

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

121st Legislative Day

May 18, 1984

Speaker McPike: "The House will come to order. Members will be in their seats. Chaplain for today will be Reverend Alvin Rodeck, Pastor of Trinity Lutheran Church, Missouri Sinad, Nokomis, Illinois. Reverend Rodeck is a guest of Representative Josephine Oblinger. Will the guests in the balcony please rise to join us in the invocation?"

Reverend Rodeck: "Almighty God, blessed whole eternity, we thank You for the bringing of us all here again for the purpose of doing your work and preserving and blessing our state and all citizens of our commonwealth. Lord, we acknowledge that in You we live and move and have our being, and we pray that You would enable our lawmakers to foster legislation that provides for our government with strength and power, tempered by justice. Bless all these, Your Representatives, with wisdom to write and enact laws that will guarantee safety, protection and integrity. Inspire them to encourage good will among the people that all citizens may grow in appreciation of justice. Dear Lord, use the efforts of those who write the laws and those who interpret them for the accomplishment of what is Your will and what is pleasing to You. We ask all this in the Name of Jesus, our Savior. Amen."

Speaker McPike: "We'll 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 McPike: "Roll Call for Attendance. 110 people answering the Roll Call, a quorum is present. Representative Greiman, do you have any excused absences?"

Greiman: "Yes, Mr. Speaker, Representative Vitek is absent by

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reason of illness in the family."

Speaker McPike: "Thank you. Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 1441, a Bill for ... Representative Matijevich, a Bill for an Act making an appropriation to the Department of Revenue. First Reading of the Bill."

Speaker McPike: "Representative Piel, do you have any excused absences?"

Piel: "Yes, Mr. Speaker, would the record show that Representative Klemm and Representative Barger are excused today?"

Speaker McPike: "Representative Klemm and..."

Piel: "Representative Barger."

Speaker McPike: "Thank you. Page seven of the Calendar, House Bills Third Reading, Short Debate appears House Bill 2481, Representative Mautino. Gentleman in the chamber? Take the Bill out of the record. House Bill 2567, Representative Younge. Lady in the chamber? Take the Bill out of the record. House Bill 2657, Representative Barnes. Representative Barnes in the chamber? Out of the record. House Bill 2837, Representative Roman. Out of the record. House Bill 2892, Representative Steczko. Is the Gentleman in the chamber? Out of the record. House Bill 2900, Representative Kulas. Is the Gentleman in the chamber? Out of the record. House Bill 2911, Representative Ryder. The Gentleman is in the chamber. He does not wish to have his Bill called. Out of the record. House Bill 3026, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3026, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker McPike: "Gentleman from Cook, Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3026 is a Pension Laws Commission Bill which

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recodifies the... certain Sections of the Pension Code. The Bill makes numerous clarifying and simplifying and other technical changes, and removes obsolete material in the provisions of the General Assembly Retirement System, the Downstate Police Pension Fund, the Downstate Firemen's Pension Fund, State Universities Retirement System, Downstate Teachers', Judges' and the State Universities. The last time the statute was recodified was in 1963. The Pension Laws Commission has been working approximately two years on this. They've done a great job as well as a tremendous effort on the part of the Legislative Reference Bureau. The Bill contains no substantive changes in the Bill, and I'd appreciate your support."

Speaker McPike: "Gentleman has moved for passage of House Bill 3026. Is there any discussion? There being none, the question is, 'Shall House Bill 3026 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Bill there are 96 'ayes', no 'nays', 9 voting 'present', and House Bill 3026, having received a Constitutional Majority, is hereby declared passed. House Bill 3029, Representative Rea. Out of the record. House Bill 3067, Representative Olson. Out of the record. House Bill 3092, Representative Mays. Gentleman in the chamber? Out of the record. House Bill 3106, Representative Hoffman. Gentleman in the chamber? Out of the record. House Bill 3110, Representative Greiman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3110..."

Speaker McPike: "Representative Greiman."

Greiman: "Yes, Mr. Speaker, I would ask leave of the House to return this Bill to the Order of Second Reading for the purposes of a Motion."

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Speaker McPike: "The Gentleman asks leave to return House Bill 3110 to Second Reading. Are there any objections? Hearing none, leave is granted. 3110, Second Reading."

Clerk O'Brien: "Motion. 'I move to table Amendment #1 to House Bill 3110', by Representative Greiman."

Speaker McPike: "Representative Greiman, on the Motion."

Greiman: "Thank you, Mr. Speaker. At the time of the original hearing in Committee, both the industry, which this Bill seeks to regulate, and the regulator, the State Board of Education, were discussing the kind of regulations they should have. They've attempted to add that onto the Speaker's reform Bill dealing with vocational and trade schools. They apparently have determined that they don't wish to proceed on this Bill and accordingly, would like to have Amendment #1 to House Bill 3110 tabled."

Speaker McPike: "Gentleman moves to table Amendment #1. Is there any discussion? Being none, the question is, 'Shall Amendment #1 be tabled?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment's tabled. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Greiman, would you seek to move the Bill at this time?"

Greiman: "No. We'll... bring it back to the Order of Third Reading. That's all."

Speaker McPike: "Gentleman asks leave for House Bill 3110 to remain on the Order of Short Debate. Hearing no objections, House Bill 3110 Third Reading, Short Debate. House Bill 3127, Representative Hannig. Out of the record. House Bill 3161, Representative Keare. Is the Gentleman in the chamber? Out of the record. House Bill 3192, Representative Curran. Out of the record. House Bill 3212, Representative Cullerton. Out of the record. House

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Bills Third Reading, page 18 of the Calendar, next Bill.
House Bill 3069, Representative Ewing. Read the Bill, Mr.
Clerk."

Clerk O'Brien: "House Bill 3069, a Bill for an Act in relation to
the collection of state taxes. Third Reading of the Bill."

Speaker McPike: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, this is
the second Bill or the third Bill... or the second one that
we've considered in this House. It is part of the
Governor's STEP program, and that's the Stop Tax Evasion
Program. This Bill came out of Committee with a
substantial majority, 13 votes for, no votes against. And
it deals with several of enforcement procedures and
different transactions which the State of Illinois feels
will enable them to better collect revenues due the state.
It's anticipated that the STEP program will bring into the
state coffers about 55 million dollars in additional funds.
The first major part of this Bill deals with bulk sales
transactions. And for those of you who may not be aware of
how bulk sales transaction currently works, the buyer of
a... in a bulk sales transaction, which is usually the
buyer of a business, the entire business, is required to
retain some of the proceeds that would be due to the seller
of the business to pay any taxes that that seller may owe
to the State of Illinois in sales taxes. This would expand
that to cover any income taxes that that seller might owe
to the State of Illinois. We also deals with the
certificate of registration for people involved in the
retail business, and this is aimed at the itinerate
merchants who pop into Illinois, set up shop for two or
three weeks, then are gone. Under current law, you can...
you have 30 days to get a sales tax certificate. This
would require that you get the sales tax certificate before

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you engage in the business. It also modifies the statute of limitations by providing that if, for some reason, a court order, petition in bankruptcy or a person leaves the State of Illinois, the statute of limitations will not continue to run during that period of time when, with no fault of the State of Illinois, they cannot come after the party to collect their taxes. It also provides for an offset of delinquent taxes against refunds which might be due the taxpayer. And it provides that if a person gives the State of Illinois a bad check in payment of tax obligation, that it will be a deceptive practice just like it is in many other cases where you might get... receive a bad check. I would be glad to try and answer any questions that the Body might have."

Speaker McPike: "Gentleman has moved for passage of House Bill 3069. On that, the Gentleman from Knox, Representative Hawkinson."

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

Speaker McPike: "He indicates he will."

Hawkinson: "Representative Ewing, I'd like to address a question to the last part of your explanation. You indicated that if a person gives a check which fails to clear to the State of Illinois in payment of a tax, that this will be a deceptive practice, and I believe you indicated that's just like other situations where other bad checks are given. In my experience, this would be a totally new departure from our traditional concept of deceptive practice which presently requires that in order for a bad check to be given in deceptive practice, not only do you have to have the intent that it be done, which I understand that it not be paid, which is in your Bill, but it also has to be given in order to defraud. And the defraud element means that you're giving it in order to gain a presently derived

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benefit. In other words, I'm giving you, as a merchant, a check in order to get the property from you. Deceptive practices have not traditionally applied to past due debts. In other words, if you owe me rent for the past month, and I give you a bad check, that's not a deceptive practice under current law. It seems to me you're setting up here a new form of deceptive practice for a past due debt which does not, therefore, involve the element of fraud, and I'm wondering how your Bill addresses that."

Ewing: "Representative, I think you possibly misunderstood when I said that it was just like other cases. I meant it would be a deceptive practice like in other cases where a check is used. And your explanation of the law is correct. I do believe though that possibly the definition of whether, when you pay your taxes, that's a past due account or not might be up to question. Many people pay their taxes in advance, which would not make it a past due account. I do believe that it does expand the deceptive practice provisions of our statute, but I think in a very fair and equitable way that we ought to give... Those of us who give good checks and pay our taxes should not be frightened by those who try and defraud the State of Illinois with a bad check."

Hawkinson: "Does your Bill include the intent presently in the Deceptive Practice Law, in other words, that there has to be a knowledge that the check would not be paid at the time that it was written in order for it to be deceptive?"

Ewing: "That's my understanding."

Hawkinson: "Would you also then, or would the administration also be in favor of extending this concept to merchants, landlords and others who are given bad checks for past due debts?"

Ewing: "Well, I think that's a different issue. We're working

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here with the STEP program to collect taxes. If you wish to introduce a Bill that would extend that, that would I think, would be another subject matter for another piece of legislation."

Hawkinson: "Thank you."

Speaker McPike: "Gentleman from DeKalb, Representative Countryman."

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

Speaker McPike: "Yes."

Countryman: "Mr. Ewing, you indicated that the... that this adds not only to the sales tax, but the income tax to the stop order. Is that right? Are you familiar with the stop order issued by the Department of Revenue?"

Ewing: "That's right."

Countryman: "And this will add the income tax to it?"

Ewing: "That's correct."

Countryman: "Is there any time requirement on the Department of Revenue to settle with the taxpayer those tax obligations so that the buyer does not have to sit there holding that money in escrow forever?"

Ewing: "I think there is... There is currently a time limitation. I couldn't answer that for sure, but I believe there is."

Countryman: "And is there a formula by which the Department of Revenue determines the amount of potential tax liability for the stop order?"

Ewing: "I don't know. We'll find that answer for you."

Countryman: "I... To the Bill, if I might? I have..."

Speaker McPike: "Yes, proceed."

Countryman: "I have a concern that the stop orders get into an amount of money that's... that's too great for the situation involved, and that people who need some protection and that we need to consider are the buyers of

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the businesses, not necessarily a seller who's not paying his taxes, or we ought to make adequate provision for the seller. But in my experience as a lawyer, I have found many times you represent the buyer, and you have no control over him to complete the tax obligations of the Department of Revenue; yet, you sit there in an escrow position for two or three years long after the business has been acquired. And sometimes the amounts of money in the stop order have no reasonable relationship to the amount of money that ultimately comes out to be the tax. And I wondered about the formula for computing those so that there's some reasonable relationship there. Thank you."

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

Cullerton: "Yes, I would just point out to Representative Ewing that on page six of the Bill, the new language concerning the deceptive practice that was raised by Representative Hawkinson - Representative Hawkinson asked you a question concerning the intent Section of the penalty provision - and I think that you should really double check that. And I'd talked to Representative Hawkinson about this. It reads now 'any such person who purports to make such payment but willfully fails to do so, because his check or other remittance fails to clear the bank or other depository upon which it is drawn, shall be guilty of a deceptive practice'. And I think that your answer to him in saying that you thought that the same intent is in this Bill as it would be in a regular Deceptive Practice Act, may not be totally accurate. I don't know that that should defeat the Bill, but I think that perhaps... I think we pointed out some other minor technical problems with the Bill. If it is going to be amended in the Senate, I suggest that you address that issue if you are going to further amend the Bill in the Senate."

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Speaker McPike: "Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. If I may take Representative Countryman's inquiry a little further, Tom, I can certainly see the rationale on the ROT and the service occupation and use tax. When the Bulk Sales Act is under the provisions of purchasing a business, those businesses are usually restaurants, bars, gas stations, small entities. When you include the income tax provisions under the Bulk Sales Act, you're talking about in many cases, a 12 to 14 month period. If, in fact, the income tax were to be applied, the Bulk Sales Act for that individual who's trying to sell that entity could not be accomplished, as I understand it, the way this Bill is written. If that's the case, you would probably be putting a..."

Cullerton: "Turn me off."

Mautino: "... a stymie or a stigmatism on the sales of an individual entrepreneurship. I just don't understand why you deal with the income tax, because that's based on what we pay at the federal level, which will not occur for anyone until after the April 15th date; or, if they get extensions, it could be an 18 months wait period for a person to sell their business under the Bulk Sales Act. Is that what you're intending to do with this legislation?"

Ewing: "Representative, I thought you were addressing Representative Countryman."

Mautino: "I wanted to take his comments a little further, because I'm not an attorney. I listened to you three attorneys discuss the legal ramifications. I'm concerned about the person who wants to buy or sell their own business and couldn't do it, if we tie the income tax into the Bulk Sales Act."

Ewing: "Well, I think certainly it's an added responsibility, and that's, of course, why I pointed it out very plainly that

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the... between a buyer and a seller, the state feels that they are losing tax revenues in these transactions on income tax, because the seller may very well clear the area and be gone and the state have no way to collect the income tax which might be due to this state for the profit on that transaction. Certainly it is an added responsibility to the seller, and it is an added responsibility to the buyer. I would be more than happy to work out. If they need an Amendment in the Senate on this Bill as far as the timetable which Representative Countryman mentioned, to work that out. I think, though, that it doesn't... it is unfair if somebody sells their business and makes a big profit; that we should receive our fair share here in Illinois."

Mautino: "Well, let me then put this one other way. If you would like to sell your end of the partnership of your law firm and another lawyer purchases that existing partnership or your percentage of interest in that law firm, and it is under the Bulk Sales Act because you have all of your facilities, your desks, your library involved, etcetera, would the other attorney not be able to complete that purchase agreement, if it is bulk sales, until the income tax that you pay as an individual would be completed or set aside in escrow?"

Ewing: "That's correct. You'd have to wait until that tax liability was determined before you could release the escrow, if that's your question."

Mautino: "To the Bill, Mr. Speaker."

Speaker McPike: "Proceed."

Mautino: "I agree with everything else that's in the Bill, except the income tax provisions. I think it's not operable. It's certainly not workable. And, number one, it's not reasonable. I would recommend, before you even call this

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for a vote, that you amend out the income tax provision, and I think you've got a good piece of legislation. But as long as it's in there, I'm not going to support it."

Speaker McPike: "Gentleman from Macon, Representative Dunn."

Dunn, J.: "Yes, would the Sponsor yield for a question?"

Speaker McPike: "Yes, he indicates he will."

Dunn: "What are the provisions in this legislation regarding a penal... changes regarding penalties for failure to pay income taxes or Illinois withholding taxes?"

Speaker McPike: "Representative Ewing."

Ewing: "Representative Dunn, I don't think we're changing the penalties. If you could point out to me a place that we are, I could be corrected."

Dunn: "Well, I... I'm looking at some language, and I just grasp... Page six of the Bill. Language is deleted and language is added, and I don't know what it... what the significance of the change is."

Ewing: "That has to do with the deceptive practice for giving a bad check, the language that's inserted on page six."

Dunn: "And how does that... We passed that deceptive practice Bill a year or so ago. And how does that change that Bill?"

Ewing: "Well, and that's been brought up before, and I'm glad you mentioned that. The wording in this law or this proposed legislation for deceptive practices says that any such person who purports to make such payment, and we're talking about a tax payment, but willfully fails to do so because his check or other remittance fails to clear the bank or other depository upon which it is drawn, shall be guilty of a deceptive practice in violation of Section 17-1 of the Criminal Code."

Dunn: "What's 17-1 of the Criminal Code?"

Ewing: "That's the deceptive practice provision."

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Dunn: "Well, Mr. Speaker and Ladies and Gentlemen of the House, to this portion of the legislation, when we passed the... Well, first of all, back... back to the Sponsor, I heard what you're reading. What does that change? How does that change what was in the... in the legislation prior to this?"

Ewing: "It doesn't change the deceptive practice provision, except that it expands it to cover the situation whereby, a taxpayer gives a bad check for the payment of his taxes. We're not changing the penalties. We're just applying the penalties."

Dunn: "Mr. Speaker and Ladies and Gentlemen of the House, to this portion of the legislation. We passed a Bill last year that... and this is the Section we're talking about, which seemed to me to say that if anyone in this chamber, on April 15th, mails in their tax return and writes a check in payment of the taxes and doesn't know that some other family member also wrote a check, and the short of the story is the check bounces, that you're automatically exposed to the possibility of a criminal charge under the Criminal Code. And I took the trouble to write to the Director of the Department of Revenue to ask him about that situation. I don't have the letter here in front of me, but my recollection certainly is that the Director of Revenue replied to me in writing and acknowledged that someone who, unfortunately, lets a check bounce could be hauled into court. And I said, 'For God sakes, back where I come from, if...' The state's attorney has had a practice for a long time that if ... if someone gives a check to a department store which bounces, and the department store is angry and goes to the state's attorney, the state's attorney will send them a notice and say, 'We've been notified that you bounced a check on so and so department store and here's

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our notice that if you don't pay up in about 20 days, we may come after you.' But I see no room for mercy here for those of us who just happen to let our checking account become overdrawn once in a while. And I see the word 'willfully' in here. And what constitutes willfully? Am I sitting at my kitchen table, and am I going to have a personal computer to know the exact balance in my checking account every time I write a check? And why don't we have something in this legislation to take care of the 98 percent or 99 percent of the people who will, if a check bounces, will make it good the next day or as soon as they know about it, - correct the problem. I'm here to say that probably everybody in this room has had a checking account temporarily overdrawn at some point. That happens to all of us. That's human nature. Look at the hands go up. Everybody knows that's the situation. What if you happen to bounce a check to pay your income tax? This legislation is say... saying, "Do not make the check clear. Do not make the check good. Go directly to jail." We're not playing Monopoly here. We're talking about laws in the state statute books in the State of Illinois. This is a terrible provision. You're going to hear about this back home. Wait till it happens to you or happens to a friend. We need to talk about some mercy. We need to get after the people who are the cheats. And we can do that, but we need to include a provision here to say if you make an honest mistake, there's room to correct it. The Director of the Department of Revenue acknowledged to me in writing that he would see to it that if you just bounce a check, they'd try to put it through, but the law doesn't say that. The law ought to make that situation clear. Let's clear this up or not pass this Bill."

Speaker McPike: "Gentleman from Cook, Representative O'Connell."

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O'Connell: "Question of the Sponsor."

Speaker McPike: "Yes."

O'Connell: "Representen... Representative Ewing, if I may pose to you a hypothetical situation as your Bill relates to the income tax. If I am a purchaser of a building, a purchaser of a business; and, pursuant to the bulk sales order requirements, we are required to place into escrow a certain amount of money pending the clarification that your income taxes have been paid up, now if I'm a sub... if you are a subchapter S corporation, which I am buying from you, you earn certain income pursuant to your business. You earn certain income pursuant to your role, let's say, as a State Representative. Now, am I, as a purchaser, subjected to liability for your failure to pay income taxes in a endeavor other than the business of which I'm purchasing?"

Ewing: "It, I am told, relates only to the tax liability on the sale of that business, that bulk transaction."

O'Connell: "Well, how do you... how do you distinguish? If you're a subchapter S corporation where your income is taxed to you as an individual, how do you distinguish the two?"

Ewing: "Representative, that's an excellent question, and..."

O'Connell: "Maybe an excellent answer would be to take it out of the record."

Ewing: "I'm going to get you an excellent answer, and there has been several very, I think, small questions raised. And, Mr. Speaker, I'd like to take it out of the record, and I'll get the answer."

O'Connell: "Thank you."

Speaker McPike: "Take this Bill out of the record. House Bill 3070, Representative Flinn. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3070, a Bill for an Act to amend an Act in relation to the rate of interest. Third Reading of

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the Bill."

Speaker McPike: "Gentleman from St. Clair, Representative Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, this Bill is designed to correct a technical problem that resulted from the enactment of Senate Bill 1195 last Session. When that was signed into law, it left some ambiguity insofar as protecting intervening liens from the lender. And what this does is correct that problem. It does nothing toward fees or rates or that sort of thing. It corrects a problem that Senate Bill 1195 left, and it erases the ambiguity. I ask for a favorable vote."

Speaker McPike: "Gentleman moves for passage of House Bill 3070. And on that, the Gentleman from Macon, Representative Dunn."

Dunn, J.: "Mr. Speaker and Ladies and Gentlemen of the House, I reluctantly rise in opposition to this legislation. It has a great Sponsor, but I just want to register my philosophical disagreement with allowing people to... creditors to put mortgages on your property for revolving charge accounts. The revolving charge accounts have a plenty high enough interest rate. The reason the interest rate is high is not only to generate profit, but to cover the bad loss situations where credit is extended and the debt becomes bad and the loan is not repaid. Traditionally, for many, many years, 40 or 50 years in this state, you couldn't put any kind of a mortgage on... on real estate or get security for revolving charge accounts, because they... the authorization for those practices were contained in separate Sections of the Illinois statutes, which authorized them to charge interest rates which were higher than the... than debt... or interest rate ceilings. In other words, what would have otherwise been usury, was

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permitted, because there was no security upon the... upon the debt. Now, the creditors are asking to have it both ways. The sky is the limit on interest rates, and to secure it with a mortgage on your house. So that if you go down to Sears and buy a toaster and don't pay for it, you can lose your house. And I just have to disagree with that and urge the Members not to support this legislation."

Speaker McPike: "Further discussion? Being none, Representative Flinn, to close."

Flinn: "Well, Mr. Speaker, it's a fine Gentleman there, that opposes me, but he's about three years late with his comments. That law was passed in 1981. All this does is correct a technical problem with the law that passed so that the intervening liens are protected under one Section or the other. Right now, there leaves some doubt in the law. We're just trying to correct a technicality. That was good and well, but he should have opposed Senate Bill 1195 in 1981, if he was against the principle that he spoke against. I ask for a favorable vote."

Speaker McPike: "Gentleman has moved for passage of House Bill 3070. Question is, 'Shall House Bill 3070 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Bill there are 75 'ayes', 13 'nos' and 13 voting 'present'. Slape 'aye'. There are 76 'ayes', 13 'nos', 13 voting 'present'. House Bill 3070, having received a Constitutional Majority, is hereby declared passed. House Bill 3072, Representative Brunsvold. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3072, a Bill for an Act to add Sections and amend Sections of the Medical Practice Act. Third Reading of the Bill."

Speaker McPike: "Gentleman from Rock Island, Representative

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Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 3072 amends the Medical Practices Act. Amendment #2 was adopted on Second Reading and is... really is the Bill. Amendment #2 has... basically states two situations. Number one, advertising that a licensee will accept as payment for services rendered by assignment from a third party payor. The amount of the third party payor covers as payment in full, if the effect of giving the impression that he doesn't have to pay the deductible. And two, to advertise a fee that is different from what he would charge a third party. Basically, that's what the Amendment states and the Bill states. I'd be glad to answer any questions."

Speaker McPike: "Gentleman has moved for passage of House Bill 3072. Is there any discussion? Being none, the question is, 'Shall House Bill 3072 pass?' All those in favor signify by voting 'aye', opposed vote 'nc'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 109 voting 'aye', no 'nays', none voting 'present'. House Bill 3072, having received a Constitutional Majority, is hereby declared passed. House Bill 3074 is on a Special Order of Business for next week. Out of the record. House Bill 3096, Representative Hastert. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3096, a Bill for an Act to amend Sections of an Act to create the Bureau of the Budget, define its duties and powers. Third Reading of the Bill."

Speaker McPike: "Gentleman from Kendall, Representative Hastert."

Hastert: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3096 amends the Bureau of the Budget Act. And what it basically does is allow for an extra line item to be put in for the budget on different agencies for

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the subject of group insurance. Prior to this time, there were 16 break out areas, but group insurance was not among them. What this will enable us to do is to see what the costs for group insurance is, how it spreads out across and breaks out for different agencies. Be happy to answer any questions, and I ask for the favorable vote on this Bill."

Speaker McPike: "Gentleman has moved for the passage of House Bill 3096. Is there any discussion? There being none, the question is, 'Shall House Bill 3096 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. Ays 'aye'. 100... On this Bill there are 105 'ayes', no 'nays', 1 voting 'present'. House Bill 3096, having received a Constitutional Majority, is hereby declared passed. House Bill 3097, Representative Woodyard. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3097, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker McPike: "Gentleman from Edgar, Representative Woodyard."

Woodyard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3097 is a Bill that would simplify the process of those applying for real estate tax exemptions on various pieces of property. The present procedure, you apply to a board of review for that tax exempt status; and, if that's approved, then that goes on to the Department of Revenue who, in turn, has final authority as to whether that is tax exempt or not. I think all of us, at least in downstate Illinois, have run across a lot of problems with the inconsistency between the board of review determination and the Department of Revenue. This Bill, by Amendment #3, will take... will remove the Department of Revenue from any consideration in those tax exempt applications and leave that authority with the boards of review and board of

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appeals. And I'd be happy to answer any questions you might have."

Speaker McPike: "Gentleman has moved for the passage of House Bill 3097. On that, the Gentleman from Knox, Representative Hawkinson."

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

Speaker McPike: "Yes. He indicates he will."

Hawkinson: "Representative, under present law, you have a right to appeal the denial of an exemption by the Department of Revenue in the Circuit Court, do you not?"

