senate Committee on the state equalizer, which was concerned primarily with the real estate transfer forms, better known as green sheets, that have become too complex for most practitioners after legislation passed last year by the General Assembly, which was supposed to report on creative financing. The creative financing was felt to be overstating values of real estate and creating higher state multipliers than were justified because the nominal price of real estate, being sold with seller financing, was higher than the fair market value. So, the Bill we passed last year would have revealed that information to the Department of Revenue. However, it was so complex that practitioners, attorneys, savings and loans, credit unions that deal with real estate found it impossible to work, and because of that, the Illinois Realtors and the Taxpayers Federation, Bar Association and others were interested in either repealing that provision or reforming it, and in the...in this Joint Senate-House Committee, which you all set up with House Joint Resolution 15, we worked on it, and we came up with a Bill that was amended here on Second Reading in the House, House Bill 247, which would have abolished the creative financing information...has now been amended to restrict it to seller...primarily to seller

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

46th Legislative Day

May 17, 1983

financed creative financing to make sure that about 30 to 40% of the people won't have to even report on that at all and that those with creative financing will still reveal that fact so they won't be counted to increase the multiplier. Representative Hastert, our Minority Spokesman on the House Revenue Committee, worked hard on this. We simplified the form. We won't have to list social security numbers any more, beneficiaries. In addition, the seller won't have to certify as to the buyer's financing where he doesn't have knowledge. So, I think House Bill 247 is now pretty well agreed on a bipartisan basis with the House and the Senate, the realtors, the lawyers, the Taxpayers' Federation, the Department of Revenue, which was never crazy about this anyway, thinks this is better than what they had before that we passed last year, so I urge passage of House Bill 247, now that I have explained it so clearly."

Speaker Yourell: "Is there discussion? The Gentleman from Kendall, Representative Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, just go along with what Representative Pierce said. This was a good bipartisan effort. It addressed the problems that were brought to us before the Bar Association and realtors. I think we...we had a good effort and we have a good solution. I also urge your 'aye' vote."

Speaker Yourell: "Being no further discussion, the Gentleman from Lake, Mr. Pierce to close."

Pierce: "Mr. Speaker, I ask for passage of House Bill 247 as amended by the recommendations of our Joint Committee."

Speaker Yourell: "Question is, 'Shall this Bill pass?' All those in favor will signify by voting 'aye'. Opposed will vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this

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

46th Legislative Day

May 17, 1983

question, there are 112 voting 'aye', no voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 270. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 270, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Yourell: "Gentleman from Kendall, Mr. Hastert."

Hastert: "Mr. Speaker, I ask leave to take this back to Second Reading for purpose of a technical Amendment."

Speaker Yourell: "Gentleman asks leave to return this Bill to Second Reading. Is there leave? Leave is granted. Read the Amendment, Mr. Clerk."

Clerk Leone: "Floor Amendment #2, Hastert, amends House Bill 270..."

Speaker Yourell: "Gentleman from Kendall, Mr. Hastert."

Hastert: "Amendment #2 to House Bill 270 is at the request of Representative Keane and others and the Democratic staff to get the Bill in order. It was moved to Third Reading by mistake. This Amendment does that and ask for its passage."

Speaker Yourell: "Amendment #2 is move to adopt. All those in favor will signify by saying 'aye'. Opposed, 'no'. The Amendment is adopted. Third Reading. Mr. Hastert."

Speaker Yourell: "Leave to hear the Bill on Third Reading? Leave is granted. Representative...no? Objections? The Bill is on Third Reading. At the response of...at the request of the Sponsors, the following Bills have been taken out of the record: House Bill 276, 277, 280, 282, 283, 284 and 285, also 315. Appearing on the Order of Third Reading is House Bill 321. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 321, a Bill for an Act regarding controlled substances and narcotics racketeering. Third Reading of the Bill."

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

46th Legislative Day

May 17, 1983

Speaker Yourell: "Gentleman from Cook, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill raises authorized fines to fund a Juvenile Drug Abuse Treatment Program, and there was much negotiations in Committee to work out a formula for proceeds from such fines and the formula, that was finally arrived at, would be 12 1/2% to a Juvenile Drug Abuse Fund and 87 1/2% to local government or governments which investigated or made the arrest in the case of...for the purpose of this State Drug Traffic Prevention Fund. I believe that as a result of these negotiations and as a result of the Amendment that was adopted, that there would be...I know of no one who is...who is opposed to this concept, basically saying that people who commit crimes, people who especially commit the crimes of manufacture, delivery or possession of cannabis or controlled substance should be the people who should fund drug abuse treatment programs. I think its a very good concept. The formulas have been worked out so that people will not...other worthy causes will not be underfunded. The Bill allows for courts to impose these fines and it gives them guidelines, including the defendant's income, his earning capacity, the street value of the cannabis or the controlled substance in question, and other equitable considerations. So, I would ask for your support of House Bill 321."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall this Bill pass?' All those in favor will signify by voting 'yes'. Those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? On this question, there are 112...13...14 voting 'aye', and no voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third

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

46th Legislative Day

May 17, 1983

Reading is House Bill 343. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 343, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill."

Speaker Yourell: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill provides for an offer of settlement in order to promote settlement of claims in trial. It is an Act which can be initiated by either the plaintiff or defendant, and in that series of negotiations, if the operative offer, which is at least as favorable to the offeree as the final judgment is made, then the cost will be tacked against the offeree. This Bill is patterned after Federal Rule of Civil Procedure 68, which has been in the Federal jurisdiction for some thirty years. There have been Amendments. There are two which have been made, which make it more equitable and have obviated some of the criticism. I ask for your favorable support."

Speaker Yourell: "Is there discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Representative McCracken, I'm still trying to figure out..."

Speaker Yourell: "The Gentleman indicates he will yield."

Cullerton: "I'm sorry. I'm still trying to figure out what the position of the trial lawyers is on this Bill. Do you...could you tell me? Have you spoken with them? Are they in favor of this Bill, opposed to it or no position?"

McCracken: "I don't know if they have a position. As far as I know, they don't have a position at this time."

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

Brummer: "Yes, will the Sponsor yield?"

Speaker Yourell: "Sponsor indicates he'll yield."

Brummer: "What type of safeguards are built into the legislation

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

46th Legislative Day

May 17, 1983

to prevent either the plaintiff or defendant from running up excessive costs?"

McCracken: "There is a provision in the Bill...well, there are two provisions. One, sham offers will not be considered under the Act, so that the Court would retain discretion to determine whether the offers were made in good faith initially...in addition thereto, the Court is empowered in its discretion to reduce the cost award as justice dictates. That is in the amended version that was presented before the Judiciary Committee. That is consistent with the thinking on the federal rule on the subject so that it is not a mere mechanical application of the rule."

Brummer: "Now, in...there is not included in costs, as I recall, attorney fees, is that correct?"

McCracken: "That is correct. No attorney fees, no expert consultation fees."

Brummer: "Okay, that was my next question. Are expert witnesses included in as part of costs?"

McCracken: "Not for consultation and all preparation for trial, only for trial testimony and evidence deposition, where the evidence deposition is used at trial."

Brummer: "In other words, if, as an example, if there were a product liability case involving the failure of some mechanical part on an automobile, if I were representing one of the parties, could I crash ten similar automobiles and include them as part of the costs?"

McCracken: "You could crash it, but it would not be included. That's explicitly excepted from the definition of cost."

Brummer: "Okay, what would be included then as cost?"

McCracken: "Well, in that situation, nothing would be included other than..."

Brummer: "No, no, I mean what...you said 'the expert witnesses'

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

46th Legislative Day

May 17, 1983

time and preparation and consultation were not included', attorney fees are not included. What is...what would be included in costs that is currently not assessed as part of the cost in a case?"

McCracken: "Court reporter charges, the cost of preparing a diagram for trial when it is used at trial. If the expert testifies at trial, the fees for the actual testimony, things of that nature, expenses other than attorney's fees and expert consultation. It is delineated in the Bill itself."

Brummer: "Thank you."

Speaker Yourell: "Gentleman from Champaign, Representative Johnson."

Johnson: "Well, I rise in support of this Bill. I would have opposed it as it came out of Committee. I did oppose it in Committee, because I felt that the chilling effect on the rights of a plaintiff or defendant would have been too substantial, but as amended, I think it makes a lot of sense. It simply says that those limited areas, those limited costs that are attendant to trying a law suit on either side can be recouped by the other side if reasonable efforts at settlement are rejected. I think this, at the same time, promotes reasonable settlements and, at the same time, provides equity for both plaintiffs and defendants. I think it makes a lot of sense. I don't know either what the position of the major lobbying groups are on it because I don't think they have addressed this issue at any length, but I think it's a good sense...common sense Bill and I urge support for Representative McCracken's first Bill."

Speaker Yourell: "Is there further discussion? If not, the Gentleman, Representative McCracken to close."

McCracken: "I thank Representative Johnson, but he made a slight error. It's not my first Bill, but I would ask for your

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

46th Legislative Day

May 17, 1983

support."

Speaker Yourell: "The question is, 'Shall this Bill pass?' All those in favor will signify by voting 'yes'. Those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 100 voting 'aye', 6 voting 'no'. The Bill, having received a Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading, is House Bill 359. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 359, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Yourell: "Lady from St. Claire, Representative Younge."

Younge: "Thank you, Mr. Speaker and Members of the House. This would amend the Public Aid Code in relationship to general assistance medical and aid to medically indigent programs and would require that Public Aid make dental services available to persons who need them. I move for the passage of the Bill."

Speaker Yourell: "Is there discussion? The Lady from Cook, Representative Topinka."

Topinka: "Yes, I was wondering if I could ask the Sponsor a question, yield?"

Speaker Yourell: "The Lady indicates she would yield."

Topinka: "Right now, the two programs that this would cover are out of the budget, but if they were put back in, what would be the cost to the state on your Bill?"

Younge: "The medical benefits are only about \$24,000,000. The point is that persons who are moving from general assistance to gainful employment and need this benefit in order for them to be healthy individuals and to be available to work."

Topinka: "If I may just check again, you did say a possible



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

46th Legislative Day

May 17, 1983

\$24,000,000, I did hear that correctly?"

Younge: "Possibly."

Topinka: "Possibly. Thank you, ma'am."

Speaker Yourell: "Any further discussion? Being no further discussion. The Lady to close."

Younge: "We should have people who are in need of the assistance of the state able to work by making sure that they can receive adequate medical attention, so that they can be available to work. And I ask for your support on this Bill."

Speaker Yourell: "The question is, shall this Bill pass?'. All those in favor signify by voting 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Lady from St. Clair to explain her vote."

Younge: "Yes. Thank you, Mr. Speaker. There are about a 150,000 people in Illinois who are receiving general assistance, and who have medical problems and who have dental problems. And it's important that we continue our assistance to these persons until we have been able to identify gainful employment for them and to help them be employed, so that they can be self-sufficient. It is uncivilized for us to at this time abandon people who depend upon the State of Illinois to stay alive. And I'm asking the state, I'm asking the General Assembly under this Bill to continue some dental services to these people, so that they can have this benefit until we can determine some alternative action for them, and to help them get jobs. It is uncivilized for us to be talking about terminating these people's benefit without an alternative for them. Many of them are not in this condition because of their own doing. We live in a state, we live in a society that has tolerated a 10% unemployment. And we live in a state that has been brutal

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

46th Legislative Day

May 17, 1983

in its denial of educational and job opportunity to minorities. And so, many of these people have been structurally and systematically denied equal opportunity so far as jobs. And I ask you not to... not to at this time..."

Speaker Yourell: "Have all voted who wish? Representative, you're losing votes. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 41 voting 'aye, 63 voting 'no'. Representative Younge, did you want to get...?"

Younge: "I'd like enough votes to put it on postponed consideration."

Speaker Yourell: "This Bill, having received the... failed to receive the Constitutional Majority, is hereby declared lost. Appearing on the Calendar on the Order of Third Reading is House Bill 367. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 367, a Bill for an Act to amend an Act concerning public utilities. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Effingham... Out of the record. Appearing on that Order of Third Reading is House Bill 368. Out of the record. Appearing on the Order of Third Reading is House Bill 456. Read the Bill... out of the record. Appearing on the Order of Third Reading is House Bill 468. Out of the record. Appearing on the Order of Third Reading is House Bill 469. Out of the record. Appearing on the Order of Third Reading is House Bill 471. Out of the record. Appearing on the Order of Third Reading is House Bill 474. Out of the record. Appearing on the Order of Third Reading is House Bill 489. Out of the record. Appearing on the Order of Third Reading is House Bill 494. Out of the record. Appearing on the Order of Third Reading is House Bill 509. Out of the record. Appearing on the Order of Third Reading is House Bill 532.

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

46th Legislative Day

May 17, 1983

Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 532, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Yourell: "Out of the record. 533, John. Out of the record. Appearing on the Order of Third Reading is House Bill 539. Out of the record. 550, out of the record. 551, out of the record. Appearing on the Order of 553, appears House Bill... on Third Reading appears 553. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 553, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Macon, Mr. Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 553 originally, before amended, which the Amendment deals with another Section, but the Bill itself allows municipalities to reject bids if the bidder is not being responsible, or if the services, supplies, materials do not conform with... to requirements or the public interests will be not be served by the rejection. This is a Bill that was passed out of Committee 12-0. It's a noncontroversial piece of legislation. We've had several different problems throughout the state with the municipalities letting bids, and getting into difficulties because the bid was too high above their engineers' estimates, and being forced to accept that. This is just a technical change in the statute."

