

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

67th Legislative Day

June 21, 1983

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Dr. Arno Q. Weniger, Pastor of the Calvary Baptist Church of Normal, Illinois. Dr. Weniger is a guest of Representative Gordon Ropp. Will the guests in the gallery please rise to join us in the invocation?"

Dr. Weniger: "Let us pray together. Our Heavenly Father, we thank Thee for the opportunity we have this day to serve You. We rejoice, Lord, in this free land, and we thank You, Lord, for the process here in this land that provides for these, our Representatives, to conduct the business of government and our affairs. We thank You, Lord, that they come with not only responsibility but a holy obligation. We ask that, Lord, You'd give them wisdom, as the Bible says, 'If any man lack wisdom, let them ask of God, who giveth to all men liberally and abraideth not.', and I pray that, Lord, tonight each... today, each of these men and ladies, our Representatives today, would seek Thy wisdom and know Thy will in these matters, and we just pray a special blessing upon all and strength for the day and opportunities before us. We commit ourselves to Thee and thank You, Lord, for Jesus Christ, our Savior, in whose Name we pray. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Ropp."

Ropp et al: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

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

Greiman: "Yes. Representative Christensen will be excused today

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because of... by reason of an illness in the family, and his key has been removed pursuant to the rules."

Speaker Madigan: "Let the record show that Representative Christensen is excused. Mr. Clerk, take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Message from the Senate."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House on passage of Bills of the following title, to wit; House Bills #20, 25, 28, 33, 41, 61, 76, 97, 108, 114, 127, 134, 147, 157, 171, 213, 227, 240, 242, 252, 265, 268, 273, 286 and 345, together with the attached Amendments, and the adoption of which I am instructed to ask concurrence of the House of Representatives, passed the Senate as amended, June 20, 1983. Kenneth Wright, Secretary.'"

Speaker Madigan: "Consent Calendar."

Clerk O'Brien: "Consent Calendar Third Reading, Second Day. Page 33 on the Calendar. Senate Bill 11, a Bill for an Act creating the Illinois National Guard Study Commission. Third Reading of the Bill. Senate Bill 39, a Bill for an Act in relation to certain property possessed... repossessed... possessed by law enforcement agencies. Third Reading of the Bill. Senate Bill 49, a Bill for an Act to amend an Act in relation to solicitation and collection of funds. Third Reading of the Bill. Senate Bill 60, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 62, a Bill for an Act to amend certain Acts with respect to dental examinations of dead bodies. Third Reading of the Bill. Senate Bill 71, a Bill for an Act concerning Illinois National Guard armories. Third Reading of the Bill.

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Senate Bill 134, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. Senate Bill 186, a Bill for an Act to amend an Act to provide for casual deficits or failure in revenues. Third Reading of the Bill. Senate Bill 205, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill. Senate Bill 210, a Bill for an Act to amend an Act relating to certain agreements in connection with fire insurance claims. Third Reading of the Bill. Senate Bill 223, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 289, a Bill for an Act to amend an Act relating to certain investments of public funds by public agencies. Third Reading of the Bill. Senate Bill 297, a Bill for an Act to amend the Illinois Purchasing Act. Third Reading of the Bill. Senate Bill 345, a Bill for an Act in relation to safe deposit boxes. Third Reading of the Bill. Senate Bill 363, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 402, a Bill for an Act to amend the Northeastern Illinois Planning Act. Third Reading of the Bill. Senate Bill 413, a Bill for an Act to amend the Voluntary Health Services Plans Act. Third Reading of the Bill. Senate Bill 431, a Bill for an Act to amend an Act in relation to the acquisition of the Illinois Mississippi Canal. Third Reading of the Bill. Senate Bill 435, a Bill for an Act to amend the Crime Victims Compensation Act. Third Reading of the Bill. Senate Bill 478, a Bill for an Act to amend an Act in relation to interest on certain tax refunds and credit memoranda. Third Reading of the Bill. Senate Bill 487, a Bill for an Act in relation to the filing of travel regulations. Third Reading of the Bill. Senate Bill 514, a Bill for an Act to amend the Illinois Controlled Substance Act. Third Reading of the Bill. Senate Bill

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544, a Bill for an Act in relation to internal auditing in state government. Third Reading of the Bill. Senate Bill 545, a Bill for an Act to amend an Act to prevent fraudulent and corrupt practices in the making or accepting of official appointments and contracts by public officers. Third Reading of the Bill. Senate Bill 551, a Bill for an Act to amend the Illinois Vehicle Retail Installment Sales Act. Third Reading of the Bill. Senate Bill 561, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 586, a Bill for an Act to amend an Act providing for registration of farm names. Third Reading of the Bill. Senate Bill 597, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 616, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill. Senate Bill 648, a Bill for an act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 675, a Bill for an Act to amend the State Salary and Annuity Withholding Act. Third Reading of the Bill. Senate Bill 699, a Bill for an Act relating to the use and operation of electronic banking terminals. Third Reading of the Bill. Senate Bill 703, a Bill for an Act to amend the Principle and Income Act. Third Reading of the Bill. Senate Bill 725, a Bill for an Act to amend the Common Trust Fund Act. Third Reading of the Bill. Senate Bill 772, a Bill for an Act to amend the Township Law. Third Reading of the Bill. Senate Bill 780, a Bill for an Act to amend the Election Code. Third Reading of the Bill. Senate Bill 806, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 809, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 812, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill. Senate Bill 814, a Bill for an Act to

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amend an Act to provide for and regulate the administration of trusts. Third Reading of the Bill. Senate Bill 827, a Bill for an Act to authorize the Lake County Forest Preserve District, Lake County, Illinois, to sell and purchase certain land in Lake County, Illinois. Third Reading of the Bill. Senate Bill 840, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill. Senate Bill 899, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill. Senate Bill 906, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill. Senate Bill 913, a Bill for an Act to amend an Act to punish fraud and extravagance in expenditures of monies appropriated for public improvements. Third Reading of the Bill. Senate Bill 937, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 946, a Bill for an Act to license form bank representative offices. Third Reading of the Bill. Senate Bill 947, a Bill for an Act to amend an Act in relation to payment and disposition of monies. Third Reading of the Bill. Senate Bill 948, a Bill for an Act in relation to workers' compensation claims by state employees. Third Reading of the Bill. Senate Bill 952, a Bill for an Act to amend an Act in relation to payment and disposition of moneys. Third Reading of the Bill. Senate Bill 961, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. Senate Bill 962, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. Senate Bill 975, a Bill for an Act to amend certain Acts in relation to the Department of Law Enforcement. Third Reading of the Bill. Senate Bill 1008, a Bill for an Act to amend an Act creating the Illinois Network for Opportunity Act. Third Reading of the Bill. Senate Bill 1027, a Bill for an Act to amend the Illinois

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House. Senate Bill 27 continues authorization for the use of lead and steel shot in the taking of migratory water fowl. Without this, the use of steel... the use of lead shot would sunset January 1 of 1984. This Bill is supported by the Department of Conservation, various sportsmen's clubs and the... and the Illinois Wildlife Federation. I move for the... I move for the passage of this... of Senate Bill 27."

Speaker Madigan: "The Gentleman moves for the passage of Senate Bill 27. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 105 'ayes', 8 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 29, Mr. Flinn. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 29, a Bill for an Act to amend sections of the Bingo License and Tax Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Flinn."

Flinn: "Mr. Speaker, I would ask leave to move this Bill back to Second Reading for the purpose of tabling some Amendments."

Speaker Madigan: "The Gentleman requests leave to return this Bill to Second Reading for the purpose of Amendment. Leave is granted. The Bill is placed on the Order of Second Reading. Mr. Clerk, are there any Amendments filed?"

Clerk O'Brien: "Motions to table Amendments #2, 3 and 4 by Representative Flinn."

Speaker Madigan: "The Chair recognizes Mr. Flinn on the Motion relative to Amendment #2."

Flinn: "Mr. Speaker, in the interest of saving time, I could

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Agriculture Engineering Internship Program. Third Reading of the Bill. Correction, that was Senate Bill 1028, a Bill for an Act to amend the Illinois Agriculture Engineering Internship Program. Third Reading of the Bill. Senate Bill 1037, a Bill for an Act to amend the Illinois Environmental Facilities Financing Act. Third Reading of the Bill. Senate Bill 1058, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. Senate Bill 1064, a Bill for an Act to amend an Act in relation to a medical center district in Chicago. Third Reading of the Bill. Senate Bill 1067, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill. Senate Bill 1069, a Bill for an Act to amend the Motor Fuel Tax Law. Third Reading of the Bill. Senate Bill 1078, a Bill for an Act to amend the Pharmacy Practice Act. Third Reading of the Bill. Senate Bill 1083, a Bill for an Act in relation to the conveyance of certain state real property. Third Reading of the Bill. Senate Bill 1095, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 1098, a Bill for an Act to amend the Probate Act. Third Reading of the Bill. Senate Bill 1124, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. Senate Bill 1133, a Bill for an Act to amend the State Comptroller Act. Third Reading of the Bill. Senate Bill 1143, a Bill for an Act to amend the State Appellate... State Attorneys Appellate Service Commission Act. Third Reading of the Bill. Senate Bill 1145, a Bill for an Act to amend the Illinois Banking Act. Third Reading of the Bill. Senate Bill 1157, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill. Senate Bill 1197, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practice Act. Third Reading of the Bill. Senate Bill 1200, a Bill

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for an Act to permit certain burials on Sundays and Legal Holidays and prohibit conduct in relation thereto. Third Reading of the Bill. Senate Bill 1233, a Bill for an Act to amend an Act relating to certain investments of public funds by public agencies. Third Reading of the Bill. Senate Bill 1306, a Bill for an Act to create the Nonresidents Violator Compact. Third Reading of the Bill. Senate Bill 1307, a Bill for an Act to amend the Election Code. Third Reading of the Bill. Senate Bill 1334, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Vinson."

Vinson: "Yes, Mr. Speaker, on the Consent Calendar Third Reading, Second Day, one of the Bills the Clerk read was Senate Bill 1083. Have the provisions of Rule 34 (g), the appraisal requirement, been complied with?"

Speaker Madigan: "Mr. Vinson, the Clerk will be required to check with the Office of the Secretary of the Senate to determine if that requirement was met in the Senate, so while the Clerk researches the question, I would suggest we go to another Order of Business, and then return to this Order. And the Order of Business shall be on page 15, Senate Bills Third Reading. Senate Bill 10. Mr. Ewing, do you wish to call your Bill? Is Mr. Ewing in the chamber? Senate Bill 22. The Sponsor indicates he does not wish to call the Bill. Senate Bill 23. The Sponsor indicates he does not wish to call the Bill. Senate Bill 26, Mr. O'Connell. Is Mr. O'Connell in the chamber? Senate Bill 27, Mr. McPike. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 27, a Bill for an Act to amend sections of the Wildlife Code. Third Reading of the Bill."

Speaker Madigan: "Mr. McPike."

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

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explain all three Amendments and move to table on one Roll Call if you wish, or I can do them one at a time, whatever's the best for the... for the Clerk or the Speaker. Let me explain the Amendments we're talking about. Amendment #2 is the one that lets the State Fair and the county fairs play bingo and not regard it... and disregard, rather, the 25 game limit. I would move to table that Amendment. On Amendment #3, it permits the payment of \$15 for each worker that works in the bingo halls, and Amendment #4 is a technical Amendment and went on to change the figures... the population figures that would include Madison and St. Clair County and what we did was exclude Winnebago and Peoria County in that and I would ask that all three of those Amendments be tabled."

Speaker Madigan: "The Gentleman moves to table Amendments 2, 3 and 4. Is there any discussion? There being no discussion, the question is, 'Shall the Gentleman's Motion to table Amendments 2, 3 and 4 be adopted?'. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Motion carries. Amendments 2, 3 and 4 are tabled. Mr. Clerk, are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Flinn."

Flinn: "Well, Mr. Speaker, may I have leave to have the Bill heard, now that we're on this Order?"

Speaker Madigan: "Mr. Flinn, let me check the vote requirement to proceed."

Flinn: "Okay."

Speaker Madigan: "The Parliamentarian informs the Chair that there is no rule which would prevent you from considering the Bill in light of the fact that you tabled Amendments. Mr. Clerk, has this Bill been read a third time?"

Clerk O'Brien: "The Bill has been read a third time."

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Speaker Madigan: "Mr. Flinn on Senate Bill 29."

Flinn: "Well, Mr. Speaker, the Bill is now in the posture that it came from the Senate. It does not permit the \$15 payment... We table that Amendment, does not permit the county fairs or the State Fair to go beyond the 25 game limit, nor does it refer to populations. All it refers, only to Madison and St. Clair County. The Bill simply permits those two counties and those two counties alone to play bingo for a total of \$3,400, as opposed to the 2,250. It does not include Monroe County, it does not include Peoria County, it does not include Winnebago County. It's only those, and the purpose of the Bill is to permit those two counties to compete with the Missouri bingo players who permit a \$3,600 payoff. I would like to try to answer any questions if I could, but if there are none, I would ask for adoption of this Bill."

Speaker Madigan: "Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

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

Friedrich: "Would this not put Clinton County and Randolph and Monroe County in the same posture, now that St. Clair is? They'd be at a disadvantage and and won't be... games that have been going to St. Louis now go to there and be taken away from Randolph, Monroe, Clinton?"

Flinn: "Not... Not really, because St. Clair and Madison County being right up against St. Louis is the major losers in the bingo game. Most of the games in Clinton County that I've checked on and the other counties are small games anyhow and could not afford this kind of payoff if they changed the law to permit them to pay it. There are not very many big games. There is one or two in Monroe County, in Columbia, I believe, who feed off the Jefferson Barracks Bridge, but so far as the other counties are concerned, I

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could not find any counties that, even under the old system, that was paying out as much as the \$3,400 that was committed earlier."

Friedrich: "Well, would not Monroe be at a disadvantage, then?"

Flinn: "They would be to some disadvantage, but the problem was trying to work them and satisfy the people in Chicago who claimed we were trying to branch out and go to all the counties. It was one we worked out in Committee for a long time. We'll lose the Bill otherwise, and all will be in trouble."

Speaker Madigan: "Mr. Keane."

Keane: "Thank you, Mr. Speaker. I rise in opposition to the Bill. One of the major problems with this Bill is what a previous Gentleman just asked the Sponsor. As soon as we give preferential treatment to the two counties that abut St. Louis, the two counties... the counties that surround them in Illinois to the East and the North, and to the South, will be at a disadvantage. Any... Any of those counties that have bingo in them, the people will leave to go into Madison and St. Clair Counties in order to play, because the... you... by driving over to the Madison or St. Clair County, you can come up with a \$3,400 prize as versus the 2,250 that we have in... in the rest of the state. A year ago, I sponsored the Bill that brought down the top prizes in the state to the \$2,200 level, and the reason we did this was because our own Legislative Investigating Committee recommended it, and they recommended it on the basis that there were indications that there was mob influence, that there were other games of chance being... going on at the bingos. The... Earlier it was said that our... if... if we had information as to why... what kind of organized gambling was getting involved in it, that we should have turned it over. That is not the

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responsibility of the Legislative Investigating Commission. We have found, they have found that there were indications of it. We did not ask them to go out and start bringing back indictments. We were only... We only asked them to go out, investigate, and see what was happening out there. If we allow this Bill to go through, we'll end up with other counties coming in here saying anyone on any border of the State of Illinois will say, 'We need help. We need a bigger prize.', and we'll be right back where we started. I would urge you to vote against this Bill."

Speaker Madigan: "Mr. Matijevich."

Matijevich: "Would the Gentleman yield?"

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

Matijevich: "Representative Flinn, I... we all got our letter from the Illinois Catholic Conference in opposition to your Bill, but my question is... to you, is, what is the position of the churches in the effected counties? Are they for your Bill, or against it?"

Flinn: "Yes, Sir. They're for my Bill. They can't say so out loud, because they will not oppose... will not oppose the..."

Matijevich: "They'll get excommunicated, is that it?"

Flinn: "Well, I don't think so, but your letter that you got was wrong. Father Quinn was fed some wrong information. It does not include Peoria County. It did at no time when it got out of the Committee. When it left the Committee, it was only Madison and St. Clair County. Those people who opposed it in Committee were aware of that. There was never any criminal element found in St. Clair and Madison County. There were never any indictments. The only problem that did exist was in Chicago with the... with the bingo palaces up there, and it did effect, and I agree, it did affect some of the smaller churches that had only room

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for 100 people or so in their basement, and they were going down the street and going where they could get three 500... Shot at three \$500 prizes. That was the purpose of changing the law to start with, and along come that change... pardon my long answer, but along came that change with Missouri going in with a \$3,600 thing, and we're killing the bingo down in our area, including the churches, my friend."

Matijevich: "Well, I'd like... probably everybody would've gotten that letter, read it, and then probably voted against your Bill, but I was waiting in the Senate Committee when your House Bill - a similar House Bill - was being considered, and putting my place in your place in that county, with the bingo in St. Louis that you have to compete against, I think you have a legitimate Bill, and I know that if I were in your shoes, I would be fighting for this Bill, and I'm going to, in spite of the fact that I've always voted with the Illinois Catholic Conference. At this time, I do think you have a legitimate Bill, and I'm going to support you."

Speaker Madigan: "Representative Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. I rise in support of Senate Bill 29. As Representative Flinn has indicated, we need this Bill in this particular area. The competition from the St. Louis area has been one that has made it particularly difficult for the bingo institutions in the Madison-St. Clair County area. There has been some reference to wrongdoing, to gangland, to Mafia, to everything else, but there have been no charges with regard to the bingo palaces in this particular area. I would request your support."

Speaker Madigan: "Mr. Flinn to close."

Flinn: "Well, thank you, Mr. Speaker. I don't want to belabor the point. We've got a long day in front of us. If this

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Bill does not pass, and we are subjected to the \$3,600 payout in Missouri, a lot, and a lot of the bingos on our side of the river will go down, and a lot of good causes will suffer. There are many, many good causes outside the church and within the church that will suffer because... lack of this Bill. I would ask for your support."

Speaker Madigan: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Mr. Richmond to explain his vote."

Richmond: "Yes, thank you, Mr. Speaker. I think it would be well if we looked at this issue a little closer. We're helping two counties that badly need the help, and I am real pleased to add my support to that effort."

Speaker Madigan: "Mr. Flinn to explain his vote."

Flinn: "Well, Mr. Speaker, I hardly know what to say to convince the people here that there... to fail to pass such a Bill as this, and it's creating quite a problem. You know, it's the equivalent of doing away with bingo altogether in that area, or practically doing away with it. There will be a few small games survive in the counties there and around who didn't pay out anyway, but they have their own locked up customers who wouldn't go across the river for any reason. So, I would ask for a couple more votes, there. Thank you."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. Record Mr. Yourell as 'aye'. On this question, there are 63 'ayes', 45 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 30, Mr. Hoffman. Mr. Clerk, read the Bill. Mr. McPike."

Clerk O'Brien: "Senate Bill 30, a Bill for an Act to amend sections of the School Code. Third Reading of the Bill."

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Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 30 provides that a local school board can authorize the proficiency exam for three of the six hours required under the present law for practice driving or for behind the wheel driving. They may adopt this policy. It's a relaxation of a... of the current driver education mandate. It is not an elimination of it. This Bill is supported by the School Problems Commission. Part of our recommendation supported... of course the state board took a position that the mandate should be eliminated completely. The Bill passed the Senate 55 to 1, and is cosponsored in the House by Representative Satterthwaite, and I would ask for your support."

Speaker McPike: "Representative McPike in the Chair. The Gentleman has moved for the passage of Senate Bill 30. On that, the Gentleman from McLean, Representative Ropp."

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

Speaker McPike: "He indicates he will."

Ropp: "Yeah, Representative, it says in this analysis that it may save money. Can you indicate how it would save money at all, other than maybe gas?"

Hoffman: "It would only save money in the sense that any individual who passed a proficiency exam would not have an additional three hours behind the wheel. That's where the money would be saved."

Ropp: "Won't you still have to have the teacher, probably, and the automobile either rented or leased?"

Hoffman: "Yes, but it would be three hours that that person wouldn't have to be behind the wheel, and someone else could be there."

Ropp: "Well, would that driving teacher not be paid, then, those three hours?"

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Hoffman: "Oh, no. No, they would be paid. It would only... could possibly save for that. The fact of the matter is, you'll notice there's no dollars numbers there. I don't anticipate a great saving, and I don't anticipate a lot of people being proficiency out, either."

Ropp: "Okay, to the Bill. I guess the intent of the School Problems Commission and others is to save dollars, and I, too, certainly want to save dollars, but I'm not so sure that the saving of three hours when the only... the mandate right now is only six anyway, that that three hours is sufficient enough to do what the intent of the Bill is attempting to do. When we learn the skills of driving, we've got a sizable piece of equipment, there, and that we only have three hours right now in which that would be done. And other than the Sponsor in the Senate, which I will ultimately end up supporting it, I'm really not too sure that it's going to do what we're trying to do in attempting to have young people become qualified, skilled drivers on the highway."

Speaker McPike: "The Gentleman from Vermilion, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker, will the Sponsor yield to a question?"

Speaker McPike: "He indicates he will."

Stuffle: "Representative Hoffman, as I understand the Bill, it provides for proficiency exams with regard to driver education. Let me ask you this question. If that is the case, what does this do - this particular Bill - in allowing proficiency exams, to reimbursement to school districts where the proficiency exams would be put in place? Does it reduce the amount of money that would go from the state to school districts because the... the proficiency test is taken in lieu of the entire course?"