Woodyard: "Yes."

Hawkinson: "And, under present law, if the local board of review denies an exemption, the Department of Revenue can reverse that, can that not, and grant it?"

Woodyard: "Yes."

Hawkinson: "And under your proposed change, a denial of an exemption by a local board of review will still be appealable in the Circuit Court?"

Woodyard: "Yes."

Hawkinson: "What's the position of the Taxpayers' Federation on this?"

Woodyard: "They are opposed, as far as I know."

Hawkinson: "And are they opposed because of the possibility of inconsistent treatment among the various counties in the state?"

Woodyard: "Yes."

Hawkinson: "Thank you."

Speaker McPike: "The Gentleman from Cook, Representative Cullerton. Representative Breslin in the Chair."

Cullerton: "Yes, will the Sponsor yield? Representative Woodyard?"

Woodyard: "Sure."

Cullerton: "Yes, with regard to Amendment #3 that got on the

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Bill, I think at the time it was adopted, I was a little bit confused since Amendment #3 placed the Bill in a ... well you might say at a 180 degrees opposite from when you started out."

Woodyard: "That's correct."

Cullerton: "Which is an interesting way to get a Bill out of Committee, by the way. Could you tell me how it applies to Cook County, Amendment #3?"

Woodyard: "Cook County would have that same authority under the board of appeals, it's my understanding, as the boards of review in downstate Illinois would have. In other words, final determination would be... would rest within Cook County itself, rather than having the review by the Department of Revenue."

Cullerton: "Okay, fine. Thank you."

Speaker Breslin: "Are you finished, Representative Cullerton? The Gentleman from Madison, Representative McPike."

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

Speaker Breslin: "The Gentleman will yield to a question."

Woodyard: "Yes."

McPike: "Now, if I understood your explanation, you're saying that under current law, someone files for a tax exempt status to the board of review, is denied, and then he has an opportunity to go before the Department of Revenue to have that denial overturned."

Woodyard: "Yes."

Woodyard: "Yes."

McPike: "What... So then what is the purpose of the Bill to remove the Department of Revenue... Why then do we wish to remove the Department of Revenue from having that opportunity to apply the law equally throughout Illinois? Why are we removing the Department of Revenue from that?"

Woodyard: "Well, it's my feeling that certainly the Department of

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Revenue nor the State of Illinois have anything to do with whether... with these particular taxes, real estate taxes. So, this certainly leaves that control where the many will be spent, locally, within local hands, with the local boards of review and board of appeals."

McPike: "Well, we have... Does this... I'm sorry. I didn't catch your answer to Representative Cullerton. Does this apply to Cook County?"

Woodyard: "Yes."

McPike: "Alright. So we have then 101 different counties in Illinois..."

Woodyard: "102."

McPike: "102 different counties in Illinois, all applying... all of which will have a different legal counsel, all of which will be applying the law differently so that instead of having consistent rulings from the Department of Revenue, we're going to have rulings from 102 different legal authorities. Then that's what you're trying to..."

Woodyard: "What I'm saying, under this Bill, we leave the control with the local government. Now, whether they will be inconsistent between counties, I have no idea."

McPike: "Well, under... under current law, if they are inconsistent between counties, then we would hope that it would be the Department of Revenue that would correct those inconsistencies. But it is your intent to allow those inconsistencies then to exist and to flourish."

Woodyard: "Well, to me, Representative, already we have inconsistencies in those determinations."

McPike: "Yes, we do, and that is the purpose then of the Department of Revenue to make sure that when those 102 counties all apply law in various manners, the purpose then of the Department of Revenue is to give some consistency then to the law. And it's your intent then... is to

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destroy that consistency and to allow the... the inconsistencies to flourish. Is that what the intent... You know, the original intent of the Bill, I thought, was to strengthen the Department of Revenue and to make sure that we had consistent compliance with the law across the state. Now, you come out of Committee and turn it just the opposite. Is that the intent of the Bill?"

Woodyard: "The intent of the Bill is to give the control to local government and to make those people accountable to the local people."

McPike: "To the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

McPike: "Well, I think what we have here is ... is a Governor facing a ticklish political problem. The Department of Revenue obviously has been doing a good job. They have been applying recent Supreme Court decisions. They have been forcing local jurisdictions to live up to the laws interpreted by the Supreme Court, and they have forced consistency throughout the state. A lot of local individuals or groups that have applied for tax exempt status, received that tax exempt status, have now come before the Department of Revenue. The Department of Revenue has consistently applied current law and denied tax exempt status to these individuals or to these organizations. So, in order for the Governor to avoid a ticklish political problem, his Department has been doing an excellent job. They have been applying the law as it should be applied. So, in order to take that problem away from him, a Bill is introduced in Committee to tighten up the... the Department of Revenue's ability to enforce the law. When it gets to the House floor, the Bill is entirely turned around to ensure that the Department of Revenue will be removed from the entire question, to ensure that we will

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have inconsistency throughout the state, and that no one has to apply the recent Supreme Court's decisions. I think it's a ridiculous way to try to ensure that ... that each citizen in this state, regardless of which county he or she may come from or what organization may come from, is going to be treated the same before the law. I think it's a terrible idea."

Speaker Breslin: "The Lady from DuPage, Representative Karpiel."

Karpiel: "Thank you, Madam Speaker. A question of the Sponsor."

Speaker Breslin: "He indicates he will yield."

Karpiel: "I've been sitting here listening to all this discussion about inconsistencies across the state and all that type of thing. Would you explain to me one more time, very succinctly, exactly what Amendment 3 does, and does Amendment 3 become the Bill, by the way?"

Woodyard: "Basically, yes. Amendment 3 simply removes that process of review by the Department of Revenue. It simply removes that."

Karpiel: "So that if a taxpayer who is requesting a tax exempt status, I mean, say a church or a veterans' facility requests tax exempt status by the county in which it is located and is granted it... or is not granted it, for instance..."

Woodyard: "Yes."

Karpiel: "... they, therefore, then do not... cannot go to the board of review for relief."

Woodyard: "You say if the tax exempt status is not granted by the local board of review, then the person has recourse certainly..."

Karpiel: "They can go."

Woodyard: "Yes."

Karpiel: "But if they are granted that, then that's as far as it goes."

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Woodyard: "That's correct."

Karpiel: "Alright. Now, let me just tell you very briefly about a situation in my district. There is a church that has been asking for a tax exempt status and has... for some... their property, and has received it from our board of review in the county. The Department of Revenue does not grant it, and they constantly overturn the board of review. Under your Bill, that would not happen. Is that correct?"

Woodyard: "That's correct, and that's the intent of the Bill; that that decision and determination will be made at the local level where it affects local people."

Karpiel: "Thank you. To the Bill."

Speaker Breslin: "Proceed."

Karpiel: "I think that this is a very good Bill. I don't know why we're so concerned all of a sudden with inconsistencies across the state. We have inconsistencies across the state in all kinds of areas of government. When you have 102 counties and any number of small, local districts and municipalities and overlapping governmental entities, there's all kinds of discrepancies and inconsistencies dependent upon the locale of the local government. I think that this is best left up to local government. As Representative Woodyard said, this has to do with, you know, local property taxes. They're the ones that are affected, and I don't think the Department of Revenue has any business even being in this. It would seem to me that if your local churches and your local VFW's and your local facilities that are looking for tax exempt status can get that kind of relief by their local board of review that knows the situation, I don't see why the Department of Revenue should have any point in it. And I urge an 'aye' vote."

Speaker Breslin: "The Gentleman from Bureau," Representative

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Mautino."

Mautino: "Thank you. Will the Gentleman yield?"

Speaker Breslin: "The Gentleman will yield for a question."

Mautino: "Representative Woodyard, your Amendment addresses more than just the tax exempt status, does it not? It's the third and final hearing for those individuals as well on individual property assessments."

Woodyard: "Only from the standpoint that the Department of Revenue would not be involved in the review process."

Mautino: "Alright. What you're saying then is because of the backlog of those cases not only in the exemption area, but in the assessment and extension area of taxes, would also be brought back to the local level, and the state's board would not be a part of that whole program. Is that right?"

Woodyard: "That's correct."

Mautino: "Now he's saying..."

Woodyard: "No, Rich. Only affects exemptions, not assessments."

Mautino: "I wish you would have involved assessments in this Bill, and it would probably be one of the best Bills we've seen this Session, whereby, the state's board, the review board..."

Woodyard: "Let's... agree with..."

Mautino: "... that has a backlog of anywhere from eight, ten, twelve months and normally doesn't change the decision by the board of review anyway. I think that if you eliminated that, you'd have a great Bill."

Speaker Breslin: "The Lady from Sangamon, Representative Oblinger."

Oblinger: "Madam Speaker and Members of the General Assembly, I'm sorry that Representative who spoke one or two times ago is not here. I disagree very much with the fact that the Department of Revenue is doing a fine job on keeping everything consistent. In Alton, there is a highrise for

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senior citizens, and they are charged a property tax. In Sangamon County, there is one and they have been exempted. This has gone before the Department of Revenue, and they have not done anything about solving this problem. Also, this Bill would legalize something that we've now done and would give it reinforcement. While I was a county clerk here, everybody in the County of Sangamon, 26 townships, were exempting the VFW halls. We've just now passed a Bill legalizing that, but they were doing this all the time. And the Department of Revenue had absolutely nothing to say about it. Let us go along, although the next county over was doing exactly the opposite of this and was taxing them. I think this Bill is just legalizing what we've been doing. We've been doing it on a local level. Now, this says, 'Fine, continue to do it that way', and I think it's a good Bill to make legal what we've all been doing illegally."

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

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. There's been a good deal of confusion and obfuscation about this Bill. I think it's appropriate at this point that detail precisely what this Bill does and the good benefits that will flow from it. It deals with a great deal more than simply the church or the parsonage or church property and the proper exemption that they should enjoy and the quick exemption that they should enjoy from real property taxes. This Bill also deals with drug facilities, with alcohol treatment facilities, with senior citizens' facilities, with many highly desirable social programs which are housed in real estate and which ought to enjoy a property tax exemption because they are a charitable... owned by a charitable group and operated by a charitable group. Now, what is currently happening is

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that those exemptions are applied for each year. They're sent down to the Department of Revenue. They are stacked up on a desk. You don't get a quick response. Frequently they are denied. What this does is to locate the authority with local officials, locally accountable, who only have a limited workload to deal with. This is the most expeditious way for guaranteeing that those charitable groups will get their proper tax exemptions, that your churches will get their proper tax exemptions, that your ministers, and priests and rabbis living in parsonages will get their proper tax exemptions. If you ignore that reality, what you're saying is that you think you ought to be taxing churches and parsonages, that you think you ought to be taxing charitable groups which are trying to get people off of drug addiction, off alcohol addiction and into jobs. That's what you're for if you're against this Bill. I think you ought to vote for this Bill, because I don't think we ought to be for taxing churches and parsonages. I don't think we ought to be for taxing charitable groups which provide alcohol treatment and drug treatment, mental health treatment, services for senior citizens. I think it's abhorrent to be taxing groups that do that. It flies in the very face of what we ought to be as a free society, encouraging voluntary groups to come together and provide money to rehabilitate individuals, and take care of individuals, and do good charitable works. We ought to vote for this Bill and it ought to go up there with the highest vote possible. But remember, if you vote 'no', you are voting against... you are voting for, rather, taxing you church, taxing the parsonage, and taxing all of those other charitable organizations out there that are doing those good things for people in need. I urge an 'aye' vote on the Bill."

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Speaker Breslin: "The Gentleman from Cook, Representative Keane."

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

Speaker Breslin: "He indicates he will."

Keane: "What's the position of the Department of Revenue on the Bill, or on the Amendment, as the Bill is amended?"

Woodyard: "Yes. Quite frankly, they support it."

Keane: "The Bill or the Amendment?"

Woodyard: "The Amendment... the Bill as amended."

Keane: "You mean, the Department of Revenue no longer wants to have a hand in reviewing the exemption?"

Woodyard: "That's correct."

Keane: "What is the... thank you. What is the position of the Taxpayers' Federation?"

Woodyard: "As I indicated previously, they do not support this Bill."

Keane: "Okay, thank you. Thank you. I didn't hear your previous explanation. I think it's an open question as to how you want to... To the Bill. I think it's an open question as to how anyone wants to vote on the Bill. In the past, the Department of Revenue always reviewed, as a precaution, I believe. The intent for the Department of Revenue to become involved in was that there wouldn't be a cozy situation happening back in the... in the county where someone might be given a special exemption by ... because of friendship or because of influence within that county. This will remove it, and it will make the counties totally in control of granting of exemptions of real estate tax. I think everyone has to vote their own conscience on their own county. Thank you."

Speaker Breslin: "The Gentleman from Rock Island, Representative DeJaegher."

DeJaegher: "Mr... Mr. Woodyard, perhaps you can give me a quick summarization of what could take place. Let me give you a

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brief example of what has taken place in Rock Island County. The YWCA's there had tax exempt status. Now, they have been informed by their local assessors that that tax exempt status will not be there anymore. They have been charged, or they're going to be taxed for 8,000 dollars. Now, what recourse would that organization have if we remove the Department of Revenue from that type of involvement, and if this is going to be a local jurisdiction? What recourse would these people have?"

Woodyard: "Well, very definitely, the decision would be made at the local level, and that's certainly the intent of the Bill. And if the local board of review grants that exemption to that particular entity, under the provisions of the Constitution as they are spelled out whether they be charitable, educational, government, cemetery, any of those - if that falls within any of those parameters, then, very definitely, that board of review can grant the exemption and that's as far as it goes. They would be tax exempt."

DeJaegher: "Yeah, but in the event they do not grant that tax exempt status, where does that... where does that group go to then?"

Woodyard: "Yeah. They have... They have recourse in the court. Yes."

DeJaegher: "Again, here is a charitable organization that, because of the negative approach that a local assessor may have, they would have to go... they would have to challenge this in court, again, which would derive (sic - deprive) them of thousands of additional dollars."

Woodyard: "Well, I've just been informed that that particular example that you indicated is the reason for the Bill. This board of review did grant tax exempt status, and the Department of Revenue turned it down. Is that not correct?"

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DeJaegher: "No. The Department of Revenue has not made a decision relevant to that particular case as yet? Even though I've asked the Department of Revenue many times to resolve the situation that we are confronted with, they have not moved from this particular..."

Woodyard: "Well, I've been told on first review that the Department of Revenue turned down the board of review's opinion."

DeJaegher: "That's not the understanding that I have from that local organization."

Speaker Breslin: "The Gentleman from Fulton, Representative Homer."

Homer: "Thank you, Madam Speaker and Members of the House. Contrary to the assertion of Representative Vinson with regard to the issue of voting against this Bill is a vote against tax exempt status of churches, it certainly is not. The Taxpayers' Federation opposes this Bill for some very valid reasons. The number one underlying principle in property taxation is that there should be a uniformity of taxation above all other considerations. The Bill, as designed, would allow and place in the hands of the local supervisors of assessments in the 102 counties in the State of Illinois the discretion and authority to decide on a case-by-case basis as to what property shall be tax exempt and which property shall not be. No entity is going to decide that a church should not be tax exempt. The issue is not churches. The issue is uniformity, fairness, equity across the board. When individual supervisors of assessments are left to the task of making these determinations, we have what has already been created in this state, a multiplier which is required in order to make uniform the assessment from county to county. There is absolutely no reason to build in further inequities in an

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already inequitable tax by allowing each supervisor of assessment to determine on an adhoc basis as to which property should be exempt. The proper vote this, on this Bill is 'no'. That's the vote that is fair. That's the vote that's in the interest of the taxpayers of the State of Illinois."

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

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

Speaker Breslin: "The Gentleman moves the previous question. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the previous question is put. Representative Woodyard, to close."

Woodyard: "Madam Speaker, I would yield to Representative Koehler to close."

Speaker Breslin: "Representative Koehler, to close."

Koehler: "Thank... Thank you, Madam Speaker and Ladies and Gentlemen of the House. In my closing statement, I would like to answer a couple of the questions that were opposed during debate. Number one, I believe that Representative DeJaegher posed the question about the YWCA; that the local board of review had given tax exempt status and then the Department of Revenue was denying that tax exempt status. Well, in a case such as that where the Department of Revenue was denying tax exempt status, well this particular legislation would take care of that problem, because they would need no further review because the local board... the local board had already given them the tax exempt status. And contrary to what one of the other speakers had said, the problem is generally with the local boards of review who do give tax exempt status and then the State Department of Revenue arbitrarily overturns that tax exempt status.

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And those who have said that the Department of Revenue is doing a good job should certainly be talking to the individuals within their communities and, in particular, the churches. Churches... We had a meeting in my district, and come to find out, the Department of Revenue is denying tax exempt status to three out of four church parsonages. Now, this is exactly the opposite of what people throughout the State of Illinois would like to see happen. They are denying tax exempt status particularly to church parsonages, and they are going on to deny it to church parking lots and just recently in Icretto, Illinois, they denied tax exempt status to a parsonage that had a chapel and classrooms in the basement; that it was being used for a religious purpose. And for those of you who are saying it's going to be interpreted in 102 different ways, well that is not correct also, because our Constitution and recent court decisions have set out the guidelines by which tax exempt status should be determined. They are clear. It is the argument as to who is going to apply these court determinations. Is it going to be the State Department of Revenue, or is it going to be our local boards of review? And I would argue that it is our local boards who can do a better job, because, generally, they are right there in the communities. They know whether or not a particular facility should have a tax exempt status, rather than the Illinois Department of Revenue, for example, who is denying tax exempt status to three out of four of our church parsonages. Now, if that is doing a good job, well then, I would certainly beg to differ with those groups who are opposing this. And so, essentially, that is the question. Do you believe in local control of our decisions with regard to the tax exempt status of charitable properties such as our... our churches? And also many of the

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veterans' organizations have been in favor of this and the individuals who are back home in our communities. The individual ministers are certainly in favor of this particular type of concept, because it is the ultimate in local control. And I certainly hope that you will ... that you will approve of this particular legislation."

Speaker Breslin: "The question is, 'Shall House Bill 3097 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Gentleman from Cook, Representative Bowman, to explain his vote."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. First of all, I'd like to correct Representative Vinson. Rabbi's do not live in parsonages. But that's okay. We can send Representative Vinson to Shule and have a good Malamad straighten him out. But in addition, I'd just like to point out that, for Democrats and Republicans alike, the Taxpayers' Federation is opposing this legislation. For those Democrats who are looking for a good Taxpayers' Federation vote, this is it. And for those Republicans that don't care about their taxpayers' rating, you can go ahead and vote for the Bill."

Speaker Breslin: "Representative Hawkinson, to explain his vote."

Hawkinson: "Thank you, Madam Speaker. The issue is not whether we want parsonages to be taxed. None of us want parsonages to be taxed. The question is how best to ensure that all of the parsonages in the State of Illinois are not taxed, and the right vote is 'no'."

Speaker Breslin: "The Lady from Marshall, for what reason do you rise?"

Koehler: "Madam Speaker, I object. The Gentleman spoke in debate."

Speaker Breslin: "Representative Hawkinson did not speak in debate, nor did Representative Bowman. Does anyone else

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care to explain their vote? Representative Ewing, to explain his vote."

Ewing: "Ladies and Gentlemen of the House, there's one issue here, whether it's local control or state control. Now, I have had some involvement with the exemption process while it's controlled at the state level, and I can assure you that there is no uniformity now. We won't be hurting uniformity to allow those at the local level to make that decision. In both cases, we have the recourse to the courts. And any taxing body who feels that some property should be on the roles and isn't can take it to the court and get their regress there. This is a good Bill. It's a good solution to a very thorny problem, and I would ask for some 'aye' votes up there."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 59 voting 'aye', 41 voting 'no' and 4 voting 'present'. The Lady from Marshall asks for a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Barger. Berrios. Bullock. Virginia Frederick. Huff. Jaffe."

Speaker Breslin: "Representative Jaffe votes 'no'."

Clerk O'Brien: "Klemm. Krska. McAuliffe. Olson. Rhen. Taylor. Vitek and Younge."

Speaker Breslin: "The count is 59 voting 'aye', 42 voting 'no'. Representative Countryman, for what reason do you rise?"

Countryman: "Which way am I recorded?"

Speaker Breslin: "The Gentleman is recorded as not voting."

Clerk O'Brien: "As voting 'no'."

Speaker Breslin: "Excuse me. You are recorded as voting 'no'."

Countryman: "Could I be recorded as voting 'aye'?"

Speaker Breslin: "Record the Gentleman as voting 'aye'. Representative Dunn, for what reason do you rise?"

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Dunn, J.: "Change me to 'present'."

Speaker Breslin: "Change Representative Lunn to 'present'. On this Bill there are 59 voting 'aye', 42... 41 voting 'no' and 5 voting 'present'. This Bill, having failed to receive the necessary Majority, is hereby declared lost. House Bill 3098, Representative Churchill. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3098, a Bill for an Act to amend Sections of the Illinois Nuclear Safety Preparedness Act. Third Reading of the Bill."

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 3098 increases fees for nuclear plant operators in order to accomplish several different things. First, the Bill allows an appropriation of up to 350,000 dollars for the Illinois Emergency Services and Disaster Agency. Next, it increases the amount of reimbursement that may be given to local governments for the implementation of emergency plans in nuclear plant areas. Third, it allows for the replacement and upgrading of the Department's mobile radio chemical laboratory and emergency communication facilities. Fourth, it authorizes the Department to receive grants, gifts and loans from the public or private sources. And last, it allows for the placement of in-stack isotopic effluent monitoring systems in all of the nuclear reactors in the state, with the exception of the LaSalle Nuclear Plant. This is a Bill that helps the Department of Nuclear Safety to monitor what is coming out of the stacks of nuclear plants so that those people who live in the areas of nuclear energy plants may be assured that they are safe and that they will know, in the earliest instance, what is happening in the nuclear plant. I would ask for its favorable support."

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Speaker Breslin: "The Gentleman moves for passage of House Bill 3098. And on that question, the Gentleman from Kendall, Representative Hastert. Representative Hastert, on the Bill."

Hastert: "Sponsor yield for a question?"

Speaker Breslin: "The Gentleman will yield for a question."

Hastert: "Representative, why do you exclude the LaSalle plant?"

Speaker Breslin: "Representative Churchill."

Churchill: "Representative Hastert, the LaSalle plant already has the in-stack monitoring systems in place."

Hastert: "Thank you."

Speaker Breslin: "The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, are these a additional new fee on the... on the utility companies that have nuclear plants?"

Churchill: "The portion of the fees which goes for the in-stack monitoring is a new fee. The other fees that are incorporated in here, I believe, are just... are fees that were already in the original Bill and have just been increased to cover the cost."

Brummer: "Well, I think, for example, I heard a comment, and I'm not sure that this is accurate. I was thinking I'd heard a comment that this would cost Illinois Power, for example, with regard to its plant at Clinton, Illinois, about 1.8 million dollars. Does that sound correct?"

Churchill: "There's a fee for the installation of the effluent monitoring systems of 1.4 million per nuclear plant, and that is to be paid over a period of six years."

Brummer: "Okay. And does that then get passed on to the consumer in the rate base?"

Churchill: "I assume that it does if that's what they put in their rate base."

Brummer: "So, then with regard to Clinton, this would increase

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the cost to consumer just at that plant alone about 1.4 million dollars with regard to that one item. Is that correct?"

Churchill: "That's correct."

Brummer: "And there would be... How much money is generated totally by this Bill?"

Churchill: "In terms of a year, or over a period of time, or forever or how long?"

Brummer: "Well, over one year or five years."

Churchill: "Okay. In Fiscal Year '85, they figure the cost is a total for... with the surcharge and everything, of 4.8 million dollars across the state."

Brummer: "So that would be a direct cost and increase to the public utility customers of 4.8 million dollars."

Churchill: "Again, that's assuming that they pass all those costs on through to the consumer."

Brummer: "Well, has there been any suggestion that they would not?"

Churchill: "The utility companies have not suggested that to me. I doubt that they have to you, Representative Brummer."

Brummer: "Well, and in fact, I suspect... Well, with regard to the expenditure of those funds, how are those going to be spent?"

Churchill: "The portion of the funds which I said, the 1.4 million dollars, will be spent basically for the installation of those in-stack monitoring systems. The other portions will be spent to help out the Illinois Emergency Services and Disaster Agency, to reimburse the local governments, to assist in the mobile radio chemical labs that the plant has. There's some money in there to buy a back up computer for the nuclear system down here and other portions in the budget."

Brummer: "Are these funds going to be appropriated?"

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Churchill: "Yes. There is an appropriation that has... is the form of an Amendment that's being prepared for one of the Bills at this point."

Brunner: "Well, this is an issue, quite frankly, which I... Madam Speaker, to the... to the Bill."

Speaker Ereslin: "Proceed."

Brunner: "An issue that I have not had an opportunity to examine in detail. I guess I am a little surprised to see this Bill that, for example, next year is going to cost the public utility customers of this state about six million dollars. I think that's what the Sponsor indicated. I'm not sure of the necessity and advisability of these items that... it looks like it's kind of become an omnibus item. There's some in-stack monitoring systems. There's some computer items. There's some disbursements to units of local government. I, as one who is very concerned about the increase in cost to public utilities to the consumer, I think everyone ought to scrutinize this Bill very carefully."

Speaker Breslin: "The Gentleman from Lake, Representative Matijevich"

Matijevich: "Madam Speaker and Ladies and Gentlemen of the House, I'm one that has often criticized utilities and feel that, in the rate base, consumers are paying for many things that they shouldn't pay for. However, I think if you will talk to utility customers, one thing that they would be willing to pay for, and I'm sure that this is going to be passed on to the consumers, one thing that they would be willing to pay for would be monitoring to determine how much radiation might be leaking out of nuclear plants. This is a matter of public safety, and I commend the Department for taking this forward step. I denounced Commonwealth Edison for being the one public utility not cooperating with the

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Department. It is typical of Commonwealth Edison that they not cooperate. That's the way they have been, and I'm sure that's the way they always will be. They like to get our monies, but they don't like to cooperate in the best interest of us consumers. So, I urge this House to pass this legislation in the interest of the health and welfare of all of the people of the State of Illinois."