Speaker Yourell: "Is there discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes. Representative Tate, this applies only to certain cities, is that correct? This applies only to certain cities? This Bill does not apply to cities of less than 500,000 in population?"

Tate: "No. This applies to all cities."

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

46th Legislative Day

May 17, 1983

Cullerton: "Was that... Okay. And... did you describe that as #3? Did you describe concerning the flag?"

Tate: "Oh, are you referring to Amendment #3?"

Cullerton: "Right."

Tate: "Okay. Let me take a look at these... Let me take a look at Amendment #3."

Cullerton: "It was adopted, I believe. Right?"

Tate: "Okay, yes. Amendment #3 prohibits municipalities, including home rule municipalites, from regulating the display of the American flag. What we're essentially talking to here, is we've had two municipalities in the state, now, as a result of different gas stations, or banks or whatever, that have had large flags that have attempted and have passed ordinances banning the display of the American flag. I mean, this Bill has to be as about as 'motherhood and apple pie' as any issue that we will address in this General Assembly today. I mean, if you vote against this Bill, you're voting against the display of the American flag. It's that simply."

Cullerton: "Well, it's nice to make it that simple. But... but respect to the original Bill. I just want to clear this up. My understanding of reading the Bill indicates that it does not apply to municipalities of less than 500,000."

Tate: "Well, with the Amendment it doesn't apply."

Cullerton: "It doesn't apply... it doesn't apply to people over 500,000 of cities over 500,000?"

Tate: "That is correct."

Cullerton: "Okay. Now do you... could you tell me why does the... what the reason for the distinction?"

Tate: "Representative Cullerton, the flag applies to everything."

Cullerton: "I understand about the flag, and that's a good Amendment. But this permits municipalities of less than 500,000 to reject bids for work of public improvement. And

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

46th Legislative Day

May 17, 1983

I'm just wondering why it wouldn't apply, let's say my hometown, which is Chicago?"

Tate: "I don't know why. It was just left out in the draft."

Cullerton: "Okay. Thank you."

Speaker Yourell: "The Gentleman from Cook, Representative Bowman."

Bowman: "Question of the Sponsor."

Speaker Yourell: "The Gentleman indicates he'll yield."

Bowman: "Does this Bill with all the Amendments and everything, does it preempt home rule?"

Tate: "Yes, it does."

Bowman: "Okay. So will take an extraordinary majority to pass. I just wanted to know what the...Oh, Okay. Mr... Mr. Speaker, let me just ask for a ruling. And will this take an extraordinary majority to pass?"

Parliamentarian Getty: "This is not a limitation on the ability of a home rule unit in an area which the state does not exercise jurisdiction over, and accordingly, this would require a simple majority... or rather a Constitutional Majority of 60 votes and not a three-fifth extraordinary majority."

Speaker Yourell: "The Gentleman from Effingham, Representative Brummer."

Brummer: "Will the Sponsor yield?"

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

Brummer: "Representative Tate, our analysis indicates that this does not apply to municipalities that have a commission form of government. Is that correct?"

Tate: "The Bill was Amended to take care of that. So your analysis is incorrect."

Brummer: "Which Amendment did that?"

Tate: "Amendment #1. Article IV of the Municipal Code. It covers..."

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

46th Legislative Day

May 17, 1983

Brummer: "Okay. With regard to the substance of the Bill itself, the analysis indicates that they need not let the bid to the lowest bidder. Does that mean that they can let it to the second lowest bidder, or does that mean they need to reject all the bids?"

Tate: "Repeat the question, please."

Brummer: "Our analysis indicates that the Bill would authorize corporate authorities to not let the bid to the lowest bidder. Does that mean they need to reject all of the bids, or can they let the bid... award the bid to the second lowest bidder, for example, or the third lowest bidder and ignore the entire bidding process?"

Tate: "It allows them to ignore the bidding process on that and rebid that."

Brummer: "So, if they... if they had bids for a specific project, they could take the fourth or fifth lowest bidder."

Tate: "If you'll look on page 2, Representative Brummer, on the Amendment, it says, 'Any and all bids received pursuant to the provisions of this Section may be rejected by the municipality if the bidder is not being responsible, or the character of the quality of the services, supplies, materials or equipment.' We have some legitimate reasons up there that... why they can't except the lowest bidder."

Brummer: "You said, you have some legitimate reasons, what are they?"

Tate: "Would you... I... Read the Bill then. Read the Bill."

Brummer: "You're the Sponsor, would you... would you indicate what are the legitimate reasons for not awarding to the lowest bidder?"

Tate: "Well, Representative Brummer, the issue is... is..."

Brummer: "I know what the issue is, would you tell me the reasons that they failed to give awards to the lowest bidder."

Tate: "If the lowest bidder is higher than the municipality is

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

46th Legislative Day

May 17, 1983

expected... is willing to pay, that is a good enough reason to reject the bid."

Brummer: "Okay. Where in the Bill does that state that?"

Tate: "Representative Brummer, again, if you'll... would just read the Amendment adopted the..."

Brummer: "I have the Amendment if you would refer me to the page and line number, I'd be glad to read it. But I do not see that in there. And quite frankly, I do not think it's in there."

Tate: "Page 2, line 7..."

Speaker Yourell: "Excuse me, for what reason does the Gentleman from Champaign, Representative Johnson arise?"

Johnson: "Well, I'm a hyphenated Sponsor to the Bill, and I thought rather than carry on a dialogue, I could answer Representative Brummer's question."

Speaker Yourell: "Would you respond to the question, Representative Johnson?"

Johnson: "Sure. If he directs his attention to page 2, line 7 through 12 of the bid, it provides certain standards with respect to the bidding process, and clearly, the public interest may otherwise be served 'thereby' quote, unquote would be subsumed by the hypothetical you gave us."

Brummer: "Okay. I still do not have an answer to the original question."

Johnson: "What... what... what was that?"

Brummer: "One of the question, and that is whether this would allow the bid to be awarded to the third lowest bidder, or the fourth lowest bidder, or even the highest bidder, or whether the Bill requires if the municipality is unhappy with the bids submitted would simply allow the rejection of all bids and rebid?"

Johnson: "The language of the Bill is 'any and all bids received pursuant to certain things may be rejected if the bidder',

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

46th Legislative Day

May 17, 1983

and certain qualification thereafter. So, I think there's sufficient latitude within this language to allow the public interest to be served, and for one, two, three, four even all of the bids to be rejected. If they were too high, or didn't meet spec. or whatever the other... whatever the other standards might be."

Brummer: "Mr. Speaker, may I address the Bill briefly?"

Speaker Yourell: "Proceed."

Brummer: "I do not understand the reasons for this Bill. I do not think the standard public interest is hardly a ascertainable, sufficiently definite, standard by which to make determination as to whether are not bids should be rejected. If we're going to have the bidding process, it seems to me that we... we ought to require that bids be awarded to the lowest bidder, in the absence of some very definite, specified, identifiable standards allowing for the rejection of that bid. And to the state that the public interest is a sufficiently definite standard, I think makes a mockery of the entire bidding process. And I would suggest that everyone examined this Bill very carefully."

Speaker Yourell: "The Lady from the DuPage, Representative Karpel. She's not here. The Lady from Champaign, Representative Satterthwaite."

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

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

Satterthwaite: "Representative Tate, after hearing the Parliamentarian's ruling in regard to the number of votes needed for passage of the Bill, what restrictions do you see this Bill placing on home rule units in regard to the display of flags?"

Yourell: "Representative Johnson."

Johnson: "Do you want to restate your question? I don't really



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

46th Legislative Day

May 17, 1983

frame my approach to a Bill, in terms of the Parliamentarian's ruling, but maybe you can restate your question so I understand it."

Satterthwaite: "Well, perhaps my question needs better to be directed to the Parliamentarian. But I'm extremely confused by the fact that in the language of the Bill, we purport to limit the ability of home rule units to regulate the display of flags. And yet, because the Parliamentarian has ruled that it needs only a majority vote, it seems to indicate that it's not a limitation of home rule powers. And I'm wondering what the status is now, whether a home rule unit does, in fact, have the ability to regulate or not regulate if this Bill becomes law?"

Johnson: "Contrary to popular belief, there're a variety of forms of preemption. And a mere fact that a particularly section purports and does preempt home rule, doesn't mean that it requires an extraordinary majority. And this simply isn't one of those provisions under the Constitution that requires an extraordinary majority."

Satterthwaite: "And so you would feel that should this Bill become law that it does preempt home rule powers."

Johnson: "That's the intention of this Bill. The intention of the Bill, Representative Satterthwaite, is to prohibit any municipality in this state, including home rule municipalities from prohibiting or regulating display of the American flag."

Satterthwaite: "Who would then have the responsibility for enforcing the federal law relating to the appropriate display of an American flag?"

Johnson: "I suppose the federal authorities."

Satterthwaite: "That we would have to have a federal authority come out to determine whether or not that it was being inappropriately used for commercial purposes, or whether it

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

46th Legislative Day

May 17, 1983

was being inappropriately used if it were flying upside down, or if it were being inappropriately used in some other way?"

Johnson: "That's true now. This Bill doesn't even touch on that subject."

Satterthwaite: "Mr. Speaker and Members of the House, I think it's extremely confusing if this Bill were to become law, to know what kind of authority a local government would have in regard either to the bidding process, or in regard to the display of the American flag. I, also, think that an inappropriate remark was made in the introduction of the Bill in saying that; there have been a couple of home rule units that have forbidden the display of the flag'. While that may be true in some cases, it is not my understanding that that is what has happened in the City of Champaign, where there was simply a request that the flags be taken down and that there is a review of the ordinances to see whether or not it is in violation. I don't have any objections to anybody flying an American flag, if it is appropriately done. But I am concerned that by taking something... as all sweeping as this, we may, in fact, allow the way open for inappropriate display with no appropriate monitoring system for that. And I will, consequently, vote present."

Speaker Yourell: "The Gentleman from Hardin, Representative Winchester."

Winchester: "Thank you, Mr. Speaker. It's my great honor and pleasure to move the previous question."

Speaker Yourell: "The Gentleman moves the previous question. All in favor say 'aye', and the 'ayes' have it. The previous question is moved. The Gentleman to close. Johnson."

Johnson: "The questions raised with respect to the bidding process, as well as questions whether they're valid or not

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

46th Legislative Day

May 17, 1983

with respect to the federal authority, I think they're sufficient that we ought to take this Bill out of the record, and see if we can workout some language."

Speaker Yourell: "Out of the record. Appearing on the Order of Third Reading is House Bill 554. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 554, a Bill for an Act to amend the Unemployment Insurance Act. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Cook, Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I will open, and my hyphenated Sponsor, Representative Olson, at the very end will close. House Bill 554 would establish in the State of Illinois a system for work sharing option similar to what exists in the State of California, Arizona, and modeled on the proposed federal model developed by the U.S. Department of Labor. This is a bipartisan Bill. It went through the agreed Bill process in the Labor Committee, and was signed off on the part of both Labor and Management in the various sub parts of Labor and Management. Last year there was a Subcommittee of the Labor and Commerce Committee, chaired by Representative Olson, that held hearings on the concept of work sharing. And Representative Olson and the other Members of the Subcommittee that worked very hard on this issue, it's... we've taken a very bipartism approach. And this Bill is the byproduct of that joint effort. What this Bill does, is to deal with a situation where we're laying off workers, and an employer has extended a great deal of money training employees. And is now faced with the option of do we fully layoff that employee and lose the benefit of that training, or do we keep that employee on the payroll full time, even though, we don't have the need for full time services. This would provide an option whereby, that employee could

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

46th Legislative Day

May 17, 1983

be partially laid off, and receive partial unemployment compensation upon a prorated basis. Number 2, it only applies to full/time employees. Thirdly, and this is very important, it would require participating employers to fully reimburse the fund, dollar per dollar on an annual basis. So those employers that don't participate, there would be absolutely no affect on them financially or any affect on the state. Fourthly, this is purely a voluntary program. It could not go into effect, unless agreed to in writing by both labor and management. And if there is a union, the union would have to agree to in writing, or if there was no union, each individual employee would have to agree to it. Fifthly, it would have to be approved, to particular work sharing agreement, would have to be approved in writing by the Director of the Department of Labor. As I indicated earlier, it is modeled on the federal model Bill, which it is almost absolutely identical. I think it's a good Bill. It's not going to solve our unemployment problem, but it is a useful tool for both labor and management to deal... deal with the problem that does exist in the state. If there are any question, I'd be happy to answer them or Representative Olson, or otherwise I would urge your favorable consideration of this Bill."