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Hoffman: "The answer is no, and we're only dealing with proficiency of the three hours... of the six hours behind the wheel. It doesn't do anything with the classroom or anything else. No, it does not reduce the state's..."

Stuffle: "Would there still be a reimbursement, then, for behind the wheel, even if it's not taken?"

Hoffman: "Yes."

Stuffle: "Do you consider that to be a fair method? Wouldn't we be reimbursing a district for a student that took the proficiency exam, wouldn't we still be paying that district as though the course actually was in place and was actually taken and paying them the same amount we'd be paying the district that did, indeed, have a student in a course?"

Hoffman: "The course is in place, and the student would have completed the course, and we'd pay on the basis of the number of completions. As you... As you well know, the amount we pay, even with the changes that we made two years ago, does not nearly cover the cost for the district. We have legislation going through 559, which provides that no school district will be paid in excess of what it costs them to run the program, so I don't see that as an impediment."

Stuffle: "But you are paying a district for students who proficiency the same that you're paying another district for students who did not proficiency and actually are in the course."

Hoffman: "The answer's yes."

Stuffle: "Thank you."

Speaker McPike: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I rise in support of this piece of legislation. The Bill really is only a slight relaxation of the requirements for drivers'

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education and allows for greater local option with the particular school district. I would assume that not all school districts would even decide to go this route, but we find that particularly in the rural districts downstate, many of the children by the time they are old enough to get into the drivers' education program have already learned well how to handle a mechanized vehicle because they live on farms and they've been running the tractors and the farm trucks and various other types of equipment for so many years that it seems like a waste of time for them to have to spend six hours behind the wheel and for the school district to provide additional staff for that to happen. If we find that a number of school districts do avail themselves of this option, and that large numbers of students are being exempt from the additional three hours of behind the wheel coursework, then perhaps at some later time, we need to make some adjustment about reimbursement. But I think at least for the beginning of this program, it is going to take a transitional period where the school district will even know whether they can save any money by this route or not, and I think we ought to allow for that flexibility. As Representative Hoffman has said, there is another provision that would prohibit a school district from being reimbursed for more than they actually spend on the drivers' ed program. Let's give them that little bit of freedom to decide whether it's a practical route before we start penalizing them for the few students who may proficiency out. I would urge your support of the Bill."

Speaker McPike: "Representative Satterthwaite, were you closing, or were you just speaking on the Bill? Representative... The Lady has moved for the passage of Senate Bill 30. The question is, 'Shall Senate Bill 30 pass?'. All those in favor signify by voting 'aye', opposed vote 'no'. Have all

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voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 103 'ayes', 7 'nos', 1 voting 'present'. Senate Bill 30, having received a Constitutional Majority, is hereby declared passed. Senate Bill 37, Representative Alexander. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 37, a Bill for an Act to amend sections of an Act in relation to criminal identification and investigation. Third Reading of the Bill."

Speaker McPike: "The Lady from Cook, Representative Alexander."

Alexander: "Thank you, Mr. Speaker, and to the Ladies and Gentlemen of the General Assembly. I rise to present to you Senate Bill #37. It is an Act that amends the criminal identification and investigations of persons who have been convicted. What the Bill really does is, it says that a person who has been convicted of a class IV felony, whose sentences would be imposed for one to three years, or a misdemeanor under our state laws or any local ordinance, may, and I use the word 'may', petition the Chief Judge of the convicting circuit, for in order to expunge his arrest record. It further states that ten years must pass from the date of the completion of sentence before such petition may be made before the court. I ask for your consideration, and I'm available for any questions that may be presented on this subject matter."

Speaker McPike: "The Lady has moved for the passage of Senate Bill 37, and on that, the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. I rise in opposition to this Bill. In addition to misdemeanors, this Bill would allow the expungement of a criminal record for a class IV felony. I would remind the Body that class IV felonies include such things as reckless homicide, which is the killing of

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someone with a motor vehicle, usually while you're drunk. I think it's inappropriate to expunge that kind of criminal record, and if a person gets a second reckless homicide conviction, another class IV felony even 10 years later, I think the court ought to know, in sentencing that individual, that they committed the same kind of reckless homicide 10 years earlier. I would oppose this Bill and urge every Member to vote 'no'."

Speaker McPike: "Further discussion? There being no further discussion, the Lady from Cook to close, Representative Alexander."

Alexander: "Thank you. I know many Members in this House have received communication from the Illinois Press Association with regards to this Bill. They are saying that the time for the passage of such a piece of legislation has not come. I say it has come. They raised the question that how will the State's Attorneys be advised of such an expungement. Let's give a classic example. I have been sentenced for a term of one to three years. I paid my debt to society. I remain free of any nature of criminal elements for a period of 10 years. I then petition the court for leave to have that record expunged so that I may begin my life again. The Bible tells me in Ecclesiastes III that there is a right time and a place for everything, and I say to this General Assembly that the time is now that we should be respectful, be mindful, but for the grace of God could go I. And I think that any man that has paid his debt to society owe no man anything and has not been involved in any nature of criminal activities. This Bill would not disturb the habitual criminal, because he surely will be back into his criminal activities in a period of time less than 10 years. I ask for your support for the passage of this Bill. The time has come for such

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measurements on the books of the State of Illinois. Thank you."

Speaker McPike: "The Lady has moved for the passage of Senate Bill 37. The question is, 'Shall Senate Bill 37 pass?'. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Representative Cullerton to explain his vote."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I was in Committee when the Illinois Press Association testified against this Bill, and it's as close as I've come to, I guess you might say, losing my temper. I cannot fathom why the Illinois Press Association is against this Bill. There's absolutely one... only one reason that I can think of that they want to go back over a 10 year period and print whether someone was arrested or whether someone was convicted for a misdemeanor or a class IV felony, and that's only to distort and harass individuals. It is absolutely embarrassing, in my opinion, for them to take that position, similar to a position they took with regard to their own jury duty exemptions. This is an excellent Bill which obviously has passed the Senate. Any Bill like this that has passed the Senate, I think is remarkable. I think she's done an excellent job in getting the Bill this far on the floor, and now we need a few more votes. I think that people should really reconsider their position, those of you who are voting 'no', and to change your position and vote 'aye'."

Speaker McPike: "The Gentleman from Winnebago, Representative Hallock, to explain his vote."

Hallock: "Mr. Speaker and Members of the House, the question to me is not one of whether the Press Association supports the Bill or opposes it. This is a major Bill, a major Bill which allows expungement, which means abolishing the record

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of a criminal. We're not talking about a minor criminal - a minor, a young person - we're talking about an adult criminal offender. This Bill would allow him to have that record totally abolished. It's a bad Bill and it deserves to be defeated."

Speaker McPike: "The Gentleman from Lake, Representative Matijevich, to explain his vote."

Matijevich: "Mr. Speaker and Ladies and Gentlemen, what we're doing now... now in our criminal justice system is not working, and I think we ought to... we ought to do some innovations. I think it is a good thing that someone, after 10 years, someone who has committed a criminal act, after 10 years, then, can go to a Judge - it's not automatic. You go to a Judge and determine... that Judge then determines in the best interests of that person and in society, to expunge that record. I think that's good. You know what we're doing nowadays, class X and everything, we can't build prisons fast enough. We have early release. We're throwing people on the street that are dangerous, and if we cannot, after 10 years, say 'go to a Judge and determine if the best interests of the state, that that record ought to be expunged', I'm for that type of innovation. I think it's good, and I think you ought to vote for it."

Speaker McPike: "The Lady from DuPage to explain her vote, Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, Ladies and Gentlemen of the House, as a long time member of the Illinois Press Association, it is my understanding that the position taken by the Association as regards to this legislation was not intended in order for that... in order to provide the press with some opportunity to unfairly judge anyone. I believe it has been made quite clear to all of us that the people of this

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state do not approve of drunk drivers, nor do they approve of homicides that involve drunk people driving an automobile. I think sometime in life we all have to be responsible for our actions, even if it's 10 years later. I vote 'no'."

Speaker McPike: "The Gentleman from Livingston, Representative Ewing, to explain his vote."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, unfortunately, the record we make in this world is the record we have to live with. I don't think that a person's criminal record should be used just in any way against them forever and ever, but it is part of the record that he makes in this life. Just recently, there was a case of a person who was a model prisoner, who had worked for a number of years after he got out of jail, and yet, he turned around after all these years and committed a similar crime, a terrible crime, a murder, if I remember correctly. Now, Ladies and Gentlemen, if you're the member of the family of those for whom that crime is perpetrated against, I think that his original record should not be expunged. That is part of his record, part of what the prosecution will use in any case against him. It should be kept on the record. We never know when these will come back, a court should be used. In this... In this case, I think that this Bill is bad policy."

Speaker McPike: "The Lady from Cook to explain her vote, Representative Alexander."

Alexander: "Thank you. I, too, do not look to or hope to see any person who is a habitual criminal put back upon the streets of the State of Illinois. I will give you a classic example of what I have reference to. A 17 year old boy whose mother died suddenly. She was his only hope, to be raised by a grandmother who was terminally ill with cancer,

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and he knew it, who went out and took a \$6.00 pair of pants, who pled guilty in a time when our courts were not admonishing what pleas of guilty would do to an individual, who received a 30 month probation, whose life right now, every time he applies for a job of any substance, that record is brought before him. That young man today is 37 years old, trying to raise his family on menial jobs in menial places, because every time he applies for employment, that record comes to haunt him. I say the time has come, indeed, for this kind of legislation. It is not intended to free anybody who would be habitual. There's a time to restore lives of those individuals who made a mistake and who have paid their debt to society. How long is too long? I say the time is now. Please, help me pass this Bill."

Speaker McPike: "The Gentleman from Lake to explain his vote, Representative Peterson."

Peterson: "Thank you, Mr. Speaker and Members of the House. To explain my vote, I feel that everyone who has voted 'yes' up there should reconsider. Go back to your district and talk to those families who have had relatives, victims of reckless homicide. See how they feel after 10 years, that they want those records expunged. It only takes one time to kill a person. I urge you to reconsider, and I vote 'no'."

Speaker McPike: "The Gentleman from Lee to explain his vote, Representative Olson."

Olson: "Thank you... Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This issue comes to my attention as a former Circuit Clerk, five years court experience. There is real no merit... really no merit to the issue of expungement. In behalf of those who have compiled a record which should become a part of the permanent record, and I

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would urge those people who have voted 'aye' to carefully consider the long-term ramifications of this vote, and urge a 'no' vote."

Speaker McPike: "The Gentleman from Cook to explain his vote, Representative Jaffe."

Jaffe: "Yes, Mr. Speaker and Members, I rise in support of this Bill. I think what most of you don't realize is that expungement really comes under court supervision, and the court has a right to either accept or deny expungement. You're not going to get somebody being able to go into court with a long rap sheet and say 'expunge my record' and the court's going to do it. The court is just not going to do it under those situations. However, what we're talking about is a person who goes wrong that one particular time, a person who does something that - and we're not talking about class X felonies over here, we're talking about class IV felonies and we're talking about misdemeanors. That's what we're talking about. We're talking about things like battery, or we're talking about something less than that. We're not talking about a rape or a murder or anything else to that effect, and after a certain period of time, that individual now has a clean record. Why shouldn't that be expunged? Why shouldn't that person be able to go before the court? Why should that record, indeed, follow that person forever and ever and ever? That... That thing should really not follow that particular purpose. I was in Committee when this Bill was passed. I heard the newspaper people come in and testify on it. I think they were completely and totally wrong. How long do they have to really have to follow a person? You know, they have stuff that's in their morgue and their files and so on and so forth. They keep that stuff forever. It doesn't make any difference to them anyway. But I think an individual who

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has gone wrong, who has committed either a class IV felony or a misdemeanor ought to be freed of that after a 10 year period of time, to keep that following that person and to keep that person from getting a job and doing the things that that person really wants to do when that person's been a good citizen for 10 years after once having falling off the wagon. I think that we're being oppressive. I think this is a good Bill. It should be supported by the General Assembly. I would urge an 'aye' vote on it."

Speaker McPike: "Representative Hawkinson, did you speak in debate? Then you're not entitled to explain your vote under the... Representative Hawkinson, for what reason do you rise?"

Hawkinson: "Mr. Speaker, in the event that this gets 60 votes, I would request a verification."

Speaker McPike: "Fine. The Lady from Cook, Representative Topinka, to explain her vote."

Topinka: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I would like to make note that the majority of the Judiciary Committee is voting against this Bill, and I would like to make note that the Cook County State's Attorney is against this Bill. The Department of Law Enforcement is against this Bill, and the Chicago Police Department is against this Bill. And one of our own Members, Roger McAuliffe, who is a policeman, is also voting against this Bill, the guy who's got to be out on the street and has to, ultimately, take care of these people that we turn out there, with these kind of Bills. For those of us who object to Judges being short and loose on criminals, I think we're doing the same thing, here, in a relative standpoint from... in terms of the Legislature, and I would encourage a 'no' vote."

Speaker McPike: "The Gentleman from Cook, Representative

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Brookins, to explain his vote."

Brookins: "Mr. Speaker, I rise in support of this Bill. I know that now, as I stand here, people are just being turned loose on the cities in our state, without serving their term now. We need to show some forms of mercy, some forms of forgiveness. After a guy has paid his dues, 10 years later, we still want to hold this against him? I say 'no'. We must show some compassion. We must show some forgiveness. We must give this person an opportunity to start his life anew. I urge a favorable vote on this."

Speaker McPike: "The Gentleman from Cook, Representative Shaw, to explain his vote."

Shaw: "I've heard a lot of speakers in reference to this Bill. I think... I rise in support of this Bill. Representative Brookins, someone mentioned a former policeman or a policeman voting against this Bill. Representative Brookins is a policeman. He's supporting this Bill. Not..."

Speaker McPike: "Representative Shaw, continue."

Shaw: "If... If we look around the state at all of the unemployment, I think this Bill would help to reduce that. But the people who are voting against this Bill, they want to keep people unemployed. Around this state, all over Illinois, it's already 750,000 and today, we have an opportunity to give the people that are unemployed to make a living for their family and themselves, and I would hope and urge everyone to vote for this Bill. I think this is a good Bill, and it should be passed."

Speaker McPike: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 63 'ayes', 51 'nos', 2 voting 'present'. The Gentleman from Knox, Representative Hawkinson, has requested a verification. Representative Alexander asks for a Poll of

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the Absentees. Mr. Clerk."

Clerk O'Brien: "Poll of the Absentees. Christensen and Winchester."

Speaker McPike: "Proceed with the verification of the Affirmative."

Clerk O'Brien: "Alexander. Barnes. Berrios. Bowman. Braun. Brookins. Brummer. Bullock. Capparelli. Cullerton. Curran. Currie. DiPrima. Domico. Doyle. John Dunn. Farley. Flinn. Giglio. Giorgi. Greiman. Hicks. Huff. Hutchins. Jaffe. Keane. Kirkland. Krska. Kulas. Laurino. LeFlore. Leverenz. Levin. Marzuki. Matijevich. McGann. McPike. Mulcahey. Nash. Panayotovitch. Pierce. Preston. Rea. Rhem. Rice. Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Slape. Steczo. Stuffle. Taylor. Terzich. Turner. Van Duynes. Vitek. White. Wolf. Younge. Yourell and Mr. Speaker."

Speaker McPike: "Questions of the Affirmative. Representative Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. Representative Farley."

Speaker McPike: "Representative Farley. Representative Farley in the chamber? Remove him from the Roll Call, Mr. Clerk."

Hawkinson: "Representative Giglio."

Speaker McPike: "Representative Giglio in the chamber? Representative Giglio? Remove him from the Roll Call."

Hawkinson: "Representative Hicks."

Speaker McPike: "Representative Hicks. Representative Hicks in the chamber? Remove Representative Hicks from the Roll Call."

Hawkinson: "Representative Pangle."

Speaker McPike: "Representative Pangle. Representative Pangle here? He's voting 'present', but remove him from the Roll Call."

Hawkinson: "Representative Preston. I'm sorry, I see

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Representative Preston. Representative Rice?"

Speaker McPike: "Representative Rice?"

Hawkinson: "I withdraw... withdraw that request, Mr..."

Speaker McPike: "Thank you."

Hawkinson: "Representative Mulcahey?"

Speaker McPike: "He's up front."

Hawkinson: "Representative Richmond."

Speaker McPike: "Representative Richmond? Representative Richmond in the chamber? Remove Representative Richmond from the Roll Call."

Hawkinson: "Representative Satterthwaite?"

Speaker McPike: "She is in the rear of the chamber."

Hawkinson: "Representative Younge."

Speaker McPike: "She is in the aisle."

Hawkinson: "Representative McGann."

Speaker McPike: "Representative McGann. Representative McGann in the chamber? Remove Representative McGann. Representative Giglio has returned to the chamber. Return Representative Giglio to the Roll Call."

Hawkinson: "Representative Laurino."

Speaker McPike: "Representative Laurino. Representative Laurino. Remove Representative Laurino from the Roll Call."

Hawkinson: "That's all I have, Mr. Speaker."

Speaker McPike: "What is the count, Mr. Clerk? On this question, there are 58 'ayes', 51 'nos', 1 voting 'present'. Representative Alexander?"

Alexander: "May I have this Bill placed on Postponed Consideration, please?"

Speaker McPike: "The Lady has asked for Postponed Consideration. The Bill will be placed on the Order of Postponed Consideration. Senate Bill 47, Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 47, a Bill for an Act to amend the

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School Code. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Cook on the Bill, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This permits the Illinois State Scholarship Commission to purchase any category of loans that guarantees pursuant to the Federal Higher Education Act of 1965. It would increase the Commission's limit on outstanding bonds to 175,000,000, which is a compromise. The...under present law, the Scholarship Commission's authority as a secondary market is very limited. It can buy only loans in specialized categories, most of which are ones with some sort of problem history. The intent...the Bill is to help the Commission with cost reduction in raising capital and is not designed to provide additional liquidity to Illinois lenders. We want to provide the Commission additional flexibility to cut the cost of raising capital through its sale of tax exempt bonds and produce per unit servicing costs on loans. As an authority issuing bonds, the income from which is exempt from taxation to raise revenue to purchase these student loans from lenders and in order to receive these so-called special allowance from the Federal Government, the Commission must have on file with the U.S. Department of Education, a plan for doing business. The plan must include certain assurances, including one that the Commission will, within the limits of funds available and subject to applicable state and federal law, purchase loans incurred by all eligible students who are residents of Illinois or attending an eligible institution in Illinois. The new language of the Amendment gives a greater ability to respond to the demands of the bond market on which it depends for capital. For example, student borrowers are

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enrolled in community colleges, vocational, business and trade schools, and because these job-oriented programs are only one and two years long, these students borrow less than the \$10,000 maximum available to four-year college students, and thus generally have a loan size of about \$2,500 or less. The Commission will continue with its assurance to purchase loans from lenders with an average loan size, reflecting portfolios of student borrowers with one...two year...\$2,000 to \$2,500 loan. It is not the intent of the legislation to permit the Commission to embark upon regulations or purchasing policies which will, in any way, inhibit access of one-year students to GSLs or to make such loans unattractive to lenders. The Bill, of course, is promoted by the Illinois State Scholarship Commission. Senator Kustra was the Sponsor in the Senate, and I would appreciate your support for Senate Bill 47."

Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 47. On that, the Gentleman from Macon, Representative Dunn."

Dunn: "The Sponsor yield for a question?"

Speaker McPike: "Indicates he will."

Dunn: "Does this Bill contain, in its present form, any authorization for additional bonding?"

Cullerton: "It increases the bonding authority by 75%, from 100,000,000 to 175,000,000. It's...if they needed more bonding, they would, of course, have to come back."

Dunn: "So this Bill does, in fact, contain \$75,000,000 in additional bonding? Isn't that correct?"

Cullerton: "That's correct."

Dunn: "Now, what is the purpose of the...the secondary market? It looks to me like...like all this does is take care of larger banks and save them the difficulty of collecting delinquent loans. It looks to me like they just passed

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that on to whatever that IADPP organization is. Isn't that what this boils down to?"

Cullerton: "Well, that organization which is within the Illinois State Scholarship Commission can service those loans. They've testified in Committee that they can service those loans. And the effect would be to allow more people to get scholarships, because the banks would have more money to lend."

Dunn: "How do you explain the fact that our analysis indicate that, particularly downstate, where there are large numbers of small banks with, of course, correspondingly small portfolios, that those banks may find this program works to their disadvantage rather than their advantage."

Cullerton: "The only way to explain it is that the person who wrote the analysis was in error, and the people from the Scholarship Commission at the Committee hearing clearly indicated that it did not favor large banks over small banks."

Dunn: "Well, Mr. Speaker, Ladies and Gentlemen of the House, just briefly to the Bill. I think the Members should be aware that this Bill does provide for an additional \$75,000,000 in new bonding authority for the Illinois State Scholarship Commission. That may be a laudatory purpose, but I think we're all criticized back home by everybody, including both students and their parents who put them through college, for placing the State of Illinois too far in debt. I think we should be very slow to authorize the additional \$75,000,000 in bonds. And at least our analysis indicates, and I think it is correct, that what this program actually does is it works to the advantage of bankers who make student loans, make them unwisely and find out that student loans which they have made are in default and in default 60 and 90...60...90 days. All they have to do is turn them

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over to this authority, and they'll go right back to making more bad student loans. If the bankers who are in this program would screen the loan applicants more carefully in the first place, we'd have fewer defaults. We'd have economy to the taxpayers. We wouldn't need additional bonding. I am for helping students get through college as much as anyone else, but I don't think this is the proper way to do it, and I would urge a 'no' vote on this Bill."