Speaker Breslin: "The Gentleman from Bond, Representative Slape."

Slape: "Thank you, Madam Chairman (sic - Speaker). Would the Sponsor please yield?"

Speaker Breslin: "The Gentleman will yield to a question."

Slape: "Yes, Representative Churchill, on page three of the Bill you add some new language, new paragraph 43-10 where it says the Department may, according to the law, accept loans and grants from the Federal Government or from private sources for administer of the Act. I don't see any provision in the Bill for the General Assembly to appropriate any of these funds or for there to be any check... public check on how these funds are going to be spent."

Churchill: "I don't think, at this point, that there's any intent to create a gift or a grant or an appropriation other than the normal appropriation process. It's just the language that sets it open so that if there ever were to be a grant, that the Department could receive that."

Slape: "And by receiving the grant, well then it would go directly to the Department, and the General Assembly would never have any say or how those funds would be spent or we would do no appropriation through the way we normally appropriate money here."

Churchill: "I don't... I don't believe that this particular Bill lends itself to that. In the event that, for some reason, there were a public body or somebody that wished to give

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money to the Department of Nuclear Safety, at this point, for certain monitoring systems or whatever, the Department is not able to receive those funds. This is just an enabling language that allows the Department to receive the funds. And, although they receive the funds, I don't think that the Bill particularly goes to our control over the situation, but, you know, that's something that we can bring up at any one time if there were a large grant."

Slape: "Well, isn't the state eligible to receive grants from the Federal Government and then appropriate it to the Department to use them for whatever mandate comes with the grant from the Federal Government?"

Churchill: "They may be, Representative. I really don't know the answer to that question."

Slape: "Alright. Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Levin."

Levin: "Would the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield to a question."

Levin: "Now, this current program has been in effect, I believe, since about 1979 after Three Mile Island, and the purpose is to provide, you know, more protection in terms of safety."

Churchill: "That is correct."

Levin: "Commonwealth Edison is covered by this program, correct? Its plants."

Churchill: "That is correct."

Levin: "Is it not true that Commonwealth Edison has had more fines for safety violations than any other company in the United States?"

Churchill: "I don't know that to be the case. I'll allow you to state that as fact, if that is what you wish?"

Levin: "Okay. What I'm wondering is, given that, you know, given this... I mean, you pick up the paper almost every day,

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and there is a new safety violation that they are being cited for or they're being fined for. It just... I'm wondering what value has there been in this program? You know, I'm for safety. I think it's important nuclear... I have serious doubts in terms of the safety of nuclear power. I've been involved in a lot of what's going on. But to have a bureaucracy... just to have a bureaucracy, you know, I'm wondering what the value is. Has this program been able to alert the Federal Government of any safety violations that the NRC itself is not able to find? What... You know, what has it actually done that has been beneficial? I mean, because the track record, obviously, of Commonwealth Edison is absolutely dismal."

Churchill: "Yes. Representative, you have to look at the purpose of this Department. The purpose of this Department is to monitor what happens in the nuclear plant and to prepare our society in the event that some accident were to occur for the safety of our public. It's up to the Federal Government to actually go into the plant at this point and regulate what happens in the operation of the plant. There have been instances, I'm told, where the Department of Nuclear Safety has found out a result of some emission or something and has passed that on to the Federal Government. At this point in the way things are today, the Department of Nuclear Safety in this state has to rely on the nuclear plant for information. The only thing that we have of any sort of protection are monitors which are exterior from the plant, a mile or two from the plant, that test the air for radiation. What this Bill does is to go beyond that. It's doing exactly what you want it to do. It's going into the nuclear plant, in the stack, and it's monitoring the isotopes that come out of that so that the Department of Nuclear Safety can know the instant there is an emission

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what's in that emission and whether or not it's safe or unsafe. What this Bill further does is require that the nuclear plants provide to the Department of Nuclear Safety certain of the standard criteria of things that are happening in the nuclear plant, so that if the nuclear plant has a problem with a reactor power or water level or cooling systems, that immediately the Department of Nuclear Safety will find that. Then... then we'll be sitting in the same stead as the nuclear plant, and we can determine whether there's going to be a problem or not. But it's... The key of this operation is to make the determination that there may be something that is unsafe for the public. It's not actually for the regulation of the in-plant operation. That's the Federal Government that does that."

Speaker Breslin: "The Gentleman from Cook, Representative Leverenz."

Leverenz: "Sponsor yield?"

Speaker Breslin: "Gentleman will yield for a question."

Leverenz: "The Bill does a number of things. Could you say the amount of money now that each truck shipment and each rail shipment is going to be charged on the movement of nuclear waste under this?"

Churchill: "I'm sorry. What was the question?"

Leverenz: "How much will someone pay, apparently the generator of nuclear waste, for every shipment paid, what will they pay per truck and per rail shipment?"

Churchill: "One thousand dollars per cask of any shipments that are made from this state to another state, from another state to this state, or transported through this state."

Leverenz: "A thousand dollars a truck."

Churchill: "Per cask. Two thousand on a railroad."

Leverenz: "How many casks on a truck?"

Churchill: "One."

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Leverenz: "So, it's a thousand dollars per truck shipment. And how much by rail?"

Churchill: "Two thousand dollars."

Leverenz: "Are those fees currently charged now, or are these new fees?"

Churchill: "Fees are charged, at this point, only when there are shipments to the plant, not from and not through the state."

Leverenz: "So that they are new fees that will be levied. Correct?"

Churchill: "On the other two items, that's correct."

Leverenz: "And the Department proposed the Bill and that they proposed it because they believe it's necessary to raise this money to maintain its nuclear safety programs at the current levels?"

Churchill: "At improved levels."

Leverenz: "And to continue to implement its remote monitoring plan."

Churchill: "That's correct."

Leverenz: "You will... You will raise, I understand, approximately 12 million the first year. Is that correct?"

Churchill: "4.8 million."

Leverenz: "You will raise 4.8 million the first year."

Churchill: "In Fiscal Year '85. That's correct. That's with... That's not only just with operational funds. That's also with the capital amount for the in-stack monitoring system."

Leverenz: "It will be paid to who?"

Churchill: "To the Department of Nuclear Safety."

Leverenz: "It will be paid to the Department, and they will run all of that money raised through the appropriations process?"

Churchill: "That is correct."

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Leverenz: "It will be paid into what fund?"

Churchill: "The Nuclear Safety Emergency and Preparedness Fund."

Leverenz: "They currently do monitor now, do they not?"

Churchill: "That is correct."

Leverenz: "Are they going to then go through and replace all of the equipment that's in place now?"

Churchill: "No, the monitoring system, as I explained to Representative Levin, at this point, is a monitoring system, with exception to LaSalle - LaSalle has in-stack monitors at this point. But the monitoring system at the other plants is an exterior system that's placed in approximately 16 locations a mile to two miles away from the nuclear reactor. The plant... The facilities that we're planning now in this Bill are actually in the stack of the nuclear plant so that the emissions can be tested on a moment-by-moment basis. That information is transmitted to the Department of Nuclear Safety here in Springfield and can be monitored here."

Leverenz: "Why would you, in the same Bill, provide that the state ESDA Agency would be able to spend up to 350,000 per year for expenses that they may incur?"

Churchill: "ESDA works with the Department of Nuclear Safety to prepare and implement and maintain plans for emergency evacuation and any other things that may happen, if there were to be some nuclear accident, and there is a cost involved to ESDA to keep that... those programs maintained. And this is an authorization for an appropriation. This is not the appropriation to them, but it does increase the limit, so they could receive up to 350,000 dollars should the Legislature so decide in the appropriations process."

Leverenz: "Well, I just wondered why they would be included in the fee increase Bill to the utility companies. What is the increase, if you can estimate it, that will probably

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end up in a consumer's utility bill because of this Bill?"

Churchill: "Yes, at this point, the estimate is it will be four cents per month for each consumer."

Leverenz: "How much would Com Ed end up kicking in?"

Churchill: "I don't know. That's an estimate, and I really don't know what Com Ed would do."

Leverenz: "Would you agree with me that up till now I've always been able to point at the ICC being totally responsible for all rate increases and that if we vote green for this, we will directly be responsible for putting an increase to the consumer in their utility bill?"

Churchill: "I'm not sure what you have consistently stated in the past, Representative."

Leverenz: "Well, I've not been involved with any rate increases till now. Therefore, if I would vote green here, isn't it true that I would be directly putting a rate increase to every utility customer in the state?"

Churchill: "You... You make that assumption based on the fact that you are assuming that this will be passed onto the consumer. If that's your belief, then there will be an increase of four cents per month per consumer."

Leverenz: "So, because you think it's such a small amount, it's okay."

Churchill: "I'm not saying that.... Regardless of what the cost may be, the cost is not as much as the value of a human life. And were there to be an accident at a nuclear plant and for any reason the Department of Nuclear Safety did not have the ability to come in and save lives, now that cost would be so great that it would... would be incomparable with what we're talking about."

Leverenz: "Thank you."

Speaker Breslin: "There being no further discussion, the Gentleman from Lake, Representative Churchill, to close,

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quickly."

Churchill: "Thank you, Madam Speaker. I've spent a lot of time in the last year trying to learn about nuclear energy and the problems at nuclear plants, seeing as I have the Zion plants in my district. And I'm very impressed, at this point, with what I have seen in terms of the systems and the computer systems that are in place in the nuclear plants to try and correct and solve any problem that may arise. The thing that bothers me most is that if there were to be an accident, it would be that. It would be an accident. It would be something that would be beyond the control, beyond the ability of the computers to predict what was going to happen. The key in being able to save lives in the event of an accident is for some other body to be able to notify the public that there was an accident in process and to evacuate or to save lives and to be available in case there was any medical emergency. What this Bill does is give to the State of Illinois, to the Department of Nuclear Energy, the ability to go into the nuclear plants and monitor what is coming from the stacks in terms of emission and to monitor the signals that are being given out by the nuclear plant so that if something were out of the ordinary, that the Department of Nuclear Safety would understand that. Particularly in the area of the Zion Nuclear Plant, which is built halfway between the City of Chicago and the City of Milwaukee, with the amount of people that are involved in that, a serious accident or a serious emission could affect millions and millions of people. If it were an emission that occurred during a time of emergency and Commonwealth Edison were not able to get to the Department of Nuclear Safety or to the Federal Government to explain what was happening in time, we could have a serious problem on our hands. What this Bill does is

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give the state the ability to be right there on the scene at the same time so that the state can take the responsibility of protecting our citizens. This is a fantastic Bill for nuclear safety. It's something that we have to watch. It's something we have to pay attention to if we are to provide the nuclear energy and the energy that this state requires. If we're going to be first in nuclear energy, we have to be first in nuclear safety. I would ask for your favorable support of this Bill."

Speaker Breslin: "The question is, 'Shall House Bill 3098 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 57 voting 'aye', 25 voting 'no' and 17 voting 'present'. Representative Churchill asks for a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Barger. Berrios. Bullock. Capparelli. DiPrima."

Speaker Breslin: "DiPrima votes 'aye'."

Clerk O'Brien: "Huff. Klemm. Krska. Laurino. Levin. McAuliffe. Olson."

Speaker Breslin: "Levin. Levin votes 'present'."

Clerk O'Brien: "Olson. Panayotovich. W. Peterson."

Speaker Breslin: "Peterson votes 'aye'."

Clerk O'Brien: "Rhem. Taylor. Vitek. Younge. Mr. Speaker."

Speaker Breslin: "What is the count, Mr. Clerk? On this Bill there are 59 voting 'aye', 25 voting 'no' and 18 voting 'present'. Representative Tate, for what reason do you rise? The Gentleman wishes to change his vote from 'no' to 'aye'. There are, therefore, 60 voting 'aye', 24 voting 'no' and 18 voting 'present'. This Bill, having received the necessary Constitutional Majority... Representative

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McPike, for what reason do you rise?"

McPike: "We would request a verification."

Speaker Breslin: "The Gentleman requests a verification of the affirmative votes. Please poll the affirmative, Mr. Clerk."

Clerk O'Brien: "Alexander. Bowman. Braun."

Speaker Breslin: "Representative Doyle asks leave to be verified. Representative Jaffe asks leave to be verified. Representative Friedrich asks leave to be verified."

Clerk O'Brien: "Continuing the poll of the affirmative. Brookins. Christensen. Churchill. Countryman. Cowlishaw. Currie. Daniels. Davis. Deuchler. Didrickson. DiPrima. Domico. Doyle. Ralph Eunn. Ewing. Virginia Frederick. Dwight Friedrich. Giorgi. Greiman. Hallock. Harris. Hastert. Hensel. Hoffman. Jaffe. Karpel. Kirkland. Koehler. LeFlore. Markette. Marzuki. Matijevich. Mays. McCracken. Nash. Nelson. Ohlinger. O'Connell. Parcels. W. Peterson. Fierce. Preston. Rice. Ropp. Satterthwaite. Shaw. Tate."

Speaker Breslin: "Representative Shaw, for what reason do you rise? The Gentleman asks leave to be verified. The Gentleman has leave. Representative Shaw? Would you turn on Representative Shaw?"

Shaw: "Would you change my vote from 'yes' to 'no'?"

Speaker Breslin: "The Gentleman changes his vote from 'yes' to 'no'. There are, therefore... Representative MCPike, do you withdraw your request for a verification? Representative MCPike."

McPike: "Well, if it does not have 60 votes, then the request is out of order. So, what's the Roll Call?"

Speaker Breslin: "What's the Roll Call, Mr. Clerk? Representative Piel, for what reason do you rise?"

Piel: "Would you change me to 'aye', please?"

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Speaker Breslin: "The Gentleman asks leave to be voted 'aye' instead of 'present'. Representative Piel. Proceed with the verification of the affirmative. Representative Hoffman asks leave to be verified. Yes."

Clerk O'Brien: "Continuing the poll of the affirmative. Mays. McCracken. Nash. Nelson. Oblinger. O'Connell. Parcells. W. Peterson. Piel. Pierce. Preston. Rice. Ropp. Satterthwaite. Tate. Turner. Van Dwyne. Vinson. Wait. White. Winchester. Wojcik. Wolf. McNamara and Zwick."

Speaker Breslin: "We are starting at 60 'ayes'. Do you have any questions of the Affirmative Roll Call, Representative McPike?"

McPike: "Representative Domico."

Speaker Breslin: "Representative Domico is not in the chamber. Remove him."

McPike: "Representative Giorgi."

Speaker Breslin: "Representative Giorgi is not in the chamber. Representative Giorgi is in the chamber."

McPike: "Representative Countryman."

Speaker Breslin: "Representative Countryman is in his chair."

McPike: "Representative Dwight Friedrich."

Speaker Breslin: "Representative Friedrich asked leave to be verified, and he is in his chair."

McPike: "Thank you. Representative Hensel."

Speaker Breslin: "Representative Hensel is in his chair."

McPike: "Representative White."

Speaker Breslin: "Representative White is not in his chair. Is the Gentleman in the chamber? Remove him."

McPike: "That's it."

Speaker Breslin: "Mr. Clerk, what is the call? On this Bill there are 58 voting 'aye', 25 voting 'nc'. Representative Vinson. On this Bill there are 58 voting 'aye', 25 voting

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'no'. Representative Pullen asks to be voted from 'no' to 'aye'. Representative Neff asks to be voted from 'present' to 'aye'. Representative Nash asks to change his vote to 'present'. Representative O'Connell asks leave to be voted 'no'."

O'Connell: "No."

Speaker Breslin: "From 'aye' to 'no'. Mr. Clerk. On this Bill there are 58 voting 'aye', 25 voting 'no', 18 voting 'present'. Representative... Representative Jane Barnes, for what reason do you rise?"

Barnes: "Madam Speaker, on behalf of Representative Sam Vinson, how am I voted?"

Speaker Breslin: "You are voted 'no'."

Barnes: "I change my vote to 'aye'."

Speaker Breslin: "The Lady asks to be voted 'aye'. On this Bill there are 59 voting 'aye', 24 voting 'nc' and 18 voting 'present'. Representative Ryder, for what reason do you rise?"

Ryder: "I would like to request how I'm voted."

Speaker Breslin: "Sir, you are recorded as voting 'nc'."

Ryder: "Thank you."

Speaker Breslin: "Representative... Representative Johnson, for what reason do you rise?"

Johnson: "Change my vote from 'no' to 'aye'."

Speaker Breslin: "The Gentleman votes 'aye'. Representative Johnson votes 'aye'. Representative White has returned to the chamber. He wishes to be recorded as voting 'aye'. Is that correct? Representative Wolf, for what reason do you rise?"

Wolf: "Change my vote to 'no', Madam Speaker."

Speaker Breslin: "Mr. Clerk, what is the count? Excuse me. Don't bother counting. Representative Pedersen, for what reason do you rise?"

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Pedersen: "How am I recorded as voting?"

Speaker Breslin: "You are voting 'present'."

Pedersen: "Would you change my vote to 'aye'?"

Speaker Breslin: "The Gentleman wishes to be recorded as voting 'aye'. Mr. Clerk, what is the count? On this Bill there are 61 'ayes', 25 'nos' and 16 voting 'present'. Representative Churchill, for what reason is your light flashing?"

Churchill: "I want to... I want to thank all my friends in the House, and it's been a great deal of fun to do this. And I'm just very appreciative. Thanks."

Speaker Breslin: "This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 3099, Representative Hoffman. Clerk, read the Bill. Out of the record. House Bill 3101, Representative Friedrich. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3101, a Bill for an Act to amend Sections of an Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities. Third Reading of the Bill."

Speaker Breslin: "Representative Friedrich."

Friedrich: "Yeah, Madam Speaker and Members of the House, I don't believe this Bill is quite so controversial. It was given to me by the Department of Mental Health and Developmental Disabilities. Right now, the follow up procedure for mental patients that are sent to a nursing home is a little vague, and this provides a specific obligation on the part of the state that these persons have a visit at least once a month from the state people to see that the nursing home facilities are adequate and they're being properly taken care of. I'd appreciate your vote."

Speaker Breslin: "The Gentleman moves for passage of House Bill 3101. And on that question, is there any discussion?"

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Seeing no discussion, the question is, 'Shall House Bill 3101 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? The Clerk will take the record. On this question there are 105 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 3102, Representative Hawkinson. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3102, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. I would like to ask leave of the House to return this Bill to Second Reading for purposes of an Amendment by Representative O'Connell."

Speaker Breslin: "The Gentleman asks leave to bring this Bill back from the Order of Third to Second. Does the Gentleman have leave? Hearing no objections, the Gentleman has leave. Second Reading. Clerk, read the Bill."

Clerk O'Brien: "Amendment #4, O'Connell, amends House Bill 3102 on page one and line two and so forth."

Speaker Breslin: "Representative O'Connell."

O'Connell: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #4 I ask to be withdrawn."

Speaker Breslin: "The Gentleman withdraws Amendment #4. Are there any further Amendments?"

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

Speaker Breslin: "Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. Amendment #5 would provide that in a school zone, that there be certain sanctions over and above what is currently in the existing law. As most of you know, a Judge has the discretion to render a judgement of supervision in certain cases. It is my

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judgement that when it relates to sanctions taken against traffic violations for... incurring in school districts, that those discre... that that discretion should be limited. Accordingly, I'm suggesting in this Bill... this Amendment that there be no supervision granted in two instances. First of all, there would be no supervision permitted... allowed when a violation occurs in speeding in a school zone. And secondly, there be no supervisions granted for violations of Section 6-104 of Chapter 95 1/2 when a person who is under the age of 21 drives a school bus or a school transportation vehicle or who has had less than one years driving experience. Presently, under the existing Illinois law, those two provisions are subject to supervision. I'm merely suggesting that because of the grievance nature of violations in school zones, that a Judge be limited in his discretion that, if found guilty, they be, in fact, convicted of those violations."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #5 to House Bill 3102. And on that question, the Gentleman from Champaign, Representative Johnson."

Johnson: "I would ask for a ruling on the germaneness of this Amendment."

Speaker Breslin: "The Gentleman asks for a ruling on germaneness. While we are looking at the Bill, is there any further discussion on the substance of this legislation? Gentleman from Fulton, Representative Homer."

Homer: "Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield for a question."

Homer: "Representative O'Connell, what, again, is Section 6-104 and Section 11-605, what are the two offenses that you want to..."

O'Connell: "Okay. 104 is... Under current law, if you're going to be driving a school bus or a school vehicle transporting

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school children, you cannot be under the age of 21, and you also have to have at least one year's driving experience. That's what 6-104 sub (b) is. The 604 is for speeding in a school zone."

Homer: "In other words, if someone is caught speeding in a school zone, they would not be eligible for court supervision."

O'Connell: "That's correct."

Homer: "And if an individual were driving a bus without having the proper certification and were convicted of that, they would not be eligible for supervision?"

O'Connell: "That is correct. School bus for compensation."

Homer: "Why... why are you singling out those two offenses?"

O'Connell: "I'm sorry, I didn't hear you."

Homer: "Why are you singling out those two violations? In other words, there are... there are so many other very serious offenses such as drag racing, wreckless driving, leaving the scene of an accident. Why..."

O'Connell: "Those... Those two... Actually, there was three violations that we found related to school zone related violations. The third was passing a school bus. However, the sanctions for passing a school bus are severe enough, in my judgement, wherein, if convicted, you lose your license for a period of 30 days. These other two..."

Speaker Breslin: "Excuse me, Representative O'Connell. The Parliamentarian indicates that the Amendment is not germane. So, we need not further discuss the Amendment. Thank you. Representative Hawkinson."

Hawkinson: "Since there's been no additional Amendment, may I have leave to have this heard on Third immediately?"

Speaker Breslin: "That's true. Would you move this Bill from... There are no further Amendments. Is that correct?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. The Gentleman now asks leave to

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have this Bill heard immediately on the Order of Third Reading. Are there any objections? Hearing no objections, Representative Hawkinson, on House Bill 3102."

Hawkinson: "Thank you, Madam Speaker. This is a Bill by the Department of Law Enforcement which attempts to close a loophole in the existing Gambling Act. Under the present Act, in order for a device to be seized in gambling, the device has to be incapable of any lawful use. A problem has arisen where some machines, which do not... slot machines, do not have slots in them but are used for gambling purposes by a lessee or owner of the machine - the establishment is making pay offs and using the machine in gambling - has been caught in the act of unlawful gambling, and some court decisions have found that since the machine, per say, is capable of a lawful use, it may not be seized. This would add language to the Code which will say that a device used in unlawful gambling and actually caught in that use may be seized by local authorities or by the Department of Law Enforcement. However, in order for that machine or device to be seized, the person doing the gambling must have a property interest in the machine. I would ask for the passage of this Bill."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 3102. And on that question, the Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Madam Speaker. Will the Gentleman yield for a couple questions?"

Speaker Breslin: "The Gentleman will yield for a question."

Mays: "By gambling device, you're talking about anything and everything that might be used in a local tavern or on a racetrack or whatnot that is unlawful or what?"

Hawkinson: "No. The racetrack would not apply, because we specifically say for unlawful gambling."

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Mays: "Are you aware of the Department of Revenue's decision to place some video display games, so to speak, on a market test basis throughout this state this year for the Lottery?"

Hawkinson: "I... I am aware of that, but that would not be... If it's under the auspices of the Lottery, it would not be unlawful gambling. So, it wouldn't be covered by the Bill."

Mays: "What... Why does the Department of Law Enforcement feel they need these added powers here? Have they had any actual instances when they've not been able to confiscate or otherwise harass anybody that might be involved in this form of unlawful gambling?"

Hawkinson: "Yes, they have, Representative. They've had court cases where they have, through their investigations, discovered large gambling operations involving the use of some of the video machines which are not, per say, unlawful, where there's been pay offs by the owner or lessor of the machine. They've caught them in the act. They have seized the device and then had a court say that because the statute does not allow for seizure unless the device is incapable of lawful use that those machines could not be seized."

Mays: "Thank you very much. I'm probably going to support this Bill, Madam Speaker and Ladies and Gentlemen of the House. I do, however, have serious reservations about the Department of Revenue entering into this same field that they're trying to, with this Bill, confiscate and... in other words... and otherwise obfuscate the whole issue of what is lawful gambling and what is not. So, I'll probably support this Bill, but I think the Department of Revenue, through its new market testing and whatever will follow, is probably going to be doing the same thing that this Bill is

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seeking to take care of for those that just don't happen to have a stamp of approval through the Lottery."

Speaker Breslin: "The Gentleman from Cook, Representative Brookins."

Brookins: "Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield for a question."

Brookins: "Mr. Sponsor, in the seizing of property, would this apply to an automobile if it was used in gambling, such as drag racing or what have you?"

Hawkinson: "I do not believe so, because I don't believe... I... It would not be my intention to cover an automobile in that circumstance."

Brookins: "Okay. What about motorcycles, motor bikes, tricycles and bicycles?"

Hawkinson: "I do not believe it would."

Brookins: "What... What would be the protection in the Bill to prevent this from happening? I know it is not your intent. But what would be the protection against this, if any?"

Hawkinson: "My feeling would be that the words 'device used for gambling' would not encompass a vehicle or a house, for example, or a building; that that would not come under 'device'. I see the argument that you're making. That would simply be my interpretation and... of the Bill, and it's certainly not my intent, in offering this legislation, to so expand the traditional use of the word 'device'."

Brookins: "Thank you."