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

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm proud to be a hyphenated Cosponsor on House Bill 554. The genesis for this Bill came from Representative Levin two years ago. Last year our Subcommittee took a look at it, and four of the five Sponsors are Members of the House Labor and Commerce Committee of the last Session. This Bill's genesis lies in our European friends going back some sixty years. We are

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

46th Legislative Day

May 17, 1983

attracting national interest, because Illinois is the first major industrial state to consider this significant piece of legislation. It has elements of good things for everyone including the work force, the employer and for the general society. So it is my fond wish that every Member of this General Assembly will join the business and labor community of this state, who have agreed that this permissive Bill's time has come for implementation. We recommend a favorable vote."

Speaker Yourell: "The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Mr. Speaker and Members of the House, very briefly, I rise in support of the Bill. But I wanted to commend Representative Olson, who brought this idea to a head. When I was Chairman of the Committee, and I appointed him Chairman of the Subcommittee, he and Representative Mays and Birkinbine on our side of the aisle, Representative Farley and Bullock on the other side of the aisle, held good hearings throughout the state and came up with some very fine ideas to clean up the original concept proposed by Representative Levin a couple of years ago. This embodies all those good concepts as Representative Levin said, it is a, quote, 'agreed Bill', unquote, concept. I think it has merit. It's strictly a voluntary concept. The overall objective is to relieve the unemployment trust fund liability, a number of other good things. I would ask for your support for the Bill."

Speaker Yourell: "Is there further discussion? There being no further discussion, the question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 113 voting 'aye', 2

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

46th Legislative Day

May 17, 1983

voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 557, out of the record. Appearing on the Calendar on the Order of Third Reading is House Bill 558. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 558, a Bill for an Act relating to taxation of mobile homes. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from McLean, Mr. Ropp."

Ropp: "Thank you, Mr. Speaker. I'd ask your permission and leave of the House to bring House Bill 558 back to Second Reading?"

Speaker Yourell: "The Gentleman asks leave to return this Bill to Second Reading for purpose of Amendment. Gentleman have leave? Leave is granted. Read the Amendment, Mr. Clerk."

Clerk Leone: "Amendment #2, Yourell, amends House Bill 558 as amended."

Speaker Yourell: "The Gentleman from McLean, Representative Ropp."

Ropp: "Thank you very much, Mr. Speaker and Members of the House. This Amendment excludes Cook County, and was introduced by the man sitting in the Speaker's Chair. I urge favorable support."

Speaker Yourell: "All those in favor signify by saying 'aye', opposed 'no'. The Amendment is adopted. The Gentleman has leave to hear the Bill on Third Reading. Third Reading. Proceed, Mr. Ropp."

Ropp: "Thank you very much, Mr. Speaker, Members of the House. House Bill 558 deals with a situation whereby, many trailers that are located in trailer parks, unfortunately, do not pay their real estate or privilege tax. This Bill states that when a request for a transfer of title, a certificate from the County Treasurer follows that stating that the taxes are current. It also provides a provision

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

46th Legislative Day

May 17, 1983

for establishing a lien should those taxes not be paid within six months. And I urge your favorable support."

Speaker Yourell: "Is there discussion? Being no further discussion, the question is, 'Shall this Bill pass?'. All those in favor will signify by voting 'yes', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This question a 112 voting 'aye', none voting 'no', and the Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 596. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 596, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Cook, Representative Brookins. Out of the record. Appearing on the Order of Third Reading is House Bill 599. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 599, a Bill for an Act creating the Urban Health Commission."

Speaker Yourell: "Out of the record. Appearing on the Order of Third Reading is House Bill 613. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 613, a Bill for an Act relating to the City of Alton."

Speaker Yourell: "The Gentleman from Madison, Mr. McPike."

Clerk Leone: "Third Reading of the Bill."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 613 and 614 deal with the same subject matter. So let me explain the problem that 613 addresses itself to. These Bills had approximately one hour-hearing in the Executive Committee. This Bill was passed out 15 to 1 on a nonpartisan vote. Nearly, a hundred and sixty years ago, the property in question was deeded to the City of

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

46th Legislative Day

May 17, 1983

Alton by the original land owner, Rufus Easton. At that time, he said the land should be used for a promenade. At that time, the land was a swamp. Many things have happened since. The current land in question has a railroad running through it. It is adjacent to Lock and Dam 26. And so there is no access to the river at that point, because of a large fence. It has a bridge passing over it. The Great Riverroad that is suppose to run from New Orleans to Minnesota, deadends on either side of this piece of land. For the last ten years, the Department of Transportation and the City of Alton has been trying to complete the Great Riverroad. We have lost the court case over this. And so the purpose of this, will be to allow us to finish the road. To complicated is more... the bridge currently passes over the Mississippi River at this point. Will need to be rebuilt in the foreseeable future. The plans for that are currently under way at DOT. If we can not use access to a finished Riverroad... If the Riverroad is not finish at that time, then an alternative will have to be used for the new bridge. And that alternative will cost approximately anywhere from 30 to \$50,000,000 more than the current structure now under study. So, that I... I guess it's a twofold question. One, is completing the Great Riverroad, and two, is building a replacement bridge at a reasonable cost. House Bill 613 simply allows the City of Alton to transfer the property in question to the Department of Transportation, so that the highway can be completed. I would be glad to answer any questions on these Bills."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', opposed will vote 'no'. The voting is open. Have all voted who wish? Have



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

46th Legislative Day

May 17, 1983

all voted who wish? Take the record, Mr. Clerk. On this question there are 99 'aye', 8 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 614. The Gentleman from Madison, Mr. McPike."

Clerk Leone: "House Bill 614, a Bill for an Act relating to certain charitable public trust. Third Reading of the Bill."

Speaker Yourell: "Representative McPike."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The Attorney General's Office in conjunction with the Department... conjunction with the Attorneys with the Department of Transportation, the lawyers for the City of Alton and our staff have suggested a better way of approaching the problem that I described in House Bill 613, and that is through changing a charitable public trust. We have tried to make this Bill as narrow as possible. And I'll tell you how we've done it. We've defined charitable public trust for purpose of this Act, to be a unit of local government. We have said that that unit of local government must hold the land in question for at least fifty years. We have said that the land in question must be deeded by commonlaw dedication. That is not by deed mortgage or some other instrument, but rather by common-law dedication. If you've met those requirements, that is your charitable trust, your unit of local government, you've held the land for fifty years, and it was deeded by common-law dedication. If you've met all three of those requirements, then you may go to court, and the burden of proof is on you. But you may go to court and ask the court to reconsider the changing use of the neighborhood. If they find that the changing use of the neighborhood would

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

46th Legislative Day

May 17, 1983

require that the conditions of the trust are no longer practical to carry out, then they can provide relief. The Department of Transportation feels that with this, they can go to court and proceed with the building of this road. I would move for the passage of House Bill 614."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall this House Bill pass?'. All those in favor signify by voting 'aye', opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This question there are 99 'aye', 9 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 615. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 615, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Fulton, Representative Homer."

Homer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 615 is in response to the increased violence that we've seen throughout our state, nation and our schools, with regard to the welfare of teachers and other school personnel who become the victims of school battery. This Bill simply provides that if any school personnel is require to temporarily miss work as a result of being the victim of a battery in the school, that that person will not suffer the lost of salary, sick leave, seniority, or other benefit. The Bill passed out of the Elementary and Secondary Education by a vote of 17 to nothing. And I would urge your favorable consideration."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall this Bill pass?'. All those in favor will signify by voting 'aye', opposed 'no',

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

46th Legislative Day

May 17, 1983

vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 111 voting 'aye', none voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 616. Is Representative Huff in the chamber? Out of the record. Appearing on the Order of Third Reading is House Bill 621. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 621, a Bill for an Act to amend the Illinois Abortion Law. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Cook, Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 621 amends the Abortion Law of 1975. This Amendment was requested by the Americans United for Life, to respond more fully to a court case which held portions of the Abortion Law of 1975 unconstitutional. The courts concluded that without a clear definition of aborted alive, Section 6-2 was vague. This Bill simply stipulates what born alive, the definition of born alive. And I would appreciate the support of the Members of the House."

Yourell: "Is there discussion? The Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Mr. Speaker. The Gentleman yield for a question?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Bowman: "Representative Terzich, I was trying to follow your argument, and I wanted to make sure I understood, why this... this Bill was needed? You appear to be changing some definitions, and I just wondered what the practical affect of the legislation is?"

Terzich: "The... there was a court case, which was Charles vs

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

46th Legislative Day

May 17, 1983

Carey, at which the court stipulated that there was no clear definition of aborted alive. And it was, therefore, vague. And what the... this Bill does, it gives the definition of born alive. And that's exactly what..."

Bowman: "Well... but... but if we..."

Terzich: "And this is to comply with...you know, make it constitutional. And give the definition for the courts."

Bowman: "Well, okay. That court case was brought with respect to the legislation this General Assembly had passed?"

Terzich: "That's correct."

Bowman: "Can you tell me what the Bill number was, or give me some identification so I know how to relate this to the present law? I don't recognize a case like this."

Terzich: "That was Senate Bill 47."

Bowman: "I see. Senate Bill 47?"

Terzich: "That's correct."

Bowman: "Well... to the Bill, Mr. Speaker."

Speaker Yourell: "Proceed."

Bowman: "The... I'm glad the Gentleman refreshed my memory, because Senate Bill 47 was one of the worst pieces of legislation that we have passed in many a year. If I remember correctly, it was so bad that the court enjoyed its enforcement even before the effective date of the legislation. That was a rather unusual step for the court to take. In any event, the legislation that the Gentleman refers to was, indeed, a very bad piece of legislation. And it's conceivable that this particular definitional change, however slight, might have ramifications well beyond the narrow confines of this Bill and conceivably could open up other questions with respect to the legislation that was previously held to be unconstitutional. Now, maybe that's what the Gentleman wants, but it seems to me that we're playing with fire

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

46th Legislative Day

May 17, 1983

here. And the best thing to do is to leave sleeping dogs lie. And I would not urge at this point, that we adopt a definition when the practical ramifications of that definitional change are so very uncertain. So I would urge a 'no' vote."

Speaker Yourell: "Is there further discussion? Being no further discussion, the Gentleman to close."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. The legislature did pass this legislation, and it was adopted into law. The courts ruled that the definition was vague. We're trying to correct that by putting in this Bill to give the definition a born alive. And certainly, this is supported by the Illinois Pro-life Coalition. And those who are for the right to life of the unborn, and I would appreciate your support on House Bill 621."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr... On this question there are 80 voting 'aye', 26 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 630. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 630, a Bill for an Act to amend the Unemployment Insurance Act. Third Reading of the Bill."

Speaker Yourell: "The Lady from DuPage, Representative Deuchler."

Deuchler: "Kane."

Speaker Yourell: "Kane? Okay. I'm sorry."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 630 amends the Unemployment Insurance Act, provides that the term 'employment' does not include service performed on and after July 1, 1983, as an educational intern; in the employ of the school district or cooperative

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

46th Legislative Day

May 17, 1983

would basically apply to educational personnel, such as school psychologist and school nurses, who are employed as interns but will not necessarily be rehired for the next school year. The concern of the school districts is that... or with the possibility of having to pay educational interns unemployment compensation, the educational internship program would be severely jeopardized. This Bill passed out of Labor and Commerce Committee on a 'do pass' Motion of 12 to nothing. And it is an agreed Bill on the part of labor and business."

Speaker Yourell: "Is there discussion? The Gentleman from Cook, Representative Farley."

Farley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Lady did explain the Bill. And I would point out to the Members on this side of the aisle, that what she says is, in fact, true, that it is an agreed Bill. And I find no objection with it as our Membership should not."

Speaker Yourell: "Further discussion? Being no further discussion, the question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 113 voting 'aye', 1 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 637. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 637, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Cook, Representative Krska."

Krska: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 637 amends the Article of the Pension Code, concerning park and retirement board employees of cities of more than 500,000 population. Specifies that

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

46th Legislative Day

May 17, 1983

that ordinary disability benefits for employees under the age of 70, are based on salary at the date the disability commences rather than occurs. I greatly appreciate a 'yes' vote."

Speaker Yourell: "Is there discussion? The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Yourell: "He indicates he'll yield."

Braun: "Representative Krska, this Bill would apply to Chicago, is that correct?"

Krska: "Yes."

Braun: "And do you have any idea how much this will increase the cost of the pension system?"

Krska: "It would be nominal if any."

Braun: "Nominal, if any?"

Krska: "Right. According to our analysis."

Braun: "Pardon?"

Krska: "According to our analysis, it'd be nominal, if any."

Braun: "Representative Krska, if you wouldn't... If it's alright, could you... could we just talk about this for a second? Would you mind taking..."

Krska: "What is there to talk... I don't care to talk as long as you vote..."

Braun: "Taking this out of the... You want to get a vote on it. Alright. Thank you."

Krska: "Let's vote, either up or down."

Braun: "Thank you. Thank you, Representative Krska."

Speaker Yourell: "The Gentleman from Cook, Representative Terzich."

Terzich: "Yes. Mr. Speaker, This Bill did appear before the Pension Laws Commission. And the Pension Laws Commission did approve the Bill. Under the present Bill, the ordinary disability would be based upon the salary paid at the time

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

46th Legislative Day

May 17, 1983

of the disability commence. The cost involve... a simply, would be relatively minor, since the Bill would affect only those relatively few disabled employees that receive a salary increase during the time they continue to receive a full salary. And what it does, it simply affects those people who are on a disability pension, and which are very very few, and has a minor cost, and would appreciate your support."