Speaker McPike: "The Gentleman from DuPage, Representative McCracken, on the Bill."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of the Gentleman's Bill, and I supported it in Committee. The bonding authority is a self-financing unit, which has provided loans to students. Particularly in a time of dwindling grants, this is a most important source of aid for higher education. I do not normally favor increased bonding. I do not favor increased taxes. I do not favor unwise spending. But in order to make those decisions regarding this program, you need to look at the security, the underlying security which funds this program. These loans are all federally insured. Now what that means is that if they are delinquent for the proper period of time, they can be turned over to the Federal Government, which undertakes the collection process, if it is failed at the state level, and it pays the state purchaser of that loan dollar for dollar, so that in this case, we need to look at the underlying security. That underlying security is 100% on the dollar and represents a form of security for this increased bonding authority, which makes this a wise expansion of the program. We need to determine whether or not getting into the discount loan market is a proper way to fund this bonding authority. If, in fact, these were speculative ventures it was getting into; if, in fact, its

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collection history were poor; if, in fact, there were a long delay between the time of picking up the discount loan and turning it over to the Federal Government for liquidation, then I would say we may have some problems. However, the testimony before our Committee was consistent. First, the loan is fully insured. Second, the loans are liquidated in a very timely fashion, both by the state authority and by the Federal Government. As a matter of fact, the testimony was that the Federal Government always pays its obligations dollar for dollar within 60 days. This 60 days represents an insignificant time period in the interest rate of the money; thereby making this plan financially sound. It's my understanding that the expansion of the bonding authority is not only to make the program even more liquid, but is to serve a function in a time of decreasing scholarships and grants. It's a very wise expansion of the program. The Sponsor should be complimented. I ask for your support."

Speaker McPike: "The Gentleman from Cook to close, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker. Once again, the Bill would allow the Illinois State Scholarship Commission to purchase any category of loans pursuant to the Federal Higher Education Act of 1965. The purpose of the Bill clearly is to allow for an expansion of loans to students within the state. If it does not pass, the Illinois Designated Account Purchase Program, otherwise called as IDAPP, will not be able to repurchase any more loans, and the greater lender selectivity will have to take place, and it will be an increase in the loan default rate. I would ask for your support in this Bill, which is, of course, supported by the Illinois State Scholarship Commission."

Speaker McPike: "The Gentleman moves for passage of Senate Bill

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47. The question is, 'Shall Senate Bill 47 pass?'. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 106 'ayes', 5 'nos', 1 voting 'present'. Senate Bill 47, having received the Constitutional Majority, is hereby declared passed. Represent...Senate Bill 51, Representative Nash, is on a Special Order of Business for Wednesday. Would you prefer to take it out of the record? I'm sorry, Senate Bill 53. Would you prefer to take it out of the record? Out of the record. Senate Bill 54, Representative Cullerton. Out of the record. Senate Bill 61 is on a Special Order of Business. Representative Nash."

Nash: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like to bring House... Senate Bill 61 back to Second Reading. Have leave to bring... to put on for the purpose of an Amendment."

Speaker McPike: "The Gentleman asks leave to return Senate Bill 61 to the Order of Second Reading. Are there any objections? Hearing none, leave is granted."

Clerk O'Brien: "Amendment #1, Nash - McCracken, amends..."

Speaker McPike: "Representative Nash on Amendment #1."

Nash: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #1 to Senate Bill 61 is a very simple one. All it does, it makes the consent form signed a part of the permanent medical record - confidential medical record - and I move for its adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Is there any question? Any discussion? There being none, the question is, 'Shall Amendment #1 be adopted?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment's

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adopted. Further Amendments?"

Clerk O'Brien: "Amendment #2, Nash - Bullock."

Speaker McPike: "Representative Nash on Amendment #2."

Nash: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 is identical, like Amendment #1, and I move that it be withdrawn."

Speaker McPike: "The Gentleman withdraws Amendment #2. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. This is on a Special Order of Business. Out of the record. Senate Bill 66, Representative Yourell. This is on a Special Order of Business for Friday. Out of the record. Senate Bill 89, Representative Stuffle. Representative Stuffle on the floor? Representative Stuffle? Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 89, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Vermilion, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members of the House, as you know, Senate Bill 89 as amended, sponsored by myself and Representative Hoffman, the Chairman of the School Problems Commission, is a revision of the School Aid Formula. Would take effect in the coming school year for payments. The changes in the federal law that have come of late with regard to new census figures regarding poverty students, has created a situation in this and other states where there would have been dramatic gains by some school districts and dramatic losses by others, because of those new federal definitions and guidelines which Illinois School Aid Formula plugs into. Representative Hoffman and I and the Subcommittee on Finance for the School Problems Commission, Democrats and Republicans, signed off on an

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agreement whereby this Bill was amended. It serves as a vehicle for changes that will serve to level the gainers and losers in the School Aid Formula at whatever level of appropriation we have regarding these new federal definitions. We think it's important to note that, because there would have been a great deal of problems in this state in many districts, because of tremendous losses in state aid. In some cases, while there would have been windfall gainers in others. Many people have given up some money for the help of others in this. We think it's the... the best of compromises at this time. I indicate to you again, because there was some confusion on Second Reading, that the School Aid Formula under this Amendment will adjust to any level of appropriation. There are a number of complexities, as you know, in the School Aid Formula, but we think this the best we can work out at this time. The tax issue aside, we ask for your affirmative vote, Representative Hoffman and I, on Senate Bill 89 as amended."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 89, and on that, the Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker McPike: "He indicates he will."

Braun: "Representative Stuffle, as you are fiddling with the Formula in this Bill, could you tell us how much this Bill will cost the school district in the City of Chicago?"

Stuffle: "The school district in the City of Chicago, Representative, it would depend upon the level of appropriation. If we appropriated money at the Governor's tax increase level, we're talking about a couple of three million dollars difference between no Amendment in the

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School Aid Law and the Amendment on this particular Bill. If we're talking about the level of appropriation last year, there's about a four million dollar difference. That level's roughly 138.1 billion dollars."

Braun: "Representative, we understand that the... that this Bill will carry with it a five million dollar cost... price tag for... against the interests of a school district that is already the most notably dependent in the state on the Title I or Chapter I revenues - generated revenues."

Stuffle: "Is that a question? That's not accurate, as I've already indicated. It's not that high."

Braun: "Well, I have figures that indicate it's five million dollars, Representative Stuffle."

Stuffle: "Well, I don't... I don't know who gave you your figures. If they're from the Chicago Board, I'd throw them away. They've never gotten anything right yet."

Braun: "No, Sir, they're not from the Chicago Board."

Stuffle: "The figure, Representative, I'll repeat to you the figure. The difference between last year's level of appropriation, if we use that figure, if we reach that figure, the difference between the unamended School Aid Law and this Bill would be the difference between 477.9, almost 478 and 473. It's about four million dollars, not five. The difference goes down if you go to a higher level of appropriation. You pick up more money. Last year, your school district got 33.9 percent of the state aid. Under this, they would go from 33.9 to 34.3, an increase in percentage. You are correct that there would be a decrease from the percentage they would have with no change in the law, but as I said, we're trying to level districts so there are not massive losers in the state."

Braun: "Alright. To the Bill, Mr. Speaker."

Speaker McPike: "Proceed."

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Braun: "I rise in opposition to this Bill. As amended, as amended, this Senate Bill 89 will carry with it approximately a five million dollar price tag. That, particularly as pertains to the school system in the City of Chicago, is the equivalent of pouring water on somebody who's already drowning. It seems to me that while we are undergoing the changes pertaining to Title I generally, going from Title I to Chapter I Formula distribution. It would be inappropriate to further revise that change so as to enure to the detriment of the largest school district in the city... in the state. Everyone in this General Assembly is aware of the difficulties presently encountered and faced by the Chicago Public School System. To take away Title I funding, which is the very funding that... that is generated by poor children. To take away that funding from the Chicago Public Schools is not just... not just inappropriate, but I would suggest even mean-spirited. I'm sorry, Representative Stuffle, I believe that it would be... that this Bill will have a disastrous effect in the City of Chicago, not just merely effect, as you have indicated in your remarks, and I would encourage those who would like to see the Chicago schools continue to fund... to stay viable, those of you who care about public education in the state, thereby would care about the fate of the... of the public school system in the City of Chicago. I would encourage a 'no' vote. This is a critical... This is an issue of critical importance. If we don't have the money coming out of Title I, we will have to get it somewhere else, and... and quite frankly, I don't think anyone in this room wants to have to go another five million dollars in pocket, another five million dollars in pocket out of the tax increase, should we get it, or whatever source... other source of money to make up for

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this formula change, which to me is a surreptitious way of going about and taking yet another whack out of a school district that is already out of... in trouble. I say if we leave the Formula as it is, this five million dollars will stay in. If we... If we vote this Bill down, the five million dollars will stay in. If we vote for this Bill, and this Bill passes out of this House, I'm afraid we will have to be back in this General Assembly looking to replace that five million dollars somewhere else. And I think it would not be appropriate to do that. Title I has a purpose. We've talked about that time and time again. I encourage your 'no' vote on Senate Bill 89."

Speaker McPike: "The Gentleman from Cook, Representative Huff."

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

Speaker McPike: "He indicates he will."

Huff: "Yes, Representative Stuffle, the... the formula is based on the average daily attendance of the low income pupil as a weighted factor. Is that correct? Is that right?"

Stuffle: "I didn't hear you, Representative. I'm sorry. I've got someone talking to me in my other ear."

Huff: "Okay. I was saying that the fund, the Title I monies, are generated by a weighted factor of low and mod... low in income students in Chicago, plus the average daily attendance of low in income students across the state. Is that not true?"

Stuffle: "Yeah, the same definitions are used throughout. The Federal Government changed the definitions."

Huff: "Alright. But isn't it true that that weighted factor is greater in Chicago than across the rest of the state?"

Stuffle: "No, the weighting factor is the same everywhere. You may... You have more Title I students that come out, in terms of the weight, than many other districts, but you're not the highest in the state."

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Huff: "Alright. Mr. Speaker, to the... to the Bill."

Speaker McPike: "Yeah, proceed."

Huff: "I have my opinion, and Representative Stuffle has his. I believe that the... the greater weighted factor is in Chicago, and the Title I money that's generated for... that the state has its impetus in those students in Chicago. I think it's only fair that they get the benefit of that weighted factor. And so, for that reason, I would be opposed to Senate Bill 89 in its present form."

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

Leverenz: "Gentleman yield?"

Speaker McPike: "He will."

Leverenz: "I have heard from the City of Chicago, and could you help me understand what it does for the suburban area, the gray area that I come from? Need a high school district 209? Elementary school district 89. Do I vote with Representative Braun, or do I vote with you?"

Stuffle: "Well, I think your question has to be put in terms of the fact that we've attempted to put this thing together as a compromise to cut the growth of the big gainers and to substantially reduce the losers. Now, give me the districts again."

Leverenz: "89, elementary. 209, high school. Proviso - we grow basketball players. Baseball players."

Stuffle: "You go down by 50,000 dollars. You go from 6.60 to 655. What's the other one?"

Leverenz: "Which one did you just give me?"

Stuffle: "89."

Leverenz: "A million and a half?"

Stuffle: "No, not a million and a half."

Leverenz: "You explain that to Danny... and his..."

Stuffle: "You said a million and a half. I said 6.6 million to

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6.5."

Leverenz: "Mr. Speaker, to the Bill. Proceed."

Speaker McPike: "Yeah, go ahead."

Leverenz: "I want to let everybody know from the suburban area it's apparent that we get hurt as well as the City of Chicago. And that should be enough to eliminate this terrible compromise. Thank you."

Speaker McPike: "The Lady from DuPage, Representative Nelson, on the Bill."

Nelson: "Thank you very much, Mr. Speaker. I have a couple of questions of the Sponsor. Would he yield? Question of the Sponsor."

Speaker McPike: "Yeah, the Sponsor indicates he'll yield."

Nelson: "Representative Stuffle, isn't it true that for the last decade we have been using and calculating the formula, the 1970 census figures, and so that those districts that have students who have been Title I students and who have left have actually been collecting money under the formula for students who are gone?"

Stuffle: "That's true, I think, and that's one of the reasons for the Amendment."

Nelson: "That's right. To the Bill, Mr. Speaker."

Speaker McPike: "Proceed, Representative Nelson."

Nelson: "I think that all of us in the House ought to support House (sic Senate) Bill 89 strictly on the basis of common sense. This is the school aid formula Bill. The only change in the formula is this change that has to do with the Title I weighted students. This is already 1983. If we were to do probably what should have been done, we should have adjusted the formula to take the 1980 census data and plug that into the formula. Instead of doing that we have... the School Problems Commission has arrived at a compromise that will perhaps gradually move us to the point

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we are using the 1980 census data, but this particular Bill is a good compromise that only keeps us even with what the situation is in the school districts. If Title I students have moved out of your district, you have been receiving money throughout the '70's for those students, because the formula did not change. We are now in the '80's. We should be using the 1980 census data, and this Bill does not do that. This Bill brings us to the point where there is a compromise. It allows school districts to compute state aid using either the 1982/'83 Title I pupil count or 85% of their current Title I count. Now, that's fair. That's a compromise. This is a good Bill. The provision of this proposed formula is to design, to diminish the impact of the 1980 census on places like Chicago. But the 1980 census data, with regard to Chapter I students, does not reflect only demographic shifts which took place during the past decade. It also reflects a change in the federal definition of low income students. I would urge you all, no matter where you live, to vote 'yes' on House Bill 89."

Speaker McPike: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. The previous Speaker, the Representative from DuPage, made a good point. 1970 census figures are probably not accurate... accurately reflected in present demographic trends. The problem with Senate Bill 89, of course, is that it doesn't use 1980 data. If 1980 data were used, Chicago, instead of losing five million dollars as it does under the provisions of Senate Bill 89, would gain five million dollars. Title I is obviously a critical issue not only to the City of Chicago, which has by far the largest bulk of the poverty level children in the public school system in the State of Illinois, but to many downstate poor areas as well. We have, in previous Sessions of the

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General Assembly, reduced the weighting offered to Title I children, last Session from .675 to .625. Nothing in Senate Bill 89 restores prior weightings, even to the .675 level, let alone to .70 or .75 where it used to be. The problem, I think, with Senate Bill 89 is that it's impossible, at this point, to tell who the winners and who the losers really are. At this stage of the legislative process, we don't know how much money will be available to fund elementary and secondary education. All of the discussion that we've heard this morning on Senate Bill 89 doesn't answer the question. How large will the pot be? How much money will be available to distribute in any kind of formula pie? I think Senate Bill 89 is premature. We don't know what the impact will be, in terms of Title I distributions, in terms of those cities that do educate a large number of children who come from families that mean that they are educationally disadvantaged. I don't think we can just look at the provisions of this Bill and say, 'What will it give us?'. We don't know what it will give us until we know how much money will be available. I think we need to say no to Senate Bill 89 at this point. Traditionally, we have made decisions about Title I, about census counts, about other pieces in the school aid formula depending, in part, on what kinds of dollars are available. We don't know the answers to those questions today. Senate Bill 89 obviously will disadvantage many of those school districts which are taking responsibility for poor children, for educationally disadvantaged children, and that's true not just in the City of Chicago, but in other poor areas as well. Let's say no to Senate Bill 89 now. We will have opportunities to further address the question of an equitable school aid formula distribution. Senate Bill 89 does not adequately address that issue. It should

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be defeated."

Speaker McPike: "The Gentleman from Macon, Representative Dunn,
on the Bill."

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

Speaker McPike: "He will."

Dunn: "Do I read my analysis correctly that this Bill would
result in a loss in school aid to the City of Decatur?"

Stuffle: "I've got to look that up, Representative Dunn.
Representative Younge took my flow sheet that covers the
school districts, the large ones. I'll give you that as
soon as I can dig it out for you. Decatur goes down by...
from 12.8 to 12.7 roughly."

Dunn: "Thank you very much. That's all I need to know."

Speaker McPike: "The Gentleman from Cook, Representative Piel."

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

Speaker McPike: "That's not necessary. No one else is seeking
recognition. So... Representative Hoffman to close."

Hoffman: "Thank you very much, Mr. Speaker and Ladies and
Gentlemen of the House. We have to realize that whatever
number is in the General Distributive Fund, it all comes
from state taxes. Title I is a federal designation, or
Chapter I now, is a federal designation which we factor
into the general distributive formula. This factor alone
counts for practically half of the general state aid that
goes to the City of Chicago. Currently, the City of
Chicago, with 22% of the student population, is taking
33.9% of the General Distributive Fund. With this change
in the general distributive formula, they will take 34.26
of the General Distributive Fund. Now, I appreciate the
position of the Representatives from Chicago. I will tell
you, however, that this program is a compromise program, as
the Sponsor indicated, is a compromise program worked out
in conjunction with the State Board of Education and the

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Joint Finance Committee of the State Board of Education and School Problems Commission. One of the difficulties of looking at printouts and coming to conclusions on the basis of what those printouts mean in terms of one factor is that there are many variables in the formula, particularly enrollment figures which have changed from the previous year, as well as assessment reasons. For example, if you'll look at suburban schools and see what has happened to them or what would happen to them, most of that is not connected at all to the Title I but is, in fact, connected to declines of enrollment which are factored in. Ladies and Gentlemen of the House, this is, in my judgement, the best possible compromise to flatten out severe losers. We have put 85% holdharmless in here to make it possible for places like Rockford and other cities to avoid serious reductions in their state aid. This applies for one year. The 80% factor was chosen, because that's what the Federal Government uses. When they lower programs and grant programs, they holdharmless 85%. Representative Stuffle and myself and other members of the School Problems Commission have worked diligently, as we always have, to find a reasonable compromise between all of the parties involved. And I sincerely believe that we have done this. The people who are... who may be giving up some in this, recognize how hurtful it's going to be to other school districts if we don't. So, notwithstanding the opposition that you've heard from Representative Chicago, I genuinely believe that this is in the best interest of most of the folks, and particularly the school children in this state, and I would ask for your support."

Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 89. The question is, 'Shall Senate Bill 89 pass?'. All those in favor signify by voting 'aye',

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opposed vote 'no'. Representative Braun to explain her vote."

Braun: "Mr. Speaker, I'd like, in addition to explaining my vote, to verify this Roll Call. Mr. Speaker, Ladies and Gentlemen of the House, this is a..."

Speaker McPike: "Excuse me, Representative Braun. Did you speak in debate?"

Braun: "I did, Sir."

Speaker McPike: "Okay. You have asked for a verification; and, under the rules, you cannot explain your..."

Braun: "Yes, Sir...I understand that."

Speaker McPike: "... your vote. Representative Brookins, one minute to explain your vote."

Brookins: "Mr... Mr. Speaker, this is a terrible vote. We in the City of Chicago are having problems now attempting to open our schools on time and here you're going to take additional monies and funds from us. I say no to this. It not only hurts the City of Chicago, but every large city in the State of Illinois..."

Speaker McPike: "Excuse me, Sir. Did you also speak in debate?"

Brookins: "No."

Speaker McPike: "Proceed."

Brookins: "It also hurts other large cities in the State of Illinois. So, this is not a vote for Chicago. I know that you generally want to penalize the people of Chicago, but don't penalize us in this way. Don't penalize our young folks. We've fighting hard to educate them so that they can be self-productive and get the best education that they can. I urge a 'no' vote in this matter."

Speaker McPike: "The Lady from Champaign, one minute to explain her vote, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I fail to understand the mathematics or the logic used by those who

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say that this is penalizing the City of Chicago. The schools in... The school district in Chicago, as a result of this legislation, will still come out with a higher percentage of the total state allocation than they currently receive. How that penalizes them is beyond my recognition of rationality. With 22% of the students, you will be receiving over 34% of the distributive aid formula in Chicago, as opposed to something over 33% now. You will still have a higher proportion of the total dollars with this Bill in place than you are currently receiving. That hardly sounds to me like it's penalizing anybody in the City of Chicago, and I urge some more green votes on this Bill which simply says that next year we will go totally to the new census and this year we will phase it in in a reasonable fashion. This Bill deserves to pass."

Speaker McPike: "Representative Shaw, one minute to explain your vote."

Shaw: "You know, I'm appalled at the... at the people from Chicago who's voting to penalize Chicago. It's wonderful to talk about the 34% that Chicago will be receiving under the new state aid formula, but right now we don't have a... that's contingent upon a tax increase. Right now we don't have a tax increase. We don't know whether we're going to be receiving that 34%. But I notice some of my fellow Democrats who live in the City of Chicago and represent the people of Chicago are voting red, and I don't think this is a ... I think this is an issue about penalizing the kids of Chicago and other parts of this state. I think the formula should remain as it... as it has been. I think that those people who are voting red should change to green, and I think it's for the benefit of all of the people of Illinois and especially Chica... I'm sorry. Change the red to green, and I think it's for the benefit

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of all of Chicago, and I urge your green vote on this. A red vote, red vote. I'm sorry. Red vote.'

Speaker McPike: "The Gentleman from Cook, Representative Levin, one minute to explain your vote."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think it is too early. We do not know what the final disposition is going to be on the tax increase. That's going to have a major difference. There are lots of vehicles floating around. I don't think we ought to, at this point, pass something which is going to make it very difficult for us in... in a week or ten days, once we know whether we have a tax increase to make a real decision, a final decision, a fair decision. And so, at this point, I think that we ought to vote against this Bill. We'll have other opportunities, as I say, in a week or ten days to decide exactly what we want to do on the school aid issue. So, I urge a 'no' vote."