Speaker Breslin: "The Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Representative Hawkinson, what would happen in the case if the Lottery... I understand the Lottery Control Board is going to put out a couple of hundred games in selected locations. What if a tavern owner or someone who has a bar avails themselves of the same machine, and he isn't in tune

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with the Lottery people, but he runs the machine comparable to the people that have the machine that's approved by the Lottery people? What happens in that case when it's the same identical machine and pays out the same, and the guy isn't a part of the Lottery set up? What does this do to that person?"

Hawkinson: "Representative, I am not in favor of Revenue expanding the use of the machines. However, this Bill does not address lawful gambling under the Lottery system. I believe it's a separate issue. This Bill would address unlawful gambling by any person whether it be a tavern owner or anybody else who uses a machine such as that to provide for unlawful gambling. So, I... I am not endorsing what's going on by the Lottery or the Department of Revenue, and this Bill has nothing to do with lawful gambling. Now, if you want to introduce separate legislation to limit the scope of Lottery activities, I'm not... I might support you in that, but this Bill does not address that issue."

Giorgi: "That doesn't answer my question either, does it?"

Speaker Breslin: "The Gentleman..."

Giorgi: "Doesn't answer what would happen..."

Hawkinson: "Well, the question is if some proprietor who is not under the auspices of the Lottery and is not, therefore, conducting lawful gambling, if he uses the device to conduct unlawful gambling and pays off on a machine, this would allow the device to be seized."

Speaker Breslin: "The Gentleman from Macou, Representative Dunn."

Dunn, J.: "Will the Sponsor yield for a question?"

Speaker Breslin: "The Gentleman will yield for a question."

Dunn: "As I recall, we had some difficulty with this legislation in Committee, pretty much along the same lines we're talking about now, not so much about concern about seizing

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gambling equipment, but to restrict the legislation to make sure that that's really all it does. Let me ask this situation. Supposing there's a Pac Man machine in a local tavern, and it doesn't pay off in cash. There's no... no arrangement by the owner of the machine or the tavern to pay off in cash, but two patrons of the tavern decide to play Pac Man and bet on the game, and they're caught. It looks to me like they've used the... used someone else's Pac Man machine for gambling purposes. And, as I read this legislation that we have before us now, the machine could be seized. And in the example I've put forth, the tavern owner has neither permitted nor condoned gambling nor the owner of the machine. Am I right? Would this Bill permit the seizure of that game machine under those circumstances?"

Hawkinson: "No, Representative. In order for it to be seized, the person having a property interest in the machine, either as owner or lessee, would have to be involved in the gambling."

Dunn: "And where does it say that the... Where does it say that in the legislation?"

Hawkinson: "The legislation already says that. I believe, in paragraph C it talks about the provisions for persons having a property interest in the seized property. That's..."

Dunn: "Well, I know. That's how you get it back, isn't it? The Section (A) says that every... as amended - it's a little difficult to read, but every gambling device, which is incapable of lawful use, or every device unlawfully used for gambling shall be considered a gambling device. And if a Pac Man machine is a device, and it is unlawfully used for gambling, then Section (A) goes on to say, 'is contraband and shall be subject to seizure'. Then the

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question I have is... elaborating... and again, I don't have any problem with seizing gambling equipment, but if somebody has their poker club over to their home and they're playing cards in the kitchen at the kitchen table and there's a raid, do you take the kitchen table? Or if late at night, and they were cooking breakfast, do you confiscate the kitchen stove and the frying pan and the dishes and glassware, and do you get in the kitchen and get the rest of the eggs that were in the carton that's been open to cook breakfast? Where do you stop here? I don't think this legislation tells us what the parameters are. The intent is well meaning, and we indicated that in Committee. But the concept needs refinement. What are the answers to these questions? Where... What is the limit of this Bill?"

Hawkinson: "The ... My intent, Representative, as was presented in Committee and, I believe, provided by present legislation, is this shall only allow a seizure where there is a property interest in the person doing the gambling. However, to clarify that, I'm going to ask that this Bill be taken out of the record."

Speaker Breslin: "Take this Bill out of the record, Mr. Clerk. Ladies and Gentlemen, I under... the TV light is on. That allows people to take pictures, and TV cameras to operate from the designated areas under the rules. The Speaker's gallery is not a designated area under the rules. So, please... please contact one of the clerks, and they will tell you what the designated area is. The Gentleman from Cook, Representative DiPrima, for what reason do you rise?"

DiPrima: "Thank you, Madam Speaker. I just wanted to make an announcement about any of you people have... to make a... the Memorial Day speech. I have copies of speeches maybe you'd like to edit for yourselves, you know. Come over to

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my desk and, at the same time, we can discuss the Freakness. Thank you."

Speaker Breslin: "The next Bill on the Order of Call of House Bills Third Reading is House Bill 3117, Representative Mautino. Representative Mautino. 3117. Representative Mautino, out of the record?"

Mautino: "I believe it's on a Special Call of Order for Wednesday."

Speaker Breslin: "That's true. But do you want to wait?"

Mautino: "I'd be happy to wait."

Speaker Breslin: "House Bill 3119, Representative O'Connell. Representative O'Connell. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3119, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Breslin: "Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. Originally, House Bill 3119 was to be a vehicle, and still is, to be a vehicle for a comprehensive change in the Illinois commercial transportation area of the law. The Illinois Commerce Commission has been conducting extensive discussions with the industry and other interested parties in the Illinois commercial transportation field. To date, they have not come up with any agreement, unanimous agreement, on the various elements to be amended. Accordingly, we have introduced House Bill 3119 to serve as its shell. However, until the negotiations are completed, we need a Bill to stay alive so that it can be amended and a full hearing on forthcoming changes would be provided. In the meantime, however, 3119 itself addresses a specific problem that does exist and is in need of changing whether or not there is a change in the Illinois Commercial Transportation Law or not. Presently, the Federal Government is in a position to

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preempt various Sections of our Illinois law as it relates to interstate traffic. What House Bill 3119 would do, would be to allow the Commerce Commission to revise its rules of practice to adopt to federal rules and regulations. It would require the Commission to report to the General Assembly regarding the relationship of federal and state rules regulating common carriers of property. An example of how the Federal Government can preempt state law was the Staggers Rail Act of 1980, which required that states seek federal certification in order to continue a regulation of intrastate rail rates. As a prerequisite to that certification, each state was required to demonstrate that its regulations were consistent with standards contained in the Federal Staggers Act. This Bill would allow the Commerce Commission to do that expeditiously in being consistent with the federal law. As I said before, even if we do not come up with an Illinois Commercial Transportation Act which would be amended to House Bill 3119, at the very least, this issue that I've just described is in need of amending, and I would ask for its favorable Roll Call."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 3119. And on that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 3119 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 110 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 3123, Representative Cullerton. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3123, a Bill for an Act to amend

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Sections of an Act in relation to the adoption of persons.
Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This Bill deals with the issue of adoption. The Bill is a product of compromise and negotiations with a number of associations; the Child Care Association, the Illinois Department of Children and Family Services, the Illinois Catholic Conference, the Illinois Commission on Children, Catholic Charities Adoptive Family Guild, Illinois Action for Foster Children, and it's been worked on for a couple of years. It does... basically accomplishes two things. It requires that medical, genetic and non-identifying background information on birth parents be given to all adoptive parents and to adult adoptees at the time of the adoption. And secondly, it establishes a voluntary adoption registry within the Department of Public Health for the purpose of providing the names and last known address of the consenting people involved so that, if both people, the birth parent and the adoptee, wish to submit their information to this registry, they can identify each other if they wish. I would ask for the adoption of the Bill. I think it's a product of a lot of work. I think it accomplishes some laudable goals. I'd be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 3123. And on that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 3123 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 99 voting 'aye', 4 voting 'no' and 3 voting 'present'. This Bill, having received the

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Constitutional Majority, is hereby declared passed. House Bill 3128, Representative Madigan. Out of the record. House Bill 3129, Representative Pierce. Representative Pierce. Out of the record. House Bill 3134, Representative McGann. Clerk... Out of the record. House Bill 3135, Representative DiPrima. Representative DiPrima. Out of the record. House Bill 3143, Representative Kirkland. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3143, a Bill for an Act concerning the anticipation by units of local government and school districts of revenue from any source. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you... Thank you, Madam Speaker and Members of the House. This a new Act authorizing issuance by local units of government, including school districts, of revenue anticipation notes of 12 months or less in duration, to a limit of 85% of the revenue anticipated. The Bill passed out of the Cities and Villages 9 to 1 and 1 voting 'present'. Currently, as everybody knows, tax anticipation warrants can be issued. This would extend anticipation notes to other revenues. The statute sets up a series of steps and safeguards to be followed in issuing such notes upon the conclusion that; one, the local government has insufficient funds to pay previous obligation or current fiscal year expenses; second, that either taxes have been levied to cover the notes or written assurances from a reliable sources that the revenues are forthcoming has been done in connection with the notes. That levy or written assurance must also then be filed with the county clerk, which then sets up the situation where the local government can issue a reso... or have a resolution to issue the notes. The resolution provides a number of facts

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against safeguards. Number one, again, that the notes cannot be more than 12 months in duration; number two, that they bear interest at a rate as set in the public corporations part of Chapter 17, the Banking and Finance Act; number three, that no notes can issue after the anticipated revenues become delinquent if they do; number four, that a two thirds vote of the local body is required to issue the resolution; number five, that they issue at par value and accrued interest. The treasurer receiving the notes must then certify their authenticity by again noting a number of facts, going most importantly to noting the amount of the revenue from which the notes will be payable and the rate limits of that revenue amount. There is also a final Section in the Bill regarding punishment for local officials who violate the safeguards set out in the statutes. One last thing, the Bill is basically to provide flexibility to local governments to overcome cash flow problems they encounter because of delays in receiving property tax distribution, differing fiscal years or schedules from other governments providing revenues to the local governments and so forth. I think it's a good idea and a good Bill, and I ask for support.'

Speaker Breslin: "The Gentleman moves for passage of House Bill 3143. And on that question, the Lady from Cook, Representative Pullen."

Pullen: "I have a couple of questions, please?"

Speaker Breslin: "The Gentleman will yield to a question."

Pullen: "I'm wondering why this Bill is needed."

Kirkland: "I think that it's needed because of the last statement I made, which is that because of differing schedules of other government, differing fiscal years and different property tax delays and so forth. Local governments and school districts run into cash flow problems, and this

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provides added flexibility. And... Well, go ahead."

Pullen: "Do they not already have authorization to issue tax anticipation warrants?"

Kirkland: "That's correct."

Pullen: "And other forms of borrowing?"

Kirkland: "Well, I... other forms of borrowing, that's correct. The... There are two things here. There are the tax anticipation warrants are limited to real estate taxes. As you know, local government receives sources of money from a number of different sources besides real estate taxes. This simply lets them adjust their cash flow situation a little easier to those other sources of revenue. And that's among the reasons they're limited to 12 months or less in duration. I would also add that this does not set up, and the language in the statute is specific, does not set up any general obligation of the local government. It simply anticipates warrants that... anticipates revenues that have already been... that are already known."

Pullen: "If you're trying to solve a cash flow problem, which can already be solved by tax anticipation warrants don't you think that tax anticipation warrants, based on property tax, are sufficient to solve cash flow problems?"

Kirkland: "I don't think so, and the Illinois Municipal League does not think so. You know, again, local governments get revenues from many other sources besides just real estate taxes."

Pullen: "Well, yes, but if you're talking about cash flow problems, it seems to me that it's not in that great an amount. Okay. I think that answers my questions, and I know how I'm going to vote. Thank you."

Kirkland: "Okay."

Speaker Breslin: "There being no further discussion, Representative Kirkland, to close."

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Kirkland: "Yes, again, I just think this is a good Bill that expands the way a local government, which is the most accountable... size of government that we have, can respond to cash flow problems."

Speaker Breslin: "The question is, 'Shall House Bill 3143 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 92 voting 'aye', 9 voting 'no' and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3148, Representative Kirkland. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3148, a Bill for an Act in relation to municipal and school finance. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you. This is, frankly, another approach to the same problem, a Bill that would allow municipalities and school districts... this Bill is limited to municipalities and school districts, to borrow money from banks and other financial institutions. The Bill passed Cities and Villages 12 to nothing; but, since then, I have redrafted it with Amendment 4 to tighten up its requirements and its time limits per staff suggestions of both sides of the aisle, under which the borrowing can occur. I might add that Representatives Vinson and Oblinger put quite germane Amendments on this Bill, this popular Bill, to try to amend, and they'll explain their Amendments when I'm finished. Okay. This... The wording of this Bill in the Municipal Code and in the School Code, adds a Section to the Sections of those Codes in connection with interfund borrowing and allows borrowing from banks and financial institutions with the same limits as are set up for interfund borrowings by the municipalities or school

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districts. Such borrowing by municipalities must be repaid within the current fiscal year. And, for school districts, they would be directed to repay these loans within one year with the regional superintendent authorized to withhold Common School Fund claim payments until such borrowing is repaid, if it's not repaid within the one year. As I understand it, home rule communities can currently conduct this type of borrowing and do so. Some municipalities and school districts also, I think, carry on this type of borrowing, and this would provide a clear legal authority for them to continue to do so. The Bill does not increase debt limits of the governments. It does give them alternatives to what can be cumbersome, time consuming and costly issuance of tax anticipation notes and warrants, again, to cover short term cash flow problems. I urge a 'yes' vote, and let the other... the folks who amended the Bill address their issue."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 3148. And on that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 3148 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted a wish? The Clerk will take the record. On this question there are 101 voting 'aye', 2 voting 'no' and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. For point of clarification, Ladies and Gentlemen, we have looked at Rule 64 of our rules, and it indicates that filming can be done from any part of the gallery. It doesn't specifically say the Speaker's gallery, but we have determined that it doesn't exclude the Speaker's gallery, so that has to be included. Any part of the gallery. House Bill 3151, Representative Barnes. Out of the record.

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House Bill 3152, Representative Cullerton. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3152, a Bill for an Act creating the Commission for the Blind and amending certain Acts herein named. Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House. This would... This Bill would create an Executive Commission of the Blind, assuming all powers and duties relating to the blind that are currently being exercised by the Illinois Department of Rehabilitative Services, including the administration of the Illinois Visually Handicapped Institute in Chicago and the Illinois School for the Visually Handicapped in Jacksonville and the administration of the Blind Vending stand Program. It would consist of seven members appointed by the Governor, confirmed by the Senate, four must be visually impaired. This legislation has been a longstanding recommendation of the National Federation of the Blind in Illinois to structure services in a manner similar to the State of Iowa where programs are considered to be more responsive to the interests and needs of the visually impaired. I would be happy to answer any questions and appreciate your support."

Speaker Breslin: "The Gentleman moves for passage of House Bill 3152. And on that question, the Gentleman from Cook, Representative Bowman."

Bowman: "Yes, I would just like to point out that, unlike the... the Membership should not be misled by the title of the Bill, because what we are doing here is basically splitting the blind services from the Department of Rehabilitation, putting them under a Board. Yeah, like it's an Executive administrative forum. So, what we're talking about here is

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an administrative unit for providing services to the blind and visually impaired individuals of the state, and it is something that is generally supported by the blind community. They feel that they have been getting short shrift, and this would provide consumer input to the provision of the services. And I recommend its... an 'aye' vote on this Bill."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. What this Bill does is to create an Executive Commission for administering programs currently under a Director. Now, I would urge a 'no' vote on the Bill for the very simple reason that it reduces. It reduces accountability. It reduces the ability to manage an agency. You're going to create government by Committee. We know how difficult that is for legislative functions, let alone for management functions. What we ought to do is have one person who is accountable for the management of an agency, so that we can hold that one person responsible, so that he can be targeted and gotten rid of if he does a bad job. This creates an unworkable, bureaucratic apparatus, and I would urge a 'no' vote on the Bill."

Speaker Breslin: "The Gentleman from Kendall, Representative Hastert."

Hastert: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I understand the Sponsor of this Bill's commitment to a certain group of people, and I guess that's to be respected. But I think one of the things you have to do is look at this Bill philosophically. What we're trying to do or what we would want to try to do in government, is to cover areas of social concern with a basic philosophical

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policy. What we're doing with this Bill is splitting that policy up to every little group who would come before or would pick off certain amount of... a number of Legislators who are with a certain issue and would completely fractionalize any uniformity we have with the governmental process and with the administration process and with the managerial process. It deals with appropriations. It deals with policy. And if every group of people who have a concerted or focused concern could splinter State Government, we'd never get anything done here. And I just think, with all due respect to the Sponsor and his commitment, I think this is a bad Bill. I think we should unite to defeat the Bill, and I would ask for your support in doing that. Thank you."

Speaker Breslin: "The Lady from Cook, Representative Topinka."

Topinka: "Yes, if I may ask some questions of the Spncsor."

Speaker Breslin: "The Gentleman will yield to a question."

Topinka: "Alright. What percentage of the pcpulation of Illinois now, that are blind, would be using these services that currently use the DOR services now, and how much does DOR spend of their budget on that percentage of the blind?"

Cullerton: "I understand that DOR spends approximately nine million dollars of their budget on blind services."

Topinka: "Is that roughly ten percent of their budget on the blind?"

Cullerton: "I don't know what the percentage is."

Topinka: "Well, that's what they tell me. I'm just asking for you to confirm that; that they spend roughly ten percent of their budget on a population of 6.8 percent of the handicapped, which would be blind. Alright. Let's go on to the next one. How much would this cost the state from a standpoint of what is already being spent?"

Cullerton: "The Department of Rehabilitative Services claims that

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there will be an increase in cost of administration. The Illinois Federation for the Blind is of the opinion that there will be no extra cost."

Topinka: "According to DORS, they tell me three million dollars extra. Would you be in agreement with that?"

Cullerton: "No. I tend to believe that the Federation for the Blind is more accurate in their opinion than the Department of Rehabilitative Services."

Topinka: "Does the Federation for the Blind represent all blind people in Illinois?"

Cullerton: "No, they don't. That's why I talked to the other blind organization and I also talked to some people who worked for the Blind Vending Stand Program, and they indicated that they were in support of the Bill. Now, I..."

Topinka: "How... How many other organizations represent the blind in Illinois? I mean, I happen to belong to one. That's why I'm wondering, you know, and I don't think they've even been contacted on this. That's why I'm just wondering. How many others are there? Because it strikes me that there's quite a few, and I don't see any..."

Cullerton: "I understand there's two major blind organizations, the National Federation for the Blind Illinois Chapter and a thing called, I believe, the Council for the Blind."

Topinka: "Alright. And they're both... they're all supportive of that... of this legislation?"

Cullerton: "I'm not sure of the position of the Council."

Topinka: "Alright. Let me... Let me just go on. Now, for instance, right now it's my understanding that DORS has certain shared services that they provide with the blind that they are serving, for instance, data processing, budget staff. You also have internal auditing that they provide, management and employee relations, things like

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that. Would not, if you created a separate Commission, would not that Commission, therefore, then be responsible for having to recreate the wheel here and start over and do this again and develop all of these services, which would no longer be shared?"

Cullerton: "Well, that's certainly the position that DORS is trying to take, because they don't want to lose this power to control and administer these services. So, they... the only thing they can think of is to say that it's going to cost more money. I personally..."

Topinka: "Well, I'm just asking yes or no, though. I mean, what you have with your Commission then has to develop all that."

Cullerton: "I disagree... I disagree with the Department's position and..."

Topinka: "Again I ask you, would your... would this new Commission have to redevelop all of these things so that it could run independently?"

Cullerton: "No."

Topinka: "They would not. Alright. That's... That's interesting. Now, then how would your Commission be able to handle the multiple... the multiple handicapped, for instance, like the deaf/blind, which is a large percentage of this, because they're going to have to be coordinated into different programs?"

Cullerton: "Cooperative inner-agency agreements."

Topinka: "You're... So, once again, you're going to have to start over again and develop this whole thing all over again that is currently going on."

Cullerton: "Well, you know, even right now, within the Department, there's different counselors for different disabilities. And to the extent that they have to coordinate that now within the Department, the same thing

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would happen with the Commission. They'd coordinate it between the two agencies."

Topinka: "So, it sounds like you're... you're going to... Again, I have to my idea of reinventing the wheel, but I think, you know, you answered all my questions. Thank you."

Speaker Breslin: "The Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Madam Speaker, I move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the previous question be put?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the previous question is put. Representative Cullerton, to close."

Cullerton: "Yes, Madam Speaker, I failed to mention during my explanation that there was an Amendment adopted in Committee, that was suggested by the union that represents some people who work for the... at the Illinois Visually Handicapped Institute in Chicago and the School for the Visually Handicapped in Jacksonville. And the Amendment was adopted, so as to indicate that they... these unionized employees would continue to be unionized, and they would not be, as a result of this change, they would be taken out of the union. I would just summarize by indicating that this recommendation comes from the blind groups within the State of Illinois. They feel that this restructuring would benefit them; that they feel that in the past, they have not been treated in a proper fashion. They remind me that the Governor, a few years ago, suggested that we actually close the Illinois Visually Handicapped Institute in Chicago. Of course, that didn't happen because they rose up in indignation. But it points out that the administration is perhaps not totally responsive to their

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position. They feel that this would be the best way of handling it. And for that reason, I would ask for your support."

Speaker Breslin: "The question is, 'Shall House Bill 3152 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The Gentleman from Morgan, Representative Ryder, to explain his vote."

Ryder: "Thank you, Madam Speaker. As a supporter of the school in Jacksonville for the visually impaired, I want to compliment the Department of Rehabilitation..."

Speaker Breslin: "This is final passage."

Ryder: "... Services. They have been exceptionally cooperative. I have yet to have an opportunity when they didn't respond to the needs of the visually impaired. And for that reason, I vote 'no'."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? Representative Leverenz, for what reason do you rise? To explain your vote?"

Leverenz: "Yes, Madam Speaker. If there were an agency of State Government that deserves to have as much help run its operation possible, it would be the Director of DCBS. This gentleman needs all the help he can, I think, from those that serve on the Appropriations II Committee. There should be, perhaps, a Commission on contracts so they know who signs contracts and where they go, and maybe we could get better explanations of why they don't go to the lowest bidder. Any attempt to help this agency, short of asking for the Director to resign, I think is a good deal. I'd ask for your 'aye' votes."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this Bill there are 47 voting 'aye', 50 'no'... 50 voting 'no' and 4 voting 'present'. Representative Cullerton asks for Postponed Consideration."

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Representative Vinson, for what reason do you rise?"

Vinson: "I don't believe he's got enough votes to do that."

Speaker Breslin: "He has 47 votes."

Vinson: "Doesn't it take 48?"

Speaker Breslin: "47 votes. This Bill is on the Order of Postponed... Postponed Consideration. House Bill 3156. Representative Vinson, for what reason do you rise?"

Vinson: "To verify the affirmative vote."

Speaker Breslin: "This Bill has already been put on the Order of Postponed Consideration. House Bill 3156, Representative Hicks. Representative Hicks. Out of the record. House Bill 31... Representative Vinson, for what reason do you rise?"

Vinson: "Madam Speaker, we've got the right to verify Roll Calls. Now, I had had my light on. I requested the verification, and you're abusing the Chair by doing that."

Speaker Breslin: "Representative Vinson, your request was not timely. We are on the Order of House Bills Third Reading. House Bill 3165, Representative Braun. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3165, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Braun."

Braun: "Thank you, Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the House. House Bill 3165 will clarify that a technical error or omission in the drafting of legislation, which this House passed last year, pertaining to the school rate... school tax rate for the Chicago schools, will not impair the collection of taxes for an eight month period which is in question. Essentially, this legislation (sic - Legislature) passed the Bill last year which allowed the schools to raise money to finance themselves. There was the omission of a couple of words

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in the Bill, and it's just that simple. And the omission of those words... I think that's a fact. Representative Hoffman's shaking his head. The omission of the words from the legislation made it questionable whether or not, for purposes of the... of the... Mr.... or Madam Speaker, I believe I've just... information. I want to pull this Bill out of the record at this time."

Speaker Breslin: "Cut of the record. House Bill 3175, Representative Mautino. Do you wish to call this Bill? Representative Mautino."

Mautino: "Thank you, Madam Speaker. I have been informed that there will be a Special Call at 1:00 p.m. on Friday on the question of hazardous wastes. With that understanding, with that understanding that there would be a Special Call at that time 1:00 p.m. on Friday, I will take this Bill out of the record for this time being."

Speaker Breslin: "Cut of the record. House Bill 3176, Representative Keane. Out of the record. House Bill 3178, Representative Koehler. Out of the record. House Bill 3179, Representative Mautino. Out of the record. House Bill 3180, Representative Keane. Out of the record. House Bill 3181, Representative Hicks. Out of the record. House Bill 3183, Representative Saltsman. Clerk, read the Bill. Excuse me. Representative Hicks has changed his mind, Representative Saltsman. Let's go back to House Bill 3181. It is on a Special Order of Call, but you may have it heard now if you wish. Out of the record, House Bill 3181. House Bill 3183, Representative Saltsman. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3183, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

Speaker Breslin: "Take this Bill out of the record. House Bill 3189, Representative Madigan. Out of the record. House

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Bill 3201, Representative Domico - Tate - Bonan.
Representative Tate. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3201, a Bill for an Act to amend Sections of the Real Estate License Act. Third Reading of the Bill."

Speaker Breslin: "Representative Tate."

Tate: "Yes, Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the House, House Bill 3201 amends the Real Es... amends the Real Estate License Act of 1983 by making the following changes. First of all, it permits an applicant to take the licensing examination upon showing receipt of a baccalaureate degree with at least minor courses in real estate. Second of all, it requires brokers to maintain a definite place of business in Illinois, unless the broker resides in a bordering state and meets specific requirements. Third of all, it adds specific conditions to be met in order to receive a non-resident sales person's license. This Bill was suggested by the Department of Registration and Education and supported by the Association of Realtors. It merely cleans up some of the Sections in the Real Estate License Act. It should be a noncontroversial piece of legislation. I move for its adoption."