Speaker Yourell: "The Gentleman from Cook, Representative Capparelli, your light was on. No. The Gentleman from Winnebago, Representative Hallock."

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

Speaker Yourell: "The Sponsor indicates he'll yield."

Hallock: "Could you explain House Amendment #1 to this Bill, please?"

Krska: "Well... No, House Bill #2 has been amended. House Bill #1 provides that ordinary disability benefits will be based on the salary in effect at the time the ordinary disability benefit commences. So, whatever his salary was at the time, is what it would be based on."

Hallock: "And who does that affect? I mean, who we... which system we talking about, and who does that affect exactly?"

Krska: "The Chicago Park District."

Hallock: "Does it have anything to do with the General Assembly?"

Krska: "No."

Hallock: "Well, I would say that it does, and I urge that this Bill be defeated. Thank you."

Speaker Yourell: "Is there further discussion? Being no further discussion, the Gentleman to close."

Krska: "I have nothing more to say, but I'd appreciate an 'aye' vote. Thank you."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'yes', those opposed will



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

46th Legislative Day

May 17, 1983

vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? This question, there are 32 voting 'aye', 66 voting 'no'. The Gentleman from Cook, Representative Krska. Explain your vote? The Gentleman from Cook, Representative Terzich to explain his vote."

Terzich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, that the Bill as it is presented, is presented properly. In discussing with Representative Krska, I don't think Amendment #1 addressed any provisions. Amendment #2 addressed a... whereby the... under the reciprocal arrangement, which is the same as any other Member whether he is under IMRF or the county, or the city, or any other municipal public employee pension fund, can transfer credits over to the General Assembly retirement system. The Bill, or the Amendment does provide that the person requesting that change would also pay the entire cost for those benefits. And like I mentioned before, that the Bill has a very very minor cost. It was approved by the Pension Laws Commission. I don't see why anyone be... would be reluctant to support this type of legislation."

Speaker Yourell: "Yes, hold on just a minute. Let's dump this Roll Call. And... Well, because he took the record, the Clerk took the record, and people were still talking. Is that correct, Mr. Clerk? Alright, for what reason do you arise, Representative Bowman?"

Bowman: "Nothing."

Speaker Yourell: "Okay. Mr. Clerk, take the record. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Bill there are 38 voting 'aye', 69 voting 'no'. The Gentleman from Cook, Representative Krska. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Appearing on the Calendar on the Order of Third Reading is

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

46th Legislative Day

May 17, 1983

House 652. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 652, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Yourell: "Wait for the board to clear here. The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 652 creates the offense of breaking and entering, and limits its application only to residences or dwelling places. The crime would require that an unauthorized entry be knowingly made, and that it be accomplished by the use of forces defined in the Act. Again, it's limited only to residences. The reason for the Bill is because of a loophole, which is developed in the criminal law, which does not make criminal that knowing unauthorized entry into a residence absence... certain other circumstances. I ask for your favorable consideration."

Speaker Yourell: "Is there discussion? Being no discussion. The question is, 'Shall this Bill pass?'. All those in favor will signify by voting 'yes', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are a 113 'ayes', no voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 657. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 657, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. Would the Speaker consider returning to 654 on the Calendar? ...On the record."

Speaker Yourell: "... Oh, I'm sorry. Alright, let's go with

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

46th Legislative Day

May 17, 1983

657, we'll go back and pick it up."

McCracken: "Okay. House Bill 657 creates the offense of criminal trespass to residence. This is a companion to the prior Bill just considered. Under current Illinois Law, it is not an offense to make an unauthorized entry onto the residence of another in the absence of a prior notice or posting. The anomaly under Illinois Laws, that land is better protected against trespass than residence. This would place the two on an equal footing. I ask for your favorable consideration."

Speaker Yourell: "Is there discussion? The Gentleman from Champaign, Representative Johnson."

Johnson: "This is another one of the package of McCracken's first Bills. So I would urge your support."

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

Cullerton: "Will the Sponsor yield?"

Speaker Yourell: "The Sponsor indicates he'll yield."

Cullerton: "Representative McCracken, is this... would this Bill be necessary if the Senate passes House Bill 606?"

McCracken: "Oh, I'm sorry, Representative, we're on 657. He skipped 654."

Cullerton: "Oh... Okay, I'm sorry. Thank you."

Speaker Yourell: "The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes. Will the Sponsor yield?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Brummer: "Will this increase the number of people going to prison?"

McCracken: "No Sir. This is a misdemeanor offense, currently... only incarcerated in county jails with some few exception."

Brummer: "Will it increase the number of people going to county jails?"

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

46th Legislative Day

May 17, 1983

McCracken: "It could, depends on the Judge's sentence in any particular case."

Brummer: "It... of course, some of the individuals with regard that are convicted of misdemeanors go to... like the Penal Farm in Vandalia. That's another state institution. I was just looking at an article in the today's Journal-Register in which State Corrections Director, Michael Lane indicated that the state would be require to provide for the early release of 13,250 convicts this year. I guess I have a question about whether we ought to continue to increase the penalties for various criminal offenses here in the Legislature, when we are faced with a situation of not being able to hold within the jail all the people that we send there now, and as a result of that lack of capacity, and as a result of the activity in the past to this Legislature and the Governor, we have increased the number of prisoner to the point that we can not hold them in the jails anymore. And I wonder if you have a response to that whole philosophical problem?"

McCracken: "To my knowledge, the 13,000 the Director refers to are felony cases. This is a misdemeanor with no possibility of felony sentencing, and therefore, the penitentiary system will not be affected."

Brummer: "Well, some of those individuals are, for example, at Vandalia?"

McCracken: "To my knowledge, that article was not about an overcrowding at Vandalia. That, to my knowledge, is not a problem. The state penitentiary system is limited to felonies and that's where the problem is."

Speaker Yourell: "Gentleman from Fulton, Representative Homer."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen. With all due respect to the question from Representative Brummer, I think that this particular Bill, House Bill 657

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

46th Legislative Day

May 17, 1983

is an excellent one. And it does address a very strong loophole in the present law. Under the present law, we provide a criminal penalty if a person commits the offense of criminal trespass to a motor vehicle. But we don't provide a criminal penalty if a person commits a criminal trespass to a residence. Certainly, I think in the interest of uniformity and fairness, we would certainly have a hard time arguing that that a vehicle ought to be afforded more protection than a person's home. Under the existing law, unless the person has a no trespassing sign hung conspicuously at their front door, then anyone who wishes may enter that residence for any nonfelonious purpose and commit no offense. So, this Bill simply closes the loophole and makes uniform our criminal laws with respect to property rights. So I would urge a 'yes' vote."

Speaker Yourell: "The Gentleman from Cook, Representative Leverenz."

Leverenz: "The Sponsor yield?"

Speaker Yourell: "The Gentleman indicates he has question."

Leverenz: "The... This would cover a house or mobile home, like through a window, if they came in through the window?"

McCracken: "If it were a knowing unauthorized entry, it would be limited to a residence. Right."

Leverenz: "Then that would be... that would be good. And I think this is really a good Bill. Speaker, to the Bill."

Speaker Yourell: "Proceed."

Leverenz: "This is very similar to a Bill we just heard a few moments ago. 637 had Amendment 2. Amendment 2 was a small window. And I think that small window would be then covered under this Bill, and then we could grab all those burglars. Thank you very much."

McCracken: "I think he makes a good point."

Speaker Yourell: "Is there further discussion? Being no further

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

46th Legislative Day

May 17, 1983

discussion. There being no further discussion, the Gentleman from DuPage to close."

McCracken: "Thank you, Mr. Speaker. I'd ask for a favorable Roll Call."

Speaker Yourell: "The question is, 'Shall This Bill pass?'. All those in favor signify by voting 'yes', those opposed voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 108 voting 'yes', 1 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Third Reading is House Bill 654. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 654, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 654 creates the crime of sexual battery and classifies it as a class III felony. Currently, under the Sex Defense Code of Illinois, there is a gap in coverage relative to forced lewd fondling or touching between adults. And also, there is not any intermediary offense. Virtually all sex offense cases are class I, or class X felonies. The rationale in favor of this Bill is similar to the rationale or some of the rationale in favor of House Bill 606. I'd ask for your favorable vote."

Speaker Yourell: "Is there discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes. Now, would you yield for a question?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Cullerton: "First of all, would this Bill be necessary if House Bill 606 passes in the Senate, and the Governor signs it?"

McCracken: "House Bill 606 is a comprehensive Act. And I believe

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

46th Legislative Day

May 17, 1983

the Act as outlawed by 654 would be also outlawed by 606."

Cullerton: "Well... for legislative intent only, could you please define lewd fondling or touching."

McCracken: "Lewd fondling or touching is taken from other Sections of the Sex Defense Code. Currently, that language is reserved for offenses between children and adults. It would be the same interpretation that the courts have placed on it over the years in that context."

Cullerton: "You just want to adopt what the court has said lewd fondling and touching is, for purposes of this Bill?"

McCracken: "Yes Sir."

Cullerton: "Does the court rate that by reference?"

McCracken: "I think they'd probably find that the language should be interpreted as the same, because its identical language. And I'm sure they'd refer to the legislative district..."

Cullerton: "Well, I thought you said that this fills the gap. That..."

McCracken: "Yes, Sir."

Cullerton: "Well, where is lewd fondling and touching mentioned in other Sections of the statute?"

McCracken: "Indecent liberties with a child outlaws this type of behavior between an adult and a child, but the type of behavior is not outlawed between adults."

Cullerton: "And that was a class I felony?"

McCracken: "Yes, Sir."

Cullerton: "Lewd fondling of a child is a class I? And you'd make lewd fondling between adults simply a class A misdemeanor?"

McCracken: "No no, Class III."

Cullerton: "This Bill makes it a class III?"

McCracken: "Right."

Cullerton: "Felony?"

McCracken: "Yes, Sir."

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

46th Legislative Day

May 17, 1983

Cullerton: "Thank you."

Speaker Yourell: "Is there further discussion? Being no further discussion, the question is, 'Shall this Bill pass?'. All those in favor will signify by voting 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all vote who wish? Take the record, Mr. Clerk. On this question there are 108 voting 'yes', 3 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. We'll go now to General Resolutions. Mr. Clerk."

Clerk O'Brien: "House Joint Resolution 42; Virginia Frederick and Representative Breslin. House Resolution 271, Daniels - et al; 277, O'Connell - et al; 278, Madigan - Daniels; 279, Madigan - Daniels; House Resolution 280, Madigan - Daniels."

Speaker Yourell: "Committee on Assignment. We're going back now to page 33. House Bill 270 was taken out of the record, and there has been agreement. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 270. This Bill was taken back to Second Reading, and Amendment #2 was adopted."

Speaker Yourell: "Third Reading. Does the Lady have leave for Third Reading? The Lady from Dupage, Representative Nelson."

Nelson: "Thank you, thank you, Mr. Speaker. I would like to request that my hyphenated Cosponsor, Representative Hastert, explain this Bill because he handled it in Committee."

Speaker Yourell: "The Gentleman from Kendall. Leave? Leave is granted. The Gentleman from Kendall. Yeah, we ask leave to hear it, there was no objections. Is there a leave to hear the Bill on Third Reading? There being no objection, the Bill will be... The Attendance Roll Call will be journalized. The Bill is on Third Reading with that. The



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

46th Legislative Day

May 17, 1983

Chair recognize the Gentleman from Kendall, Representative Hastert."

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

Speaker Yourell: "Read the Bill, Mr. Clerk. Just a moment, Sir. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 270, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Yourell: "Now the Gentleman from Kendall, Representative Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, 270 was amended a little while ago on the House floor. What it does, is just to say on tax Bills people should have fair cash value of the property, assess value of the property and the total assessed dollars against the property. And this will be on the face of the Bill. It's one of the series of sunshine Bills to bring into the assessing process. And I ask for your positive consideration. I'd answer any questions."

Speaker Yourell: "Is there any discussion? The Gentleman from Marion, Representative Friedrich."

Friedrich: "A question to the Sponsor, Mr. Speaker."

Speaker Yourell: "The Gentleman yields... he indicates he'll..."

Friedrich: "My analysis says that the assessor's name should be on the Bill, is that still true?"

Hastert: "That was taken off, that was amended out of the Bill."

Friedrich: "Okay, thank you."

Speaker Yourell: "Any further discussion? There being no further discussion, is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 114 voting 'aye', no voting 'no'. This Bill, having received the Constitutional Majority, is hereby

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

46th Legislative Day

May 17, 1983

declared passed. On page 32 of the Calendar appears on Third Reading House Bill 7. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 7, a Bill for an Act to abolish certain defenses based upon mental condition. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Champaign, Representative Johnson."