Speaker McPike: "Representative Alexander, one minute to explain your vote."

Alexander: "Thank you, Mr. Speaker. I don't believe many of you Legislators have looked at the analysis on this particular Bill. It will show that 12 school districts are going to lose money. Is yours one of them? It shows that 12 other districts will receive the same amount of money, and this Bill gives a gain to 4 of them. Is your district one of those who's going to... one of the 12 that's going to lose money? Maybe you'll look and see, you'll change your vote to 'no'."

Speaker McPike: "Representative Marzuki, one minute to explain your vote."

Marzuki: "I, too, rise to prefer that we take our chances with a formula that would be based on the current census data. Three out of the four school districts I represent lose

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money under this particular formula. I don't see how we can vote on a formula that is designed to guarantee our loss, while helping someone else. Under normal circumstances with the '80 census, this may or may not be true, but let's have it that way."

Speaker McPike: "Representative Brummer, one minute to explain your vote."

Brummer: "I would urge more green votes on that. I've looked at the results with the districts in my... within my Legislative District. Some of them are winners and some of them are losers. Quite frankly, I think we have to try to create to the districts a relatively steady amount of state assistance and not have the drastic results that would occur as a result of changing completely from the 1970 census, with regard to Title I, to the 1980 census. This Bill penalizes those districts that have... have dropped from the '70 to the '80 but allow some method of reimbursement with regard to some of that loss. It seems to be a fair approach. With regard to the City of Chicago, they increase the percentage of the total state take. That seems to be fair. I would urge more green votes."

Speaker McPike: "Have all... Representative Stuffle to explain your vote."

Stuffle: "Yes, we realize every year that we have to change the formula. We realize that Chicago loses some money and some others, but let's set the record straight. We know that we have to do something to set this thing in some manner that's fair to districts. We know we have to take some, from some to give to others. My particularly large district is not a gainer either, but let me correct the record stated by Representative Brookins that all the big districts lose. Quincy doesn't lose. Rockford doesn't.

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Champaign/Urbana, Mattoon, Carbondale Elementary - those aren't losers. Galesburg is not a loser. Substantially, Chicago increases its aid over last year. Chicago increases its aid even if we don't increase the amount of appropriation statewide. Chicago increases by nearly six million if we don't put a new dime in the school aid formula with this Amendment. We're arguing apples and oranges. I understand that this is a complex issue, but I think we ought to put this Bill out of here as it is, realizing it's not the best of all worlds for anybody. But it's far from the worst. It's a compromise that was struck with Representatives of Chicago sitting there. We know they weren't happy, but I guarantee you that there are worse things coming if this one doesn't pass. And those aren't threats from me. Those are facts I think you're going to see on this floor that we're not going to be able to strike a bargain or a compromise. And if we went the other way of accepting the '80 census, we would have some massive cuts in many of the large districts of this state outside the City of Chicago. And I submit to you that the greatest losers are those districts that can least afford it without this change. And percentage-wise they're in as grave a situation debt-wise as Chicago or worse."

Speaker McPike: "Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Bill there are 61 'ayes', 53 'nos', 3 voting 'present', and the Lady from Cook, Representative Braun, has asked for a verification. Representative Stuffle has asked for a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Christensen. No further."

Speaker McPike: "Proceed with the Verification of the Affirmative."

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Clerk O'Brien: "Barger."

Braun: "Thank..."

Clerk O'Brien: "Barnes. Birkinbine. Brummer. Brunsvold. Churchill. Cowlshaw. Curran. Daniels. Davis. DeJaegher. Deuchler. Didrickson. Ralph Dunn. Ebbesen. Ewing. Flinn. Virginia Frederick. Dwight Friedrich. Giorgi. Hallock. Hannig. Hastert. Hawkinson. Hensel. Hicks. Hoffman. Homer. Johnson. Karpel. Kirkland. Klemm. Koehler. Mautino. Mays. McCracken. McMaster. Neff. Nelson. Oblinger. Olson. B. Pederson. W. Peterson. Piel. Pullen. Rea. Beilly. Richmond. Ropp. Satterthwaite. Steczo. Stuffle. Tate. Topinka. Tuerk. Vinson. Wait. Winchester. Wojcik. Woodyard, and Zwick."

Speaker McPike: "Representative Greiman, would you come to the podium. Representative Braun, questions of the Affirmative Roll."

Braun: "Representative Klemm."

Speaker McPike: "What did you say, again?"

Braun: "Klemm."

Speaker McPike: "Representative Klemm is in the aisle."

Braun: "Representative DeJaegher."

Speaker McPike: "Representative DeJaegher. Remove Representative DeJaegher from the Roll Call."

Braun: "Representative Friedrich... Frederick... Friedrich. Representative Friedrich."

Speaker McPike: "Representative Dwight Friedrich. He's in the rear of the chamber."

Braun: "Representative Virginia Frederick."

Speaker McPike: "Representative Virginia Frederick. Representative Virginia Frederick in the chamber? Remove Representative Frederick from the Roll Call."

Braun: "Representative Neff."

Speaker McPike: "Representative Neff is in his seat."

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Braun: "Representative Giorgi."

Speaker McPike: "Representative Giorgi in the chamber?
Representative Giorgi in the chamber? Remove
Representative Giorgi from the Roll Call."

Braun: "Representative Ropp."

Speaker McPike: "Representative Ropp is in his seat."

Braun: "Representative Karpziel."

Speaker McPike: "Representative Karpziel is in her seat.
Representative Virginia Frederick has returned. Return her
to the Roll Call."

Braun: "Representative Barger."

Speaker McPike: "Representative... Representative Braun, would
you repeat that?"

Braun: "Barger."

Speaker McPike: "Representative Barger. He's in his seat."

Braun: "Representative Barnes."

Speaker McPike: "Representative Barnes is in the aisle."

Braun: "Representative Brummer."

Speaker McPike: "Who?"

Braun: "Brummer."

Speaker McPike: "Representative Brummer is in the rear of the
chamber."

Braun: "Representative Hannig."

Speaker McPike: "Representative Keane?"

Braun: "Hannig. Oh, sorry."

Speaker McPike: "Representative Kane is no longer a Member."

Braun: "No, no, no. I'm sorry. Representative Hicks."

Speaker McPike: "Representative Hicks. Remove Representative
Kane. Representative Hicks. He's in his chair."

Braun: "Representative Kirkland."

Speaker McPike: "Representative Preston, you're voting 'no'. So,
you don't have to be verified. Representative Braun, say
that again."

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Braun: "Kirkland. Oh, I..."

Speaker McPike: "Representative Kirkland is in the aisle."

Braun: "Okay. Representative... Representative Tate."

Speaker McPike: "He is on the phone at his desk."

Braun: "There he is."

Speaker McPike: "Representative Vinson."

Vinson: "May I have leave to be verified?"

Speaker McPike: "Representative Braun?"

Braun: "I'm not sure, Sam. Last time you wouldn't let me be
verified. Alright. I'll be nice. You may be verified."

Vinson: "Thank you."

Braun: "Representative Tuerk."

Speaker McPike: "Representative Tuerk is in his seat."

Braun: "Representative Nelson."

Speaker McPike: "She is right there."

Braun: "Standing right here. Sorry. Representative...
Representative McMaster."

Speaker McPike: "Representative McMaster is in his seat."

Braun: "Representative Brunsvold."

Speaker McPike: "Representative Brunsvold is in the aisle.
Representative Davis, for what reason do you rise?"

Braun: "No further."

Davis: "Leave to be verified."

Speaker McPike: "Representative Davis to be verified? Yes.
Representative Harris, for what reason do you rise?"

Harris: "Mr. Speaker, thank you. A question of the Clerk. How
am I recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'no'."

Harris: "I'd like to be recorded as an 'aye'."

Speaker McPike: "Change Representative Harris from 'no' to 'aye'.
Representative DeJaegher has returned. Return him to the
Roll Call. Representative Braun, do you have any further
names?"

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Braun: "I wish I did, Mr. Speaker, but I don't. No further questions."

Speaker McPike: "On this Bill there are 61 'ayes', 52 'nos', 3 voting 'present'. Senate Bill 89, having received a Constitutional Majority, is hereby declared passed. On page 33 of the Calendar, Consent Calendar Third Reading. The Bills have been read a third time. Mr. Clerk, what Bills have been removed from the Consent Calendar?"

Clerk O'Brien: "Senate Bill 11 was removed from the Consent Calendar. Senate Bill 1083 was removed from the Consent Calendar, and Senate Bill 1307 has been removed from the Consent Calendar."

Speaker McPike: "These Bills have been read a third time. The question is, 'Shall these Bills pass?'. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Representative Roman to explain his vote."

Ronan: "No. I don't want to explain my vote. I want to vote 'present' on one of these. What's the number? No. I want to vote 'present' on 289."

Speaker McPike: "Representative Ronan will be recorded 'present' on Senate Bill 289. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On the Consent Calendar there are 114 'ayes', no 'nays', 2 voting 'present', and these Bills, having received a Constitutional Majority, are hereby declared passed. Returning to the Order of Third Reading, next Bill, Senate Bill 97, Representative Brummer. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 97, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker McPike: "Representative Brummer."

Brummer: "Yes, thank you, Mr. Speaker, Members of the House."

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Senate Bill 97, as amended, does two things. Number one, it requires that the notice of an assessment change that goes to a taxpayer and the notice that is published in the newspaper provides that the... a notice that the taxpayer is entitled to be assessed at the median level of assessment for that assessment district and provides them a method by which they can calculate that method of a median level of assessment and advises them that they can go to the Board of Review should their property not be assessed at the median level of assessment. The second thing the Bill does is provides that once property is equalized, whether it's done by the Board of Review in a township multiplier situation or as a result of the state multiplier, that the taxpayer, if after that equalization is overassessed, can go to the State Property Tax Appeal Board with regard to that overassessment. It is a Bill that is supported by the Illinois Taxpayers' Federation. It came out of Revenue Committee, I think, unanimously. I know of no opposition. It is a good Bill for the taxpayers of your district, the real estate property taxpayers, and I would urge an 'aye' vote."

Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 97. On that, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker McPike: "He indicates he will."

Cullerton: "Now, as I understand this Bill, it allows taxpayers to appeal the equalization multiplier. Is that correct?"

Brummer: "Current law provides that the equalization multiplier can be appealed. This Bill provides that if, after the multiplier is applied to an individual tract of property and that equalization process results in that property being assessed in downstate at over 33 1/3%, then that

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individual assessment can be appealed as equalized."

Cullerton: "Well, maybe you could just explain one... one thing to me. The multiplier is based on an average. Isn't it?"

Brummer: "That's correct."

Cullerton: "Well, if... if that's the case, then anyone who is assessed over the average would be overassessed. Wouldn't they?"

Brummer: "If they're assessed over the median which is a slightly different word for average."

Cullerton: "Right. Alright, those would be the people who would appeal. Correct? The ones who are assessed over the median."

Brummer: "Right. And that is their current right now."

Cullerton: "And doesn't the level of assessments then fall throughout the whole county?"

Brummer: "If those that are overassessed appeal successfully?"

Cullerton: "Yes."

Brummer: "Of course it would fall somewhat."

Cullerton: "Then doesn't that change the multiplier, the county-wide average?"

Brummer: "It does not change the multiplier."

Cullerton: "Okay. I have no further questions."

Speaker McPike: "Representative Hastert on the Bill."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, I'd just like to support the Sponsor of this Bill. The Bill was brought before Revenue Committee, was passed out on a unanimous vote. It's a concept that's been discussed, and it is a solid concept in property taxation. And I look for your favorable vote on this Bill."

Speaker McPike: "Representative Brummer to close."

Brummer: "Yes, this is a Bill that will provide at least some notice to the taxpayers of what they are really entitled to be assessed at. In Effingham County, for example, where

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the assessments have been notoriously low - I think the median level of assessment was 14.7% or something of this nature the last year - when by law it was supposed to be 33 1/3%, obviously it is somewhat misleading to the taxpayer to send a notice to them and say, 'Fursuant to law, we have assessed your property at 33 1/3%', and then send them an assessment that is, in fact, 20% when the median level of assessment is 14.7% resulting in a multiplier in excess of two. And that property taxpayer who thought he was getting a bargain when he was assessed at 20% is, in fact, being overassessed. This will provide the type of notice to the taxpayer so that he can make an intelligent decision as to whether his or her property is being overassessed. I think that's the minimum we owe to taxpayers so that they know whether they are being treated fairly in the assessment process, and I would urge an 'aye' vote."

Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 97. The question is, 'Shall Senate Bill 97 pass?'. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Cullerton and McPike 'aye'. Have all voted who wish? Clerk will take the record. On this Bill there are 111 'ayes', no 'nays', and 1 voting 'present'. Senate Bill 97, having received a Constitutional Majority, is hereby declared passed. Senate Bill 99. Representative Keane, this is in a Special Order of Business for Thursday. Would you prefer to take it out of the record? Out of the record. Senate Bill 101, Representative Matijevich. Senate Bill 101, Representative Matijevich. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 101, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker, we're having a meeting to try to work

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out a compromise on 101 right now. Senate Bill 123 is the Bill I wanted to be called on the floor. So, take this Bill out of the record."

Speaker McPike: "Take this Bill out of the record. Senate Bill 107, Representative Doyle. Out of the record. Senate Bill 112, Representative Rea. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 112, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of the Bill."

Speaker McPike: "Representative Rea, if you can be at ease for just a second. Representative Barnes for a brief introduction."

Barnes: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, it's with great pride that I introduce Ms. Natalie 'Satarra'. She is the Illinois... Ms. Illinois National Teenager, and she live in Palos Park from Senator Mahar and my district. And we're exceptionally proud of her, and I would like to have her say a few remarks to you."

Natalie 'Satarra': "I love Illinois. Illinois is the greatest state in our nation because of the people who live here and you, the public officials, who so righteously represent us. I'm Natalie 'Satarra' from Palos Park. I'm a Sophomore at DePaul University where I study pre-law and commerce programs. I'm proud to represent all the teenagers of Illinois. I very strongly endorse youth involvement in our governmental structure. Where else would be a better place to start than with the teenager, the building blocks of our nation? I'd like to thank everyone here for inviting me today. I'd like to give special recognition to Governor Thompson, my State Senator, Mr. Mahar, and especially my Representative from the 13th District, Jane Barnes. I have confidence that you, the Representatives, will put your best effort to represent the public the best you can. And I hope in turn that I can give back to Illinois what it has

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given me, a chance to fulfill all my dreams. Thank you."

Speaker McPike: "Representative Rea on Senate Bill 112."

Rea: "Thank you, Mr. Speaker, Members of the House. This Bill presents two income tax tax credits for corporations in the area of Illinois coal research and coal use. One of the tax credits would equal 20% of expenditures during a taxable year on coal utilization research sponsored and approved by the Illinois Coal Resource Board. And then there also would be an equal amount of 5% of expenditures during a taxable year on equipment purchased or for increasing the use of Illinois coal in a facility owned, leased or operated by the corporation. This is similar to the House Bill 730 which was approved by the House and sent to the Senate; and, as you know, the use of Illinois coal by the Illinois utilities has declined from a high in 1970 to 34 million tons to a low in 1982 of 15 million tons. And western coal has continuously displaced many of the Illinois coal markets and now totals millions of tons in Illinois. This would be an incentive for the use of Illinois coal, and I would certainly ask for a favorable Roll Call."

Speaker McPike: "The Gentleman's moved for the passage of Senate Bill 112. On that, the Gentleman from Kendall, Representative Hastert."

Hastert: "Would the Sponsor yield?"

Speaker McPike: "He indicates he will."

Hastert: "Representative Rea, you give a 20% tax credit. Now, there's quite a difference between a credit and a deduction, but this is a tax credit. What would be the fiscal impact to the State of Illinois on this 20% credit?"

Rea: "This would have to be approved by the Illinois Coal Research Board, and so far they have only approved about a million dollars. Now, over the long term this would give

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additional incentives for the, of course, the use of Illinois coal, and this would increase the Illinois production. The revenue losses resulting from the credits would be partially, if not largely, offset by revenue gains from increased mine employment and production. I might also say that in terms of construction, that that would be spread over a period of time. So, the... the revenue loss would be minimum if any."

Hastert: "Representative Rea, are there any other credits or uses of taxpayers' money to fund these projects?"

Rea: "Only the coal development bond program, and that's only for research and..."

Hastert: "Also, is there any guarantee that once these projects are funded, that they have to use Illinois coal?"

Rea: "No, but it would cost them much more to convert to a lower sulfur coal. It would happen automatically because of the incentive."

Hastert: "Mr. Speaker, to the Bill, please."

Speaker McPike: "Proceed."

Hastert: "Mr. Speaker and Ladies and Gentlemen of the House, you know, I think we have a very, very serious situation before us. We talk about raising income taxes. We talk about taking care of our schools in Chicago and downstate Illinois, but right here, if we can continue to take away from our tax base sales taxes, income taxes, and if we start from our corporate income taxes giving tax credits at 20%, we're not going to have any tax rate left, especially when you look at the fact that in the projects that Representative Rea talked about the State of Illinois already gives 750,000 dollars to the Great Lakes projects. We already give 18 million dollars in the kiln gas project. We also already give two and a half million dollars to Midwest Solvents. We already give 4.3 million dollars to

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B. F. Goodrich. We're funding projects already, and we're turning around and giving tax credits to the very same projects. Tomorrow we're going to have a Bill before us, 1127, where we... we give more state General Revenue Fund money away. I don't think... there has to be a stop. It's nice to give things away, but this... behoves this General Assembly to sometimes stand up and say no. And we better stand up and say no on this Bill."

Speaker McPike: "Representative Satterthwaite on the Bill."

Satterthwaite: "Will the Sponsor yield to a question?"

Speaker McPike: "He indicates he will."

Satterthwaite: "Representative Rea, is there anything in the Bill or otherwise in the statutes that would provide for any kind of a review of this investment to see whether or not it would actually be effective?"

Rea: "Absolutely. Any tax credit there would have to go before the Illinois Coal Review Board."

Satterthwaite: "Previous to the purchase of the equipment?"

Rea: "That's for the 20% on the research and development, and then, for the 5%, the Department of Revenue. And it would be prior to, yes."

Satterthwaite: "So that they would have to document that, in fact, there was going to be some benefit to the air quality or what? What kinds of criterion would be used?"

Rea: "Yes, they would have to document. And in fact, it's done right now on the pollution... on the sales tax on pollution control equipment."

Satterthwaite: "Would it be possible, do you think, with the accelerated depreciation that's available because of federal tax changes and because of the fact that we already exempt manufacturing equipment from the sales tax, et cetera, that with a credit of this amount that we would, in fact, perhaps actually be subsidizing the company to

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purchase equipment, and they'd end up, you know, with... with essentially all of their costs being repaid?"

Rea: "Absolutely not, because it's only 5%, plus the fact that we did place a sunset date of January 1, 1994 on the tax credit. And the reason for this is that we know that right now the technology is somewhat risky; and, if we do not have things in place by then, we probably never will."

Satterthwaite: "But you don't envision that it would even be possible with both the... the depreciation schedule and a 20% credit that we might in fact be covering the complete cost of that equipment to a company?"

Rea: "No, not in terms of what... what is planned or what is projected in this period of time."

Satterthwaite: "Thank you."

Speaker McPike: "The Gentleman from McLean, Representative Ropp."

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

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

Ropp: "Representative, a couple of years ago we passed legislation that would allow sales tax relief for businesses expanding by purchases of new equipment. Does that provision currently apply to coal companies as they purchase new equipment in expansion?"

Rea: "I believe it does, yes."

Ropp: "Then this would just be another incentive or another sweetener to the coal companies of the State of Illinois. Is that correct?"

Rea: "Actually to the... more to the utility companies, although the coal companies certainly support this legislation as well."

Ropp: "Okay. Thank you."

Speaker McPike: "The Lady from Marshall, Representative Koehler."

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

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Speaker McPike: "He indicates he will."

Koehler: "Thank you very much. Representative Rea, I certainly compliment you on what you are trying to do in order to aid research for the technology for use of our Illinois coal; however, I would like to ask you a question as to how this Bill, Senate Bill 112, will fit in in relation to Senate Bill 1127, which I supported in the House Energy and Environment Committee. House Bill 1122 (sic - 1127) allocates 1/32 of the gross receipt taxes under the Public Utilities Revenue Act for the purposes of coal research and coal demonstration and commercialization projects. Now, I am asking you, do you intend to pass both of these Bills, and will... this would create an extremely large pool of money. And while I am certainly for coal demonstration projects, I am for coal research, I am concerned that you are passing two Bills at the same time which might, perhaps... I want to ask you, what do you intend to do about these two Bills that are for the same purpose?"

Rea: "Well, actually, they are not for the same purpose. This Bill is for the private industry to provide the incentive. The 1127 is strictly that of research and development in terms of new technologies."

Koehler: "Well now, according to the analysis and the computer printout that I have, it says that this... Illinois Income Tax Act to provide a tax credit of 20% for Illinois coal research and a tax credit of 5% for the cost of equipment purchased. Now, the 20% credit goes for coal research, and then you also are getting 1/32 of the gross receipts tax under the Public Utilities Revenue Act for coal research and coal demonstration grants. Now, it seems to me that the major portion of all of this money is going for coal research, and only a small portion of it is going to go for the cost of equipment purchased."

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Rea: "This... This would encourage the industry to... to spend more money this Bill on coal research and development, and this is a ... would be the cost sharing to get the industries participation and especially at this point in time where there's a high risk on the technology."