Speaker Breslin: "The Gentleman moves for passage of House Bill 3201. And on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield for a question."

McCracken: "Representative, does this change the law regarding persons under 21 securing a brokers' license?"

Tate: "No."

McCracken: "And is that requirement, at least two years of college for persons under 21 under current law? Do we

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know? There's an age requirement of 21, except where a person has received two years of college. Is that right? And this doesn't change that. Okay. Thank you."

Speaker Breslin: "There being no further discussion, the Gentleman from Macon, Representative Tate, to close."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill is a cleanup Bill that was suggested by the Department of R and E. It's supported by the Illinois Realtors' Association. We've got... put a lot of work into it. I move for its passage. Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 3201 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 107 voting 'aye', none voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. With leave of the Body, we would like to go back to Representative Saltsman's Bill to bring that Bill back from the Order of Third to Second. Is there any objection? Hearing no... Representative Vinson? Representative Saltsman, then... Yes, Representative Vinson."

Vinson: "Madam Speaker, I will explain the nature of my objection, too, because, very possibly, that will not be a problem on Tuesday. But Mr. Olson is not here today. He is the Spokesman on Elections, and I would prefer to deal with Election Bills when he's here."

Speaker Breslin: "Representative Saltsman, what is your pleasure?"

Saltsman: "Yes, Representative Vinson, this is just to bring it back to Second Reading for an Amendment, and then I'm going to call... record for Third Reading."

Speaker Breslin: "Representative Vinson."

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Vinson: "I wonder if the Gentleman could at least hold that for a couple of minutes so I can see if I can even understand the Amendment."

Speaker Breslin: "Very good. Out of the record. House Bill 3202, Representative Domico - Tate - Bonan. Representative Tate. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3202, a Bill for an Act to amend Sections of the Real Estate License Act. Third Reading of the Bill."

Speaker Breslin: "Representative Domico. Representative Tate, excuse me."

Tate: "Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the House, House Bill 3202 amends the Real Estate License Act of 1983 by changing the provisions relating to; time for commencement of suit, necessary and proper defendants, defaults, practice and procedure in actions for judgements which subsequently result in orders for collection from the Real Estate Recovery Act. This Bill was recommended by the Illinois Attorney General's Office, the Illinois Realtors' Association, the Illinois Department of R and E. It tightens up the requirements which must be pursued before aggrieved individuals can collect from the Real Estate Recovery Act."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 3202. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Breslin: "The Gentleman will yield for a question?"

Cullerton: "Why do we really need this Bill?"

Tate: "The reason is it's been necessary, because often the courts have ordered collection from the Real Estate Recovery Act when other sources of funds were available for payment to the aggrieved individual."

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Cullerton: "What is this Real Estate Recovery Fund?"

Tate: "It's one for escrow accounts."

Cullerton: "How is it funded?"

Tate: "Through ten dollar biannual fees."

Cullerton: "Okay. And does this expand the role of the Attorney General? Does he... Is he in this area in other... with regard to other agencies right now?"

Tate: "No."

Speaker Breslin: "Representative Tate, have you answered the question?"

Tate: "Yes, I answered 'no'."

Cullerton: "Oh, I didn't hear the answer."

Tate: "No."

Speaker Breslin: "Would you repeat your an... The answer is no."

Cullerton: "Well, I had an either/or, and I just wondered which one is the no."

Speaker Breslin: "Would you repeat your question for Representative Tate?"

Cullerton: "Why don't you just describe how this... how the Attorney General would relate to this Bill? As I understand it, he's the... he would be the attorney for a Department that's affected by this Bill. Is that correct?"

Tate: "I'm yielding to Representative Ronan on that question. He seems to be a little bit more... closer to the Attorney General than I do on this subject."

Speaker Breslin: "Representative Ronan, to answer Representative Cullerton's questions."

Ronan: "Representative Cullerton, as you're well aware, the Attorney General represents all state agencies."

Cullerton: "Alright. And what... what Department is... are we dealing with with this Bill?"

Ronan: "Registration and Education."

Cullerton: "And so, he would simply be representing the

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Department in any court proceeding with regard to the Recovery Fund. Is that correct?"

Ronan: "As he does at the present time."

Cullerton: "But he would not be representing the consumer."

Ronan: "He... the Department and the consumer all work together, as you're well aware in the real estate..."

Cullerton: "Well, it sounds like a fine Bill, and I appreciate your answering my questions, and I'd be happy to support it."

Ronan: "Good... Good judgement on your part."

Speaker Breslin: "The Gentl... The Gentleman from Macon, Representative Dunn."

Dunn, J.: "I have a question for anyone who wishes to answer it. As I read this piece of legislation, it says that when the aggrieved party files a lawsuit and the court enters judgement by default, the court shall, upon motion of the Department, set aside the judgement by default. We usually have a provision that says if... if you file a lawsuit and the defendant doesn't care and doesn't appear and doesn't show up and all the proper hoops are jumped through, that you can go into court and get a judgement by default; and to protect someone who doesn't know about it, you give them 30 days to open the judgement up. But after that, it becomes final. I don't see any time period in here, and it looks to me like any time there is an action in which someone fails to appear - as a matter of fact, anytime an action is commenced, all they have to do is not appear. And then let judgement be entered against them, and have a friend in the Department, and the court has no choice - it's not may or shall - the court shall, upon motion of the Department, set aside that judgement. I'm sure that... that that's not a good provision. Why is that in here?"

Speaker Breslin: "Representative Ronan."

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Ronan: "That measure is in there because the Department, the Attorney General and the Realtors' Association thought it should be there."

Dunn: "Okay. Well, I have great respect for the realtors and the Attorney General and the Department of Registration and Education, but one reason we are here is to scrutinize what anybody proposes. And I think we shouldn't act on this Bill till we clear something like this up, because this is a major change in court proceedings. And I don't think we need to rush to judgement about this. So, I would ask that this Bill be..."

Ronan: "Representative Dunn, just to respond to your comment. This piece of legislation was heard before the Judiciary Committee, and as you're well aware the Judiciary Committee is going to scrutinize every Bill that goes through it. So you can rest assured that this Bill received tremendous scrutiny from that Committee, and it passed out of that Committee fifteen to nothing."

Dunn, J.: "I sure hope I was absent when it did. I'm a Member of that Committee. Because it isn't...it sure isn't ready to become law, and I would recommend that the Members oppose it at least for the time being."

Speaker Breslin: "There being no further discussion, the Gentleman from Cook, Representative Ronan, to close."

Ronan: "I move for a favorable Roll Call on House Bill 3202."

Speaker: "The question is, 'Shall House Bill 3202 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk, will take the record. On this question there are 100 voting 'aye', 1 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3203, Representative Countryman. Clerk... Out of the record. House Bill 3204,

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Representative Hawkinson. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3204, a Bill for an Act to protect the public from electronic trespass and computer fraud. Third Reading of the Bill."

Speaker Breslin: "Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. This is a Bill sponsored by myself and Representative Cullerton to update the language on unlawful use of a computer, to bring it into line with current technology. When the Bill was drafted in the seventies it did not have application to current technology, which we now know can be used to unlawfully access computers, including microwave fiber optics, satellite cable and electronic impulses are new technological means of getting into these systems. We're all been familiar with the problem of hackers getting into systems and causing problems at the national defense level, banks, hospitals and other things. This Bill attempts to bring the language of the existing statute up-to-date. It also provides for civil remedies for violations of the existing Act, and I would ask for a favorable Roll Call."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 3204. And on that question is there any discussion? The Gentleman from Cook, Representative Bowman."

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

Speaker Breslin: "The Gentleman will yield for a question."

Bowman: "Okay. The synopsis simply says, 'Affords greater protection to computer data and telecommunications system, and enhances enforcement capabilities to make electronic trespassing more difficult'. Well, that's very laudable, but the synopsis doesn't tell me how it accomplishes...how the Bill accomplishes these purposes. It simply tells me the purpose of the Bill, and with all due respect here, your remarks simply again reiterate the purposes. How do

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we accomplish the object of the Bill?"

Hawkinson: "Representative, this Bill was amended in Committee, and a couple of the things that it does is, it defines the various things. If you look on the Bill under Section 2 Computer System, we talk about defining telecommunication, electronic bulletin board, identification codes, password systems, definition of access, computer network, definition of data, financial instruments and property. We also further clarify the definition of unlawful access in the code. In Section 4..."

Bowman: "Okay, stop right there. What is unlawful access?"

Hawkinson: "The unlawful access is defined in this Bill as, 'Knowingly accesses or causes to be accessed any computer, computer system or computer network, for the purpose of one devising or executing any scheme or artifice to defraud; or two, obtaining money, property or services by means of false or fraudulent pretenses, representations or promises.'"

Bowman: "How about destruction of data that's already in the system?"

Hawkinson: "I'm sorry I couldn't hear that question?"

Bowman: "How about destruction of data that is already in the system in which... in which some other party has a proprietary interest?"

Hawkinson: "I'm sorry, Representative, there's a lot of conversation around this desk, if you could speak a little louder."

Bowman: "Okay, let's try it once again. What about the destruction of data or programs which are stored in the system in which a third party has a proprietary interest? Say a hacker breaks into a computer data bank and erases it, and that data bank belongs to somebody else. Is that situation covered in this Bill?"

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Hawkinson: "It has to be knowingly, and it has to be for a purpose to defraud."

Bowman: "Okay, but destruction of data is not fraud or is it?"

Hawkinson: "Well, it could be. If you accessed, for example, a hospital computer and erased your bill or transferred the bill to someone else, that would be covered."

Bowman: "Okay. Well, okay...to the Bill it sounds like it's basically a good Bill. But I do wonder whether there might not be some loopholes here, and I just urge the Representatives to think about it - maybe as a career here in introducing Bills on the subject. There are other opportunities in the future, but I think this is...at the present time this is a good Bill."

Speaker Breslin: "The Gentleman from Cook... Excuse me, there being no further discussion, the Gentleman from Knox, Representative Hawkinson, to close."

Hawkinson: "Thank you, Madam Speaker. I would only ask for a favorable Roll Call."

Speaker Breslin: "The question is 'Shall House Bill 3204 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 101 voting...102 voting 'aye', none voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3205, Representative Panayotovich. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3205, a Bill for an Act to amend Sections of the Fish Code. Third Reading of the Bill."

Speaker Breslin: "Representative Panayotovich."

Panayotovich: "Thank you, Madam Speaker. I ask leave to take this Bill back to Second Reading for purpose of Amendment."

Speaker Breslin: "The Gentleman requests leave to bring this Bill back from the Order of Third to Second for the purposes of

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an Amendment. Are there any objections? Hearing no objections, Second Reading. Clerk, read the Bill. Are there any Amendments?"

Clerk O'Brien: "Amendment #2, Woodyard - Panayotovich, amends House Bill 3205 on page one, line one and so forth."

Speaker Breslin: "Representative Panayotovich."

Panayotovich: "Thank you, Madam Speaker. All Amendment #2 does is give the Department of Conservation a December 31, 1986, deadline to allow fishing in the state a four day grace period with no license. I ask for immediate consideration, 'aye' vote."

Speaker Breslin: "The Gentleman asks for the adoption of Amendment #2 to House Bill 3205, and on that question is there any discussion? The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, I'm sorry. I simply did not understand the explanation."

Panayotovich: "In other words, the Department of Conservation can take June 1st to June 4th, and say anybody can fish for four days without a license. It's a goodwill thing from the state."

Brummer: "That's while we're in Session."

Panayotovich: "Well, we'll do it July 4th to the 8th."

Speaker Breslin: "Is there any further discussion? Representative Satterthwaite."

Satterthwaite: "Does this Amendment apply just to individual fishermen or to commercial fisheries?"

Panayotovich: "Individual fishermen."

Satterthwaite: "We would not be providing any kind of..."

Panayotovich: "No breaks for commercial fishermen, right."

Satterthwaite: "Thank you."

Speaker Breslin: "Representative Dunn."

Dunn, J.: "Yes, there is some conversation over here. Why do we

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want to allow people to fish without a license?"

Panayotovich: "I would have to think, being Representative Woodyard isn't here, is that the fact that we have it now until 1984, and it's been successful as giving a grace period and they want to just extend it as a goodwill from the state."

Satterthwaite: "We have already done this?"

Panayotovich: "Yes, we're...we do it now. There's a sunset of '84 they want to increase it to '86. We have done this."

Satterthwaite: "Okay."

Speaker Breslin: "Representative Hicks."

Hicks: "Yes, question for the Sponsor, will he yield? Sam, does this include out-of-state fishermen who would want to come into the state? They would not have to buy out-of-state license during that period that they want to fish?"

Panayotovich: "I would have to assume it just has to do with the State of Illinois fishermen."

Hicks: "So, if I was from out of state coming into Illinois, I would not be eligible to fish during that four day period without an out-of-state fishing license?"

Panayotovich: "Right, to my understanding it's just for Illinois residents."

Hicks: "Thank you."

Speaker Breslin: "The question is, 'Shall Amendment #2 to House Bill 3205 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Panayotovich, asks leave to have this Bill heard immediately. Are there any objections? Hearing no objections, Representative Panayotovich."

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Panayotovich: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 3205 has to deal with the Lake Calumet area up in the northern part of the state where the lake... We have a problem up there. Where there's a boat slip right in...on Lake Calumet, and as soon as the boat enters the water, you are actually in Indiana waters. And what has happened there is we have a problem with the Indiana and Illinois state fishing licenses, and what the Department of Conservation wants to enter into - reciprocal agreements to let the Illinois fishermen fish in Indiana waters and the Lake Calumet harbor, and the Indiana fishermen to fish in Illinois waters. And I ask for immediate consideration."

Speaker Breslin: "The question is, 'Shall House Bill 3205 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 100 voting 'aye', none voting 'no' and one voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3206, Representative Winchester. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3206, a Bill for an Act in relation to wildlife amending Acts herein named. Third Reading of the Bill."

Speaker Breslin: "Representative Winchester."

Winchester: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This legislation expands Public Act 83-874 which allowed the Department of Conservation to accept monies from the sale of voluntary wildlife conservation stamps. It also established a fund in which these funds would be deposited. This would expand the Act to allow the Department to accept monies from the sale of original art work, reprints, patches and related program income. This

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money would also be deposited in the wildlife conservation fund. The Comptroller's Office says this legislation is necessary in order to get the money into the wildlife fund otherwise it goes into General Revenue, and there's no specific or there's no assurances that it would be used for wildlife protection purposes, and I would ask for a favorable vote."

Speaker Breslin: "The Gentleman moves for passage of House Bill 3206, and on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, will the Gentleman yield?"

Speaker Breslin: "The Gentleman will yield for a question."

Cullerton: "Is Amendment #1 on this Bill?"

Winchester: "Yes, Amendment #1 is on the Bill. That was a popular Amendment."

Cullerton: "And that's the Amendment that allows for night deer hunting?"

Winchester: "No, it doesn't allow for night deer hunting. It would allow... Do you want an explanation, Representative Cullerton?"

Cullerton: "I don't think you mentioned it when you explained the Bill..."

Winchester: "You're right. I absolutely forgot. I wrote out my speech, and I forgot to include it in there. But I will explain it, if you want me to."

Cullerton: "Yes, I would, because what I understood...here's my question. I'll ask the question first before you explain it. I understand that the state law requires that a hunter wear something like this fellow here is wearing when he goes out hunting."

Winchester: "Yes, florescent pink, florescent yellow, florescent..."

Cullerton: "And I assume that the sun is suppose...is suppose to

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bounce off this...."

Winchester: "It blinds you."

Cullerton: "...orange stuff so that you can see the hunters. So that they don't get killed by other hunters."

Winchester: "That's absolutely correct."

Cullerton: "If there's no sun, I wonder how the sun bounces off the... Now, that shirt, that shirt probably doesn't make any difference if the sun is out or not. But at the same time I don't see why there'd be any deer even anywhere near that shirt. But maybe you can explain why we are extending this for a half hour, right to the second before the sun goes down."

Winchester: "Well, there's two areas that would be affected by Amendment #1. One is turkey season, and the other is deer season. Apparently, in Illinois now we allow turkey season, which I think is three or six days a year. It begins at sunrise, one half hour before sunrise and ends at eleven thirty in the morning. This would extend that from one half hour before sunrise to sunset. On the deer season, existing law is one half hour before sunrise to one half hour before sunset. The Amendment eliminated the one half hour before sunset. I believe as a deer hunter...I believe that there is sufficient amount of daylight available one half hour before sunset to be able to provide all the safety that would be necessary to those hunters that are still in the field."

Speaker Breslin: "Are you finished, Representative Cullerton?"

Cullerton: "Yes."

Speaker Breslin: "The Gentleman from Macon, Representative Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of House Bill 3206. If the Amendment, which should not be a controversial Amendment because I know sportsman clubs and sports fans all over the state and as well as the

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country, certainly would enjoy the opportunity to enhance hunting in the state of Illinois. Amendment 1, which was adopted, just allows an extension of time in daylight. Should no...Should cause no undue hazards which I'm sure there's a significant amount of daylight available in the middle of the afternoon, and it just allows hunters to hunt in the afternoon. But to the Bill itself, the reason for this Bill is it's given the Department of Conservation a great deal more flexibility in promoting wildlife conservation. And all of us in downstate, as well as upstate, that are concerned about promoting tourism and promoting economic opportunities for our people, should be able to appreciate anything that would provide more funds to enhance wildlife in the state of Illinois. So I would encourage all of you for the sportsmen of Illinois to vote 'yeah'...'aye' and pass this Bill. Thank you."

Speaker Breslin: "There being no further discussion, the Gentleman from Hardin, Representative Winchester, to close."

Winchester: "I just ask for a favorable vote, Madam Chairman."

Speaker Breslin: "The question is, 'Shall House Bill 3206 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 104 voting 'aye', none voting 'no' and 1 voting 'present'. This Bill, has received the necessary Constitutional Majority, and is hereby declared passed. House Bill 3208, Representative Karpiel. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3208, a Bill for an Act in relation to the Department of Transportation. Third Reading of the Bill."

Speaker Breslin: "Representative Karpiel."

Karpiel: "Thank you, Madam... Thank you, Madam Speaker. House

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Bill 3208 authorizes the Department of Transportation to convey a cumulative twenty-five almost twenty-six acres of land in St. Clair, Cumberland, Clark and Massac Counties. This legislation will result in an additional \$26,505 for the Road Fund, and I ask for your favorable vote."

Speaker Breslin: "The Lady has moved for the passage of House Bill 3208, and on that question is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 3208 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there 103 voting 'aye', none voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3216, Representative Nash. Out of the record. House Bill 3227, Representative Turner. Clerk, read the Bill. Out of the Bill. House Bill 3230. Out of the record. House Bill 3232, Representative Huff. Out of the record. House Bill 3233, Representative Brookins. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3233, a Bill for an Act to amend Sections of the Illinois Highway Code. Third Reading of the Bill."

Speaker Breslin: "Out of the record. House Bill 3234 is Representative Brookins' next Bill. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3234..."

Speaker Breslin: "Out of the record. Representative Greiman, would you come to the podium. Representative Greiman, in the Chair."

Greiman: "On the Order of House Bills Third Reading, appears House Bill 3239. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3239, a Bill for an Act relating to the utility deposits required on behalf of small businesses. Third Reading of the Bill."

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Speaker Greiman: "The Lady from LaSalle, Miss Breslin."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill creates the Small Business Utility Deposit Relief Act. It primarily affects new businesses only, and it only affects new businesses that qualify as small businesses. Under the Amendment, that means those businesses that employ fifty full-time employees or less. Under this Bill those new businesses would be treated like residential consumers, instead of commercial consumers, and they would have to put a deposit down of only two months for...in order to...as their start up deposit for their public utilities. Rather than present commercial users, that require a four month deposit or one-third of their annual usage. The businesses would be...be treated in all manner the same as residential consumers by the same token, that means that they could be cut off from their service if they have not paid their Bill for over a two month period. Right now, commercial services are allowed to go for four months before they would be cut off because that would be the amount of their deposit. I would be happy to answer any questions."

Speaker Greiman: "The Lady from LaSalle has moved for passage of House Bill 3239. Is there any discussion? The Gentleman from Cook, Mr. Levin."

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

Speaker Greiman: "Indicates she will."

Levin: "Okay. This just affects the deposit scheme. It does not affect rates. Is that correct?"

Breslin: "That's correct."

Levin: "So that this would not... The small businesses would still fall under the business rates?"

Breslin: "Correct."

Speaker Greiman: "There being no further discussion, the question

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is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 105 voting 'aye', none voting 'no', none voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Now we'll move back and pick up 3234. On the Order of House Bills Third Reading appears House Bill 3234. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3234, a Bill for an Act to amend Sections of the Illinois Highway Code. Third Reading of the Bill."

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

Brookins: "Mr. Speaker, this gives the municipalities authority to move to a five year plan rather than a twenty year plan. Therefore, allowing them to speed up the repair of our roads, and I ask for the passage of this Bill."

Speaker Greiman: "The Gentleman from Cook has moved for the passage of House Bill 3234, and on that is there any discussion? The Gentleman from Dewitt, Mr. Vinson."

Vinson: "Yes, will the Sponsor yield for a question?"

Speaker Greiman: "Indicates he will."

Vinson: "Representative, would you explain that one more time?"

Brookins: "Number one, under the present requirement in order to make repairs they must submit a twenty year program of their repairs. This enables them to submit a five year plan of their...of their repairs. Therefore, they can speed up the repairs, and this gives adequate protection."

Vinson: "Is it really your intention to use this Bill for this purpose or are you sending it to the Senate for an Amendment on something else?"

Brookins: "To my knowledge there will be no Amendment. That's the only purpose."

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Vinson: "Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 108 voting 'aye', 1 voting 'no', none voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 3240. Miss Currie, do you wish to proceed on that? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3240, a Bill for an Act concerning the allocation of certain funds. Third Reading of the Bill."

Speaker Greiman: "The Lady from Cook, Miss Currie."

Currie: "Thank you, Mr. Speaker, and Members of the House. House Bill 3240 is a fairly straightforward simple piece of legislation. In fact, it's only about seven lines long. It merely requires that the Governor in expending Federal Job Training Partnership Act dollars, considers the kinds of criteria that the Secretary of Labor uses in establishing the distribution formula for those dollars. I'd be happy to answer any questions, and I hope that the House will support this Bill."

Speaker Greiman: "The Lady from Cook, moves for passage of House Bill 3240. Is there any discussion? The Gentleman from DuPage, Mr. McCracken."

McCracken: "Thank you, will the Sponsor yield?"

Speaker Greiman: "Indicates she'll yield for a question."

McCracken: "I take it then there's a difference between state statistics and federal statistics?"

Currie: "I think the purpose here is to make sure whatever federal statistics were used in allocating dollars to Illinois on the basis of the targeted needs that set up the

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JTPA program in the first place, also are taken into account by the Governor and the Department of Commerce and Community Affairs when they are allocating the dollars at the local level."

McCracken: "Well, are the questions in allocation intrastate the same as questions encountered in allocating interstate?"

Currie: "I believe that certainly was the intent of the Federal Congress."

McCracken: "Well, I'm not interested in their intent. Do you know that the questions are the same?"

Currie: "They are absolutely the same."

McCracken: "And then why are we interested in using the federal statistics? I mean who brought this Bill to your attention? Or this problem?"

Currie: "A number of people are concerned about how the allocation decisions are made, and this language clarifies that the reason Congress gives Illinois 'X' dollars should be the same kind of reasons that constrain our allocation decision."

McCracken: "Okay, and are there any criteria in existence for the allocation on an intrastate basis?"

Currie: "The state may, in fact, if it chooses, establish its own criteria. We have not, and I think this Bill is a way of establishing appropriate criteria."

McCracken: "Okay. Thank you."

Speaker Greiman: "The Gentleman from Dewitt, Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. It is a part of a package that the Sponsor has submitted for our attention. The first Bill in the package I saw no particular problem with. It was a requirement for hearings in preparatory to the decisions allocating this money within the state. I think this particular Bill is drafted in a particularly

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poor fashion. What the Bill precisely requires, is that the state give the same consideration...give consideration to all the data estimates and formula used for the purposes of the federal allocation. Now those data used for the federal allocation reflect census data nationwide throughout the United States. They determine, for instance, on that census data whether money should go to northern industrial states, big cities or to southern rural areas. I don't believe we ought to be considering southern rural areas in our allocation of money. And this requires us to give consideration to that data. It can only slow down the process, and introduce totally irrelevant data into the decision making process. We ought to be concerned only with data that relates to the State of Illinois, and the job problems, unemployment problems within the State of Illinois. The Bill is totally misdrafted at this time, and we're on a Third Reading vote so I would urge a 'no' vote on this Bill."

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

Bowman: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. In response to the Gentleman from Dewitt, it is regrettable that...that he did not have the energy to offer Amendments on the Second Reading, and now he's rising in opposition to the Bill. If he didn't think the Bill was drafted well then, he should have offered Amendments. But I think the House ought to understand what we're doing here is simply writing into law the criteria that is currently in use. Currently the job training councils are recommending these criteria, and the monies have been allocated on the basis of these criteria. And what we're doing is to... in effect, this legislation is saying let's don't rock the boat, let's kinda keep things on an even keel, and put into law the criteria which are to be used.

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I mean after all, the Gentleman who just spoke is certainly aware that we need to give people, citizens and organizations, who depend upon the state for guidance or for dollars, to give them an understanding as to exactly what they can expect from us. And this legislation is an attempt to do just that. To make it quite clear what the state's intent is going to be in distributing dollars, and I think that's only fair, only just. And we should pass this Bill."