Johnson: "Thank you, Mr. Speaker and Members of the House. This Bill is, ironically, a somewhat simplistic result of many, many years of study and analysis on my part and on the part of a good many other people. This Bill is modeled after statutes enacted in several western states including Montana and Idaho, and with certain explanation - which I'll elaborate on momentarily - abolishes the insanity defense in criminal cases in Illinois. There is currently a statutory definition, lengthy statutory definition contained in Chapter 38 of insanity that juries don't understand, the Judges don't understand, that attorneys don't understand and the defendants and the public don't understand. The presentation of criminal cases where insanity is a defense has become, in many cases, a simple war of psychiatrists. Who is more able to bring in convincing expert witnesses under the guise of psychiatric testimony, which even the psychiatrist will tell you is, at best, a subjective science. Indeed the psychiatrist who convened at Montreal, a group of psychiatrists about four years ago voted by a majority vote to abolish it, because they didn't understand what it meant. It is often times and is almost in every case a defense of last resort when every other defense is unavailable, where self-defense is not available, where a simple alibi is not there. The only thing left is the insanity defense, and it's simply interposed with the hope that some jury somewhere, such as

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

46th Legislative Day

May 17, 1983

the jury in John Wayne...such as the jury in John Hinkley, in many, many other cases around the...around the country were able to buy this flimsy defense. I can document hundreds of examples, and I did when we introduced this Bill before - I don't have the file with me - but a number of instances around the country where individuals are acquitted based on insanity, allowed to rejoin society and then kill, or rape or murder over, and over and over again. I would point to the attention of the Body to a recent edition of the Chicago Sun-Times, which is entitled 'Gacy Insanity Bid Pushed'. And the first line of that out of the Springfield Bureau is, I quote, 'Convicted mass murderer, John Wayne Gacy, should be taken off death row, because he did not get a quote, 'fair chance to prove he was insane when he murdered 33 young men', Gacy's attorneys told the Illinois Supreme Court Wednesday. The individual now is in a mental institution, but acquitted on criminal charges, who tried to kill the President of the United States. I hate to think that this is simply a reaction to that, and it isn't. It is simply a reaction to our criminal justice system that allows the defendants who are skillful and artful enough and had good enough witnesses in terms of psychiatric testimony to laugh at the system. And what this Bill says, the message this sends not only to would-be criminals, but to society generally, is that this House and hopefully the Senate, is concerned about the abuse of our criminal justice system, about the abuse of the insanity defense, and that maintenance of it in today's society just doesn't make sense. There is still a requirement in this Bill that an individual has to have a cognitive intent in order to commit a crime. And if the individual is not able to form that intent, then the individual is not going to be convicted in those crimes

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

46th Legislative Day

May 17, 1983

where specific intent is required. An Amendment made that clear, and I think the Bill makes a good deal of sense. It's humane as well. This Bill sets up a three step process, a fairly complex process, but one I think that's fair not only to society, but to the defendant. A first step when the person is either convicted or acquitted based on what he or she did or didn't do, a second optional step at the motion of the defendant where there is allowed to be presented evidence with respect to mental disease, mental defect and the various sorts of things that used to be an absolute defense as insanity to present to the court for consideration and mitigation of sentencing. And then finally a sentencing procedure where all those prior steps are incorporated. I think rather than go on at great length here, I can entertain some questions from individuals who are concerned about the Bill. But I think it is an extremely important step, an extremely important message to send to the people of Illinois, and for that matter, around the country."

Speaker Yourell: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Representative Johnson, I just have two or three quick questions. Since I'm..."

Speaker Yourell: "The Gentleman indicates he'll yield."

Mautino: "Since I'm not an attorney, by eliminating the guilty but insane provisions, and that's what you're doing in this legislation. Correct?"

Johnson: "That's correct. Guilty but mentally ill."

Mautino: "That means there will no longer be that defense?"

Johnson: "That's right. The defense really doesn't exist now. It's just a medium ground thing."

Mautino: "Okay."

Johnson: "Let me tell you what happens now, the reason that we're

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

46th Legislative Day

May 17, 1983

doing that. Is that that Bill, while it might have been an improvement of the system somewhat, still permitted, under the same exact standards, a jury or the court to acquit a person based on insanity. All that guilty but mentally ill bit...Bill did was to create another grounds by which somebody could be convicted but have a lesser sentence. An individual is absolutely, under current law, before this Bill, is still allowed to interpose an insanity defense, the same as they have been for 50 or 100 years, and still be acquitted on the same basis. That intermediate Bill with...if we enact this, simply wouldn't make any sense anymore."

Mautino: "My second question. The process in the statute now offers or allows the Department of Mental Health and Developmental Disabilities to decide when an individual is released from a facility under the prior charge of guilty but insane. Is that true? Is that still there, or is that gone?"

Johnson: "Under the current law before this Bill or after this Bill?"

Mautino: "Yeah, after this Bill."

Johnson: "No, after this Bill, if an individual is convicted, then it is certainly that part of his treatment could be a treatment in a mental health facility. But they wouldn't...that mental health facility wouldn't be allowed to send him back into society. They would simply, at the appropriate point, be able to transfer him to the Department of Corrections."

Mautino: "Alright, my question is, if guilty but insane is not a defense, what is he doing in a mental health facility in the first place? Where should he be?"

Johnson: "Well, if an individual is convicted, and the court certainly has discretion under current law to sentence an

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

46th Legislative Day

May 17, 1983

individual, as part of his conviction on the offense, to mental health treatment, they can do that right now."

Mautino: "And then who has the authority to let them out, if they decide..."

Johnson: "Into society, you mean?"

Mautino: "Yeah."

Johnson: "They wouldn't be allowed to be released until the completion of their sentence by the court."

Mautino: "Okay, that's all I wanted to hear."

Johnson: "Yeah, thank you very much. Good question."

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

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Representative Johnson and I have the job on the floor of reading all the Bills, and I would suppose that Representative Johnson would think that this...to be one of the better Bills of the Session. I can tell you that I, personally, think it's probably one of the worst Bills. When this Bill got out of Committee, even though it was opposed by the Illinois State Medical Society and the Illinois State Bar Association, it somewhat caught me by surprise. I did not have a chance to evaluate it, and so since it's been on the floor, I've taken that time. I hope I've looked at it carefully. I hope I can be fair to Representative Johnson, and...and I'll do the best I can in trying to describe what it does. The first thing that it does not do is it does not abolish the insanity defense. That's what I thought it did, but it doesn't do that. It does not abolish the insanity defense. What it does is to abolish the verdict of not guilty by reason of insanity. Now, the reason why that's very significant is that right now, if you're found not guilty by reason of insanity, you are evaluated, and if it's found by the court that you

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

46th Legislative Day

May 17, 1983

should be subject to involuntary admission or need of mental health services, you go to jail, and you are locked up, and you are not let out unless a court lets you out. And you can be sentenced to the maximum sentence of imprisonment you could have received if you are found guilty. That's what happens right now. Now, all of the concern about the insanity defense surfaced about three or four years ago. And we, in the Legislature, under...with a Bill sponsored by Representative Katz, changed the law so that psychiatrists can't let people go. You've got to go and get permission by a Judge. So what this Bill does is to say, that you still have...you still have the possibility of being found not guilty by reason of insanity, because he doesn't abolish the defense. He changes the definition of insanity. In one way, it could be argued, he even makes it broader, and then he says 'if you win, if you're found 'not guilty', you walk'. That's it. You are...you proved that you were insane, and now you walk out the door. Now to me, that is crazy. That doesn't make sense at all. Right now we can lock these people up. Now, I think that this is the type of Bill that we have to be very careful on. We've had Bills in the past that we haven't looked at very carefully. For example, one of the Bills that we didn't look at very carefully was the verdict of guilty but mentally ill that Senator Geo-Karis passed by bypassing Committees. The only good thing I can say about Representative Johnson's Bill is that abolishes that which was passed just last year. We didn't look at that carefully. We didn't look at the machine gun Bill carefully. I'm not suggesting Representative Johnson is misrepresenting this Bill. I think he believes in it, and I believe that it's a bad Bill. And I certainly apologize to him if he felt in Committee that I thought he was

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

46th Legislative Day

May 17, 1983

misrepresenting the Bill. I don't think he does. Another thing that he does in this Bill is he abolishes Section 6. ... 6-2(B), which formally provided that a mental disease or defect did not include an abnormality manifested by repeated criminal or otherwise antisocial content...conduct. This Section is the psychopath Section. This Section is the one that was generally seen as relating to John Gacy. He is abolishing that Section. I don't understand why. He is abolishing the Section which specifically is in the law right now that says this conduct is not a defense. He's taking that out. He's saying, in effect, that if you didn't intend...if you have a mental disease, and you didn't intend for that mental disease...or as a result of that mental disease, you didn't intend to commit the act, then you shall be found not guilty, and you walk. You go out the door. And to me, that is the most severe criticism I can give of this Bill. If he had a Bill that abolished the insanity defense as a result of, say, the publicity in the Hinkley case, well, you know, then we'd have a different argument. But that is not what this Bill does. The Bill does not abolish the insanity defense. It abolishes the verdict of 'not guilty' by reason of insanity. As a result, we potentially will have no control at all over a very sick person being let out right on the street. Now he might say, 'Well, the State's Attorney, if you're found not guilty, can commit him civilly'. Well, can you imagine this: the State's Attorney is in court trying to prove that a guy is not insane. He's found 'not guilty', and then they go across the street to the civil court, and they say he is insane. The State's Attorney would have to prove that he was insane and, therefore, should be committed civilly. That's incredible. That's not going to happen. So the fact of the matter is, these



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

46th Legislative Day

May 17, 1983

people would be on the street. It's a very important vote. I suggest to you, if this Bill passes and becomes law, someone's going to be 'found not' guilty by reason of insanity under this new definition, and there's going to be a scandal. There's going to be a scandal. We're going to come back. The media will come back and look at this Roll Call, and they will be very critical of us for passing this Bill. I urge you to please, please follow the advice of the Illinois State Medical Society, the Illinois Bar Association, and vote 'no' on this Bill."

Speaker Yourell: "The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Well, Mr. Speaker and Ladies and Gentlemen of the House. I would rise in support of this Bill. The previous speaker said that we should trust the...trust the Judges. Well, I think the Judges, in many cases, are just as crazy as the psychiatrists. We had a person up in Cook County a couple of years ago that cut up her....he cut up his girlfriend and mailed her parts all over the country. Mailed her fingers, I think, to President Carter at the time. He was judged to be insane. He was put in an institution. And it was within a year he was out walking the streets again. I believe that Representative Johnson is on the right track, and I don't believe we can trust Judges or trust a psychiatrist to defend us, because many times they are crazier than the people that they're trying to get off. So I would rise in support of Representative Johnson's Bill."

Speaker Yourell: "The Gentleman from Madison, Representative Flinn."

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

Speaker Yourell: "The Gentleman moves the previous question. All those in favor signify by saying 'aye', opposed 'no'. The

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

46th Legislative Day

May 17, 1983

previous question has been moved. The Gentleman from Champaign, Mr. Johnson, to close."

Johnson: "Thank you, Mr. Speaker and Members. I really have to compliment Representative Cullerton. Usually he's tried to defeat good law and order Bills by simply facing the issue and saying that we're going too far or that the Criminal Code shouldn't be as strict or difficult or so much little discretion in the courts as we have. But in this case, he's tried to turn the tables and indicate that this Bill is somehow not what I say it is. But with due respect to Representative Cullerton, I would submit that it's exactly what I said it is and more. And I would specifically direct his attention to Amendment #3, combined with the substance of the Bill, which absolutely repeals the definition of insanity, so there is no attempt or could be no attempt to boot strap that definition in anymore. It's absolutely abolished. The provisions with the respect to psychopathic behavior are only toughened by this Bill, and I think probably the classic example, I'll give you two classic examples of the difference in application after the passage of this Bill. John Hinkley stalked the President of the United States for weeks or months. He intended to pull the trigger. He intended to kill the President of the United States. He did it, because he said that he was going to impress his girlfriend by...by that behavior. And so under our definition, as the law stands now of insanity, he wasn't able to conform his conduct to what's right and wrong and, therefore, would have been acquitted as he was in Washington, D.C. If, on the other hand, somebody is so out of it that they don't have the ability to form intent at all, that they're ringing their brother or sister's neck thinking it's a lemon, obviously that's a different posture, and there are different provisions of the Code to

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

46th Legislative Day

May 17, 1983

deal with them, and they would be dealt with accordingly. But this Bill is a pioneer Bill. It is a product of five or six years of research. It's the product of a long study, and it's the product of absolute public outcry that the continued inner position of the insanity defense in today's society doesn't make sense. It is such a subjective science that nobody understands what it means. It's a defense that mocks the system, because it's a defense that's interposed only when all other defenses are gone. And most of all, it doesn't protect the public. It allows felons, it allows murderers, armed robbers and rapers...rapists to go on the streets again, and again and again to commit the same offense. And I would suggest to you that we ought to follow the lead of Montana and Idaho, and enact this Bill and take the lead nationwide in doing something positive for the people of Illinois and something positive for our criminal justice system."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor will signify by voting 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Gentleman from Cook, Representative Jaffe, to explain his vote."