Satterthwaite: "Well, I certainly applaud you on your intent, but I am still..."

Speaker McPike: "Representative Koehler, could you bring the dialogue to a close and address the Bill?"

Koehler: "Yes. Thank you, Mr. Speaker. I am... I have completed my questioning."

Speaker McPike: "Thank you. The Gentleman from Madison, Representative Wolf."

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

Speaker McPike: "The Gentleman moves the previous question. The question is, 'Shall the previous question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Motion carries. Representative Rea to close."

Rea: "Thank you, Mr. Speaker, Members of the House. In closing, I would just like to add that the benefits from such a program or programs are numerous, and I'd like to point out that there's continued use of millions of tons of Illinois coal per year valued at 240 million. With this legislation, there would be employment of approximately 24-2500 minors generating 61-62 million in income and additional employment of workers and sales tax revenues from coal totaling millions of dollars per year. I think this is a... certainly a Bill that will be very valuable in utilizing one of our most valuable resources in the State of Illinois and to increase our coal market and the utilization of Illinois coal, and I would ask for an 'aye' vote."

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Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 112. The question is, 'Shall Senate Bill 112 pass?'. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 43 'ayes', 56 'nos' and 7 voting 'present'. Representative Rea. Representative Leverenz from 'present' to 'aye'. Representative Rea."

Rea: "Mr. Speaker, I would ask for the polling of absentees so that I might get enough votes to at least place it on Postponed Consideration."

Speaker McPike: "The Gentleman has asked for a Poll of the Absentees. Currently there are 44 'ayes'. Representative Turner from 'no' to 'aye'. Representative Jaffe from 'no' to 'aye', and Representative Taylor from 'present' to 'aye'. Representative Rea, you now have 40... Mr. Clerk, would you tell me the vote? There are 47 'ayes', 54 'nos'. Representative Rea."

Rea: "I would ask that the Bill be placed on Postponed Consideration."

Speaker McPike: "The Gentleman asks Postponed Consideration. Senate Bill 112 will be placed on the Order of Postponed Consideration. Senate Bill 123, Representative Matijevich. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 123, a Bill for an Act to create the Cancer Treatment Act. Third Reading of the Bill."

Speaker McPike: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 123 relates to the very serious problem of cancer quackery. It requires the Department of Public Health to establish procedures for distributing information about cancer treatment and permits the Department to become

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a clearinghouse for cancer treatment materials. It restricts cancer treatment to medical doctors, dentists, podiatrists and establishes a violation thereof of a Class 4 felony. The Bill responds to findings of a nine part investigative series called 'Cashing in on Cancer' aired in 1982 by WBBM-TV which reported the results of a nationwide study, the problem of cancer quackery. After that series, Senator Berman, Arthur Berman, had a Subcommittee of the Senate looking into the problem, and this Bill was a result of that Subcommittee work. The problems of fraud and deception, false claims and practices of practioners, the inappropriate tests, unnecessary medicine and treatment, exploitation, black marketeering, lax enfor... enforcement are only some of the problems which are facing unsuspecting patients from cancer quacks. The original legislation has been substantially revised, and Senator Berman met with the representatives of the American Cancer Society, the Illinois Cancer Council, the Cancer Advisory Board of the Department of Public Health and the Illinois State Medical Society and has worked out this compromise Bill. As amended, the legislation recognized that existing federal and state regulatory programs can prevent quackery if actively and effectively enforced. As I was sitting waiting for this Bill to be called, I... my memory went back to 1948. My father was a victim of cancer, and I saw him go from 215 pounds down to 68 pounds in the six month period. And I sat here and thought how easy it is for somebody to become victimized when you suffer from cancer, thinking that you may come across that miracle that's going to save your life. And there are many, many innocent victims who have been taken by these schemers, and I think it's about time that the State of Illinois does something about it. And Senate Bill 123 is that something that can

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lead to victims not being victimized. Jane Barnes will close on this very good Bill, and I appreciate your support."

Speaker McPike: "The Gentleman..."

Matijevich: "If you have any questions, my..."

Speaker McPike: "John, no one is seeking recognition."

Matijevich: "Well, I have my staff person. Berman is here right behind me. I thought they might..."

Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 123. Is there any discussion? There being none, the Lady from Cook, Representative Barnes, to close."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, this is indeed a very, very important Bill. Ironically, it was a year ago today at a hospital in Springfield that they diagnosed that I had cancer. And let me tell you, a lot of things go through your mind. Cancer is a word that frightens everybody. That's why families are prey to go to any amount of money, any amount of just sacrifice to save their loved ones. And that's why I want to commend Senator Berman for coming up with this fine piece of legislation so that we may prevent cancer quackery. I would urge an 'aye' vote."

Speaker McPike: "The Lady has moved for the passage of Senate Bill 123. The question is, 'Shall 123 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 110 'ayes', no 'nays', none voting 'present'. Senate Bill 123, having received a Constitutional Majority... Representative Tate 'aye'. Senate Bill 123, having received a Constitutional Majority, is hereby declared passed. Senate Bill 124, Representative Braun. Read the Bill, Mr. Cler."

Clerk Leone: "Senate Bill 124, a Bill for an Act to amend the

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School Code. Third Reading of the Bill."

Speaker McPike: "The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 124 allows for the school... the State Board of Education to make grants to qualifying schools for computer literacy courses in the schools. An appropriation was made in the 1982 fall Veto Session for this program; however, there was no statutory authorization for it. This will allow for the statutory authorization for computer literacy, which is, I think everyone in this chamber knows, is badly needed by our students if we are to compete in the future, if our students are going to be competitive. I urge an 'aye' vote."

Speaker McPike: "The Lady moves for the passage of Senate Bill 124. On that, the Lady from DuPage, Representative Nelson."

Nelson: "Thank you very much, Mr. Speaker. I believe that I would like to second Representative Braun's explanation of this Bill. It is a very good Bill. The appropriation is in fact already there. We need to encourage our students to learn more about computers, and this would do exactly that. I would urge an 'aye' vote."

Speaker McPike: "The Lady has moved for the passage of Senate Bill 124. The question is, 'Shall 124 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 114 'ayes', no 'nays', none voting 'present'. Senate Bill 124, having received the Constitutional Majority, is hereby declared passed. Senate Bill 125, Representative McAuliffe. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 125, a Bill for an Act to amend the Unified Code of Corrections and the Illinois Vehicle Code.

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Third Reading of the Bill."

Speaker McPike: "The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 125 is part of the package of Bills put together by the Secretary of State and the Motor Vehicles Laws Commission to help crack down on drunk drivers. Senate Bill 125 amends the Criminal Code and the Vehicle Code to provide a sentence of 48 consecutive hours in jails or ten days of ... service for any person convicted for the second or subsequent of driving under the influence of alcohol. The Bill was amended by Representative Homer, and I don't know if anybody has any objections to it now. But Representative Homer and myself would answer any questions if we can."

Speaker McPike: "Gentleman has moved for the passage of Senate Bill 125. On that, the Gentleman from Will, Representative Van Duyne."

Van Duyne: "I'm sorry, Mr. Speaker. I wanted to ask you something about an informational thing as far as procedure is concerned at the proper time."

Speaker McPike: "On the Bill, the Gentleman from Cook, Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am going to vote for Senate Bill 125, but I do have certain reservations as to certain Members of the Judiciary Committee and certain Members on the floor. And accordingly, Representative Cullerton and myself are going to be offering an Amendment to another Bill to correct some of what I think are very serious problems in this Bill. The Federal Government passed legislation last fall requiring states to come up with tougher drunk driving legislation, and one of the requirements is that on a

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second offense, there be a minimum of 48 hours, consecutive hours, of ten days of public service. This Bill, in its current form, is somewhat vague on a number of very critical issues, the most important one being, what do you do about a supervision. One of the problems I see with this Bill is that the way it's drafted right now a supervision doesn't count so that an individual can get a supervision or can get ten supervisions or can get a hundred supervisions in five years, and you never get to the second offense because the supervision is not a conviction. That is something which I think we need to deal with. Clearly, the intent of the Federal Government is that a supervision be, in fact, counted, that a person get one shot at the apple before they get the minimum sentence. I'm going to, however, vote for this Bill, because I think it is a step in the right direction. However, we are going to be offering an Amendment to another Bill which I think will more... to clarify this point to a much greater degree. The other problem I have with this Bill is that it only deals with a second offense. If a person has a third offense, they get the same minimum penalty of two days in jail or 48 hours. Clearly, if somebody is convicted three times in five years, there should be a greater minimum penalty, but I am going to vote for this Bill with all the problems and loopholes that it has. Thank you."

Speaker Greiman: "Representative Greiman in the Chair. The Gentleman from Cook, Mr. Jaffe."

Jaffe: "Yes, would the Gentleman yield. Roger, there were two Amendments. Is that right? And we only have one on now. Which Amendment do we have on now? There was... Are there two Amendments?"

McAuliffe: "Rep... It's Representative Homer's Amendment on the

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Bill."

Jaffe: "But there was Amendment #1. Was that... Was that taken off?"

McAuliffe: "Representative.. Amendm... Representative, Amendment #1 didn't get put on."

Jaffe: "Okay. And Amendment #2 says what?"

McAuliffe: "It allows the courts to impose the... I'll yield to Representative Homer. It's his Amendment."

Speaker Greiman: "Mr. Homer."

Homer: "Yes, Representative Jaffe, Amendment #2, which is the only Amendment on the Bill at the present time, would allow a court to, in addition to imposing the minimum public service or jail sentence, also to impose probation or conditional discharge. Under the original language of the Bill, the court was precluded from ordering the person to be on probation or conditional discharge."

Jaffe: "Okay. Now... Now, the question I have, is it mandatory that someone, either to 48 hours in prison, that's not probationable? Is that what you're saying?"

Homer: "The... No. Under the Bill as amended, the effect would be that the individual would be required to serve two days in jail or ten days public service, and a probation would not alleviate or eliminate that requirement."

Jaffe: "Okay. So, you still have the mandatory two day jail sentence. Is that... Is that correct?"

Homer: "Under the Bill, as amended, that is correct."

Jaffe: "Okay. If I may speak to the Bill, Mr. Speaker."

Speaker Greiman: "On the Bill, Mr. Jaffe. Proceed."

Jaffe: "I know this Bill is going to probably fly out, but I'm against mandatory imprisonment anyway. And the problem that you're going to have now is that you're going to be in a situation wherein you're going to take away, I think, a lot of leeway from the court. And what... situation you're

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going to be in is you have all sort of jails that are overcrowded. I know that in Cook County, as an example, we have... our jail system is just bulging, and we don't have room for people and all sorts of things are happening. And the sheriff of Cook County is being threatened by the Federal Courts, and here we have another Bill that says, 'Okay, you're going to have to throw everybody in jail for 48 hours'. Well, it's alright to say that we should have, you know, community service, but the problem is that in Cook County we really don't have community service at this time. And we can't... We don't have those types of programs. As a matter of fact, very few of those types of programs exist in the state at the present time. I would be surprised if we have more than four or five of those programs really throughout the entire state. So, until the time comes when we really do have those programs where we have programs wherein we can have community service or something like that, that would be fine; but, in most of the counties in this state, we don't have those programs. All we're going to do is be throwing a lot of people into jail. Jails are already overcrowded, and I think all we're going to do is compound the problem in the name of putting away drunk drivers. And, in fact, that's not going to do the problem any good anyway. So, I think that the Bill is well meaning. I think that Representative McAuliffe is trying to attack a problem. However, I think that this Bill falls short and creates more problems than it actually solves, and I would urge a 'no' vote on it."

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

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I reluctantly rise in opposition to this Bill for a reason that I didn't hear brought up in debate in Committee, and I haven't heard yet on the floor. I think

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the people back home want us to get tough on drunk drivers. The Secretary of State talks at every opportunity about this war on drunk driving. If someone is convicted of a second or subsequent offense of drunken driving and happens to cause injury, I think there would be public outrage at a law which says that a Judge can only... Only have to put them in jail for 48 hours. I don't want to go home and be on record to say that... that what I'm saying is that 48 hours imprisonment is good enough for everyone who is a second offender. Now, I understand the law allows the Judge discretion to impose a greater penalty, but the Judges read the statutes. They try to interpret what legislative intent is, so do the lawyers, so do the taxpayers, and I think we may be on record, if we vote for this Bill, as going home and saying that 48 hours is adequate. I don't think that our people are going to tolerate that, and I should remind the Body that, at one time, we had a mandatory seven day jail sentence for conviction of, I believe it was drunken driving and driving on a revoked license. No one ever went to jail for that, because the prosecutors thought it was a wrong penalty and it would overcrowd the jails, require a lot of processing. And they wouldn't enforce it. I think we have ourselves caught on the horns of a dilemma with this piece of legislation. The legislation is well meaning. The intent is good, but what is going to happen is you're going to have your people back home say, 'We cannot adequately process people who are only going to be in jail for 48 hours. The bookkeeping is a nightmare.' And you're also going to have people saying that that's too lenient, and you're on record as saying that that's an adequate penalty. So, I think you should go very slow on this piece of legislation. It's a concept that needs work, a concept

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that has aspects to it which can be solved. Good legislation can come out, but we need to wait till summer or fall to work out the kinks in this legislation and get something that will really do the job."

Speaker Greiman: "The Gentleman from Will, Mr. Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. I notified the other person who was on the podium that I wanted to speak at the proper time; but, as long as you called on me, I'll take this time... use this opportunity to address the situation."

Speaker Greiman: "Is this not the proper time?"

Van Duyne: "Well, you called on me. So, I'm going to use it. I have a slip here in my hand that was just delivered to me five minutes ago, and it was... at least it was my understanding that we had passed the Consent Calendar maybe thirty, forty, fifty minutes ago. Senate Bill 11, which is the... which is the National Guard Commission Bill, has been on the Consent Calendar for at least three days..."

Speaker Greiman: "Wait a minute. Excuse me. Excuse me, Mr. Van Duyne. Your remarks are not directed then to Senate Bill 125?"

Van Duyne: "No, Sir."

Speaker Greiman: "Alright. Well..."

Van Duyne: "And I asked a previous speaker to recognize me at the proper time."

Speaker Greiman: "Then I was not aware of that. Your light was flashing. At the appropriate time, I will recognize you when we finish this Bill. The Gentleman from Madison, Mr. Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. In contrast to one of the former speakers, I will be more than happy to go back to my district and say that I supported this Bill. This Bill, along with a number of others, is intended to address a situation that exists not only in the

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State of Illinois, but all across the country, and it's a problem that all of you know is being addressed specifically in the State of Missouri at the present time. I also think that Amendment #2 that was put on by Representative Homer puts this Bill in a more flexible position and should be supported by everyone in this House."

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

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I... I rise in support of Senate Bill 125. This legislation passed the Senate with ... 54 to nothing on votes in favor of it. It passed the... our Transportation Committee, and it's necessary for... to receive federal incentive grant funds. If we do not pass this type of legislation, we will lose some federal grant funds that we need in the State of Illinois. We're all aware that approximately 50% of our serious traffic accidents have involved alcohol; therefore, it's a must that we make stronger laws to get these people off to make it safe for the good driver that is being killed, and murdered and mangled by.. by alcoholic drivers. And if we'll make our laws as tough as they do in many states, we'll certainly stop it. That's one of the reasons why I think it's increased, because we haven't had our laws strong enough. And this certainly strengthens it, and I would hope that everyone would pass... support legislation of this type."

Speaker Greiman: "There being no further discussion, Representative McAuliffe to close."

McAuliffe: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I think the Bill has been thoroughly debated. I don't think anybody has to be afraid to go back to their district and tell the people that they've imposed a law that requires a two day minimum jail sentence for a second

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conviction on drunk driving. I don't think it's unreasonable. A lot of drunks pay no attention to the law. They get convicted, lose their license and continue driving, get caught again, and again and again. Sometimes as many as four and five times. We're talking about people who are out there who are like a loaded gun ready to go off. They're driving an automobile which is a deadly weapon. They have no concern for the safety of other people. They continually drive when they're drunk, and I think if they're caught the second time the only way to teach them a lesson is to put them in jail for a couple of days. Maybe they won't like their surroundings so well, and maybe they'll think a second time about doing it a third, and a fourth and a fifth time, and I'd move for passage of Senate Bill 125."

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. Ms. Currie, vote me 'present', please. 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', 8 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 133. Mr. Panayotovich, that Bill is on the... on the Special Order. Alright. On the Order of Senate Bills Third Reading appears Senate Bill 139. Mr. Laurino, that Bill is on a Special Order. Out of the record. On the Order of Senate Bills Third Reading appears Senate Bill 141. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 141, a Bill for an Act to amend an Act to incorporate Eureka College. Third Reading of the Bill."

Speaker Greiman: "Representative McPike in the Chair."

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Speaker McPike: "Representative Koehler on the Bill."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 141 amends an Act to incorporate Eureka College by increasing the maximum number of trustees of the Eureka College Board or Trustees from 24 to 30. The charter for Eureka College was granted by the Legislature in 1855. An Illinois statute provides that the trustees of any college incorporated under any general or special law of Illinois must go to the Legislature in order to effect the size of their trustees, and that is why Eureka College is going to the Legislature to try to increase the size of their Board of Trustees. The college would like to have an increase in the size, because they do have very hard working committees. And they would like to be able to increase the size of their working committees. This was an agreed Bill in the Senate and passed on a 58 to nothing vote. I would solicit your support also."

Speaker McPike: "The Lady moves for the passage of Senate Bill 141. On that, the Gentleman from Cook, Representative Jaffe."

Jaffe: "Yeah, would the Gentle... would the Lady yield for a question?"

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

Jaffe: "Eureka College, that's the alma mater of Ronald Reagan. Is that not correct, Representative Koehler?"

Speaker McPike: "You are correct, Representative Jaffe."

Jaffe: "Oh, okay. Okay. That has nothing to do with the Bill. But the one question that I do have, which is a serious questions, is how does the Illinois General Assembly actually amend a charter that we have given to a university? I don't think it's possible for us to do it. Is it? Can you give me any instances when, in fact, we have amended a charter in the... in the past?"

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Koehler: "Yes. The Illinois State Legislature did amend the Eureka College charter the year after it was enacted, because a portion of it was left out. So, this charter, in fact, has been amended previously in 1856."

Jaffe: "I see. Alright. That... That answers my question. Is Ronald Reagan now going to become a trustee of Eureka College? Is that the plan, or is Koehler going to become a trustee of Eureka College?"

Koehler: "Representative Koehler is not going to become a trustee of Eureka College, but Pres... Former... President Reagan was formerly a member of the Eureka College Board of Trustees for six years previous to his election as President. But when he became President, he decided that the duties of his Office were very pressing and that he would no longer have an opportunity to serve. Therefore, his brother Neil Reagan serves as a member of the Board of Trustees."

Jaffe: "Well, quite truthfully, I'd rather have his at Eureka College than as President of the United States."

Speaker McPike: "Is there any further discussion? There being no further discussion, the question is, 'Shall Senate Bill 141 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 108 'ayes', 3 'nos', 1 voting 'present'. Senate Bill 141, having received the Constitutional Majority, is hereby declared passed. Senate Bill 147, Representative Bullock. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 147, a Bill for an Act relating to the imposition of sentences in criminal cases. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Cook, Representative

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Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 147 is a Bill that is identical to a House Bill 862 with one exception. Senate Bill 147 deals with the subject of the correction budget and impact statement. We passed similar legislation out of this chamber with a substantial vote and in essence what this legislation would do, in a small way, it attempts to prevent some of the early releases from our institutions that we are witnessing in the media today. In essence the Bill would say that any new legislation which creates a criminal offense or enhances any class or category of offense wherein individuals would serve time in the DOC facilities must, in fact, have the impact note filed with this chamber. The second portion of the legislation deals with the subject of restitution and that originates as the result of recent appellate court decision, two to be specific, People versus Dougherty and People versus Johnson, wherein the Bill would allow in some cases that the court could decide that restitution would be paid. I know of no opposition to the measure. That, in essence, is the Bill, Mr. Speaker. Be glad to answer any questions and certainly would urge an 'aye' vote."

Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 147. On that, the Gentleman from Will, Representative Davis."

Davis: "Well, I'm not...Mr. Speaker and Members of the House, I'm not going to ask the Sponsor any questions because I did that on House Bill 862. I don't know whether this is going to do any good for anything or not. We've seen, this year in particular, the Fiscal Note Act just being abused by House rule and ignored. We've seen the State Mandates Act completely ignored with exemptions in virtually every Bill

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that mandates things to local government. This note and Act would be ignored even more readily because this is a law and order Legislature. It will always be a law and order Legislature. You virtually have to put just any law and order Bill in and it will survive this Legislature and be signed by a law and order Governor. So, consequently, this will have absolutely not force and effect to raise anybody's consciousness at all. We all know what the problems are. There are alternative to incarceration with probation and local service and weekend and house arrest and, yes, indeed, building more prisons to separate the creeps from the good guys. That's what it's all about. This is a sham, despite the fact my very good friend, Representative Bullock, is sponsoring it here and Senator Sangmeister, my Senator in the other chamber. It's just a red herring to throw out so we can have something else to argue about on Second Readings. It's meaningless and I think we should defeat it out of hand and forget this whole notion of correctional impact notes."