Speaker Greiman: "The Gentleman from McLean, Mr. Ropp."

Ropp: "Mr. Speaker, would the Spncsor yield, please?"

Speaker Greiman: "Indicates she'll yield for a question."

Ropp: "One of the problems that I see in the whole Job Training Partnership Act, is that often times we train people for jobs that are not there. Does this in anyway prevent money from going for that purpose of training people when we don't have any jobs? And is the provision in this particular Bill that seeks that out, that training process, will be made available where the jobs are rather than to just train people where there's nothing to go to work to?"

Currie: "This Bill, Representative Ropp, is concerned about making sure the programs are where the people are. There may be problems about making sure that we train people for jobs that do exist. This legislation is not addressing that particular piece of the Job Partnership Training Act Program."

Ropp: "Well, why should we train just people when there's no jobs? Isn't that kind of a waste of money?"

Currie: "Obviously that would be wasteful. This Bill has nothing to do with that issue."

Ropp: "Okay."

Currie: "Nothing to do with it whatsoever."

Speaker Greiman: "Further discussicn? There being none, the Lady

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from Cook to close, Miss Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. It's a straight forward Bill, in fact, the recommendation in this Bill comes precisely from the Governor's own Job Training Coordinating Council. I was surprised to discover there was opposition to this Bill on the other side of the aisle. I think of it myself, as carrying an executive program here before the Legislature. Sometimes the partisan politics of the legislative branch of government is distinct from that as the executive level, confuse me altogether. The Governor's Job Training Coordinating Council is using and is recommending precisely these criteria for the expenditure of state dollars under the Federal Job Training Partnership Act Program. This is a simple straightforward piece of legislation, nothing hidden, nothing missing. It only insures that the monies are being spent precisely the way the Governor's Council would like to see them spent, and I urge your 'aye' votes."

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

Currie: "Look, it's a straightforward proposition. It's an easy simple Bill. No one is offering an alternative criteria. These are the criteria of the Governor's own council recommends for the State of Illinois. If someone had a different idea, they were welcome to propose it on Second Reading. I can't understand why the people in this chamber would not like to make sure that the Job Training Programs go where the people are, where the problems are. That's all this Bill says. Says exactly what the Governor's council recommends. I hope that I will have a few more votes for House Bill 3240."

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Speaker Greiman: "The Gentleman from Bureau, to explain his vote,
Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. There's another way to explain this piece of legislation. The existing formula under the Feds says that seventy percent of the funding should go to administration. The original provision says that when, I say administration and techniques for junior colleges under our existing system, but what I believe the legislation does is put this under the federal provisions, that where jobs are available and the additional training is needed, that those OJT provisions under the JFA should be adhered to by those percentages. So basically what your talking about is putting the funds in for the job provisions as opposed to putting it in under the administration provisions, and I think it's a good piece of legislation. It should be supported."

Speaker Greiman: "The Gentleman from Champaign, Mr. Johnson, to explain his vote."

Johnson: "I just want to request a verification if this gets the required number of votes."

Speaker Greiman: "Alright. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Yes, Miss Currie."

Currie: "Consideration, please?"

Speaker Greiman: "On this Bill, there are 54 voting 'aye', 43 voting 'no', 9 voting 'present'; and the Lady from Cook, Miss Currie, requests that the Bill be placed on the Order of Consideration Postponed, and it will be so ordered. On the Order of House Bills Third Reading appears House Bill 3243. Mr. Turner are you prepared to proceed? Out of the record. On the Order of House Bills Third Reading appears House Bill 3246. Mr. Ronan, that Bill is on a Special Order but you may proceed now if you wish, Sir. Proceed

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now? Alright. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3246, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Greiman: "Gentleman from Cook, Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. House Bill 3246 is a very simple concept that we passed out of the Elementary and Secondary Committee a couple of weeks ago. What it does, it amends the School Code regarding the Chicago Board of Education. It requires school principals to report instances of intimidation to local law enforcement authorities and to the Department of Law Enforcement's Uniform Crime Reporting Program. It's another opportunity for us to do something about increased gang activity in the City of Chicago School System. I move for a favorable passage of House Bill 3246."

Speaker Greiman: "Gentleman from Cook has moved for passage of House Bill 3246. Is there any discussion? The Gentleman from Cook, Mr. Jaffe."

Jaffe: "Yes, Mr. Speaker, Members of the House, I'm rising to again protect Representative Ronan from himself. In this particular Bill, this particular Bill is so unconstitutional that it's absolutely amazing. There are some portions of the Bill that are alright, but let me just point out a couple things to you. Not only does it violate free speech, but it also violates the right of association. To give you an example, if you look at Article A-4, what is included here as intimidation is 'An incident of intimidation includes a threat to expose any person to hatred, contempt or ridicule, not only in the school but adjacent thereto'. I would suggest that if Representative Ronan went into his district and went into a school, and made some of the statements that he made on the floor yesterday about the people in his district being crazy,

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that would be ridicule. And I think Representative Ronan would have violated this Bill and then what would have happened is, first, Representative Ronan would have been reported to the Chicago Police Department and to the Illinois Department of Law Enforcement and all sorts of people like that. And in addition thereto, you have to talk about the right of association. You know, we just passed a Bill last Session about collective bargaining in schools. And I would submit, with that definition that Representative Ronan had, you could receive 40 million complaints with regard to people trying to organize a union or anything else and; whereas, I don't think that's his intention, nonetheless, I think there's no doubt that his definitions would include labor unions. So I think there are a number of things bad with this Bill, and I think we ought to save the people of the State of Illinois a lot of money in knocking this Bill down and declaring it unconstitutional because someone will do it about two minutes after it's signed into law. And I would urge a 'no' vote on it."

Speaker Greiman: "Gentleman from Cook, Mr. Nash."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this fine piece of legislation. We have a big problem with gangs in our districts, my district, Representative Ronan's and many districts up in Chicago and Cook County. And this would be a good way to stop the gangs from organizing, because they do start in the schools. I urge an 'aye' vote."

Speaker Greiman: "The lady from DuPage, Miss Nelson."

Nelson: "Thank you very much, Mr. Speaker. May I have a question of the Spensor?"

Speaker Greiman: "He indicates he'll yield for questions."

Nelson: "Thank you. Representative Ronan, as I read your Bill,

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the principal has to report not only incidents of intimidation but also alleged incidents? How is he to judge those?"

Ronan: "It's his determination to make what an alleged incident is. You know what an allegation is."

Nelson: "Say you and I are on the playground, and you shove me down, and I say, 'Alphonse Ronan...'" If I say to you, 'Alphonse Ronan, I hate you', does he have to report that to the cops?"

Ronan: "No."

Nelson: "Why not?"

Ronan: "Because it's not a threat."

Nelson: "If I say, 'I'm going to kill you', does he have to report that?"

Ronan: "I didn't... Repeat the question."

Nelson: "If I am angry at you, and I say, 'I'm going to kill you', does he have to report that?"

Ronan: "No, because it's... I'm going to leave it up to the discretion of the principal to... to determine the allegation, just as a principal has to make those determinations all day long in the operations of his office."

Nelson: "Well, how many times a day in this state do you think kids are making remarks like that to one another?"

Ronan: "I don't spend a lot of time on school playgrounds, so I'm not sure. I.. I'll tell you this though, Representative Nelson, there are serious situations that occur all the time in the City of Chicago involving recruitment of gang members on school playgrounds and within school premises. It's documented daily by the Chicago newspapers, and it's a very serious problem. That's the issue that I'm looking at in this legislation, and I assume principals are going to exert the good judgement that they always do. I just want

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to make sure that the level of intimidation does not increase beyond the present level."

Nelson: "Representative Ronan, I certainly would not disagree with your statement that it is a serious problem, especially in certain sections of the city. However, I do not believe that your Bill does what you wish it to do. It seems to me that if there is a youngster who is being intimidated, to pass a law saying that the principal of his or her school needs them to report that incident of intimidation to the police, makes it ever more certain that the kid will not speak up and will not talk to his principal. That to me, seems to be going in the opposite direction that you wish to go in. To the Bill, Mr. Speaker. I understand perfectly what Representative Ronan is trying to do here, but I just believe that this Bill, as Representative Jaffe said, is undoubtedly constitut... unconstitutional. It goes far beyond what ought to be a reasonable attempt to get at this problem. And, therefore, I would urge "no" votes."

Speaker Greiman: "Further discussion? The Gentleman from Cook, Mr. Keane."

Keane: "Thank you, Mr. Speaker. Those of you who are aware of teacher problems in some of the schools that this Bill is addressing realize that the incidents of teacher assaults, the incidents of various attacks on teachers and on adults in those schools by gang members, goes largely unreported. Presently, we report... the principal has to report suspected cases of child beating and that type of thing. There's no reason... And that is... The hope in that is to protect the child, to protect someone who is intimidated, to protect someone who is too small from doing it. We have put major sanctions against a principal, a nurse, other people who do not report what looks like child abuse. What

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we have here, and many people contend that in the schools where there is a very, very good likelihood and maybe even proof that there is intimidation and gang intimidation going on, that these people, the principals and the teachers are, in fact, intimidated. I know that when... gangs will kill someone who they think are mocking them, because they've crossed their arms or they've given another gang signal. And we have that happening almost on a regular basis, attacks between gang... different gangs. When they'll do that, they'll intimidate the heck out of a teacher. I think it's very important, if we're going to get any kind of control over our schools, some of the problem schools that we have in the City of Chicago, we're going to have to give the police... the police are going to have to go into some of them, because they're no longer under the control of the administration. And they're going to have to start prosecuting these people. If we... I agree, it may not be needed out in a suburban district, but it is needed in the City of Chicago in some of the bad schools. I'd urge your favorable vote on this."

Speaker Greiman: "Gentleman from Cook, Mr. Piel."

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand ... I stand and rise in support of this... this Bill. I think that this is a Bill that it's time has come definitely. I think when it comes to the citizens of the City of Chicago, the students of the City of Chicago, we, as Legislators, have got to sit here and say, 'We are not going to let the gang members run the school districts in the City of Chicago, the schools in the City of Chicago'. I don't think we, as Legislators... I think it's time for us to stand up and be counted, not to kowtow to every civil libertarian in the state who feels that the gang members throughout the state are going to run the school system."

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The school system in the City of Chicago is having problems where gangs are infiltrating these schools. They're recruiting other members, and it's just as hard now for the teachers to keep everything on a peaceful vein. And I think, if we have a situation, to where we can pass legislation that would help the City of Chicago, help the school districts, I think it will help education, also. And I'd ask for a green vote on 3246."

Speaker Greiman: "Yes, Mr. Van Duynes. Mr. Van Duynes has moved the previous question. All those in favor of the previous question... All those in favor of the previous question being put say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the previous question will be put. Representative Ronan, to close."

Ronan: "Thank you, Mr. Speaker. Just in response to a few of the earlier opponents of the legislation. As I stated earlier when I presented the Bill, it only applies to the City of Chicago school system. So, if they've got ideal situations out in their school districts, I'm happy for them. This doesn't affect them. As far as what the definition is of intimidation, it's the exact same definition that's used in the Criminal Code Chapter so that it's very easy for us to analyze it in that Chapter. There's no reason that we can't apply it to this particular circumstance. As we're all aware, intimidation in the Chicago school system in many areas of the city is very intense. We've got a situation where students are intimidated faculty and principals themselves. Hopefully, what we're going to end up doing is... is making it a little easier for the Department of Law Enforcement and other enforcement agencies to do something about a growing menace that... that really is a serious problem in the City of Chicago. I move for a favorable Roll Call."

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Speaker Greiman: "Question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. The Gentleman from Cook, Mr. Panayotovich, to explain his vote. One minute."

Panayotovich: "Thank you, Mr. Speaker. As a former teacher of the Chicago public school district system for ten years, I can tell you factually that the gang intimidation is a big problem in this school system. Students are not intimidated by school officials. They don't care to listen to school officials. If you threaten them with expelling them or anything, they don't care. I think law enforcement would have to be brought in, and it might wake some of these kids up. And I'd urge an 'aye' vote."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 87 voting 'aye', 16 voting 'no', 5 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 3255, Ms. Braun. Out of the record. We will now go to the Order of House Bills Third Reading beginning at... the beginning at that Order of Business on page eight of the Calendar. On the Order of House Bills Third Reading appears House Bill 15, Mr. O'Connell. Do you wish to proceed on House Bill 15? Out of the record. On the Order of House Bills Third Reading appears House Bill 239, Mr. Mautino. Out of the record. On the Order of House Bills Third Reading appears House Bill 328. Out of the record. On the Order of House Bills Third Reading appears House Bill 569, Ms. Braun. Out of the record. On the Order of House Bills Third Reading appears House Bill 704, Ms. Younge. 704. Out of the record. On the Order of House Bills Third Reading appears House Bill 1063, Mr. Pierce. Mr. Pierce here? Out of the

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record. On the Order of House Bills Third Reading appears House Bill 1186. Cut of the record. On the Order of House Bills Third Reading appears House Bill 1188. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1188, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

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

Steczko: "Mr. Speaker, I would ask leave of the House to bring House Bill 1188 back to Second Reading for the purposes of Amendments."

Speaker Greiman: "The Gentleman asks leave to return the...House Bill 1188 to the Order of Second Reading for the purpose of Amendments. Does the Gentleman have leave? You have leave, and the Bill is on Second Reading. Mr. Clerk."

Clerk O'Brien: "Amendment #3, Stuffle - Steczo - Nelson, amends House Bill 1188 as amended by deleting and so forth."

Speaker Greiman: "Amendment #3, Mr. Stuffle, the Gentleman from Vermilion."

Stuffle: "Mr. Speaker, Members of the House, this Amendment is the same Amendment that we adopted on a voice vote without opposition two days ago on another Bill, which may or may not see the light of day on Third Reading. The Amendment provides the same depreciation schedule for school districts that purchase buses or lease purchase buses that currently is the norm in the administrative cost factor for those districts that contract rent their buses, so to speak. And this Amendment merely puts that provision in the depreciation schedule, makes the depreciation schedule for buses, for all people five years, twenty percent a year, instead of the current fifteen percent, six and two-thirds years schedule. The Office of Education supports this. It merely equalizes the depreciation schedule for each of the types of districts, and I again

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ask for your affirmative vote on this Amendment."

Speaker Greiman: "The Gentleman from Verrilion has asked for...moved for the adoption of Amendment #3 to House Bill 1188. Is there any discussion? The Gentleman from Dewitt, Mr. Vinson."

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

Speaker Greiman: "Indicates he will."

Vinson: "When you describe depreciation schedules on this, are we talking about depreciation schedules in the Revenue Code or are we talking about the school formula or what?"

Stuffle: "We're talking about the transportation reimbursement formula in the School Code."

Vinson: "Is there a cost increase as a result of this Amendment for the state of Illinois?"

Stuffle: "It would cost 3,000,000,000 if it were fully funded. Otherwise, it would come out of whatever base we have. It's designed to equalize the distribution of funds to each type of district, whether they contract or purchase or lease purchase. And if your in the same situation I am, I suppose you are and most of us, about half our districts are in the category of those who now have a longer depreciation schedule."

Vinson: "Have what?"

Stuffle: "Have a longer period to recover. The way the depreciation schedule works in the formula is that you recover your depreciated cost back over a period of six and two-thirds years if you purchase buses or lease purchase buses. If you contract, what happens is they don't really figure a depreciation schedule. When they ask for reimbursement, they merely bury that figure in all their costs, and most districts are able to recover their money when they contract at a two, three, four, five year, six,

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seven year rate. The average is five, but the contracting districts have that advantage. They don't really recover on a depreciation schedule. They recover fully quicker because they don't show their depreciated costs the same way that the districts that purchase or lease purchase do. The Bill becomes effective as to cost in fiscal '86. We're merely trying to treat them all in a similar fashion."

Vinson: "Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

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

Speaker Greiman: "The Gentleman from Vermilion on Amendment #4."

Stuffle: "Amendment #4 merely validates an activity that's already going on in the State of Illinois. The Office of Education currently enters into contracts with local educational entities to provide for service centers and experimental projects, institutes and the like, with regard to gifted children. This Amendment merely validates the fact that they are entering into and can enter into contracts with regional superintendents of schools to conduct these projects. And I would ask for an affirmative vote."

Speaker Greiman: "The Gentleman has moved for adoption of Amendment #4 to House Bill 1188. Is there any discussion? Being none the question is 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

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Speaker Greiman: "We have received a request for a fiscal note, Mr. Steczo. So the Bill will remain on the Order of Second Reading. Yes, Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "Mr. Speaker I would like to withdraw that fiscal note."

Speaker Greiman: "The Gentleman withdraws the request for fiscal note. Yes, Mr. Steczo. Mr. Steczo, we will move the Bill to the Order of Third Reading. Mr. Steczo moves to suspend the appropriate rules so the Bill may be heard immediately. Does the Gentleman have leave? The Gentleman has leave. Mr. Clerk, call the Bill."

Clerk O'Brien: "House Bill 1188, a Bill for an Act to amend the School Code. Third Reading of the Bill."

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

Steczko: "Thank you, Mr. Speaker, I would like to defer to Representative Stuffle for the explanation on House Bill 1188."

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

Stuffle: "To save the time of the House, the Bill is merely the two Amendments that we just put on the Bill, and I'd ask for an affirmative vote."

Speaker Greiman: "The Gentleman from Vermilion, moves for the passage of House Bill 1188. On that is there any discussion? The Gentleman from Knox, Mr. Hawkinson."

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

Speaker Breslin: "Indicates he will yield for questions."

Hawkinson: "Representative, as I understand your explanation then, the original Bill which increased the tax levy without referendum is no longer in the Bill?"

Stuffle: "Oh, it's absolutely gone. I wouldn't have supported that portion of the Bill myself, in deference to Representative Steczo now. This is the Bill now, Amendment 3 and Amendment 4."

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Hawkinson: "And neither of those Amendments has a tax without a referendum?"

Stuffle: "No nothing to do with local taxes or revenue."

Hawkinson: "Thank you."

Speaker Greiman: "Further discussion? There being none, the question is 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 106 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the... Mr. Hoffman 'aye'. 107 voting 'aye', none voting 'no', none voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1190. Out of the record. On the Order of House Bills Third Reading appears House Bill 1210. Out of the record. On the Order of House Bills Third Reading appears House Bill 1216. Out of the record. On the Order of House Bills Third Reading appears House Bill 1334. Out of the record. On the Order of House Bills Third Reading appears House Bill 1335. The Gentleman from Effingham, Mr. Brummer, are you ready? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1335, a Bill for an Act to amend Sections of an Act relating to contractors, material men's liens known as mechanics liens. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Effingham, Mr. Brummer."

Brummer: "Yes, thank you, Mr. Speaker, Members of the House. House Bill 1335 as amended does one thing. It provides that any person who manages a structure, shall be entitled to a mechanics' lien with regard to those functions as a property manager. We discussed this a day or two ago. At

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that time, the...it was improperly reported. The Amendment was not on it. The Amendment is on this Bill now. So it adds those who manage property to those who are entitled to a mechanics' lien together with such other people as architects, structural engineers, professional engineers, land surveyors, those who provide materials. This Bill was introduced at the request of the Illinois Realtors Association. It is their Bill. I know there are a couple of questions regarding the wisdom of it by Representative Jaffe, and he will I'm sure rise in opposition with regard to this. I think it's a good concept. It was reported out of the Judiciary Committee by a reasonable margin, and I would ask for your favorable support."

Speaker Greiman: "The Gentleman from Effingham, has moved for the passage of House Bill 1335. Is there any discussion? The Gentleman from Cook, Mr. Jaffe."

Jaffe: "Yes, Mr. Speaker, Members of the House, I rise in opposition to this Bill. This is really a vast departure from what lien law actually has been in the past, and since the common law. Usually we have a strict construction with regard to lien law, and only permit liens where...where it deals with improvement of property. This actually takes it a step farther, and says that we have managers of real estate. They now may have liens against the particular property. What I'm very frightened about is that nobody in the world is going to be able to transfer title to their property. I think it's going to play havoc with the title. And I would predict to you that after we, if we, enact this type of legislation you're gonna have the Chicago Title Trust Company and Attorney's Title and all those title companies coming down here and saying, 'My God what did you do?' Because everyone of these titles has a lien on it, with regard to a real estate manager. I think it's just a

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vast departure from what the law has been in the past, and I don't think it's a direction we ought to go in. It's always been a strict construction. It ought to remain strict construction and I would urge a 'no' vote on this Bill."

Speaker Greiman: "The Gentleman from Champaign, Mr. Johnson."

Johnson: "The purpose of lien law in Illinois is to ensure that those individuals, whether they're suppliers of property or... of various components or whether they're people who actually improve or work on the property have, some protection for their services. This simply and logically extends that to managers of property who probably do more to preserve and to enhance their property that they manage than anyone else. In addition to that, as Representative Jaffe knows, the lien law in Illinois is so tightly drawn that nobody can... You can't just get a lien on the property and incumber it forever. You're required in a whole series of procedural requirements, to do a variety of things to perfect your lien and to keep your lien and to make sure or to assure that there's a legal justification for the imposition of that lien. So there's plenty of safeguards built in, and this just says for those people who give their occupational lives to managing real estate, that they ought to have some protection, and make sure that they get paid. I think it's a reasonable, moderate step. In fact, Amendment #1 makes it even more limited, and I would join with Representative Erummer in urging a 'yes' vote on this Bill."

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

Dunn, J.: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this legislation, just to the amusement of the Sponsor of the Bill, who is a colleague and good friend, and to indicate that I really

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think we should not extend the lien laws to this type of lien claim. The person who manages an apartment building may have problems with the property owners, but that's a matter that should be worked out between the two of them, and traditionally lien claims against real property are for the protection of someone who is really an outsider. Someone who is supplying materials or services to improve the property, and may have a contract for example, only with someone who does not even have an interest in the property. They may be a subcontractor providing lumber to...to a contractor who is to make the improvements on the property, and the source for payment is the owner. And if they don't have a lien claim, they're really exposed to jeopardy, and a manager is dealing directly with the owner of the property. And the manager ought to be able to...to negotiate a contract that's satisfactory. And in spite of the good intentions of the Sponsor, I think it would be legislation that is really not needed at this time. We've cluttered the statute books a lot already, and I'm not sure that we need to add to the confusion in our statute books with a new law in this regard."

Speaker Greiman: "The Lady from Marshal, Miss Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Would the Sponsor please yield?"

Speaker Greiman: "Indicates he will yield for questions."

Koehler: "Representative Brummer, not having legal background I find lien law rather complicated and hard to understand. However, I do know that those who have been slapped with a mechanics lien, sometimes unsuspectingly, feel that it is of a great hardship to them. Could you please explain to me or give me an example of why we need this particular legislation? What would be an incident that would require this piece of legislation?"

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Brummer: "Well, very simply, when the owner of the property doesn't pay the manager what he owes them."

Koehler: "Well, who is..."

Brummer: "It's not going to a rise if the...if the property manager has been paid. It's only when the property manager hasn't been paid. The same as it is with regard to somebody who provides bricks to a site and doesn't get paid or somebody...an architect who provides services there or a professional engineer or a laborer or anyone else who provides items there, if they don't get paid they're entitled to a lien on the title to the property until they're paid. A security with regards to that item. I mean that's the existing law, what we're adding is the property manager."

Koehler: "Well, who is the third party in all of this?"

Brummer: "Would you repeat the question?"

Koehler: "Well, under a mechanics' lien, in my understanding that in matters of construction that if someone has their roof fixed and they pay the contractor, and the contractor does not pay the lumber supplier, that the lumber supplier can come back upon the owner of that roof and try to collect. Now, so there is a third party in this."

Brummer: "Now you're talking about a subcontractors situation."

Koehler: "Well, does anything like that exist in what you're trying to do today?"

Brummer: "Well, you know, a contractor is entitled to a mechanics' lien. A subcontractor is entitled to a mechanics' lien. The analogy you gave is a subcontractor situation, and I guess I'm not sure if I understand your question about the analogy. The manager, I guess, would be more analogous to a contractor than a subcontractor. He is the one that is either under an express or implied contract to manage the building. That's specifically

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required in this Bill."

Koehler: "Okay, thank you."

Speaker Greiman: "Further discussion? There being none, Representative Erummer, to close."

Brunner: "Yes, was I asked to close?"

Speaker Greiman: "Yes, you may close if you wish or perhaps you think we've had enough discussion."

Brunner: "Okay, I think we've had adequate discussion on this. Representative John Dunn, by the way, is a Sponsor of the...one of the three Sponsors of this Bill. We had some considerable discussion regarding this at the time the Bill was introduced. He apparently has had a change of heart with regard to the wisdom of this. But in any event, the... It simply adds one category of individuals to the Mechanics' Lien Law. Today, people, individuals who furnish concrete, cement, bricks, ornamentation, repairing, doing architectural services, doing engineering services, doing land surveying services - there's a whole host - drilling a water well or things of this nature, are entitled to a lien under the existing Illinois Mechanics' Lien Law. This simply adds a category of property managers. It is a Bill that was requested by the Illinois Realtors' Association. I think they have worked on it, and it is a reasonable proposal. And I'd ask for your favorable vote."

Speaker Greiman: "The question is 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 91 voting 'aye', 8 voting 'no', 5... Yes, Mr. Hallock 'aye'. Mr. Harris, 'aye'. Alright, there are 93 voting... Mr. Hicks voting 'aye'. 94 voting 'aye', 8 voting 'no', 5 voting 'present'. This Bill, having

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received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1348. Mr. Brummer, that's on a Special Order, do you wish to proceed at that time? Alright, out of the record. On the Order of House Bills Third Reading appears House Bill 1395. Mr. Keane, 1395? Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1395, a Bill for an Act in relationship to property tax levy collection and the payment in all counties. Third Reading of the Bill."