Jaffe: "Yes, Mr. Speaker and Members, I rise in opposition to this Bill. I think that Representative Cullerton is absolutely correct. I voted against the Geo-Karis Bill last time out. I think I was one of the few. And I heard arguments similar to what was given on the floor of the House telling us how we were going to solve all these problems with the passage of the Geo-Karis Bill. The Geo-Karis Bill did not solve any problems. It created more problems than we solved, and this is going to do the identical thing. We are really are not solving any problems with this particular Bill. We're all having a

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

46th Legislative Day

May 17, 1983

knee-jerk reaction to things like the Hinkley case, the things like the Gacy case, and what comes out of this General Assembly really is pure garbage. And I don't think that we should use Montana and Utah, those two great states in the Union, as a model for legislation. I just don't think we ought to do it. This Bill is opposed by the Illinois State Medical Society. It's opposed by the Illinois Bar Association. I think that Representative Johnson is well meaning, but it is not a good Bill, and I don't think that we'd do any good by passing such piece of legislation, and I would urge a 'no' vote."

Speaker Yourell: "The Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Mr. Speaker, to explain my vote. I strongly favor House Bill 7, and I'd like to correct a couple of impressions that have been left. We've had speakers saying 'guilty but mentally ill was good', so we shouldn't change it. We just had one say it's bad, so we shouldn't change it. Guilty but mentally ill has been working, and it's been working for State's Attorneys. The reason it's abolished in this Bill is because it will no longer be necessary. You will still have the same procedures resulting, where if...if someone does have a mental defect or a mental illness that does not rise to the level of insanity or a defense to the mental state, they will still get treatment. They will not be released, as has been suggested. The prosecutors' dilemma under the present law has been mentioned...or under this law has been mentioned, but the prosecutor has that dilemma even worse under existing law, and I would urge an 'aye' vote."

Speaker Yourell: "The Gentleman from Fulton, Representative Homer."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen. I also

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

46th Legislative Day

May 17, 1983

would urge an affirmative vote on this issue, and I think it's an extremely important one. As a former State's Attorney, I can tell you that the existing law is ludicrous. It requires, if the defense raises any defense of insanity, it puts the burden of proof on the prosecution to prove beyond a reasonable doubt not only the elements of the offense, that the person intended to commit the crime, but also requires the prosecution to prove beyond a reasonable doubt that the person appreciated the criminality of this conduct, and that he did have the ability to conform his conduct to the requirements of law. Now I would ask you to envision a situation that occurs in every insanity defense where you have psychiatrists testifying on both sides of that issue. And to put to a jury of 12 lay people the question, 'Have you been...has it been proven to you beyond a reasonable doubt that anything is certain with regard to psychiatric certainty?', is a ludicrous standard. But what we've said to you then in effect, is, 'Well if that defendant is John Wayne Gacy, if that defendant is Richard Speck, if that defendant is John Hinckley, then just blind your eyes to what we instruct you the law is and go ahead and find them guilty. Don't use this...don't let this reasonable doubt burden frighten you in those cases.' I think this Bill that's been offered by Representative Johnson is an excellent Bill. Certainly, as Representative Cullerton says, it's impossible to eliminate the defense of insanity as applies to the elements of the offense. That would be in violation of the Constitution and due process. But this Bill does everything that we should be doing in this area and making the state prove only the elements beyond a reasonable doubt and not impose upon them some preposterous additional burden. The public is strongly in support of this Bill, and I think for the

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

46th Legislative Day

May 17, 1983

very reasons that have been stated, we should urge the support of it."

Speaker Yourell: "The Gentleman from Livingston, Representative Ewing, to explain his vote."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, it's very difficult to do a better job of explaining a vote than the last Representative did. He hit many of the points that I think should be made. I, too, had experience in the State's Attorneys' Office. We need to change our law on the insanity defense. This may not be perfect, but certainly it's better than the law as we have it now. Let's put the votes up there needed to pass this Bill out. We're back here every year. Any changes that need to be made, I'm sure some ingenious person in this House will come up with the Amendment. So let's pass out this important change and get started. Thank you."

Speaker Yourell: "The Gentleman from Cook, Representative Bowman, to explain his vote."

Bowman: "If this Bill should reach 60 votes, I would request a verification."

Speaker Yourell: "The Gentleman from DuPage, Representative McCracken, to explain his vote."

McCracken: "Thank you, Mr. Speaker. I rise in support of this vote, and I urge everybody with a 'present' or 'no' vote up there to reconsider his position. This Bill is just a matter of simple equity. Under current Illinois law, insanity is an affirmative defense. What that means as a practical matter is that the burden to prove a person is sane rests with the state. Now, that burden goes with the state regardless of whether or not the mental condition has anything to do with the person committing the crime, whether it has anything to do with the intent that is required for the commission of the crime. And it works

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

46th Legislative Day

May 17, 1983

this way: if a person does not plead insanity, then the state has to prove that that person acted knowingly in a particular case. However, that is not only the only thing that they have to prove when insanity is plead. They have to prove that the person acted knowingly. They have to prove every element of the crime that the sane person is required before...that is required for proof before a sane person can be convicted. Under current law as an affirmative defense, the insanity defense has nothing to do with guilt or innocence. It has nothing to do with the mental state. The person can commit the crime. He can commit the crime knowingly and with the intent to do what his acts will lead him to, and he can still be found not guilty for reasons wholly unrelated to his behavior or mental state. Representative Johnson has put forth a Bill which requires that the insanity issue be considered only if it's relevant to the state of mind, only if it means that this person, because of his mental disease, did not commit all of the elements of the offense. That's what Representative Johnson's Bill does. It is not soft on insanity. It does not do away with any provisions of the law which can be considered law and order. All it does is relate the insanity defense to the elements of the crime. All it's saying is that if this person committed the crime, if he committed all of the elements that have to be proved, then he's guilty. If he didn't because of his insane condition, then he would not be guilty for that reason only. I urge your support."

Speaker Yourell: "The Gentleman...the Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd just like to say in response to Representative Jaffe who says that the Illinois Medical Association, the

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

46th Legislative Day

May 17, 1983

Illinois Bar Association are opposed to this. And for those of you that are, you know, just kind of hanging out there on the limb that, you know, they've been wrong before. They've opposed legislation before. They're not always right. And collectively in this particular piece of legislation, they're probably both wrong. How about voting for what the people think out here this time? Vote 'aye'. This is really a good piece of legislation."

Speaker Yourell: "The Gentleman from Lee, Representative Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To explain my vote. As a former circuit clerk, I've sat through three trials of this nature where an inordinate burden was placed on the prosecution. I strongly support an affirmative vote on this."

Speaker Yourell: "The Lady from DuPage, Representative Karpziel."

Karpziel: "Well, I just rise to...just to make an observation that I see some people up there that are Cosponsors of the Bill that are voting 'present'. So I think some funny things are going on with this Bill, and I think it's very good legislation."

Speaker Yourell: "Is there further discussion? I see not. The question is, 'Shall this Bill pass?'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 55 voting 'aye', 33 voting 'no'. The Chair recognizes Representative Cullerton. Okay. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Appearing on the...You want something? Postponed?"

Johnson: "...To make that request, but you already declared the Bill..."

Speaker Yourell: "Postponed Consideration. Leave for Postponed Consideration. The Bill is on Postponed Consideration. Appearing on the Order of Third Reading is House Bill 9.



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

46th Legislative Day

May 17, 1983

Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill #9, a Bill for an Act in relation to occupation and use taxes imposed on personal property sold by student organizations and elementary and secondary schools. Third Reading of the Bill."

Speaker Yourell: "The Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Thank you, Mr. Speaker, Members of the House. House Bill 9 simply exempts high school or actually any K-12 school organizations, teacher sponsored school organizations, from the sales tax on items that are sold in the school by teacher sponsored organizations. Often times, you know, the FFA, the future homemakers, and the Lettermens Club, and so on, and so forth do sponsor these fund raising events to raise money for whatever the case may be in the school itself. It's, again, sponsored by teachers, and this would simply exempt them from the sales tax. In Committee, I know, people are going to stand up here now and say, how much is this going to lose the State of Illinois? The Department of Revenue couldn't even give that answer, how much it was going... going to miss as a result of... if this Bill were to become law. Accordingly... accordingly, it's... it's something that is... has a precedent... there's precedent for it. And we also know that the Department of Revenue has even no way of tracking these student organizations down. The schools that pay it, pay it. Those that don't pay it, don't pay it, unless somebody investigates them, unless somebody reports them out. And so the Department of Revenue can't even give an accurate answer. So it's a very minor amount, and I would move for the adoption of House Bill 9."

Speaker Yourell: "Is there discussion? The Gentleman from Kendall, Representative Hastert."

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

46th Legislative Day

May 17, 1983

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

Speaker Yourell: "Indicates he'll yield."

Hastert: "The Sponsor already mentioned one of the questions that he probably thinks I'm going to ask, and he was right. How much does this cost?"

Mulcahey: "There's no way for me to know, Dennis, because there's no way the Department of Revenue knows. You heard them testify in Committee that day, and there's no... there's no indication. They can't even keep track of it. They're probably spending more money trying to keep track of these type things than they're bringing in."

Hastert: "What... that was fast. What was... how's this effect the State Mandates? Is it in the mandates or out of the mandates? What... what... how is this effected by the mandates? Is it inside the mandates or outside the mandates?"

Mulcahey: "It... Amendment #2 exempts it from the Mandates Act."

Hastert: "So any impact on the state actually is nullified, and that impact comes right back on local governments. Is that correct?"

Mulcahey: "Yes, that's correct."

Hastert: "All right. What kind of things do these student groups sell?"

Mulcahey: "They sell anywhere from candy bars, to marshmallows, to T-shirts, to hats, to these type things that, pom-poms, and what have you that raise various funds for these school activities."

Hastert: "Does this... is this legislation not limited though? If you had a say a group of athletes that tried to raise money for a football team, for example, they could go out and they could actually sell cars and appliances and things and be in competition in towns. Is that correct?"

Mulcahey: "Well, you're... you're stretching the extent of this

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

46th Legislative Day

May 17, 1983

Dennis. I know that... that's a, I suppose theoretically, this could be the case, but you name one time this ever has happened. You know what I'm talking about as well... as well as I do that this... this refers to the... the Lettermens Club and these student organizations that have fund raisers, teacher in school sponsored, and certainly schools are not going to allow anybody to go out and sell automobiles and airplanes."

Hastert: "One other question. Is this treated differently or the same as charitable groups?"

Mulcahey: "I... I can't answer that."

Hastert: "All right. Mr... thank you, Sir. To the Bill."

Speaker Yourell: "Proceed, Sir."

Hastert: "You know, I... I think we have something we have to take a look at here. First of all, I have been a coach, and I have seen things happen. And I've seen a very aggressive situations where schools can't fund or they cut out the sports program. And so the sports boosters go out and they have very aggressive programs, and they sell furniture, and appliances, and cars in some situations. You know, you could expend, maybe I am stretching the point, but it happens. And another thing, you know, I've seen year after year, groups come in and sell rings, for examples, in schools. And the school sells the ring, and they're actually in direct competition with the jewelry store downtown, the guy that pays the sales taxes, the guys that pay the property taxes that support the schools. And not only are we, you know, eliminating these people from sales taxes, we're also now putting the burden right back on... on top of them by eliminating the mandates and saying that these people now have to subsidize those sales. I think it's a bad policy. I think it's a problem, and you know, we do allow charitable organizations to buy things

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

46th Legislative Day

May 17, 1983

without sales tax, but we don't allow them to sell things without sales tax. Here we're setting up a precedent where we're selling products sometimes, not always, but sometimes in direct competition with the ... with the corner store downtown, or the jewelry store, or the... maybe even the automobile agency in town. And we're saying that these people who sell through the school don't have to pay sales tax, but if you buy that product downtown, where those people are legitimate taxpayers, then you do have to pay sales tax. I don't think this a good precedent. I know it's... it's a worthy cause, and Representative Mulcahey has worked hard to pass this legislation, but I think it's a problem. And it's going to create more problems in this state, and I ask your negative vote on this issue."

Speaker Madigan: "Representative Madigan in the Chair. The Chair recognizes Representative Hoffman."

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

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

Hoffman: "As I understand it from my analysis, and correct me if I'm wrong, this Bill would only apply to student groups. Is this correct? This Bill would only apply to student groups."

Mulcahey: "That's correct."

Hoffman: "It would not apply to booster groups?"

Mulcahey: "If that boos... no... it no, probably not. It depends on what the definition of a booster is. If a booster group is a group in school that is sponsored by a teacher then it would apply. Whatever a booster group is. I don't know what a booster group is."

Hoffman: "Let's... let's say that this is a group... what... let's say you were at Durand High School. What's their... what's their logo? What are they? The red robins or what

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

46th Legislative Day

May 17, 1983

are they?"

Mulcahey: "No they're the... they're the 'Raggedy S Redbirds'."

Hoffman: "Pardon me? I think your answer may have been worse than my question. Let's say that... that at your high school, they cut out athletics, and an adult booster group was formed in town to raise money to outfit that football team."

Mulcahey: "It would not apply."

Hoffman: "This would not apply."

Mulcahey: "That's correct."

Hoffman: "They would be subject to the sales tax because they are not student... it's not a student group."

Mulcahey: "That's correct."

Hoffman: "If it was school sanctioned, would that make a difference or not? If the school board said, 'Yes, go out and raise this money.'"

Mulcahey: "Again, Mr. Hoffman, I didn't hear you."

Hoffman: "All right. If the Red Robin boosters were sanctioned by the school board to raise money to get equipment for the football team, would they by definition be exempt?"