Speaker McPike: "The Gentleman from Cook to close, Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As I indicated in my opening remarks, this legislation, 147, is identical in some respects to 862. We all know the problem. The problem, quite frankly, is that prisoners are being released from our prisons daily. As a matter of fact, fifty percent of those ten thousand prisoners on early release are really criminals that should be behind bars. This legislation is an informational vehicle for this Body, so that as we cogitate and consider new sentences, we ought to be aware of the ramification of that sentencing. I would urge an 'aye' vote. The legislation is needed. The time is now, and Mr. Speaker, I

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would request a green vote."

Speaker McPike: "Gentleman has moved for the passage of Senate Bill 147. The question is, 'Shall Senate Bill 147 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 69 'ayes' 47 'nos', none voting 'present'. Senate Bill 147, having received a Constitutional Majority, is hereby declared passed. Senate Bill 149, Representative Ronan. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 149, a Bill for an Act to amend an Act in relationship to the taxation of gasohol. Third Reading of the Bill."

Speaker McPike: "Representative Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. Senate Bill 149 is very similar to House Bill 265 which passed out this Session by a vote of 71 to 32. What it does, it amends the Sales Tax Act to exempt gasohol from the sales...four percent sales tax until the year 1992. Our obvious reason for putting the Bill in is because the state is heavily dependent upon agriculture and an increase in gasohol consumption should be beneficial to our state's economy. I'll be glad to answer any questions."

Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 149. Is there any discussion? The Gentleman from Will, Representative Davis."

Davis: "Representative...will the Sponsor yield?"

Speaker McPike: "Yes, he will."

Davis: "Representative Ronan, was this Bill amended as the House Bill was on the water content of the alcohol?"

Ronan: "Yes, it was."

Davis: "Is it one and a quarter?"

Ronan: "Yes, it is."

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Davis: "Thank you."

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

Hastert: "Mr. Speaker, would the Sponsor yield?"

Speaker McPike: "Yes, he will."

Hastert: "Do you...do you have any idea what the cost of this once it's in place in 1985, what would be the cost to the state?"

Ronan: "The Economic and Fiscal Commission said that the cost for FY 84 would be about two million and in 1985 nine million."

Hastert: "What was that?"

Ronan: "Nine million."

Hastert: "Nine million dollars? That comes out of state revenue, right?"

Ronan: "Yes, it does, Representative Hastert. I remember you and I discussed this when you voted for it in Committee."

Ronan: "Thank you."

Speaker McPike: "Representative Hastert, did you have any further questions? Representative Ronan to close."

Ronan: "I'd...Speaker McPike, I'd like Representative Homer to close on the Bill."

Speaker McPike: "Representative Homer to close."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would urge your favorable consideration of this legislation. I think that the economic impact is much less than actually has been stated because during the current year that we find ourselves we are only assessing gasohol one percent sales tax. So that to go from that one percent to a zero percent, which the Bill would do, we're only talking about a loss of approximately 1.3 million dollars per year. That, Ladies and Gentlemen, would constitute one of the finest investments that this House could make in the economic development in the State of Illinois. And, in

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fact, I believe would result in additional revenues being brought back as the result of increased income tax revenue, as well as increased sales tax revenue. A gasohol plant itself not only directly employs many individuals to work directly in the plant, but there are so many offshoots of this which would be beneficial, including the use of grain, of corn and thousands of bushels of corn in the State of Illinois which will allow our farmers to earn a profit and to reinvest in farm equipment, to put people back to work on the assembly lines. It will allow us to use Illinois coal to fire the burners which are used in gasohol plants which will put our coal miners back to work. There are few investments that this Legislature can make to the tune of 1.3 million dollars which would in any way approach the dividends that could be realized with this legislation. I would urge your favorable consideration."

Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 149. The question is, 'Shall Senate Bill 149 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Representative Ewing to explain his vote."

Ewing: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I do...I need to explain my vote and maybe I can decide what I want to do on this Bill. This is certainly a Bill that costs the state some money and it's also supported by many of the farm interests in this state which makes it probably a pretty good Bill. I guess probably at this time I'll just have to vote 'present'."

Speaker McPike: "Representative Ropp to explain his vote."

Ropp: "Yeah, thank you, Mr. Speaker and Members of the House. I think when we always get this Fiscal Impact Note that it always does not fully indicate the fiscal impact to the state. It indicates only those portions of money that

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maybe the state would not get on that particular issue. Let me say that this is a multiple broad based kind of a Bill that really adds substantial income, not only to agriculture people, but those people involved in hauling grain, those people involved in actually doing the processing of the alcohol in state and it's really something that I think generates more income and does not really show the true value when we get an impact statement from the Department of Revenue in that it's either going to lose two million dollars or nine million over a period of years. I really think that the figures are totally inaccurate or certainly not all-inclusive as they should be. And I think this deserves a green vote."

Speaker McPike: "Representative Mautino to explain his vote."

Mautino: "Thank you, Mr. Speaker. We have a very interesting scenario. The Gentleman who presented Senate Bill 149 also presented House Bill 1305. In one piece of legislation, they raised the gasoline tax for every user in the State of Illinois. In 149, we take a privilege class and remove the tax. It seems to me a rather ridiculous situation since first of all, the cost of gasohol...gasohol is more expensive than gasoline. It doesn't seem very consistent to ask all of the citizens of this state who use motor fuels to pay an additional tax that was embodied in 1305 and now, we are taking off a tax on gasohol. You ought to treat every fuel at least in a fair manner. I think this is a bad Bill. I think it should be examined more in depth and some of those green votes should understand what they are doing. They are taxing gasoline and taking it off of gasohol. Ridiculous situation."

Speaker McPike: "Representative Ronan to explain his vote."

Ronan: "Just to explain my vote, especially in relationship to the last speaker. I've always found here in Illinois we

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have got a lot more farmers than we do Arabs. So that, for the folks who tend to support the farm community in this state, I hope they keep their green votes up there and for the folks who support OPEC, I...I assume they would want to vote red on this Bill."

Speaker McPike: "Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Bill there are 72 'ayes', 30 'nos', 10 voting 'present'. Senate Bill 149, having received a Constitutional Majority, is hereby declared passed. Senate Bill 151, Representative Johnson. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 151, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

Speaker McPike: "Representative Johnson on the Bill."

Johnson: "I'd ask leave to return this to Second Reading for purposes of an Agreed Amendment."

Speaker McPike: "The Gentleman asks leave to return Senate Bill 151 to Second Reading. Are there any objections? Hearing none, leave is granted. Senate Bill 151 on Second Reading. Are there any Amendments, Mr. Clerk?"

Clerk Leone: "Amendment #2, Johnson, amends Senate Bill 151 as amended..."

Speaker McPike: "Representative Johnson on Amendment #2."

Johnson: "Thank you, Mr. Speaker and Members. This puts the Bill in the same form as House Bill 463. This was requested by the ACLU and really directs itself to putting it...putting it in a proper posture. I think Representative Cullerton has agreed to the Amendment, and I would ask for its adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. There being no discussion, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it and the

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Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading."

Johnson: "Could...could I have leave to hear the Bill?"

Speaker McPike: "The Gentleman asks leave to hear Senate Bill 151. There any objections? No objections. Leave is granted. Representative...read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 151, a Bill for an Act to amend Sections of the Code of Criminal Procedure. Third Reading of the Bill."

Speaker McPike: "Representative Johnson."

Johnson: "Thank you, Mr. Speaker and Members of the House. This Bill now as amended has met the objections of everybody who expressed objections to me. The Bill now in its current form requires that when individuals incarcerated file post-conviction petitions that the court and the court has to be a different judge than the sentencing judge. The court has to examine the petition and to determine whether the petition was filed frivolously and obviously without merit. If it is filed frivolously and obviously without merit, then those further steps that are necessary to be taken in terms of appointment of counsel and so forth, aren't necessary. If, in fact, it's a good faith...or not necessarily good faith, but a petition that is not frivolous and has merit, then those normal procedures take place. This Bill, in really even a wider form, passed overwhelmingly in the form our House Bill 463, and I would ask for its passage."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 151. On that, the Gentleman from Cook, Representative Preston."

Preston: "Thank you, Mr. Speaker. Would the Gentleman yield for a question?"

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Speaker McPike: "Indicates he will."

Preston: "Tim, our analysis indicates that this Bill may be unconstitutional since it applies only to pauper petitions..."

Johnson: "That's...that's the Amendment. Amendment #2 was requested by Nancy 'Botney' of the ACLU, and removes that problem. It only...that problem no longer exists. I agree with the analysis."

Preston: "Okay, thank you."

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

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Just briefly, to the Bill. I question the merits of legislation which says that before you can go into court to do something, you must prepare the document that you want considered by the court and submit it to the court, so the court can decide whether it has any merit in the first place or not. That's exactly what is going to happen here. The Bill sounds good. It says that...and the judges do get a lot of post-conviction motions. But what the Bill says is that...is that we want to cut down on the number of these petitions and the ones especially which are frivolous. And I think the courts at the present time take the petitions which come in, make a quick and speedy determination on the ones which are frivolous and throw them out. Now what we are going to say is that the court must decide in advance whether a petition is frivolous or not. How do you know whether a petition is frivolous until you look at it? And if you are the petitioner, that means that you have to prepare a petition now, just as you did before, only there will be two hoops to jump through. One will be the initial hoop to have a front line determination about whether the petition is frivolous or not, and then a determination on the merits. We're interposing a layer of

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judicial bureaucracy. I think if this does become law, the judges will find out that they won't like this procedure because they...they all seem to be pretty capable at the present time of throwing out frivolous petitions. That's all they have to do now. They can do it without this legislation."

Speaker McPike: "The Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Mr...Thank you, Mr. Speaker. I rise in support of this legislation. This is an excellent piece of legislation. This is an excellent piece of legislation. It will not create a new bureaucracy in any sense. What happens too often under the present law is a frivolous post-conviction petition will be filed, and when I say frivolous, and what this Bill addresses is a petition will be filed by some jailhouse lawyer that will state one ground. It will state, for example, that I deserve to have my conviction thrown out because I was improperly represented by the public defender. Anyone that looks at the record in the case can easily see that the person was not even represented by a public defender, but was represented by a private attorney. This is the type of thing that this Bill addresses, where a quick look at the record in the case will show that the petition is absolutely untrue. There no need to go to the expense of appointing a court appointed lawyer, of bringing the individual back from the penitentiary. It only addresses that type of petition. It is a good Bill and should be supported."

Speaker McPike: "Representative Preston, for what reason do you rise?"

Preston: "Well, just for clarification, Mr. Speaker. Based on what the previous speaker said, does this..."

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Speaker McPike: "Representative Preston, have you already spoken?"

Preston: "Well, I just wanted to know if this Bill hurts lawyers? If it were to pass, is this a bad Bill for lawyers?"

Speaker McPike: "Well, I don't know, but Representative Preston, we're only allowed one time to speak in debate. Representative Jaffe on the Bill."

Jaffe: "Yes, would the Gentleman yield for a question?"

Speaker McPike: "Yes, he will."

Jaffe: "Tim, in look...Tim, in looking this over, you have that, as I understand Amendment #2 now, that that order becomes a final judgment order. Is that correct?"

Johnson: "What?"

Jaffe: "In other words, where you have dismissal on that petition...In other words, say there is a finding that the...that the petition is really a...is without merit, then that becomes a final judgment order. That's what our...our analysis actually says."

Johnson: "That's not what the Bill says. It doesn't become a judgment order. It would become..."

Jaffe: "Well, it says...here's what it says, 'If the court makes such..."

Johnson: "It would become...it would become a final and appealable order. Sure."

Jaffe: "Well, it says, 'If the court makes such a finding, it shall dismiss the petition by written order specifying the findings of fact and conclusion of law. Such dismissal order constitutes a final judgment. Is that correct?"

Johnson: "I didn't understand all the question, Representative."

Jaffe: "Well, I'm just reading to you what the Amendment...what the analysis says. Says, 'If the court makes such a finding, it shall dismiss the petition by written order specifying the findings of fact and conclusions of law."

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Such dismissal order constitutes a final judgment."

Johnson: "Yeah, these...and then a petition can be filed at any...there can be repeated petitions filed at any time. So, of course, it would become a final... an appealable order."

Jaffe: "Well, the question that I have in my mind...of course, I...you know, I have, you know, some hangups about the entire Bill, but the question that I have in my mind is say that an individual files a post-conviction petition by himself. Alright, and, in fact, it's really a faulty petition and he doesn't really get to the merits of the thing, although maybe, in fact, he does have something worthwhile. Now, after the court has dismissed his thing, now he gets a lawyer or someone who really understands the case and finds out that, hey, there are grounds for a post-conviction hearing. Now, under this Bill as I read it, that second hearing could never be heard because of the fact that there was a final judgment. Is that right?"

Johnson: "Just file a new petition."

Jaffe: "Pardon?"

Johnson: "Just file a new petition."

Jaffe: "Well, but it...you say that this is a final order. If this is a final order, then he couldn't file a new petition. That...that's the problem."

Johnson: "I would think the relief...the nature of the relief here is such that I think that petitions can be filed repeatedly. That's the problem we're addressing ourself to."

Jaffe: "Well, if you can file repeated ones, then what's the purpose of the Bill?"

Johnson: "The whole purpose of the Bill is because people can sit now in the penitentiary, after they have gone through a trial, after they have gone through the appeal process and

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allege material that's... 'post-conviction' material. Even though they have gone through a trial, even though they have been convicted, even though they either haven't appealed or their appeals have been exhausted and still allege other matter. Right now the courts have to appoint a lawyer. They have to deliver a transcript of the earlier proceedings regardless at terrific cost to government. This simply says that on those post-conviction matters after the trial, after the appeal, after everything else, that the individual...the petition alleging new matter has to be matter that is substantive and not frivolous or obviously without merit. And so you are really talking about things that don't exist in the real world."

Jaffe: "Well, no, but what you are saying is...what the question that I asked you was, according to our analysis, that it's a final order and you're saying, 'Well, really it isn't a final order because they can come in and file new petitions anyway,' and if that's the case, what difference does it make?"

Johnson: "It makes a difference because you don't have to...you don't have to appoint counsel and order a transcript with the attendant cost every time a PC condition...or petition is filed. That's the whole reason for the Bill."

Jaffe: "Well, I...Well, to the Bill, Mr. Speaker. I think that..."

Speaker McPike: "Proceed."

Jaffe: "...the Gentleman is well-intentioned, but I do believe that Representative Dunn is correct. I think what you are going to have to have now is within thirty days after the post-conviction hearing, you are going to have to have a new hearing that says, 'Okay, we're going to examine the petition to determine whether or not the petition was frivolous or patently without merit. And then after you

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have that hearing you have going to have to have another hearing. So what you are going to have is now you are going to go into court and instead of having one hearing, you are mandated at least to have two hearings. And, if what Representative Johnson says is correct, even after that hearing, it doesn't make any difference because you can come in again and again and again. I...I understand that there is a problem, but again, I think we are getting into the area of trying to solve problems by creating more problems and I think if you have a backlog in the court now, you are going to have a tremendous backlog and Representative Dunn is absolutely correct. And I would urge a 'no' vote on this Bill."

Speaker McPike: "The Gentleman from Dupage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Representative Johnson's Bill. It's important to note that this is patterned after a federal law and is consistent with that practice, 28 U. S. C., 1915. Now, that practice has resulted in curing a backlog problem, which was endemic to the federal post-conviction process. It's important to note and in response to the previous speaker's questions that this does not decide the merits of the controversy. All it does is require a threshold finding by the court that there is not a frivolous claim on its face. All it determines is that the claim is or is not frivolous on its face, therefore, it is analogous to a dismissal of pleadings. However, that order can be reviewed by the trial court or the dismissal can be made with or without prejudice. You must remember the distinction between the two. Only if the dismissal is with prejudice does appeal rights lie...or do appeal rights lie. If the order of dismissal is not with prejudice, then

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it can be rebrought and that determination will be made again. And the question will be, 'Are the pleadings on their face frivolous? Do they state a claim on their face?' This is crucially important to a...to avoid the appointment of private counsel or the public defender to a claim which can be fairly and expeditiously and without undue violation of defendant rights decided by the court in the first instance. You must remember the federal precedent is the leading precedent on the question of post-conviction. We merely bring our law into line with them. I ask for your support."

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

Giorgi: "Representative Johnson or Representative McCracken can answer this. What happens if the...the prisoner's family comes up with \$1500 fee, to either one of the attorneys talking, what happens to their frivolous claim?"

Johnson: "I don't know what you mean."

Giorgi: "Let's say you're going to a lot of..."

Johnson: "They can...they can do that now. I mean they can...they can hire the lawyer..."

Giorgi: "You're going through a lot of gymnastics on frivolous claims. What if the family comes up with a \$1500 fee to file this claim? What happens to the frivolity of it?"

Johnson: "They...they can do that now. They can have an attorney represent them on a PC petition now."

Giorgi: "Then you don't worry about the frivolity of it if the guy comes up with a \$1000, \$1500 fee, is that correct?"

Johnson: "No, it would be...the same standards would be applicable, regardless of whether they had or hadn't retained private counsel."

Giorgi: "Then if you apply the standards, what happened to the fee?"

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Johnson: "Pardon me?"

Giorgi: "What happens to the fee if you apply the standards? If the judge says it's frivolous, do you return the fee?"

Johnson: "I would give you a referral fee, Representative Giorgi."

Speaker McPike: "Representative Winchester."

Winchester: "On a point of inquiry, Mr. Speaker. We've got some guy running around here on the floor with a brown coat on taking photographs on this side. Does he have permission from the Chair?"

Speaker McPike: "Where...where is he?"

Winchester: "Would you ask him to get off the floor then?"

Speaker McPike: "Where is he, Representative Winchester?"

Winchester: "Where did he go. Oh, they just said they escorted him out. He has apparently been escorted out the door already. Thank you."

Speaker McPike: "Okay. Representative Johnson to close."

Johnson: "Thank you, Mr. Speaker and Members of the House. This Bill passed out of Committee twice by substantial margins, passed out of the House in the identical form overwhelmingly last time, passed out of the Senate, I think, nearly unanimously. And I think with all due respect to the people who have spoken in opposition to it, that they really don't understand or have chosen not to understand that the posture we're in. I don't think anybody would say, in terms of my past record, that I'm in favor of diminishing defendant's rights. What we have here is a situation where somebody has gone to trial on a felony charge...well, it would have to be a felony charge, has been convicted, has either appealed or not appealed, generally have, and have exhausted their appeal process. Then they are in the penitentiary, and then they decide in the penitentiary that they have nothing else to do so they

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are going to file a post-conviction petition. A post-conviction petition alleging, generally, in almost...in every instance, matters that were raised at the trial level and given the normal doctrines of waiver and ratio cogna and so forth, those issues have already been raised. They can't be raised again. They have had an opportunity with an attorney, with all the rights of a defendant to have gone through the process and have been convicted. All this says, under current law, you have to appoint a new lawyer, you have to order a transcript of the proceedings over and over and over again without limit and without any regard to the merits of the petition...with regard to the merits of the post-conviction petition. All this says is that when those post-conviction petitions are filed after the trial and after the appeal, that the court has to make a threshold determination that they are not frivolous or obviously without merit. We even took out the good faith standard. We made it a separate judge having the hearing. We built in every protection that the opponents of this Bill have asked us to build in. It simply saves state and county government money and it doesn't cost anybody anything in terms of the judicial system in any way. If it was, I wouldn't sponsor the Bill. And I urge for the...urge support of Senate Bill 151."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 151. The question is, 'Shall Senate Bill 151 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 92 'ayes', 4 'nos', 15 voted 'present'. O'Connell 'aye'. On this Bill there are 93 'ayes', 4 'nos', 15 voting 'present'. Senate Bill 151, having received a Constitutional Majority is hereby declared passed. Senate

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Bill 161, Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 161, a Bill for an Act in relationship to liens for certain delinquent utility charges. Third Reading of the Bill."

Speaker McPike: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker. I would ask leave to bring this Bill back to Second Reading for an Amendment."

Speaker McPike: "Gentleman asks leave to return Senate Bill 161 to the Order of Second Reading. Are there any objections? Hearing none, leave is granted. 161, Second Reading. Are there any Amendments, Mr. Clerk?"

Clerk Leone: "Amendment #2, Greiman, amends Senate Bill 161 on page 1 and so forth."

Speaker McPike: "Representative Greiman on Amendment #2. Representative Cullerton."

Cullerton: "Mr. Speaker, this is my Bill and the Amendments proposed by Representative Greiman were...are agreed by myself. I wondered if I might have leave to handle the Amendment?"

Speaker McPike: "Representative Cullerton asks leave to handle the Amendment. Are there any objections? Hearing none, leave is granted. Representative Cullerton on Amendment #2."

Cullerton: "Mr. Speaker, I might first point out that Amendment #1 was adopted and said basically that a lien must be enforced within one year after the filing of the notice or the lien shall lapse. Amendment #2 changes that from one year to two years. So I think first, I would ask to table Amendment #1 and then move to adopt Amendment #2."

Speaker McPike: "The Gentleman moves to table Amendment #1. Is there any discussion? There being none, the question is, 'Shall Amendment #1 be tabled?' All those in favor signify

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by saying 'aye', opposed 'no'. The 'ayes' have it and the Motion carries. Amendment #1 is tabled. Representative Cullerton on Amendment #2."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would move for the adoption of Amendment #2. Again, this was suggested in Committee. The Bill has to do with providing for a lien for delinquent utility charges and what this Amendment does is to say that if the lienor has not commenced an action within two years that the lien shall lapse. I'd move for the adoption of the Amendment #2."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. On that the Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker McPike: "He indicates he will."

Brummer: "One of the issues raised in Committee, Representative Cullerton, I think was a question raised by Representative Preston regarding a cooperative, and I think there was some indication in Committee that an Amendment would be drafted and presented by you addressing that issue. Is...are those provisions included in Amendment #2?"