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

Keane: "Thank you, Mr. Speaker. 1395 has become a vehicle Bill that the Subcommittee in conjunction with...of the Revenue Committee that deals with real estate tax, as well as the Senate Revenue Committee Leadership, is using in hopes of coming up with an agreed Bill on previous years equalized assessed evaluation. We've had a hearing this week. We're going to be hearing next week. Our plan is to move this Bill along. The contents of this Bill mean absolutely nothing. We're gonna strip it out, at the time we have an agreed Bill on previous...use of previous years EAV. And we continue...we expect to continue to have these hearings while the Bill is in the Senate and going through the Senate process. If, in fact, we're unable to come to any kind of agreement on a Bill to establish the use of previous years equalized assessed valuation. The Bill will be tubed, and it will not become a vehicle for any other revenue fill. I'd be happy to answer any questions."

Speaker Greiman: "The Gentleman from Cook, has moved for passage of House Bill 1395. Is there any discussion? The Gentleman from Kendall, Mr. Eastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to rise in unison with the Gentleman from Cook in

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asking for support, and your positive vote for this Bill. We're trying to address in the Subcommittee of the Revenue Committee, the problem of the cycle. And so our school districts aren't going to have to issue tax anticipation warrants, we're trying to answer and find a better way. We've had a very cooperative effort so far with all the bodies concerned; the assessors, the supervisors of assessors, the Tax Payers' Federation, the realtors, the school districts, to try to find a solution. And I stand with Representative Keane, in pledging that if we do not have some type of an agreement, then this Bill will not move. I ask for your positive support, thank you."

Speaker Greiman: "Further discussion? The Lady from Dupage, Miss Nelson."

Nelson: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I also rise in support. This concept is supported by the School Problems Commission, and strongly supported by the Illinois Tax Payers' Federation. I would ask for 'yes' votes."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there 108 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading appears House Bill 1448. Out of the record. On the Order of House Bills Third Reading appears... On the Order of House Bills Third Reading appears House Bill 1474. Mr. Steczo? Out of the record. On the Order of House Bills Third Reading appears House Bill 1522. Out of the record. On the Order of House Bills Third Reading appears

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House Bill 1556. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1556, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Greiman: "Lady from Kane, Miss Zwick."

Zwick: "Thank you, Mr. Speaker, Members of the House. House Bill 1556 deals with an issue that you've all been reading quite a bit about. Sexual molestation is a growing issue being perpetrated upon the children of this state in all parts of society. This goes all the way through to our school system, and we've dealt in the past in both dealing with sexual harrassment in higher education. But recently, we've read in all aspects of our society that this is occurring within the schools. And that there are certain symptoms that lead up to it, that we can detect it before it occurs and that this is really the proper place to stop it and to treat those that... that are... the ones who prey on our small children, to get them treatment before the problem gets bad and to avoid children being subjected to this kind of offense. The way that we determine who might do this to our children is called sexual intimidation, and that's how it begins. What this Bill does is call on our state boards, our local boards, to issue a positive policy statement sent down to all of our teachers saying that we won't consider action against those who participate in sexual intimidation. It defines sexual intimidation. We have documented the fact that it exists in our schools, not only in the newspapers, but in many hearings that we have had on the Commission on the Status of Women. We've put several Amendments on the Bill. We finally have received the support of the Illinois Education Association in our attempt to do this and many of the groups that have testified before the Commission on the Status of Women. It came out of Education Committee, I

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don't recall the exact vote, but it was a pretty good vote. And we did add on private schools that would be... that are accredited by the state boards that the statement would also have to be sent to. And that was in reaction to requests by Members of this Body. I would ask for your support in this attempt to issue this positive policy statement by the State of Illinois, and I would be happy to answer any of your questions."

Speaker Greiman: "The Lady from Kane has moved for the passage of House Bill 1556. Is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Will the Lady yield?"

Speaker Greiman: "Lady indicates she'll yield for a question."

Cullerton: "Representative Zwick, for the purposes of legislative intent, perhaps, could you explain to me what you mean in the definition of sexual intimidation?"

Zwick: "Certainly. It is very hard to have a very exact definition, a very definitive one. We tried to deal with that by keeping it rather vague so that it could be interpreted, and it states 'verbal or written communication'. We removed 'visual', which was originally in there, and it must be of a sexual nature, communicated directly to the student and specifically exempted those sexual education classes which are taught in the schools, by saying that it could not be part of a regularly approved curriculum. And it also must be offensive or coercive to the student."

Cullerton: "Now, why do you make it a subjective standard? Why do you say that it's up to the student to decide whether or not it's offensive or coercive, rather than have an objective standard such as a statement or communication that would reasonably believe to be, by a reasonable person, to be offensive or coercive?"

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Zwick: "Okay. I think that because of our history, the way society has behaved in the past, sometimes people may not be aware that they are being offensive or sexually intimidating someone. And that is why we..."

Cullerton: "And those are the people..."

Zwick: "... did not put a criminal penalty or any kind of penalty on this. This is why we made it just a policy statement, Representative Cullerton, because you really can't define it. Sometimes there is not an intent. But, by determining where this problem exists and how we can, perhaps, educate those people who may be doing it inadvertently, so that we can stop it from occurring in the future and stop damage that could be done to our children. And that is why there is no harsh penalty. It is simply a policy statement and possibly a way to track those who may be doing this and correct that behavior."

Cullerton: "Well, as I understand the Bill, the teacher can lose his or her job, can't they?"

Zwick: "That is a possibility, but that would have to be done by the local board. And it would be subject to whatever is in their negotiated contract. It would be subject to all kinds of hearings..."

Cullerton: "But the standard that you're putting in the Bill is whether or not the victim thought that it was offensive or coercive. Is that correct?"

Zwick: "Right."

Cullerton: "So, if the victim thinks that whatever was said, even though, as you've indicated, the teacher may not have even realized what they said was offensive, as long as the victim thinks it was, then the teacher is subject to disciplinary action, and they could lose their job as a result of what the student felt was offensive. Is that correct?"

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Zwick: "Yes, that is correct. There are already a lot of protections in the law for those that could be charged with this. In order to prove that someone is guilty of it, it would take a very lengthy and... and determinate kind of hearing process in order to verify it. We are simply looking to search it out. You know all of the mechanics that go into dealing with what is in a teacher contract and how it can be dealt with, and there is no real penalty in here. It is simply a policy statement."

Cullerton: "Well, Mr..."

Zwick: "And that could happen currently, John. If someone is guilty of this, that charge could be brought forth."

Cullerton: "Well then, I'm tempted to ask why we need the Bill, but I won't. I'll just say that this is probably..."

Zwick: "I'll tell you anyhow."

Cullerton: "Okay, go ahead."

Zwick: "Well, no. I'll tell you later, in closing."

Cullerton: "I think that this is the type of Bill that, you know, has laudable purposes. But I think that it's the type of thing that after we pass it, we're going to come back in next year and try to redefine the standards. And so I think it wouldn't be such a bad idea to vote 'present' right now and then, if the Bill doesn't pass, perhaps we can sit down and... with the groups that are interested in passing it in trying to find a little more objective standard to determine what sexual intimidation is."

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

Dunn, J.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to the Bill because it probably has a good purpose but, as we've heard from the discussion here, it... it doesn't specify with the requisite degree of certainty. And I... I think we have to, if we're going to be good Members of the General

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Assembly, look at things from the overall standpoint, from the prospective of everyone. And the feedback I get in my community is that the teachers who are in the classrooms, in classrooms that we don't get to see everyday, are in there dealing all day long with... without any kind of disciplinary tools or equipment, and they have a tough enough time now without providing the... the opportunity to apply a principle like this in reverse for someone who claims to be a victim to harass a teacher. I, for one, don't believe in discrimination or intimidation of any kind, whether it... of whatever nature, but I think we haven't... we're talking about a laudable purpose. But we haven't defined the parameters adequately enough at this time to consider this Bill without exposing the people who are... who are on the firing line doing the teaching to more criticism, more harrassment, more difficult situations in the classroom. And I, for one, don't want to go home and... and talk to my teachers and tell them that I have done something now that needs refinement but makes it more difficult for them to teach. Things are tough enough already. So, I think we should hold off on this concept and rework it and bring it back when we have the language tightened up. I think we should vote 'present' or 'no' at this time."

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

Hastert: "Would the Spensor yield?"

Speaker Greiman: "Indicates she will yield for a question."

Hastert: "Representative Zwick, first of all, just a couple of questions I want you ask you are, did you say this was a result of a Commission?"

Zwick: "Yes, it was. It was the result of a combination of media reports that have documented the existences of child molestation occurring in our schools and also testimony

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that has been researched... received by the Education Committee of the Commission on the Status of Women and by the full Commission, also, in fact."

Hastert: "Alright. Thank you. Then, could you define for me... You know, you said you have define what sexual intimidation is. I've asked a few questions among some of my colleagues here, and nobody really could find explicitly what it was. If you could either define it explicitly or give me an example of what it might be."

Zwick: "Okay. It... I think part of what I read to Representative Cullerton earlier was the actual... in the Bill."

Hastert: "I'm not Representative Cullerton."

Zwick: "Okay. It means the... I could tell, and you don't have a guy behind you with a red shirt. It is defined as 'verbal or written communication of a sexual nature, which is communicated directly to the student and not part of a regular approved curriculum and which is offensive or coercive to the student'. And this definition is simply used as a guideline. It is nothing that results in any particular action. It is a reason... It is based on other definitions of sexual intimidation that have been used in the law, and it has been refined, in fact, amended four times and refined before it even got to the legislative stage. And it has... it gives us a basis simply to send out a policy statement based on this definition, that there is a lead in to sexual molestation which is called sexual intimidation and that the schools should be alert for it. It allows each local school board to set up their own policy, their own way of disseminating this information, this policy statement, to their personnel. And as I said before, it even has the support of the Illinois Education Association, which I've worked with on refining this Bill."

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Hastert: "So..."

Zwick: "We do not want to go after teachers. We want to help them and, in fact, be able to find..."

Speaker Greiman: "Wait. Ms. Zwick, answer the question. We'll give you all the opportunity to close. Mr. Hastert, that's time against your time. Go ahead."

Hastert: "I realize that, and I did want to go ahead a little bit."

Zwick: "I'm sorry."

Hastert: "Representative, then it... would this be a look by a teacher as interpreted by a student or a comment by a teacher as interpreted by the student? The word intimidation. What is intimidation?"

Zwick: "Okay. It could be a comment. It could not be a look."

Hastert: "It could not be a look?"

Zwick: "No, it could not be a look."

Hastert: "No, that's..."

Zwick: "We removed the word 'visual', because we were concerned about that, and we understood the concern about the word 'visual' because people interpret that different ways. Verbal..."

Hastert: "Alright, for example, Representative, I would say, if I was a teacher, and I spend 18 years in a class room, so many times you would say, 'Alright girls, time to quiet down', or 'Alright, girls...' Is that sexual intimidation?"

Zwick: "That has nothing to do with sex. You're not..."

Hastert: "It defines sex."

Zwick: "We are not talking about sex, boy - girl, the reference to whether you are a boy or girl. We are talking about sexual..."

Hastert: "Is that defined in the legislation? Is that defined in the legislation, Representative?"

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Zwick: "I believe it's defined in the beginning of the Bill where we deal with what the policy deals with."

Hastert: "In the what?"

Zwick: "It deals with Section 22-22 where it talks about..."

Speaker Greiman: "Well, Mr. Hastert, I thought you had concluding your questioning period and were now addressing the Bill."

Hastert: "Well, then, Mr. Speaker, to the Bill. You know, I see maybe what the Sponsor of this Bill is trying to do, but I also see that it's done in such a ... in a way that just puts anything that anybody would do in a classroom in such a jeopardy because the student actually is the burden... bears the burden of proof. The student can interpret many things many different ways. This Bill says that a school board or at least the administration of a school through regulations set up by the State Board of Education, once this is reported has to take action on it, whether it's dismissal or a reprimand put in the files. I... I'm at a loss to understand where the definition is. I'm at a loss to understand, you know, how this thing would be measured. I'm at a loss to see how this thing would be defined. And I too, stand with and join Representative Dunn and think maybe until we have better data and better ideas, and maybe Representative Zwick's commission would come up with some more data, that we do vote just 'present' on this."

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

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

Zwick: "Yes."

Alexander: "Jill, I know what you're trying to do, and I think it's very admirable. But I would like to know how can we distinguish what would be insulting or humiliating in the sense, when we all come from different backgrounds? What I may consider to be humiliating and insulting, may not be so

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for you or vice versa. So, how do we make that kind of distinction as this Bill is written?"

Zwick: "The way that we can make it is by breaking it down and dealing with it on a local basis and taking this initial step to simply investigate the issue and find out exactly how we can do what you're saying, because I am not sure how we can do that. I don't think anyone is. What is insulting to one is not insulting to another, and that's why it has to be dealt with without any very restrictive penalties or without an exactly laid out procedure. It has to be done initially with a policy statement telling the teachers that we won't tolerate it, telling teachers what it is, finding out what it is, educating our teachers and our children as to what it is, and dealing with those children's complaints that will come forward as a result of this, because we haven't even heard those complaints. But we know that there is something that leads up to sexual molestation. It doesn't just happen in one day, like that. A teacher or anyone, any adult who is going to eventually molest a child is not just going to begin by molesting the child. There are going to be signs that lead up to it, and we can all benefit. The adult and the child will benefit by detecting it early and treating it, rather than making the person a criminal who does it when we find it out afterwards, after the crime has already occurred. So, this is just... it's a first step. It is... That's why it's not definitive. I mean, that's why it's... it is rather vague and must be until we can define it more accurately. That's why this definition carries no strict burden along with it. It lets each local district set up their own kind of policy statement, their own way to disseminate this position out to the... all of their employees who are in a contact position with children."

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Alexander: "Would there be a board of review on these policies?"

Each school would establish its own policy as to what..."

Zwick: "Yes."

Alexander: "Okay. But let me... let me say something."

Zwick: "Well, the State Board would establish one policy and send that out as guidelines to each local school board, and then each local school board could either use that policy statement or could make their own that would fit in more appropriately to their local area."

Alexander: "I like what you're trying to do, but I think that the vagueness that exists at the present in this Bill, unless we could definitely tighten it up in some fashion, I will have to join with those who will be putting a 'present' vote on it. And I know what you're trying to do is to protect our children, and I'm for any type of protection of that nature. You know, the American male went through a revolution with regards to the frontal positions of women in their upper extremities. And it's just in recent years they begin to accept the other type of woman who was not full-bodied in front. Now, where... I'm just being honest with you. Now, let us say that I would take a compliment if someone would say something about my... body structure, where someone else would become offended by it. That's why I'm saying there's too much vagueness in it at this point. So, I'm going to have to vote 'present' on this one, Jill."

Speaker Greiman: "The Gentleman from DuPage, Mr. McCracken."

McCracken: "Move the previous question."

Speaker Greiman: "Mr. McCracken has moved that the previous question be put. All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the previous question will be put. Representative Zwick, the Lady from Kane, to close."

Zwick: "Thank... Thank you. I think that we've gotten into a lot

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of very specific points about this piece of legislation that I'm offering, and you are looking at it in a much too definitive way. This is a general policy statement. I appreciate your concerns about it. We have gone through this on so many other Bills. In fact, I believe we even addressed intimidation in Representative Bonan's Bill earlier today. And there is such a thing as intimidation, and it can be detected, but it is human thing. It is a human quality. It is one which must be addressed by individuals on a local level, and that is why we are beginning in this way. We all know that the problem exists. I don't think there's a person in this House that denies that the problem exists and that would rather help the teacher and the child before it occurs and damage is done. And we have to start somewhere to do that. If you can show me a better place to start, a better place to detect this problem so that we will help people, rather than blow up the issue after it happens and have everyone get hurt, I will be more than happy to listen to you. But, at this point, the problem exists. It's out there. It's in society. It's in the public schools. It's in the private schools. It's in the preschools; and, if you want to start to do something about it, here is your way of doing it. I'm attempting to try to do it by at least having our State Board of Education send out a statement, a positive statement saying we will not tolerate sexual intimidation and that it leads to sexual molestation, and we simply won't tolerate it. We're going to report it. We're going to listen to children who come home or go to one of their teachers and say, 'this happened to me'. And we're going to deal with that child and tell them exactly what they're hearing. And they're going to learn about sex and about what life is about. I mean, they're going to

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learn whether those things have a sexual connection. We can detect sexual problems that they may have in their later life that they've gotten even from their home by the way they react to what teachers or adults have said to them. This will give us a way to learn more about the issue and do something more substantive about it. I would appreciate your support on this Bill, and I don't think it's too early to deal with it. I don't think a 'present' vote is the appropriate vote. I think a 'yes' vote is the appropriate vote. And I would ask for your support."

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

Davis: "Well, thank you, Mr. Speaker. I was inclined to support the Bill, and I think I might. I listened to the arguments against it, and particularly the eloquent remarks of Representative John Dunn, and I might be persuaded by that argument if Representative Dunn, who is a Cosponsor, a hyphenated Cosponsor of the Bill, if I was sure that he was going to remove himself from the cosponsorship of the Bill. Are you going to do that, John? Yeah. Well, I just wanted to know what you were going... I think I'll support it anyway."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Have all voted who wish? Take the record. On this Bill there are 34 voting 'aye', 16 voting 'no', 52 voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. We are going to do some Bills where the Bills are prepared to be moved from the Order of Second Reading to Third Reading or return the Bills to Second Reading for the purposes of an Amendment. Accordingly, on

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page three of your Calendar, on the Order of Second Reading appears House Bill 315. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 315, a Bill for an Act to amend the Civil Administrative Code. Second Reading of the Bill. Amendment #1 was adopted previously."

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

Clerk Leone: "Floor Amendment #2, Vinson, amends House Bill 315 on page one and so forth."

Speaker Greiman: "Mr. Vinson."

Vinson: "Mr. Speaker, I withdraw Amendment #2."

Speaker Greiman: "Amendment #2 is withdrawn. Further Amendment? Yes, Mr. Cullerton, for what purpose do you seek recognition?"

Cullerton: "I wonder if the Gentleman could explain the Amendment that he wishes to withdraw?"

Speaker Greiman: "Mr. Vinson."

Vinson: "Mr. Speaker, I think the Ladies and Gentlemen who are Members of this Assembly can read it if they wish. I suspect they'd really like to go home, and I certainly don't want to be the one to delay them going home."

Speaker Greiman: "Well, I think Mr. Cullerton's request was not timely. The Amendment is withdraw. Further... Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. On the Order of House Bills Second Reading appears House Bill 809. Mr. Clerk, read the Bill. I believe that that Bill was waiting for a fiscal and mandate note which has now been returned. Is that correct? Read the Bill, Mr. Clerk. Ms. Currie will take that."

Clerk Leone: "House Bill 809, a Bill for an Act to provide for family counseling services through Circuit Court has been

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read a second time previously. A fiscal note... State mandates fiscal note has been filed."

Speaker Greiman: "Third Reading. On the Order of House Bills Second Reading appears House Bill 1535 on page three. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1535, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. Amendments #2 and 3 were adopted previously."

Speaker Greiman: "Mr. Clerk, we are just waiting for a... There are no Amendments. Is that correct, Mr. Clerk?"

Clerk Leone: "No further Amendments. Fiscal note..."

Speaker Greiman: "Has the fiscal note been filed?"

Clerk Leone: "...has been filed."

Speaker Greiman: "Yes, Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "Could we be informed of the date of that fiscal note? The Body chose yesterday to reject the then filed fiscal note as insufficient."

Speaker Greiman: "Mr. Vinson, as you pointed out, the Members can read the fiscal notes, as they can your Amendments. What is the date, Sir?"

Clerk Leone: "The fiscal note is dated May 17, 1984. It amends... pursuant to House Bill 1535 as amended by Amendments #2 and 3."

Speaker Greiman: "Alright. Third Reading. On the Order of House Bills Second Reading, on page five of the Calendar, appears House Bill 2763. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2763, a Bill for an Act to amend the State's Attorneys' Appellate Service Commission Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Any Amendments?"

Clerk Leone: "No Committee Amendments."

Speaker Greiman: "Out of the record, Mr. Cullerton? Out of the

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record. Mr. Hastert, for what purpose do you seek recognition?"

Hastert: "I was just ready for you to call 2832. I had asked for that..."

Speaker Greiman: "Well, we have a list here, why don't you... We're going to get to that next. It... It's on the list. Alright. Mr. Clerk, on the Order of House Bills Second Reading appears House Bill 2832. Read the Bill."

Clerk Leone: "House Bill 2832, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, Brummer, amends House Bill 2832 on page one and so forth."

Speaker Greiman: "The Gentleman from Effingham, Mr. Brummer."

Brummer: "Yes, thank you, Mr. Speaker and Members of the House. This Bill... This Amendment is the one we discussed yesterday. We inadvertently included the county assessors. First of all, I would... I'm sorry. I would like to withdraw Amendment #1."

Speaker Greiman: "Alright, Amendment #1 will be withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Brummer, amends House Bill 2832..."

Speaker Greiman: "The Gentleman from Effingham, Mr. Brummer."

Brummer: "Yes, Amendment #2 differs from Amendment #1, which we considered yesterday, and then I took the Bill out of the record. Amendment #1 was controversial because it included the county assessors. The county assessors are now eliminated. Additionally, Amendment #2 grandfathers in any elected supervisor of assessment who is holding office on January 1, 1985. So that there is a grandfather provision. What the Amendment does now is simply provide that elected

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supervisors of assessment need to meet the same standards as the... and same qualifications as appointed supervisors of assessment. I think all controversy has been removed, and I would ask for a favorable vote."

Speaker Greiman: "The Gentleman from Effingham has moved for adoption of Amendment #2 to House Bill 2832. Yes, Mr. McMaster."

McMaster: "Thank you, Mr. Speaker. I would like to take the opportunity to break the rules a little bit and introduce the 6th grade students from Bova High School, accompanied by several of their teachers, including Joe Batonie, in the gallery to my right."

Speaker Greiman: "You are admonished. On Amendment #2, any discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and Amendment #2 is adopted. Further Amendment?"

Clerk Lecne: "No further Amendments."

Speaker Greiman: "Third Reading. On the Order of House Bills Second Reading appears House Bill 2987. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2987, a Bill for an Act to amend an Act concerning public utilities. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk Leone: "None."

Speaker Greiman: "Third Reading. On the Order of House Bills Second Reading appears House Bill 3083. Proceed, Mr. Clerk. Read the Bill."

Clerk Leone: "House Bill 3083, a Bill for an Act to amend the Illinois Lottery Law. Second Reading of the Bill. No Committee Amendments."

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Speaker Greiman: "Floor Amendments?"

Clerk Leone: "Floor Amendment #1, Vinson, amends House Bill 3083."

Speaker Greiman: "The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 to House Bill 3083 combines 3084 and 3085 into 3083. The administration chose to introduce three vehicles that were administrative... created... designed to solve administrative problems in the operation of the lottery. I am choosing at this time to combine all three vehicles into one, so that we only got one Bill to deal with, and the Body can vote it up or down. I would move for the adoption of Amendment #1."

Speaker Greiman: "The Gentleman from DeWitt has moved for the adoption of Amendment #1 to House Bill 3083. On that, is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, would the... Representative Vinson, could you describe to me the criminal penalties that are found in the Amendment? And also if you could discuss the... what should be considered prima facie evidence or any presumptions that are in the Amendment?"

Vinson: "Yes, the Amendment contains a provision that would state that any lottery agent who accepted money due to the lottery and then failed to deliver that money to the lottery and knowing, for instance, by way of submitting a check with insufficient funds and knowingly... knowing that such check would not be honored by the depository would be guilty of a Class A misdemeanor for the first offense and on a subsequent conviction be guilty of a Class 4 Felony."

Cullerton: "And do you have something in here that is prima facie evidence of knowledge? I... I think, as I read it, it says, 'When such check or other orders presented for

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payment and dishonored on each of two occasions at least seven days apart, then..."

Vinson: "Can you tell me what language you're looking at, Representative?"

Cullerton: "Yes. Page four, line 13, 14 and 15."

Vinson: "Yes, failure to have sufficient funds with the depository to cover that check by which the individual is paying the lottery for funds due the lottery is prima facie evidence if it's done on two occasions at least seven days apart that the offender knows that it will not be paid by the depository."

Cullerton: "Is that... Is that taken from Chapter 38 somewhere...somewhere else?"

Vinson: "I don't know."

Cullerton: "Okay. Thank you. No other questions."

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

Dunn, J.: "Will the Spncsor yield?"

Speaker Greiman: "In... Indicates he'll yield for a question. Proceed, Sir."

Dunn, J.: "I'm confused about the language of the Amendment which I... I really think is pretty much the same as it was when this Bill appeared before. In one place, the Amendment indicates the printing of state lottery tickets shall be considered professional services and shall be subject to competitive negotiation, and in another Section, I see that printing does not include the printing of state lottery tickets. It looks to me like printing of lottery tickets ought to be subject to competitive bidding. If this Amendment beccmes law, will the printing of lottery tickets be subject to competitive bidding?"

Vinson: "No. It would be subject to competitive negotiation, but not competitive bidding. And the rational that the lottery offers for that is that the competitive bidding process

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takes a substantial amount of time, that by going to a competitive negotiation process, that the tickets can be printed much more quickly which will facilitate the operation of the instant games and so forth."

Dunn, J.: "And... What kind of appropriation is there for printing of lottery tickets?"

Vinson: "Representative, I have no idea."

Dunn, J.: "And what is the law at the present time about printing of lottery tickets? Is it subject to the bidding process?"

Vinson: "Yes."