Mulcahey: "No they would not."

Hoffman: "Thank you."

Speaker Madigan: "Mr. Mulcahey to close."

Mulcahey: "Thank you, Mr. Speaker. It's very interesting that one of the... one of the Gentleman across the aisle, who was the first one to ask, just passed House Bill 270 a few minutes ago. It's probably going to cost each county in the State of Illinois about 10 or \$15,000.00, and I doubt if this Bill will cost the entire state \$10,000.00, if it were passed. It's something that all student organizations have been asking for, administrators in schools throughout the state have been asking for, school boards have been asking for. It's a very unjust tax. It's one that's not

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

46th Legislative Day

May 17, 1983

even being enforced. It's not even being collect half the time throughout the state. The Department of Revenue has no idea what they're going to lose. We're not going to lose a whole lot. So I would ask for a favorable Roll Call."

Speaker Madigan: "The question is, 'Shall House Bill 9 pass?' Those in favor signify by voting 'aye', 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 97 'ayes', 13 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of General Resolutions, House Resolution 271 was inadvertently and incorrectly assigned to the Committee on Assignment; therefore, the Resolution shall be assigned back to the Speaker's Table, and on that question, the Chair recognizes Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, I would move for immediate consideration of House Resolution 271, which was filed with the Clerk's Office or at the well this morning. The Resolution, Mr. Speaker, in the spirit of attempting to move the budget process along, would ask for you to appoint along with myself, as Minority Leader, a Committee, a bipartisan Committee, to study the various issues before us in terms of potential savings in the state expenditures. And highlighted in the Resolution would be such issues as travel control mechanisms, and seeing if we could save money, state expenditures in that area, in the area of legal contracts, in the area of consultants, in the area of state fleet of motor vehicles and the like, as highlighted in the paragraphs that are listed there. In those areas, where we may be able to fin... s... find some state savings, then to reprogram those state savings into human service needs such as education, mental health, and

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

46th Legislative Day

May 17, 1983

the like. Mr. Speaker and Ladies and Gentlemen of the House, the sole purpose of House Resolution 271, as presented to this House, and that I'm asking for immediate consideration on, would be for us to continue an orderly discussion of the budget process. In other words, Mr. Speaker, I must tell you frankly that I was somewhat disturbed and distressed that last week all of the Governor's budget Bills were in fact tabled by the action of this House and by the action of your party in the control of this House. What we are saying to you, Mr. Speaker, is we want to move forward to see if we can resolve the problems of the State of Illinois in an orderly fashion and to move in that direction. It's for that reason, Sir, that I'm suggesting to you by this Resolution that this is the orderly and proper manner in which to do it, and I would ask for you to join me, Sir, in supporting this Resolution, so that we can continue to study methods in which we can save money in this state and hopefully avoid the need for a tax increase if at all possible."

Speaker Madigan: "The Chair would propose that Mr. Daniels having been recognized to speak on behalf of the Motion, that then Mr. Reilly, as the Spokesman on the Appropriations I Committee... II Committee, and then Representative Barnes, be recognized to speak in behalf of the Motion, and then there be three Democrats recognized, and then we go to Roll Call; therefore, Mr. Reilly."

Reilly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There's really not a great deal to add to what the Minority Leader has said. This is a serious attempt to come to grips with the most important problem we're going to face in this Session. We come off of three years of revenue going down. We come off of three years in which we have had to cut appropriations or at least not have them go

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

46th Legislative Day

May 17, 1983

up as fast as inflation, so that in the real world there were cuts. We now face a budget that the Governor's presented to us, which would make drastic cuts which many of us, myself included, find unacceptable. At the same we are all weary, understandably as citizens and as politicians who must face reelection, of any question of a tax increase. The responsible thing under those circumstances is to begin on a bipartisan basis reviewing the budget, seeing where we can make cuts in nonessential areas, finding out how that adds up, how we might then use the money that we save by those cuts in all the areas that Representative Daniels has indicated and any others that we can think of or that any Member can suggest, seeing how we can then use those cuts to then restore some of the terrible cuts in essential services that have been suggested. Now at that point we may find that we can do perfectly well without a tax increase. We may find at that point that we're all convinced that there must be one. We cannot prejudge that process, but what we can say absolutely for certain is that if the Body collectively is not allowed, as it has not been in the Appropriations Committee, as it is not now being allowed on the floor on the Order of Second Reading, to begin working through that process. And it's partly a self educating process of what the budget priorities are, what the real room for maneuver within the budget is. We can say for certain that if we do not begin on a bipartisan basis to look at those allocations to see what can be done and what can't be done, that we then come to June 30th. We will then have to deal with those questions in mass. We will have to deal with them in closed rooms. We will have to deal with them in terms of leadership agreements which most of us will not be a part of. This is a sincere attempt to suggest that we



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

46th Legislative Day

May 17, 1983

begin that review. It's a review in which every Member ought to have a part. It's a review that ought to go on in public. It's a review that ought to go on in terms of the orderly process of the House. The Minority Leader has presented in all sincerity a legitimate suggestion as to how we might do that. All of our previous suggestions having been rejected. I would plead with those on the other side of the aisle not to move just in lock step on this. This is a Member question that would affect all of us and all of our rights. It is our last chance that I see in which all the Members of the General Assembly can take part. I would suggest that there ought to be bipartisan support for the Motion for immediate consideration, and that we then should pass this Resolution, get on with the really important work of this Session."

Speaker Madigan: "Representative Barnes."

Barnes: "Mr... Mr. Speaker, Ladies and Gentlemen of the House, I rise and speak on behalf of the Members of my Committee, Appropriations I, that were so faithful in attendance, listening to all the Appropriation Bills and all the Amendments that were proposed. One of the local newspapers called me today asking me about some Amendments for Marine Valley, and I had to explain to him that the destiny of that appropriation and every other one is in the hands of the Speaker, because we are just merely 48 votes on this side of the aisle. So we must beg you, Mr. Speaker, to please let it be heard in a bipat... bipartisan manner. Today, on the way down here, I was reading the Tribune, and I read a very complimentary article about you, Speaker Madigan. It says you are a very powerful person, and that you want to run for Governor, and I really agree with that statement. So please, please, Mr. Speaker, please be fair to this side of the aisle and let us vote this Resolution

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

46th Legislative Day

May 17, 1983

out."

Speaker Madigan: "To respond, Representative Matijevich."

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I have no problem with immediate consideration, but I sure do have a problem with immediate adoption of this Resolution. First, I would like to say that calling something bipartisan doesn't make it bipartisan, because as I read this Resolution, it is... probably sinks to the depth of political hypocrisy that... that I could imagine. And I... I would react to the resolved cause... clause where you talk about spending priorities. Your list is almost identical of some of the things that I raised last Session when you were the Majority Party, and when you closed your eyes completely to all of the issues that I talked about. So if you really do mean it, and if you really do want to have a spending control mechanism, I would... a travel control mechanism, I would suggest that you yourself travel down to the second floor and talk to the Governor about that. If you really do want to talk about reducing legal services, maybe you ought to talk to the Governor... and talk to the Governor about Jim Fletcher, and you ought to talk to the Governor about Sam Skinner, because I don't really think you want to do anything to control those legal contracts that are so juicy to the Governor's pals. If you really want to talk to bout... about the matter of the fact that the Governor has two large of a fleet of motor vehicles, talk to him about it on the second floor. We really don't need a bipartisan Committee. If you want to talk to the Governor's bodyguards, that he has too many bodyguards and whether he uses them for political purposes or not, talk to the Governor about it. We don't need a select Committee about that. If you want to talk about the reduction of the Air

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

46th Legislative Day

May 17, 1983

Force, and that the Governor may be using it for other than legal... and... a... a... authoritarian purposes then talk to him about that. And if you think that he must be building too many prisons, because you're talking about reduction in capital construction, talk to him about it, because it didn't do me any good to talk to you about it all last Session on the floor. What I'm trying to say, Mr. Speaker and Ladies and Gentlemen of the House, that this is a political document, and we could really, if we went into this and had time and you know we don't have time, in fact you say by your Resolution that we ought to be meeting at the same time, at the same time that we're here for two weeks trying to pass Bills out, consider Bills when we have to be on the floor of the House, you're saying that those ten Members should be somewhere else doing this. When in fact of the matter, if you really want to do this in a responsible and responsive way, we ought to do it when the House adjourns in June... June 30th, and do it in a real responsible way. This is not the time to do it. Not only that, Mr. Speaker and Members of the House, I was at a meeting yesterday on a panel, where one of the Bureau of the Budget also was on that panel. And he not... he didn't talk about reductions, as you are in this Resolution. He talked about the fact that if, if we had the tax increase, one million nine, one million six in General Revenue, he'd start talking about those allocations that the Governor has yet to talk to us about. And do you know that even with the tax increase, he left little pennies for us to serve human needs. And you're trying to tell me that this select Committee is going to talk about reductions in spending as it is right now, and we are going to satisfy human needs. Bologna, and you know it. We're talking about the education of the kids in... in Illinois. We're talking

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

46th Legislative Day

May 17, 1983

about mental health. We're talking about the disabled, and your Resolution doesn't even talk about those priorities. All you want to do is make some political hay, as if you're going to reduce the Governor's travel budget, as if you're going to take away from the Mansion those nice... niceties that he has there. You know you're not going to do it. You know that all... all this is is a lot of political hogwash. We in the Majority Party take our responsibilities seriously. We're going to get at the business of appropriations. But we're going to determine first, if there's going to be any movement on a tax increase, and nobody sees it yet. I don't see it over in the Senate at all. I don't see anybody talking about that. If you're going to talk about human services, if you're going to talk about human needs, you've got to put the two together. And it may be that this won't come together until all of our backs are against the wall, but they have a Resolution like this is pure poppycock. It is not taking the issue of appropriations and spending priorities responsibly in any way, and I would urge this side of the aisle, when it comes to adoption of this Resolution, to resoundly vote 'no'."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a grandstand political play. It does not address the substantive issues. It creates a unworkable mechanism, and for an obvious political purpose. Let me just point out some of the specific provisions of this Resolution. First of all, this Resolution proposes that the... this select Committee is supposed to meet at a time when the House is in Session, before June 1st. Now, Representative Matijevich alluded to this, but I'd like to point out that during this period of time, we will be on

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

46th Legislative Day

May 17, 1983

Third Readings. We will be moving hundreds of pieces of legislation through, and it is imperative that we devote our full attention to that legislation. Now, later in the Session, when we have Motions on... to... to recede or Concurrence, where Motions are taken on a voice vote, and the outcome is, you know, for ordained... is simply to put a legislation in the Conference Committee and there is no final action involved, then we can... then we could... could meet. And indeed Conference Committees do meet under those circumstances, but to be absent during Third Reading is not giving the proper attention that the substantive legislation deserves. Second of all, I would point out that the reporting date for this Committee is June 1st. That's only two weeks away. What are we going to do. Are we going to be suspending posting requirements all over the place? Is that what we're going to do next? If you really want to provide for reasonable citizens input and reasonable..."

Speaker Madigan: "Mr. Bowman, could you bring your remarks to a close?"

Bowman: "Okay. Well, I wouldn't have to be speaking on this if you didn't introduce the Resolution in the first place, so don't give me that. I would just..."

Speaker Madigan: "Mr. Bowman, Mr. Leverenz is anxious to address this question."

Bowman: "Okay. Okay. I would just like to point out in conclusion that this particular proposal provides an... an in run around the normal processes, and what it does, this provides for equal representation by both... both parties. Now that sound bipartisan, but none of the Committees are structured that way. The Conference Committees aren't structured that way. This is just an obvious political ploy for the Minority Party to get its... its foot in the

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

46th Legislative Day

May 17, 1983

door in a... in a way that the normal Committee processes don't... do not permit."

Speaker Madigan: "Mr. Leverenz."

Leverenz: "Thank you, Mr. Speaker. I'm almost lost for words, but not quite. The Gentleman on the other side understands that we win or lose Bills all the time and nothing is dead. When we see the tax package come over from the other side, we'll understand how many dollars we're dealing with. We'll get to a Roll Call. We have done a few new things. The Resolution has... has outlines a few of the things that we're interested in doing. The travel control boards, nine of them, two of them are defunct. They all have different rates, even the Governor's Travel Control Board. Want to deal with a special travel control board on air travel? Vote for my House Bill 1111. It'll take care of the political use of state planes. We will get to the things that you have here, the legal service contract agreements raised in Appropriations I. Reduce the state fleet on motor vehicles? Yes, sports fans, we found almost a dozen cars that in two years that have received almost... over two dozen tires each. They got to be giving them away for birthday presents. Many of these things we agree with. They were brought up in Appropriations I. We have found more. Imagine, one lady, one lady in Springfield in twenty-four months receiving contractual work for over one million dollars, married to a state employee in another agency. Imagine, look at the Capitol Development Board building programs. You will see things that will stagger the imagination, hidden in the bowels in the new Revenue building. Think about it. We went out... we visited agencies. We learned some new things. You want to talk about cuts, take the \$275,000,000.00 general revenue increase in the budgets in Approp I and move them to where

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

46th Legislative Day

May 17, 1983

the Governor cut in Approp II, human services. We can do that very easily. We may do that. Maybe three agencies shouldn't even exist in State Government anymore. They outdid their usefulness. We will give special consideration to the budget, just like last Session. We know how to get the job done. The Gentleman on the other side, or all the Ladies and Gentleman, get your press releases out. That's all this is good for. You haven't done anything for the last two or three weeks with these Resolutions. Unbelievable. Be more creative. Defeat this Resolution."