Speaker McPike: "No, they are not. It was my understanding, after looking at the language of the Bill and indicating what the intent was, that there would be no need for an Amendment. And Representative Preston did not offer one and I...I would hope that we have an understanding. But I will be happy to keep the Bill on Third Reading until we resolve those and not move it or call it right now."

Brummer: "Thank you."

Speaker McPike: "There being no further discussion, the question is, 'Shall Senate Bill 161...I'm sorry. Being no discussion, the question is, 'Shall Amendment #2 be

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adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. Representative Cullerton."

Cullerton: "I'll leave it on Third Reading."

Speaker McPike: "Fine. Third Reading. Senate Bill 167, Representative Ebbesen. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 167, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

Speaker McPike: "Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 167 amends the Code of Criminal Procedure of 1963, and it provides that the death sentence shall be carried out by an intravenous administration of a lethal quantity of ultra-short acting barbituate in combination with a paralytic agent until death is pronounced by a licensed physician. And it further provides that the death sentence would no longer be executed by electrocution unless the lethal injection procedure is declared illegal or unconstitutional. In other words, if this Bill is enacted into law, the death sentence would be by lethal injection as opposed to the electric chair. Now, I want to start by reminding each and everyone in this House, especially those who are opposed to the death penalty that we are not debating the death penalty. What we are debating is the manner in which it is carried out. The death penalty is law in the State of Illinois. Now, the power of government to take a life is serious enough without what they did years ago, hanging and drawing and quartering and burning and what have you. And I support the death penalty, but I also support a more humane procedure as it mandated in Senate Bill 167. The use of

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the electric chair, in my opinion, is archaic at best and one only has to be reminded of a recent execution in the State of Alabama when it took three jolts and ten minutes for the individual to die. now, records will show, historically, that there is not a great reduction in crime. The deterrent factor is that it deters this person forever. It deters him one hundred percent, the individual. And I guess as we get into the discussion and I'm sure that there are many who will want to be heard on the subject, but I want to remind you we are not debating that death penalty, capital punishment is law in the State of Illinois, and if anybody wishes to do away with it, introduce a Bill to abolish it. I won't support it, but I will...I am in support of Senate Bill 167, which changes the method of execution, in my opinion, to a much more humane procedure. It has passed the Senate and the House on two different occasions, and even though Governor Thompson saw fit to veto it in the last Session when it was on his desk, he has agreed to reassess his position, especially in view of the...what took place down in Alabama. It only received ten negative votes when it passed out of the Senate and I would encourage everyone to give careful consideration and a favorable vote to Senate Bill 167."

Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 167. On that the...Representative Ebbesen."

Ebbesen: "I would like the hyphenated Cosponsor, Representative Davis, to close, please."

Speaker McPike: "Representative Davis, yes. The Gentleman has moved for the passage of Senate Bill 167. On that, the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. This is one Bill which can truly unit us all, those of us who are for the death penalty and those of us who are

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against the death penalty should vote against this piece of legislation. Now, I happen to be one of those who is against the death penalty and when I have, in the past risen to speak on that issue, I hear people who are in favor of the death penalty speak in glowing terms about the death penalty as a deterrent, a deterrent to crime. But, Ladies and Gentlemen of the House, if you really believe in that theory, then you ought to be voting against this piece of legislation. This piece of legislation would make the...the homicide committed by the state easier on the...the criminal and would undermine the whole theory of deterrents upon which people who favor the death penalty rest their argument. So if you are in favor of the death penalty, I think you want to vote against this piece of legislation. Now, if you happen to be against the death penalty, I think you want to vote against this piece of legislation also because in that case, it doesn't make any difference how you kill the person. They are just as dead. It is a state-committed homicide, nothing more, nothing less and the method should be immaterial. So this Bill truly is something that can unite us all, liberals, conservatives, pro-death penalty, against death penalty, all of us should be united against this piece of legislation."

Speaker McPike: "The Gentleman from Cook, Representative Jaffe."

Jaffe: "Yes, would the Gentleman yield for a question?"

Speaker McPike: "Yes, Representative Davis, will you yield for a question of Representative...yeah, proceed."

Jaffe: "Representative Davis, have you...have you polled the people on death row to see whether or not they would be for or against this particular thing?"

Davis: "I believe, Representative Jaffe, I haven't. The answer is no. But I believe in your Committee someone for the

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Coalition Against the Death Penalty or the American Civil Liberties Union said that they had polled the inmates at Stateville and, of course, there are no death row inmates at Stateville or Menard. They said they had done that and that the inmates prefer electrocution. Yeah, they said that in your Committee."

Jaffe: "Alright, that's fine. And now to the Bill if I might. You know, I really get sort of a kick out of people coming here and saying this is the humane death penalty like you can kill somebody humanely. There is no humane death penalty. I mean this Bill is ludicrous. I think the fact of the matter is that the Governor has had this on his desk, he has vetoed it. He said that he felt that the penalty could not be made more palatable to opponents so he went ahead and he vetoed this Bill. From either way that you look at it, it's a bad Bill. There is no indication that the Governor has changed his position. Nobody from the Governor's Office has come in and said that he's changed his position. I doubt very much if he has. I think that if we send this Bill down to the Governor's desk, we're going to give him the job of again vetoing this particular measure. So I think that we should stop kidding ourselves and we should stop playing with legislation like this because it's silly legislation and we ought to just defeat it and save the Governor the job of having to veto another Bill."

Speaker McPike: "The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I must respectfully disagree with the sentiments expressed both by Representative Jaffe and Representative Bowman. I think that this Bill is not requiring a vote for or against that death penalty. That is already current law

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in this state. If you had a dog that had to be put to sleep, I don't think anyone in this House would opt to have that dog put to sleep, to be killed by being burned to death, electrocuted to death. I think everyone in this House would opt to have, if that was necessary, that dog put to sleep by what you would term more humane method, being put to sleep, rather than being burned to death. I...this Bill addresses the treatment of human beings the same way that every Member of this House would treat their own dog. There is a humane way, more humane way to impose the death penalty. Yes, you are just as dead either way, but the method by which society imposes that death penalty says something about society. I think it's outrageous...if you are against the death penalty, I think you should be in favor of this Bill. If you are for the death penalty, I think you should be in favor of this Bill. Because this Bill is simply requiring society to do what society has determined it shall do in a more humane method. The outcome is the same, a person is dead. But the means by which that person is put to death, I think, says a lot about all of us. And for that reason, regardless of how you feel about the death penalty, I think it's incumbent to vote 'aye' on this Bill to perform it, if at all, in a more humane, less painful and less traumatic manner."

Speaker McPike: "Representative Braun on the Bill."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise against Senate Bill 167, and I would like very much, without getting into a long diatribe about the death penalty and the death penalty as it...in Illinois, I'd like to point out to every Member sitting here that you should realize that when we vote for this Bill, we vote to make it easier for the state to kill people. That what we are really doing is saying that there is a specially

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penalty for the poor in Illinois. It is the poor in Illinois who wind up on death row. Make no mistake about it. Rich people don't wind up on death row. Middle class people, like those of us serving in this General Assembly, don't wind up on death row. It is the poor who wind up on death row. And it is disproportionately in Illinois the black poor who wind up on death row. We have, in this state, 78 percent of the people on death row are black. That is a higher percentage than many of the southern states which gave rise to some of the more famous Supreme Court rulings in this area. Georgia has fewer black poor on death row than Illinois. Other states have fewer...Alabama, as I understand it, has fewer than Illinois. We have in this state now...we are confronted with the question whether we are going to dispose of our poor with lethal injections or if we are going to give...we could very well just give them heroin and let them shoot up and kill themselves, or we could very well just starve them to death, as we are doing in many of the cities and rural areas of this state and let them die of starvation. I say to you, Ladies and Gentleman, this lethal injection does not make a bad situation any better. We are confronted here with a class issue. We are confronted here with an issue pertaining to how we are going to treat the poor in our state and I encourage an 'aye' vote against this Bill on the grounds that it is not a more humane way to dispose of them. In fact, it is our shame that we would resort to modern technology as a new way of dispensing with a problem that we will not face in the day to day deliberations of this Body. I encourage a 'no' vote."

Speaker McPike: "Gentleman from Hardin, Representative Winchester."

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

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the House. Who cares whether Richard Speck was poor? Who cares whether Gacy was poor? They killed people. They kill innocent people. A man like...men like those people and they were white...they deserve to die, in my opinion, and I think they ought to get the electric chair, but I'm going to support this Bill. But it seems like racism is being brought into this issue. I don't think it should be. People are in death row because they have committed a very serious crime against society. They have killed more than one person, multiple killings as in the...as in the Gacy and the Speck situation. I don't think we should keep those people sitting in death row. I think they should have been electrocuted a long time ago. I think we should quit coddling around on this issue and we should...we should, in fact, have some...somebody get electrocuted in this state and it might...it might just result in fewer crimes or less crimes, less murderers being convicted. I would ask that we favor...support this Bill."

Speaker McPike: "The Gentleman from Madison, Representative Wolf."

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

Speaker McPike: "Gentleman moves the previous question. The question is, 'Shall the previous question be put?' All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The Motion carries. Representative Davis to close."

Davis: "Mr. Speaker and Members of the House, with all due respect to the Assistant Majority Leader, Representative Braun, I agree with Representative Winchester. Murderers are on death row, not poor people, not white people, not black people, but murderers. And I digress for a moment to tell you that currently on death row the racial mixture is fifty-fifty. Now, let me just point out to you that those murderers are there because of the most heinous form of

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homicide or they wouldn't have been sentenced in...under the 1977 Capital Punishment Act to death. To Representative Jaffe, the distinguished Chairman of the Judiciary Committee, I say to you that the victims of those murderers never had a choice on how they were going to die, whether their throat was cut, whether their arteries were opened to be bled out, whether they were burned to death or whatever. We simply are saying here that Representative Preston is absolutely right. Whether you are for the death penalty or against the death penalty, this form of execution has been adopted in Oklahoma and Texas, two states that are not known for being soft on criminals. Texas has used the procedure. It works well, if I can use that misnomer here. Dead is dead. Whether the deterrent effect of capital punishment is not the issue here. I happen to believe it is a deterrent. It certainly is, as Representative Ebbesen said, for those who have committed the crime because if they are put to death, by God, they are deterred forever from doing that crime again. It is humane. It is a way to go about the state's business of, yes, even retribution. 85 percent of the people in this state support capital punishment. I would support this Bill. I think it's a good Bill. It's time we got on it. The Governor will sign it. And I recommend an 'aye' vote."

Speaker McPike: "The Gentleman has moved for the passage of Senate Bill 167. The question is, 'Shall Senate Bill 167 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative Huff to explain his vote."

Huff: "Thank you, Mr. Speaker. I've always been ambivalent about Representative Davis's Bill. As you all know, I favor cutting the hands off of murderers because, as Representative Davis correctly pointed out, it is not a race situation. Murderers are murderers. What we lack in

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our society is a deterrent. I think that if we would cut the hands off of these people, they would be...it would render them incapable of ever committing an atrocity of this type again. It would be no cost to the state. And on top of that, it is Scripturally correct. I'm voting 'present'."

Speaker McPike: "Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Bill, there are 78 'ayes', 30 'nos', 8 voting 'present'. Senate Bill 167, having receive the Constitutional Majority, is hereby declared passed. Representative Van Duynes, for what reason do you rise?"

Van Duynes: "Thank you, Mr. Speaker. I rise on a point of personal privilege and also to make a Motion. As you know, a little while ago, shortly after we had passed the Consent Calendar, about a half hour to be exact, the Clerk representative brought me up a notice here that my Bill was taken off the Consent Calendar. It's been there...the Consent Calendar that is, has been there for five days and I believe the Clerk will attest to the fact that if we hadn't have passed it today, that some of the Bills that were taken off wouldn't have had a chance to even be heard because by our rules, the Bill taken off of Consent Calendar go back to Second Reading Short Debate and they have to go through the whole procedure. Now, I'm not going to belabor the point because in essence of the time of the House, but I think that sometime in the...in our future we are going to have to change these rules, especially when the Consent Calendar lies there for two or three days without any objection. Because the rights of the Sponsor of the Bills are being...being jeopardized in that...in the sense that I already mentioned. So, with all that said, I think we should have some cut off point where people should

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be able to object to Bills on the Consent Calendar, and I'll leave that to the Speaker's own thought, but now I'd like to make a Motion that we suspend the provisions of Rule 9F and that Senate Bill 11 be placed on Third Reading Short Debate."

Speaker McPike: "Representative Van Duyne, as you know the Leadership on both sides in conjunction with the Committee Chairmen are trying to get a Consent Calendar put together for this afternoon and your Bill will receive consideration for that and I would ask that you hold that Motion until a decision can be made, alright? Can you do that? Representative Van Duyne."

Van Duyne: "Well, as I understand it, reading the rules, under Rule 9, it says that once taken off of the Consent Calendar that it may not be place thereafter on the Consent Calendar during the Session of the General Assembly. Now, if we can suspend that provision of Rule 9, why I'd be...I'd be happy to do that."

Speaker McPike: "Representative Van Duyne, this is not a Consent Calendar we're putting together. It's an Agreed Bill list."

Van Duyne: "Thank you."

Speaker McPike: "Representative Van Duyne, the Parliamentarian advises the Chair that in order for your Bill to be considered for the Agreed Bill list that you should proceed with your present Motion."

Van Duyne: "Thank you, Mr. Speaker. Then I renew my...my Motion that that rule be suspended and Senate Bill 11 should be placed on Third Reading Short Debate."

Speaker McPike: "The Gentleman moves to suspend Rule 9F so that Senate Bill 11 can be placed on Third Reading Short Debate. On the Motion, the Gentleman from DeWitt, Representative Vinson."

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Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. My opposition...my opposition to this Motion does not relate to the substance of Senate Bill 11. That is a matter for each of us to decide on final passage of Senate Bill 11. To the best of my knowledge, we have never sought to suspend this rule that we are now discussing except in one circumstance. And that one circumstance was a situation where if we did not suspend the rule, we would at a deadline date, be putting Bills back on Second Reading in a situation where the Bills would be effectively killed. Now the Gentleman's Motion is not at a deadline date. If his Bill goes back to Second, as the rules provide, he runs no great risk of having it moved to Third...of not having it moved to Third and voted upon before the deadline. We are a week before the deadline at this particular situation. And I do not believe that we need to create a special Motion relevant to one Bill when the rules provide otherwise in the circumstance. In the event...in the event that we begin knocking Bills off near the deadline date, then it makes sense. But there is not reason why we should create a special exemption for the Gentleman's Bill in the present circumstances. And I would urge a 'no' vote on the Motion."

Speaker McPike: "Representative Van Duyne, the Chair would ask that you withdraw the Motion and consult with us. Thank you. Motion is withdrawn. Continuing on the Order of Senate Bills Third Reading, appears Senate Bill 171, Representative O'Connell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 171, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker McPike: "Representative Greiman in the Chair."

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

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O'Connell: "Mr. Speaker, may I ask leave to bring this back to Second Reading for purposes of Amendment?"

Speaker Greiman: "Gentleman asks leave to bring Senate Bill 171 to the Order of Second Reading for purposes of Amendment. Gentleman have leave? Leave is hereby granted. Mr. Clerk."

Clerk O'Brien: "Amendment #...Amendment #2, O'Connell, amend Senate Bill 171 as amended."

Speaker Greiman: "Gentleman from Cook, Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker, Members of the House. What Amendment #2 does is it eliminates from coverage sewers and sewer line so that therefore any construction of sewers or sewer lines would not be required to get a...approval from any local siting authority. As far as I know, this is...no opposition to this Amendment. And I'd ask for its favorable adoption."

Speaker Greiman: "Gentleman moves for the adoption of Amendment #2 to Senate Bill 171. On this, is there discussion? Gentleman from Cook, Mr. Ronan."

Ronan: "Will the Sponsor of the Amendment yield for a question?"

Speaker Greiman: "Indicates that he will."

Ronan: "Representative O'Connell, to you knowledge, does the Metropolitan Sanitary District have a position on your Amendment?"

O'Connell: "Mr. Speaker, Representative Ronan, as far as I know, the MSD would be in support of this since they were concerned that the coverage of the proposed law would include such things as sewers and sewer lines. So I simply took it out of the proposed law."

Ronan: "Second question then, Representative O'Connell. If this Amendment is added to the Bill, will the Metropolitan Sanitary District then support the Bill?"

O'Connell: "I don't know."

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Ronan: "Well, it appears to me what we are doing is putting a good Amendment on a bad Bill. Thank you very much."

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

Bowman: "Thank you. Gentleman...Gentleman yield for a question?"

Speaker Greiman: "Indicates that he will."

Bowman: "Okay, I just want to make sure I understand. If this Amendment is adopted and the Bill then is finally passed, local authorities would have...would be able to require permits before the MSD could build a regional pollution control facilities perhaps, but if the MSD wanted to run a sewer down the main street of town, they would have to get permission from the local authorities, is that correct?"

O'Connell: "Well, if they were to run a sewer or sewer line, they would not have to get permission from the local authority."

Bowman: "Under the Bill as amended, or under the Bill without the Amendment?"

O'Connell: "Under the Bill as amended."

Bowman: "They would not have to get permission from the local authorities."

O'Connell: "As amended."

Bowman: "Okay, well then, to the Amendment. I...I think that...I'm not sure that I agree with Representative Ronan that this makes a bad Bill any better because it seems to me that if the streets of your town are going to be torn up, then you ought to...the local authorities ought to have some say in that, and I don't see why the MSD ought to be given carte blanche to put their sewer lines anywhere they want without any prior consultation. So I speak against the Amendment."

Speaker Greiman: "Gentleman from Cook, Mr. O'Connell to close."

O'Connell: "Mr. Speaker, Members of the House, simply in response to the last comment, what we were trying to address is

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environmental impact, hazards to health and safety and welfare. And I do not believe that it's the intent of the original Senate Bill 172, which we are trying to amend...or the Bill, Senate Bill 171 that sewers or sewer lines simply because there is a disruption of the street, we don't believe that it would have that much of an environmental impact and it simply would deter attention from more important things such as sludge and sludge facilities. So I'd ask for your adoption of this Amendment."

Speaker Greiman: "Gentleman moves for the adoption of Amendment #2 to Senate Bill 171. The question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Mr. O'Connell, are you seeking recognition?"

O'Connell: "Just to clarify, we'll just hold it on Third Reading until Special Order of Business."

Speaker Greiman: "Alright, fine. That's where it will be. It can't proceed without anything further. On the Order of Senate Bills Third Reading appears Senate Bill 173. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 173, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Greiman: "Gentleman from St. Claire, Mr. Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 173 amends the Vehicle Code to the extent that it deletes the reference to person and creates separate provisions providing...prohibiting, rather, the driver and the passenger from carrying possessing or having alcoholic liquor in open containers

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within the passenger area of a motor vehicle. It does exempt charter buses, many motor homes and motor homes...it's part of the package of the Motor Vehicle Laws Commission supported by the Secretary of State, supported by the Law Enforcement Department of Transportation and a number of other safety groups around the state. I would ask for the adoption of this Bill."

Speaker Greiman: "Gentleman moves for the passage of Senate Bill 173. On that is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 111 voting 'aye', 1 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority...Mr. Piel 'aye'... is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 174. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 174, a Bill for an Act to amend the Unified Code of Corrections in the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Greiman: "Gentleman from Dupage, Mr. McCracken."

McCracken: "Thank you, Mr...Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 174 provides for a sentence of at least seven days in jail or in the alternative thirty days community service for a conviction of the offense of driving while license revoked, if and only if the license had been revoked for a prior conviction either of driving under the influence, leaving the scene of an accident involving injury or death where that offense was a felony, or the felony offense of reckless homicide. This Bill as originally introduced in the Senate imposed...sought to impose a thirty day sentence for that conviction. That was

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later amended in the Senate where it passed out 56 to nothing. In the Judiciary Committee, the Bill was passed out after an Amendment which made it clear that the leaving the scene of an accident involving personal injury or death would be that type of prior conviction only if the offense were the felony offense as opposed to the misdemeanor. This Bill is supported by the Secretary of State Motor Vehicle Laws Commission, the Department of Law Enforcement. I ask your support."

Speaker Greiman: "The Gentleman moves for the passage of Senate Bill 174. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 99 voting 'aye', 4 voting 'no', 8 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 175. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 175, a Bill for an Act to amend Sections of the Unified Code of Corrections. Third Reading of the Bill."

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

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 175 amends the Unified Code of Corrections to permit court supervision for DUI offenders only one time in every...in any five year period. We found that in many places downstate people were repeatedly put on court supervision for drunk driving. This is a package...this is part of a package of drunk driving reform Bills from the Motor Vehicle Laws Commission in the Secretary of States Office and I'd move for favorable consideration."

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Speaker Greiman: "Gentleman moves for passage of Senate Bill 175 and on that is there any discussion? Wow. There being no discussion, the question is...excuse me. Gentleman from Cook, Mr. Jaffe."