Dunn, J.: "Okay. Thank you very much."

Speaker Greiman: "Further discussion? There being none, Mr. Vinson to close."

Vinson: "Yes, Mr. Speaker, I would just like to adopt Amendment #1 so that we... I can table the two Bills that it currently is in, and so that we just deal with one Bill for the lottery, and we can vote it up or down."

Speaker Greiman: "The question is, 'Shall Amendment #1 to House Bill 3083 be adopted?' All those in favor signify by saying 'aye', those opposed... In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendment?"

Clerk Leone: "Floor Amendment #2, Vinson, amends House Bill 3083."

Speaker Greiman: "The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I believe the Assembly is probably very familiar with the background to Amendment #2. For the first time about six weeks ago... eight weeks ago, the lottery began running advertisements which suggested that a person was more likely to achieve financial success by competing in the lottery, rather than through hard work, rather than through prudent savings and investment, rather than through

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invention. I believe many Illinoisans have been offended by that material in the lottery and by the fact that public funds are used to promote the lottery in that fashion. I think they're offended by those things because it directly denigrates and takes away from the work ethic. I think that many Illinoisans, while they're willing to coexist with the lottery, do not believe that it should be used for the purpose of attacking the private enterprise system. And this Amendment would simply enact a very narrow prohibition that would deny the lottery the right to engage in that particular kind of promotion, and I would move for the adoption of Amendment #2 to House Bill 3083."

Speaker Greiman: "The Gentleman has moved for adoption of Amendment #2 to House Bill 3083. On that, is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, if the Sponsor could yield."

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

Cullerton: "I understand the first sentence of the Amendment. It basically forbids an advertisement promoting participation in the lottery from stating or suggesting that a participant is more likely to achieve financial success by participating in the lottery than by hard work, prudent savings and investment, intellectual creativity or technological invention. Now... Then it says, 'Violation of this provision by the Superintendent of the lotteries constitutes malfeasance in office'. Now, what is the legal effect of the Superintendent having committed, if you will, malfeasance in office? Does it mean that he automatically is removed? Mr. Speaker, I'm asking a question. Representative Vinson."

Vinson: "Yes, Sir. Yes, there is a provision in the Criminal Code, Chapter 38. I think it's... Well, I forgot the exact Section number, but basically, it assesses the crime of

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malfeasance with two things: number one, removal from office, and number four, I think it's a Class 4 Felony."

Cullerton: "Okay. Now, are we... are we saying here that if the advertisement is run that it's assumed that it was violated by the Superintendent of the lottery."

Vinson: "Yes. That is correct for the reason that the... under the lottery statute the Superintendent must approve all advertising for the lottery."

Cullerton: "Okay. Now the next sentence says, 'Any person in a contractual relationship with the state lottery, who violates this provision, shall be prohibited from doing business with the state for three years.' Give me an example of who you have in mind with that. I mean, who..."

Vinson: "The advertising agency which would create the particular advertisement would be... would be covered by that particular provision."

Cullerton: "Is there a... an advertisement that is on the air right now that you have in mind that would be covered by this... this Amendment?"

Vinson: "I haven't watched television in the past week. There has been one on the air that began running in early... in mid-March and was supposed to run until mid-May. I do not know whether that is currently running this week or not."

Cullerton: "What was the effective date of this Bill, and how would you envision this when signed by the Governor? When would it go into effect?"

Vinson: "The Act shall take effect upon becoming law."

Cullerton: "Okay. And what is the position of the Superintendent of the lottery with regard to this Amendment, if you know?"

Vinson: "I... I feel relatively confident that the Superintendent of the lottery has not removed his opposition. He has not indicated to me that he's removed his opposition, and so I presume that he is against the Amendment."

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Cullerton: "When did he indicate that he was opposed to it?"

Vinson: "He indicated to me in a telephone conversation back in more or less the first week in April."

Cullerton: "Was it heated?"

Vinson: "Yes, it got to the level of temperature that would be properly described as heated."

Cullerton: "Thank you. I have no further questions."

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

Levin: "Yes, Mr... Mr. Speaker, I... I would rise against this Bill (sic - Amendment). I have been accused of trying to legislate everything in the world. And sometimes, I guess, that's probably true. But I would suggest that the Sponsor of this Amendment is probably even going beyond what I have done with this Amendment. It seems to me that if he was offended, and I think many of us were offended by that advertisement, he could pick up the telephone and call the... the Superintendent of the lottery and that really is adequate. Going beyond that, I think there's a problem with his language, and I think he would need another Amendment to correct that problem. The way I read this, if there was an advertisement that said that you were able to achieve financial success more from the lottery than by participating... than by hard work and investment, but leaving out prudent savings, it wouldn't be a violation. So, I suggest that this is going a little too far, trying to legislate everything in the world here, and I would suggest a 'no' vote on this."

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

Stuffle: "Yes, Mr. Speaker, would the Sponsor yield?"

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

Stuffle: "Representative Vinson, did you have a great outpouring of people from your district who were likewise concerned

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about this commercial that you saw as you are?"

Vinson: "Yes. As a matter of fact, the first time... on the first date that I saw the commercial run, it was late in the evening. And the next morning, I went down to one of the coffee shops in Clinton, and a number of people had seen the ad and spontaneously raised the issue. Subsequently, I've had people call me. I've had letters from all over the state. As a matter of fact, the great grandnephew of General Custer is the consulting psychologist to the National Commission on Compulsive Gambling. There has been a great outpouring of interest in this thing, and yes, there is strong support from it around the State of Illinois."

Stuffle: "To the Amendment. I spoke with the Superintendent of the lottery. In passing, we discussed this Bill too, and he indicated that Representative Vinson was the only person who had expressed concern about this commercial in the entire state. And I tend to believe that perhaps there is some unique people in the coffee shops in Clinton, and I hope you went to all of them, Representative, not just the one where your views tend to be reflected. And I think you've reached for you, which is difficult, an all time high or low as the case may be in your moralizing here on the House floor."

Speaker Greiman: "The Gentleman from Sangamon, Mr. Curran."

Curran: "Will the Sponsor yield?"

Speaker Greiman: "Indicates he'll yield."

Curran: "Mr. Sponsor, could you describe a couple of the commercials that you have seen that you find to be incredibly offensive?"

Vinson: "Yes. Basically, it is one... one central commercial that the lottery has chosen a way to... the advertising agency has in one format is a 30 second commercial, and in

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a second format is, I believe, a 10 second commercial. And what the commercial shows is an inventor in one case tinkering in his lab, and his invention blows up on him, in a second case, with a flying apparatus on his back and he appears to crash. And then the overvoice comes on, and the overvoice... overvoice says, as the inventor is tinkering in his lab, 'You might try to make a million dollars this way, but someone will make a million dollars in the Illinois lottery'. That's the kind of commercial I object to."

Curran: "Thank you, Mr. Sponsor. Mr. Spcn... Mr. Speaker, to the Amendment. I have seen a couple of the these commercials, and I think this Amendment is a preposterous waste of the time of this chamber. Those commercials that the Gentleman is speaking of are commercials where some fruitcake jumps off the top of a building and doesn't get rewarded for jumping off the top of a building. I think to suggest that the Superintendent of the lottery ought to be guilty of malfeasance in office, and did you mention a Class 4 Felony, because of a... because of a commercial where we show that the lottery might be as good investment as jumping off of a building with wings tied to your back, I think that's just a silly waste of our time, and I suggest a 'no' vote on this Amendment."

Speaker Greiman: "Further discussion? There being none, Mr. Vinson, the Gentleman from DeWitt, to close. Mr. Vinson. Walk slowly. We'll wait for you, Sam."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I believe that it is truly, truly a preposterous situation when the State of Illinois, with public funds, denigrates the work ethic, takes away from the concept of invention, takes away from the concept of creativity in advertising and in promoting gambling. I've had serious

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doubts, and I will admit it from the beginning that we should be promoting gambling at all. But to promote gambling at the expense, directly, of hard work, at the expense of invention and at the expense of creativity is certainly a bad thing for the State of Illinois to be doing. I noticed recently a newspaper story in a Chicago newspaper where a fellow left a suicide note indicating that he'd lost his paycheck in the lottery and had chosen to terminate his life. For us to have a marginal, any marginal promotional effect on getting those kinds of things done is wrong. And for those reasons I would request an 'aye' vote on Amendment #2 to House Bill 3083."

Speaker Greiman: "The question is, 'Shall Amendment #2 be adopted?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this... On this Amendment, there are 39 voting 'aye', 53 voting 'no', 2 voting 'present', and the Amendment fails. Yes, Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "I'd like to verify the negative."

Speaker Greiman: "Well, Mr. Vinson, I had declared it, and you had not had your light on, unless it was on previously. But if you want to, Mr. Vinson, we'll give you that privilege, Sir. Mr. Vinson, there's a request for a Poll of the Absentees. Mr. Dunn requests a Poll of the Absentee."

Clerk Leone: "Poll of the Absentees. Barger. Berrics. Brummer. Brunsvold. Fullock. Capparelli. Harris. Huff. Klemm. Krska. McCracken. Nash. Nelson. Olson. Rhem. Richmond. Satterthwaite. Taylor. Terzich."

Speaker Greiman: "Ms. Satterthwaite. Satterthwaite votes 'no'."

Clerk Leone: "Vitek. Wait. Wojcik. Woodyard. And Younge."

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Speaker Greiman: "Mr. Clerk, verify the Affirmative Roll... the Negative Roll Call."

Clerk Leon: "Poll of the Negative. Alexander. Bowman. Braun. Brookins. Christensen. Curran. DeJaegher. Deuchler. DiPrima. Domico. Doyle. John Dunn. Farley. Giglio. Giorgi. Greiman. Hannig. Hicks. Keane. Kulas. Laurino. LeFlore. Leverenz. Levin. Markette. Marzuki. Matijevich. Mautino. Mays. McGann. McMaster. McPike. Mulcahey. Neff. O'Connell. Panayotovich. Pangle. Pierce. Preston. Rea. Ronan. Ropp. Satterthwaite. Shaw. Slape. Steczo. Stuffle. Topinka. Turner. Van Duynes. White. Wolf. McNamara. And Mr. Speaker."

Speaker Greiman: "Representative Madigan in the Chair."

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

Saltsman: "Mr. Speaker, I'd like to change my vote to 'nc'."

Speaker Madigan: "Record Mr. Saltsman as 'nc'. Representative Madigan in the Chair. For what purpose does Mr. Rice seek recognition?"

Rice: "I'd like to change my vote to 'nc, Mr. Speaker."

Speaker Madigan: "Record Mr. Rice as 'no'. For what purpose does Mr. Mays seek recognition?"

Mays: "I'd like to change my vote to 'aye'."

Speaker Madigan: "Record Mr. Mays as 'aye'. For what purpose does Mr. Neff seek recognition?"

Neff: "Change my vote to 'aye'... 'no' to 'aye'."

Speaker Madigan: "Record Mr. Neff as 'aye'. Mr. Wait."

Wait: "How am I recorded?"

Speaker Madigan: "How is Mr. Wait recorded?"

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

Wait: "I'd like to vote 'aye' on that, please."

Speaker Madigan: "Record Mr. Wait as 'aye'. Representative Deuchler."

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Deuchler: "Change my vote to 'aye' please."

Speaker Madigan: "Record Representative Deuchler as 'aye'. Mr. Brunsvold. Record Mr. Brunsvold as 'no'. Representative Currie. Record Representative Currie as 'no'. Mr. Vinson, do you have any challenges?"

Vinson: "Yes, Mr. Speaker, could you inform me as to where we're starting from?"

Speaker Madigan: "40 'aye', 55 'no'."

Vinson: "Mr. Brookins."

Speaker Madigan: "Mr. Brookins is at his Chair."

Vinson: "Mr. DiPrima."

Speaker Madigan: "Mr. DiPrima. Remove Mr. DiPrima, and remove the voting switch from Mr. DiPrima's desk please. Will the doorkeeper remove the voting switch?"

Vinson: "Mr. Domico."

Speaker Madigan: "Put the key in his... in his drawer. Is Mr. Domico in the chamber? Remove Mr. Domico, and remove the key from the voting switch and put it in the drawer."

Vinson: "Mr. Farley."

Speaker Madigan: "Mr. Farley. Remove Mr. Farley, and remove the voting key. Mr. Doorkeeper, remove the voting key."

Vinson: "Mr. Kulas."

Speaker Madigan: "Mr. Kulas. Remove Mr. Kulas, and remove the voting key. Mr. Doorkeeper, remove the voting key from Kulas."

Vinson: "Mr. Laurino."

Speaker Madigan: "Stay right there, Emory. Mr. Laurino. Remove Mr. Laurino, and remove the voting key."

Vinson: "Mr. Freston."

Speaker Madigan: "Mr. Freston. Remove Mr. Freston. Mr. Moore, if you'll remove the voting key. For what purpose does Brummer seek recognition?"

Brummer: "Yes, I'd like leave to keep my key, and I would also

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like leave to be recorded 'no'."

Speaker Madigan: "Leave is granted, and record Mr. Brummer as 'no'."

Vinson: "Mr. Bea."

Speaker Madigan: "Mr. Bea. Remove Mr. Bea, and remove the voting key. Remove the voting key from Mr. Bea's desk."

Vinson: "Mr. Richmond."

Speaker Madigan: "Mr. Richmond. How is Mr. Richmond recorded?"

Clerk Leone: "Mr. Richmond is not recorded as voting."

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

Flinn: "Change my 'aye' to 'no'."

Speaker Madigan: "Record Mr. Flinn as 'no'."

Vinson: "Mr. Ronan."

Speaker Madigan: "Mr. Ronan. Remove Mr. Ronan, and remove the voting switch."

Vinson: "Mr. Giglio."

Speaker Madigan: "Mr. Giglio. Remove Mr. Giglio, and remove the voting switch, Emory. Is Mr. Giglio in the chamber?"

Vinson: "Mr. Panayotovich."

Speaker Madigan: "Mr. Panayotovich. Remove Mr. Panayotovich, and Emory, remove the voting switch."

Vinson: "Mr. Pierce."

Speaker Madigan: "Let us restore Mr. Farley to the Roll Call. Have you challenged Mr. Pangle?"

Vinson: "Not yet."

Speaker Madigan: "Challenge Mr. O'Connell?"

Vinson: "Not yet."

Speaker Madigan: "Okay. Mr. Pierce. Is Mr. Pierce in the chamber? Remove Mr. Pierce, and Mr. Jaffe, would you remove the voting switch from Mr. Pierce's desk?"

Vinson: "Mr. Van Duyne?"

Speaker Madigan: "Mr. Van Duyne is in his chair."

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Vinson: "Mr. Slape."

Speaker Madigan: "Mr. Slape is in his chair."

Vinson: "Mr. Shaw."

Speaker Madigan: "Mr. Shaw. Remove Mr. Shaw. Mr. Wolf, would you remove that voting switch from Mr. Shaw's desk? Mr. Preston. How is Mr. Preston recorded?"

Clerk Leone: "Mr. Preston has been removed from the Roll Call. He was previously voting 'no'."

Speaker Madigan: "Restore Mr. Preston as a 'nc' vote."

Vinson: "Mr. White."

Speaker Madigan: "Mr. White. Remove Mr. White. Mr. Brunsvold, would you remove the voting switch? For what purpose does Representative Younge seek recognition? How is the Lady recorded?"

Clerk Leone: "The Lady is not recorded as voting."

Speaker Madigan: "Record the Lady as 'no'."

Vinson: "Representative Topinka."

Speaker Madigan: "Representative Topinka. How is Representative Topinka recorded?"

Clerk Leone: "The Lady is recorded as voting 'no'."

Speaker Madigan: "Remove Miss... Remove Representative Topinka, and would someone remove the voting switch? Mr. Piel, thank you."

Vinson: "Mr. Keane."

Speaker Madigan: "Mr. Keane is in his chair."

Vinson: "No further questions."

Speaker Madigan: "39 'aye', 46 'no', the Amendment fails. Are there any further Amendments?"

Clerk Leone: "Amendment #3, Vinson, amends House Bill 3083."

Speaker Madigan: "Mr. Vinson on Amendment #3."

Vinson: "Can we take the Bill out of the record at this point, Mr. Speaker?"

Speaker Madigan: "Who is the Bill's Sponsor?"

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Vinson: "I am."

Speaker Madigan: "The Gentleman requests leave to take this out of the record. It shall be taken out of the record."

Speaker Greiman: "Representative Greiman in the Chair. Alright. On the Order of House Bills Second Reading appears House Bill 1546. Mr. Jaffe, 1546. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1546, a Bill for an Act to amend the Child Care Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk Leone: "None."

Speaker Greiman: "Third Reading. Alright. On the Order of House Bills Second Reading on page three of the Calendar appears House Bill 338. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 338, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. It's been read a second time previously. Amendments #1, 2, 3 and 4 were adopted previously."

Speaker Greiman: "Any Motions?"

Clerk Leone: "No Motions filed."

Speaker Greiman: "Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. On the Order of House Bills Second Reading appears House Bill 3041, 3041. Mr. Clerk, read the... I believe the Bill has been read, and we're waiting for a fiscal note which has now been filed. Is that correct?"

Clerk Leone: "House Bill 3041 has been read a second time previously. Fiscal note has been filed. Dated May 17th, 1984."

Speaker Greiman: "Third Reading. On the Order of House Bills Second Reading appears House Bill 3047 on page six of the Calendar, 3047. Mr. Clerk, corrected number 3177. 3177

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on the Order of House Bills Second Reading."

Clerk Leone: "House Bill 3177, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Greiman: "Further Amendments?"

Clerk Leone: "No Motions filed. Further Amendment #2, Keane, amends House Bill 3177."

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

Keane: "Can you take that out of the record?"

Speaker Greiman: "Out of the record. On the Order of House Bills Third Reading now, Third Reading, appears House Bill 2381. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2381, a Bill for an Act to amend an Act concerning public utilities. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Maccupin, Mr. Hannig. Hannig asks leave to return the Bill to the Order of Second Reading for the purpose of Amendments. The Gentleman have leave? The Gentleman has leave, and the Bill is on the Order of Second Reading. Mr. Clerk."

Clerk Leone: "Amendment #1, Hannig, amends House Bill 2381 on page one and so forth."

Speaker Greiman: "Are there any... any further Amendments? Any Floor Amendments? Oh, Mr. Hannig."

Hannig: "Yes, thank... thank you, Mr. Speaker, Members of the House. This Bill, basically, deals with water companies, private water companies, who were against the Bill in Committee. This Amendment is an Amendment that they have given to me which will now allow them to support the Bill. I've discussed it with Representative Erummer and Representative Klemm on the Public Utilities Committee, and they understand it and support it. It's an agreed Amendment. I now move for its adoption."

Speaker Greiman: "The Gentleman from Maccupin has moved for the

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adoption of Amendment #1 to House Bill 2381, and on that, is there any discussion? The Gentleman from Peoria, Mr. Tuerk."

Tuerk: "Would the Sponsor yield for a question? The... The Bill, itself, is the same, correct? As it went through Committee."

Hannig: "This, basically, would become the provisions of the Bill which would be the new Bill."

Tuerk: "Well, this doesn't... this doesn't delete everything in the Bill. This is only an Amendment to the Bill. Now does the Bill do the same things that you intended to do when you sponsored or introduced the Bill?"

Hannig: "Well, if you'll look at the Amendment, it says, 'By deleting lines 8 through 26 and in lieu... and inserting in lieu thereof.'"

Tuerk: "I don't have the Bill in front of me, so..."

Hannig: "Okay. Representative Tuerk, actually line 8 is where the new underlined language in the old Bill had started, and line 26 is where it had ended..."

Tuerk: "Okay."

Hannig: "...so the net effect is, yes, it does delete everything in the old Bill."

Tuerk: "And you're saying that everybody's in agreement on this Amendment."

Hannig: "As far as I know that is correct, Sir."

Tuerk: "As far as you know."

Hannig: "Why I have no one... have approached me in opposition to it, and certainly, if someone would, I'll be happy to work with them as well. But the... But the water companies, which were the people who testified against it in Committee and were the only groups that testified in Committee, gave me this Amendment and now do support the Bill if this goes on."

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Tuerk: "Thank you."

Speaker Greiman: "Further discussion? There being none, Mr...
The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Mr. Speaker, I would ask the Gentleman to hold this at
this time. It has a pretty substantial impact that might
range throughout the state, and I'd just like to examine
that aspect of it."

Hannig: "The Bill is actually on the Special Order of Business
for next Tuesday. I would like to have it moved by that
time. Would that be? Could it possibly be moved to Third
Reading, and I will discuss it with you and move it back?"

Vinson: "Not with that... I would oppose it with that Amendment
on it."

Hannig: "Well, I would simply ask that the Amendment be adopted
at this time, Representative Vinson. I would be... If you
could bring up specifically the points that you have then,
perhaps, we could have an Amendment put on as well Monday.
I have no desire to..."

Vinson: "Okay. Then I might ask the Sponsor a few questions, Mr.
Speaker."

Speaker Greiman: "Proceed, Mr. Vinson."

Vinson: "What impact does this have on the sale of water from the
City of Chicago to suburban cities?"

Hannig: "As far as I'm aware, it would have none."

Vinson: "Why would it not? Doesn't it affect the entire state
the way it's drafted?"

Hannig: "It's only applicable to for-profit privately owned water
companies. It doesn't deal with the... generally the city
owned water companies."

Vinson: "Okay. What about those Chicago suburbs which are
selling water to unincorporated areas? Do you know whether
they have private companies or municipal companies?"

Hannig: "I am not aware that there are any private companies."

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Those private companies who have discussed it with me believe that they can live with this Amendment and support it."

Vinson: "Will you... Would you make a commitment that in the event we discover that there is a situation like that to take the Bill back for further Amendments to correct that?"

Hannig: "If at any course along the process whether it be Monday, or Tuesday or in the Senate, I would be happy to do that for you, Mr. Vinson."

Vinson: "Are you aware that the way the Amendment's drafted right now, Representative, it does not say private companies? It just says any public utility. And I believe they are municipally owned public utilities in the State of Illinois."

Hannig: "The Bill says, 'an Act concerning public utilities...'"

Vinson: "Yes."

Hannig: "...which are the utilities that go in front of the Commerce Commission, the privately owned."

Vinson: "And some of those are municipally owned."

Hannig: "No. Those are municipal utilities. I believe they're different. They do not have to ask the Commerce Commission for a raise when they want to change their rates."

Vinson: "Well, to the Amendment..."

Speaker Greiman: "Proceed, Sir."

Vinson: "...Mr. Speaker. I'm... The Gentleman may well be correct, but I am advised by staff that the Gentleman is incorrect in his judgment that this only applies to privately owned companies, and given that fact, I would rise in opposition to it, because we are dealing with a situation in parts of this state where it is important that we be very careful in how we regulate water usage. The suburbs of Chicago do not want to be in a position where

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they are extorted for rates on the basis of water, and there are some... there are unincorporated areas in Cook County which feel that they have been extorted on rates by Cook County suburbs. I do not want to assume the position very late in the day of legislating on something that can have very profound effects on municipal government and on suburban growth patterns when we don't really know what we're doing, and it's for that reason that I oppose the Amendment."

Speaker Greiman: "Further discussion? There being none, Mr. Hannig to close, or Mr. Hannig to express his intention as to the Bill."

Hannig: "Well, Mr. Speaker, Members of the House, I would like to put this Amendment on today and have this Bill hopefully ready for next Tuesday. And as I expressed to Representative Vinson and Representative Daniels, I would be willing... and it's not my intention to do anything to in any way upset or put the suburban water companies at a disadvantage. This Bill is intended... Mr. Speaker, just let me take this out of the record at this time."

Speaker Greiman: "Alright... Out of the record. Yes, the Bill will be held on Second Reading. The Gentleman from Madison, Mr. McPike, on a Motion."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to suspend Rules 37(g) and 84 with regard to House Bill 3128."

Speaker Greiman: "Mr. McPike moves to suspend the approp... the rules set forth in the Motion with respect to House Bill..."

McPike: "3128."

Speaker Greiman: "...3128. On that Motion, is there any discussion? Does the Gentleman have leave? The Gentleman has leave, and the Motion carries. Agreed Resolutions."

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Clerk Leone: "House Resolution 958, Panayotovitch; 959, Saltsman - Tuerk; and 960, Tuerk - McMaster - Hawkinson - Koehler and Ropp."

Speaker Greiman: "The Gentleman from Lake, Mr. Matijevidch, on the Agreed Resolutions."

Matijevidch: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 958, Panayotovitch, refers to the East Side Labor Day Committee on its 25th; 959, Saltsman, congratulates a young scholar; House Resolution 960, Tuerk, congratulates David Ransburg. Is there any other?"

Clerk Leone: "House Resolution 962, Koehler, and House Joint Resolution 147, Kirkland - et al."

Matijevidch: "House Resolution 962, Koehler, congratulates the Peoria Civic Ballet Company on its 20th anniversary; HJR 147, Kirkland, refers to the major literacy initiative in Illinois. I move the adoption of the Agreed Resolutions."

Speaker Greiman: "The Gentleman from Lake has moved for the adoption of the Agreed Resolutions. All in favor... by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is... and the Resolutions are adopted. General Resolutions."

Clerk Leone: "House Resolution 961, Giglio - et al."

Speaker Greiman: "Committee on Assignment. Mr. McPike, for adjournment."

McPike: "Thank you, Mr. Speaker. I move the House now stands adjourned until Tuesday at the hour of 12:30 p.m."

Speaker Greiman: "Mr. McPike, the Majority Leader, moves that the House stand adjourned until the hour... until the hour of 12:00 (sic - 12:30), Tuesday, as... as set forth in the Adjournment Resolution. All in favor 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the House will stand adjourned."

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14:10

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