Speaker Madigan: "Mr. Daniels to close."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, contrary to the prior speaker and the Gentleman before him, these two Gentlemen control the appropriation process in the State of Illinois, and God forbid, can you imagine the State of Illinois in Representative Bowman's hands? Well, that's what's happening. That's what's happening by failure to adopt this Resolution. You're leaving the total control of the \$15,000,000,000.00 budget in their hands. And what you're saying is that's fine with you. Now is you're prepared... if you're prepared not to stand up and lead, if you're prepared to stand up in front of your constituents and say, 'That's all right. We don't care about the budget process that our Constitution has set up for us.' If you're prepared to say that, 'We don't care about being strong leaders in this state.' Then so be it. But Mr. Speaker, I think you are a strong leader. I think you are a man with vision. I think you're a person that can come up and deal with issues as they present themselves, and I don't want to be disappointed and neither do the people of Illinois, Mr. Speaker. I want you to be a strong Speaker. I want you to lead the people of

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

46th Legislative Day

May 17, 1983

Illinois out of the crisis that we face right now, but I don't want you do it in the back room. And I don't want it at the expense of the suburban areas, or the collar county areas, or the downstate areas to bail out the City of Chicago that may be in trouble financially. What I want to do is do it in an open and deliberative process, Mr. Speaker. You said to us that the Committee process was bad. Maybe you didn't trust your two Committee Chairmen, because you wouldn't allow any votes. You said to us that the floor action is bad, where you wouldn't let us adopt Amendments on floor action. And now you're telling us that the only other course we have available to us, by Resolution, by the creation of a select Committee to study these problems is also bad. Mr. Speaker, I'm suggesting strongly to you, that we need to know your program, Mr. Speaker. We need to have your budget. You've killed the Governor's low budget. You wouldn't allow us to amend that to furnish additional human needs, human services and care for those people, and education, and mental health, and to correct those problems. You took it away from us. Mr. Speaker, give us the opportunity of representing our constituents and the people of Illinois. Allow this Resolution to pass. Allow us to deal with it openly and support those people that do in fact want to investigate the possibility of reduced... reduced expenditures and then putting that money into needed areas. We want your help, and we need your help, and so do the people of Illinois."

Speaker Madigan: "There shall be two questions presented to the Body. The first question will concern the Motion for immediate consideration, and then the second question will concern the question of adopting the Resolution, House Resolution 271. On the first question, the question of immediate consideration, 'Is there leave?' Leave is



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

46th Legislative Day

May 17, 1983

granted for immediate consideration. And now on the main question, the question of adopting House Resolution 271, 'Those in favor signify by voting 'aye', those opposed by voting 'no'. For what purpose does Mr. Birkinbine seek recognition?"

Birkinbine: "Thank you, Mr. Speaker, to explain my vote. One thing that has gone unmentioned, not only on the floor of the House and frankly in the various media of the state regarding the appropriations process here in the State of Illinois, is the fact that you and the people who run the Appropriations Committees that you govern, have indicated that you want the Governor of the State to come forward with his plan. Now he has indeed presented his budget. Notwithstanding the fact that I have objections to that budget myself, the fact of the matter is that the Governor of this state can only propose and veto. It is up to the legislature to decide what taxes are to levied and what appropriations are to be made. The seat of power in this regard rests right here, Mr. Speaker, and in the Senate. It's a legislative process. It's not an executive process, and while this may interfere with whatever political ambitions various people may have and whatever grandstanding may take place, the job for appropriating, and dispensing of funds, and setting of taxes rests with us right here. We don't have to hear word one from the Governor of this state. It's up to us to do it, and for Members of the Democratic Party to say, 'We're going to wait for the Republican Governor of this state to come forward and give us his full plan,' is, frankly, grandstanding. It's your job and my job to set the taxes, and then to decide how those dollars are going to be spent. And to say anything otherwise is frankly a shame. This proposition ought to pass."

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

46th Legislative Day

May 17, 1983

Speaker Madigan: "The Chair would like to recognize one more Member to explain his vote and then go to Roll Call. And on that matter, the Chair recognizes... that person has withdrawn his request. The Clerk will take the record. Yes, you're missing one. On this question, there are 47 'ayes', 64 'nos', 3 voting 'present'. The Resolution fails. Mr. Clerk, do you have any business to complete today? Are there any Agreed Resolutions? On the Order of Agreed Resolutions, the Clerk will read the Resolutions."

Clerk O'Brien: "House Resolution 256, Matijevich; 267, Panayotovitch; 268, Madigan - Daniels - et al; 269, Daniels; 270, Keane - McGann; 272, Klemm; 273, Steczo - Yourell; 274, Vinson; 275, McGann; 276, Rice - Bullock; 277, O'Connell. That's all."

Speaker Madigan: "Mr. Clerk, have you read the Resolutions?"

Clerk O'Brien: "Yes, Sir."

Speaker Madigan: "On the Resolutions, the Chair recognizes Mr. Giorgi."

Giorgi: "Mr. Speaker, Matijevich's 256 honors the Waukegan All-City Grade School Champs; 267 by Panayotovitch, notes 36 years of service; Madigan's 268 warns of an almost near jet collision and asks the FAA to investigate; 269 by Daniels talks about the YMCA Youth in Government Program; 270's Keane honors an anniversary; 272 by Keane talks about a passage of a conflict Resolution; 273 by Steczo notic... noti... notices nuptial honors; 274 by Rhem; 275 by McGann honors a basketball team; 276 by Rice notes a Tank Battalion honoring; and 277 by O'Connell asks the Illinois and Michigan Canal Heritage be appointed. I move for the adoption of the Agreed Resolutions."

Speaker Madigan: "We are on the Order of the Agreed Resolutions, and Mr. Giorgi moves for the adoption of the Agreed Resolutions. Those in favor say 'aye', those opposed 'no'."

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

46th Legislative Day

May 17, 1983

The 'ayes' have it. The Agreed Resolutions are adopted. Mr. Clerk, are there further matters. On the order of announcements, the Chair recognizes the Gentleman from Cook and Lake, Mr. Pierce."

Pierce: "Thank you. It's actually a Motion, Mr. Speaker. I ask leave to suspend Rule 24 so the Select Joint Committee on Regulatory Agency Reform better known as the Sunset Committee can hold hearings from nine til noon on May 18th and 19th while the House is in Session."

Speaker Madigan: "Is there leave? Leave is granted. Anything further Mr. Pierce?"

Pierce: "That is all. Thank you very much."

Speaker Madigan: "Thank you. Mr. Clerk, you have some amended Committee reports?"

Clerk O'Brien: "Corrected Committee reports. Representative Taylor, Chairman of the Committee on Elections, to which the following Bills were referred, action taken May 6, 1983, report the same back with the following recommendations: 'do pass as amended' House Bill 1679. Representative Steczo, Chairman of the Committee on Counties and Townships, to which the following bills were referred, action taken April 20, 1983, report the same back with the following recommendation: 'do pass Consent Calendar' House Bill 1202."

Speaker Madigan: "The Chair recognizes Mr. Greiman for the adjournment Motion."

Greiman: "Thank you, Mr. Speaker. I move that the House stand adjourned until the hour of 9:00 tomorrow morning."

Speaker Madigan: "The Motion is that we stand adjourned to 9 a.m. tomorrow morning. Those in favor say 'aye'. Those opposed say 'no'. The 'ayes' have it. We stand adjourned until 9 a.m. tomorrow morning."

10/28/83  
12:50

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

PAGE 1

MAY 17, 1983

HB-0007	THIRD READING	PAGE	162
HB-0009	THIRD READING	PAGE	177
HB-0061	THIRD READING	PAGE	99
HB-0174	THIRD READING	PAGE	103
HB-0186	HELD ON SECOND	PAGE	104
HB-0186	THIRD READING	PAGE	105
HB-0187	THIRD READING	PAGE	106
HB-0200	THIRD READING	PAGE	115
HB-0238	THIRD READING	PAGE	119
HB-0241	THIRD READING	PAGE	120
HB-0247	THIRD READING	PAGE	121
HB-0270	HELD ON SECOND	PAGE	123
HB-0270	THIRD READING	PAGE	161
HB-0321	THIRD READING	PAGE	123
HB-0343	THIRD READING	PAGE	125
HB-0359	THIRD READING	PAGE	128
HB-0553	THIRD READING	PAGE	131
HB-0553	OUT OF RECORD	PAGE	139
HB-0554	THIRD READING	PAGE	139
HB-0558	HELD ON SECOND	PAGE	142
HB-0558	THIRD READING	PAGE	142
HB-0613	THIRD READING	PAGE	143
HB-0614	THIRD READING	PAGE	145
HB-0615	THIRD READING	PAGE	146
HB-0621	THIRD READING	PAGE	147
HB-0630	THIRD READING	PAGE	149
HB-0637	THIRD READING	PAGE	150
HB-0652	THIRD READING	PAGE	154
HB-0654	THIRD READING	PAGE	158
HB-0657	THIRD READING	PAGE	154
HB-1186	SECOND READING	PAGE	22
HB-1188	SECOND READING	PAGE	23
HB-1189	SECOND READING	PAGE	23
HB-1203	SECOND READING	PAGE	23
HB-1204	SECOND READING	PAGE	24
HB-1205	SECOND READING	PAGE	24
HB-1206	SECOND READING	PAGE	24
HB-1216	SECOND READING	PAGE	25
HB-1221	SECOND READING	PAGE	25
HB-1222	SECOND READING	PAGE	35
HB-1224	SECOND READING	PAGE	35
HB-1227	SECOND READING	PAGE	35
HB-1236	SECOND READING	PAGE	36
HB-1237	SECOND READING	PAGE	36
HB-1238	SECOND READING	PAGE	36
HB-1239	SECOND READING	PAGE	37
HB-1239	SECOND READING	PAGE	41
HB-1239	OUT OF RECORD	PAGE	40
HB-1250	SECOND READING	PAGE	40
HB-1255	SECOND READING	PAGE	40
HB-1262	SECOND READING	PAGE	41
HB-1269	SECOND READING	PAGE	41
HB-1272	SECOND READING	PAGE	42
HB-1275	SECOND READING	PAGE	42
HB-1280	SECOND READING	PAGE	43
HB-1281	SECOND READING	PAGE	44
HB-1288	SECOND READING	PAGE	44
HB-1290	SECOND READING	PAGE	44
HB-1290	OUT OF RECORD	PAGE	54
HB-1305	SECOND READING	PAGE	55
HB-1972	SECOND READING	PAGE	3
HB-1978	SECOND READING	PAGE	5
HB-2004	SECOND READING	PAGE	5
HB-2008	SECOND READING	PAGE	5
HB-2015	SECOND READING	PAGE	6

10/28/83  
12:50

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

MAY 17, 1983

HB-2062	SECOND READING	PAGE	7
HB-2065	SECOND READING	PAGE	8
HB-2073	SECOND READING	PAGE	8
HB-2078	SECOND READING	PAGE	9
HB-2079	SECOND READING	PAGE	10
HB-2080	SECOND READING	PAGE	10
HB-2097	SECOND READING	PAGE	10
HB-2100	SECOND READING	PAGE	10
HB-2100	OUT OF RECORD	PAGE	12
HB-2105	SECOND READING	PAGE	12
HB-2108	SECOND READING	PAGE	12
HB-2109	SECOND READING	PAGE	12
HB-2110	SECOND READING	PAGE	12
HB-2111	SECOND READING	PAGE	13
HB-2115	SECOND READING	PAGE	13
HB-2117	SECOND READING	PAGE	14
HB-2118	SECOND READING	PAGE	14
HB-2123	SECOND READING	PAGE	14
HB-2144	SECOND READING	PAGE	15
HB-2170	SECOND READING	PAGE	15
HB-2194	RECALLED	PAGE	21
HB-2201	SECOND READING	PAGE	15
HB-2212	SECOND READING	PAGE	16
HB-2230	SECOND READING	PAGE	17
HB-2244	SECOND READING	PAGE	17
HB-2249	SECOND READING	PAGE	18
HB-2277	SECOND READING	PAGE	20
HB-2283	SECOND READING	PAGE	21
HB-2284	SECOND READING	PAGE	21
HR-0271	MOTION	PAGE	182
HR-0271	RESOLUTION OFFERED	PAGE	194

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER MADIGAN	PAGE	1
PRAYER - RABBI ISRAEL ZOBERMAN	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
RECESS	PAGE	42
HOUSE TO ORDER - SPEAKER MADIGAN IN CHAIR	PAGE	43
REPRESENTATIVE YUBELL IN CHAIR	PAGE	98
GENERAL RESOLUTIONS	PAGE	160
SPEAKER MADIGAN IN CHAIR	PAGE	180
AGREED RESOLUTIONS	PAGE	194
COMMITTEE REPORTS	PAGE	195
ADJOURNMENT	PAGE	195