Jaffe: "Mr. Speaker and Members of the House, I really...a little bit weary of getting up and speaking on these Bill, but I think again what you are doing is you are taking away judicial discretion and you're saying that no matter what the situation is one time in five years, that's it. I think we are so into this hangup of we're going to tell the courts what to do that we have gotten into a situation where we just about out to eliminate the courts and the Legislature ought to take over. I think what we are doing is we're...we're going forward onto a...really a course of action that is sheer folly. We have passed out so many Bills today that will clog up the court system, that will screw up the court system, that will hinder justice and our court system will just be utter chaos. This is another step forward if you want to go ahead with this and I'm sure that this Body in its great wisdom will probably vote for this inane Bill because they think they are doing something to help the court system when, in fact, all they are doing is screwing up the entire court system. It's a...It's a...I think Representative McAuliffe is very well-meaning. He wants to do something, but again he's doing the wrong thing and all we are doing is screwing up the court system. So I would urge you to vote either 'present' or 'no'. I think that you should leave some court discretion left. A judge ought to be able to determine whether or not someone ought to go on supervision or anything else to that effect, and to say just because it happened once in five years, that's the criteria and that's it period. I think it's wrong and we ought to vote 'no' or 'present' on this Bill."

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Speaker Greiman: "The Gentleman from Winnebago, Mr. Mulcahey."

Mulcahey: "Question of the Sponsor, Mr. Speaker."

Speaker Greiman: "Indicates he'll yield for a question. Proceed, Sir."

Mulcahey: "Representative McAuliffe, what is the rationale for removing the supervision?"

McAuliffe: "Well, because many times downstate when we were having hearings on the Drunk Driving Act, we were in Peoria County, we ran across a fellow who had been arrested five times for drunk driving, was put on supervision each time. And it was just like a revolving door. This says you can only have supervision once in the five year period."

Mulcahey: "Okay, well, Mr. Speaker and Members of the House, I think Representative Jaffe is exactly true. We're going to start cluttering things up and we're putting too much...too much of this jurisdiction in the hands of the Secretary of State. I don't know what really deep down inside what his..what his motives are, but this package of Bills, 90 percent of them are ludicrous, I think. And I think this one is going just a little bit...little bit too far as well."

Speaker Greiman: "Further discussion? There being none, Mr. McAuliffe to close."

McAuliffe: "I'd just move for favorable consideration of Senate Bill 175."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 88 voting 'aye', 11 voting 'no', 14 voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 176. Mr.

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Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 176, a Bill for an Act in relation to equalization of property tax assessments. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Kendall, Mr. Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 176 sets up a criteria for supervisors of assessors to assess between a level of 33 1/3% of fair cash value. But what it actually does is say that they must assess between plus or minus 5% or 33 1/3 or otherwise between 31% and 35% of assessed valuation. It puts a carrot on a stick. It rewards them for doing a good job, but punishes them for not doing that. If they insist on not doing their job, then it gives the power of the Board of Review to set the assessment at that level. The Bill...I know of no opposition to it. We've amended the Bill to meet the demands and needs and concerns of both sides of the aisle, and I ask for your positive vote."

Speaker Greiman: "The Gentleman moves for the passage of Senate Bill 176. And on that, is there any discussion? The Gentleman from Effingham, Mr. Brummer."

Brummer: "Yes, will the Sponsor yield?"

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

Brummer: "Representative Hastert, you had previously had a Bill that provided for bonus payments, if you will, to assessors who, quote, 'did their job'. That was equally applicable to supervisors of assessment and township assessors. Does this Bill here incorporate the provisions of that Bill?"

Hastert: "No, it does not. All it does is effect the supervisor of assessor himself. This is Senator Schaffer's Bill. That's the shape they want to keep it in, and I...in that pleasure."

Brummer: "Does this...our analysis indicates it sets up systems

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of incentives and penalties. What exactly are the incentives or penalties provided in the Bill with regard to those individuals who do not arrive at an equalized...or at an assessment between 31 and 35%?"

Hastert: "The assessments were...the rewards were left basically the same. There's only one reward, and that's a \$2,000 stipend if they do meet the requirements. The penalties are that the state will not pay the...their half or their share of the assessor's salary if he doesn't meet those criteria. The other parts of the provision of the Bill have been amended out."

Brummer: "Mr. Speaker, briefly to the Bill."

Speaker Greiman: "Proceed."

Brummer: "I think this is probably a more moderate approach to a serious problem with regard to encouraging assessments to be relatively close, at least, to the state mandated level of 33 1/3%, and I would urge an 'aye' vote."

Speaker Greiman: "Further discussion? The Gentleman from McHenry, Mr. Klemm."

Klemm: "Thank you, Mr. Speaker. I just rise to support this Bill. I think it's a good compromise to a number of issues and Bills that we have presented this year. I think it has eliminated some of the objections that somebody had raised, and I think that it has to have some of the penalty clauses if they don't wish to do their proper assessments in the county level. As you know, the statutes do now mandate that this be done, and I think this approach is a good approach, and I think it deserves our support."

Speaker Greiman: "There being no further discussion, the question is,...Yes, the Gentleman from Peoria, Mr. Tuerk. Sorry."

Tuerk: "Would the Sponsor yield please?"

Speaker Greiman: "Indicates he'll yield for question."

Tuerk: "The Bill itself sounds good, Denny. I have heard from

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the supervisor of assessments in Peoria County that there was an Amendment put on the Bill, which is going to require a lot of mailing and so forth. Could you clarify that for me?"

Hastert: "Well, there...the agreed Amendment that we put on this Bill just simply went back to the other pieces of legislation we passed out of this House. So this Bill would be succinct with them. What it said is when a roll over, and I think there is a misinterpretation from the supervisor of assessors. I did talk to them by phone yesterday that they didn't...misunderstood it. But when a roll over of a township assessor goes on and becomes a permanent part of an assessment, that there's notice given. And I think that they thought that it was any time that any assessment was put on. So that's a misunderstanding."

Tuerk: "Well, he was of the opinion that this was going to be a pretty costly process, but that is not the case?"

Hastert: "In my opinion, it's not the case."

Tuerk: "He mentioned \$40,000 as a matter of fact. Not true?"

Hastert: "Not that I know of. What we talked about...what we just said is we'd try to keep this Bill in the same context as other pieces of legislation we've passed out of here previously. And so that...those costs would have been in place anyway."

Speaker Greiman: "Further discussion? There being none, Mr. Hastert to close. Mr. Hastert, do you have...alright, the question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 103 voting 'aye', 8 voting 'no', none voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills

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Third Reading appears Senate Bill 185. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 185, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Henderson, Mr. Neff."

Neff: "Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 185 is sponsored by Representative Wolf and myself. It's endorsed by the Motor Vehicle Laws Commission. And this legislation amends the Vehicle Code to make necessary to accommodate provisions of the Federal 1982 Service Transportation Act. In this legislation we are increasing the liable maximum weight limit for truck from 73,000...to 80,000 pounds. Single axles from 16,000 to 18,000 and tandem axles from 32,000 to 34,000. We also instituted in this two new categories of registration plates, which is as follows: 73,280 pounds to 77,000 pounds, the fee would be \$1,720; the other one, 77,000 pounds to 80,000 pounds would be \$1,900. We're also establishing a two and a half percent per gallon MFT differential for diesel fuel. Now, this legislation has passed the Senate with 55 to no votes. Passed the House Committee without any dissenting votes. We're the only state in the Union that does not allow 80,000 pounds and this is a must that we do this by July the 1st in order to get our federal funds which could amount to up to four billion dollars by the...in the next four years. It will bring into the road fund approximately twenty-six million dollars. I might add also that this is just a backup Bill for 1305 in case something would happen to it and it will not be needed if 1305 is passed."

Speaker Greiman: "Gentleman moves for the passage of Senate Bill 185. On that is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "I wondered if we could prevail upon Representative

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Neff to not call this Bill right now? I believe that these provisions that are in this Bill are also included in the Bill that passed out of the House concerning the gas tax increase and I think that it would make more sense for us to wait and see whether that Bill passes in the Senate before we call this Bill here."

Speaker Greiman: "The Gentleman from Henderson, Mr. Neff."

Neff: "I would like to have it taken out of the record, Mr. Speaker."

Speaker Greiman: "Out of the record. On the Order of Senate Bills Third Reading appears Senate Bill 187. Mr. Brummer, that's on a Special Order. Mr. Brummer."

Brummer: "Yes, Mr. Speaker, I'd like leave to return this to Second Reading for the purpose of Amendments."

Speaker Greiman: "Gentleman asks leave to return Senate Bill 187. Mr. Clerk, you want to change the...to the Order of Second Reading. Does the Gentleman have leave? The Gentleman has leave. Leave is hereby granted. Mr. Clerk."

Clerk O'Brien: "Amendment #7, Brummer, amends Senate Bill 187."

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

Brummer: "Yes, thank you, Mr. Speaker, Members of the House. Amendment #7 addresses the issue of CWP, Construction Work in Progress. And it does so in two areas that are different than the existing provisions in...in Senate Bill 187. The existing provisions of Senate Bill 187 provide that...that existing CWP shall be phased out over a five year period with regard to those companies that have less than fifteen percent of CWP in their rate base. This provides that the last year of that phase-out shall be dropped, that existing CWP shall be phased-out over a four year period of time allowing eighty percent of existing CWP for the first year, sixty percent for the next, forty percent for the following, twenty percent for the following

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and then down to zero. The second major change with regard to that issue of CWP in the existing Bill is the issue that is generally referred to as negative CWP. The language that is used in this Amendment with regard to that term is a rate moderation plan. A rate moderation plan, I'm advised, is a term word within the industry that addresses the issue of negative CWP that provides that when customers have paid for construction work in progress prior to a plant being on line, those customers then shall receive some relatively immediate benefit as a result of having paid in advance. They shall receive some immediate benefit after the plant goes on line, that the rates shall be moderated after the plant goes on line and the rate moderation plan shall adjust rates by an amount which reflects those amounts previously incurred as a result of the inclusion of CWP in the rate base prior to the plant being on line. It further provides that the rate moderation plan shall not exceed the length of time that CWP was allowed in the utility's rate base prior to it going on line. I would be glad to respond to an questions regarding this issue. In the absence of any questions, I would ask for a favorable vote."

Speaker Greiman: "The Gentleman moves for the adoption of Amendment #7 to Senate Bill 187. On that is there any discussion? There being none, the question is, 'Shall Amendment 7 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendment?"

Clerk O'Brien: "Floor Amendment #8, Rea, amends Senate Bill 187 as amended in Section..."

Speaker Greiman: "Gentleman from Franklin, Mr. Rea."

Rea: "Thank you, Mr. Speaker, Members of the House. Amendment #8 should be a part of this comprehensive Senate Bill 187,

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which would prohibit the automatic pass through on a transportation cost of out of state coal. And I would ask for its adoption."

Speaker Greiman: "Gentleman moves for the adoption of Amendment #8 to Senate Bill 187. On that is there any discussion? The Gentleman from Cook, Mr. Birkinbine."

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

Speaker Greiman: "Indicates he'll yield."

Birkinbine: "Jim, you say that the cost of transporting such coal shall not be included in the consideration. Don't you agree that it is, nonetheless, a cost?"

Rea: "I'm sorry, I couldn't hear the question. Would you repeat it?"

Birkinbine: "Your Amendment says for the purpose of this paragraph cost of fuel used in the generation or production of electric power shall not include transportation cost of coal. Whether you are talking about coal being transported or the shoes we are wearing or the books we read or anything else, if it costs something to transport it, does that not have to go into the price that you set?"

Rea: "We were speaking of the automatic pass through, that it should not be included."

Birkinbine: "Well, whether you are talking about it automatic or eventually in the long run, it is still a cost is it?"

Rea: "Yeah, you...it's no different than what we had discussed before. You just have to go to the Commerce Commission and request to put it in the rate base. That's the intent of this Amendment."

Birkinbine: "Okay, well, the one we just did I disagreed with also. I would disagree with this and advise people to vote 'no'. Thank you."

Speaker Greiman: "Further discussion? There being none, Mr. Rea

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to close."

Rea: "This Amendment incorporates the provisions of Senate Bill 2 and House Bill 99 and I would ask for a favorable vote."

Speaker Greiman: "Question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Further Amendment?"

Clerk O'Brien: "Floor Amendment #9, Levin, amends Senate Bill 187 as amended by deleting the introductory clause."

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

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #9 to Senate Bill 187 adds to this comprehensive Bill the provisions that were in House Bills 1813 and 1814 which were part of the Speaker's package that passed overwhelmingly in the House. House Bill 1813 dealt with post-employment by members of the...and staff of the Illinois Commerce Commission. 1814 dealt with exparte communications. This had...this would put into this Bill those provisions which passed this House overwhelmingly. I ask for a favorable Roll Call."

Speaker Greiman: "Gentleman moves for adoption of Senate Amendment #9 to Senate Bill 187. On that is there any discussion? The Gentleman from Cook, Mr. Preston."

Preston: "Thank you, Mr. Speaker. Would the Gentleman yield for a question?"

Speaker Greiman: "He indicates that he will."

Preston: "Representative Levin, do I understand that this Amendment does not allow employees of the Commerce Commission to...or employees of the Commerce Commission after they leave employment within two years to go to work for a utility company?"

Levin: "No, one year."

Preston: "One year."

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Levin: "One year."

Preston: "Does this Bill also prohibit Members of the General Assembly after they quit the General Assembly from becoming a lobbyist for any special interest group for one year?"

Levin: "No."

Preston: "Not included. Okay, thank you."

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

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

Speaker Greiman: "Indicates he will."

Birkinbine: "Following up on the previous question, you say that while you are directing your attention toward those people who serve on the Commission you don't take into consideration Legislators who actually have to vote on a number of Bills such as what we are considering now. Not only do you say that they cannot be prohibited from lobbying for a company, you make no reference to the fact that, perhaps, we, like these people you are addressing can't even be employed by them. Is that right?"

Levin: "The...the citizens of the State of Illinois..."

Birkinbine: "I suspect you could give me a yes or no..."

Levin: "I'm sorry, can you repeat the question? I didn't hear."

Birkinbine: "It was just a straightforward question, a yes or no question."

Levin: "Can you repeat the question? Somebody was talking to me while you were asking it."

Birkinbine: "In this Bill you do not address the fact that Legislators who deal with issues involving public utilities are not prohibited from working or lobbying for an...for a utility, is that right? You are going after the Commerce Commission members, but not Legislators who, obviously, are intimately involved. Is that right?"

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Levin: "That is correct."

Birkinbine: "Thank you."

Levin: "The citizens of this state have a choice. If they are not satisfied with one of us, they can vote us out of office at election time. The same thing does not exist with respect to the Commerce Committee."

Birkinbine: "Could I ask one more question? What about the individual rights of somebody who happens to be a Commission member who has served to the best of their ability and in no way compromised themselves in any regard. You seem to be taking away their individual right of free choice to work where they wish."

Levin: "Representative, that person does not have to serve as a Commissioner. You know, they could take another job or they don't have to seek employment with the Illinois Commerce Commission. The problem we have right now is the public has lost their confidence in the Illinois Commerce Commission. They do not feel that they are getting a fair and objective hearing when we're getting these billions of dollars of rate increases passed every year. And purpose of these proposals is to begin to reestablish the independence of the Commission, to restore consumer confidence that they are getting a fair shake, that they are getting an independent determination. I would say that if the staff of the Commission, for example, had been a lot more independent in the past, we wouldn't have the problems we do now. They are not independently scrutinizing utility's requests. I can just relate one experience I had. There was a scandal in the Metropolitan Sanitary District about seven years ago, the 'Ingram - Bard' scandal, and..."

Birkinbine: "Mr. Speaker, if I could address the Bill. I think he is beyond answering my question and now he is wrapping

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up his dialogue."

Speaker Greiman: "You'll have an opportunity to close, Mr. Levin.
Mr. Birkinbine on the Bill."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think this is a... one more in a long line of misguided ideas that we seem to be directing at the utilities. Awhile back, I used to be able to describe the Bills that came out of one particular Legislator here, who's now over in the Senate as the six o'clock news kind of legislation. That no sooner would something be brought up on the six o'clock news than sure 'as shooting a Bill would come rolling down the pike designed to take care of a so called problem when none really existed. I would suggest that not only is this that same kind of Amendment to a Bill, but it completely ignores the individual rights of free choice that the people who serve on this Commission should rightly have. And I would suggest that we've come a long way from the days when people founded this company on the sole criteria of, let's have some freedom in our lives. I urge a 'no' vote. Thank you."

Speaker Greiman: "Further discussion? Mr. Levin to close."

Levin: "Thank you, Mr. Speaker. Very briefly in closing, the public is fed up with the spiraling rate increases. The public does not have confidence in this Commission. We, as a Member of the General Assembly, have the opportunity to restore that confidence, take some concrete steps, and that's what Amendment #9 does. It will help restore confidence and independence in the Commission."

Speaker Greiman: "The question is, 'Shall Amendment #9 be adopted?' All those in favor signify by saying 'aye', those opposed 'nay'. And the 'ayes' have it... All those in in favor signify by voting 'aye', those opposed vote 'nay'. Have all voted who wish? Have all voted who wish?"

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Have all voted who wish? Mr. Clerk, now take the record. On this Amendment, there are 63 voting 'aye', 45 voting 'no', and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #10, Brummer, amends Senate Bill 187..."

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

Brummer: "Yes, thank you, Mr. Speaker, Members of the House. Amendment #10 is basically a cleanup Amendment which puts in the exact language that we want. The limitation on including lobbying expenses in a rate base. This prohibits the inclusion of lobbying expenses in the rate base of public utility companies. I would urge its adoption."

Speaker Greiman: "The Gentleman moves for the adoption of Amendment #10 to Senate Bill 187. Is there any discussion? There being none, the question is, 'Shall this Amendment be adopted? All those in favor signify by saying 'aye', those opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendment?"

Clerk O'Brien: "Floor Amendment #11, Brummer, amends Senate Bill 187..."

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

Brummer: "Yes, Amendment #11, again, is basically a clarifying or cleanup Amendment dealing with the issue of the Citizen Utility Board. In the Citizen Utility Board, there are two definitions. One deals with enclosures that are placed with the Bill, and the other deals with the... the issue of statements which are placed on postcard billings. In the limitation provisions, we provide that enclosure shall not be included more than four times a year. This just simply adds or statement shall not be required more than four times a year. I would move for its adoption."

Speaker Greiman: "The Gentleman moves for the adoption of Amendment #11 to Senate Bill 187. Is there any discussion?"

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There being none, the question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendment?"

Clerk O'Brien: "No further Amendments."

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

Brummer: "Yes, I would ask leave to consider this at this point on Third Reading."

Speaker Greiman: "The Gentleman asks leave to consider Senate Bill 187 on the Order of Third Reading at this time. Does the Gentleman have leave? Does the Gentleman have leave? Mr. Brummer, there has been objection. Mr. Brummer, the Gentleman from Effingham."

Brummer: "Yes, Mr. Speaker, I would move to suspend the appropriate rule so that we could consider this matter on Third Reading at this time."

Speaker Greiman: "The Gentleman moves to suspend the appropriate rule to allow for the hearing of Senate Bill 187 on the Order of Third Reading at this time. On that Motion, is there any discussion? There being none, 'Shall this Motion pass?' All in favor signify by voting 'aye', those opposed vote 'no'. 60 votes are required. Have all voted who wish? All voted who wish? Mr. Clerk... Yes, Mr. Vinson."

Vinson: "Before you announce the Roll Call, I think you ought to correct yourself. I believe it takes 71 votes to do that. There's no problem with the vote count, but I think it's appropriate that it be in the record that way."

Speaker Greiman: "You're correct, 71 votes, Mr. Vinson. But in any event, on this Motion, there are 96 voting 'aye' 12 voting 'no', and the Motion is adopted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 187, a Bill for an Act to create the

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State-wide Citizens Utility Board Act. Third Reading of
the Bill."

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

Brummer: "Yes, this Bill, as amended, with 11 Amendments, I think, 10 of which were adopted does the following thing. It creates the Citizen Utility Board to provide for a voluntary mechanism by which consumers can join the Citizen Utility Board, hopefully to create an adequate resource to do meaningful intervention before the ICC with regard to rates of public utilities. The second thing it does is prohibits certain types of advertising being included in the rate base. The third item, it limits the amount of construction work in progress that can be included in the rate base. It phases out the construction work in progress over a four year period of time with regard to those utility companies that have a construction work in progress ratio in their current rate base of less than 15% with regard to those that are in excess of 15%. It sets forth a different formula. It provides, as we just did in Amendment #7, I think it was, it provides for the rate moderation plan which is a major new concept with regard to adjusting rates as a result of construction work in progress being included. The fourth item the Bill does, it prohibits lobbying expenses from being included in the rate base. The fifth item, it makes the provisions of the Illinois Commerce Commission, more of the provisions subject to the Open Meetings Act. Six, it imposes the post-commission employment limitations that were just discussed in one of the Amendments. Seven, it eliminates the... some of the exparte communications between the commissioners and various other individuals. The eighth item, it incorporates the provisions of the coal transportation limitations that were incorporated in Senate

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Bill 2 and House Bill 99. And the ninth item, it provides limitations with regard to winter shut-offs. I would urge the adoption of this Bill."

Speaker Greiman: "The Gentleman moves for passage of Senate Bill 187. Is there any discussion? The Gentleman from Cook, Mr. Birkinbine."

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

Speaker Greiman: "He indicates that he will."

Birkinbine: "Rich, how much is this Citizens Utility Board going to cost the taxpayers of Illinois?"

Brummer: "The... there is nothing in this Bill that should provide any cost to the taxpayers of the State of Illinois. I think that's one of the... the benefits of the Citizen Utility Board in that it will be funded... It is anticipated under this Bill that it will be funded by voluntary contributions from interested individual and consumers across the state."

Birkinbine: "You seem to be qualifying your answer. Is that because there's going to be Bills coming down the line that would provide state funds for the Citizens Utility Board?"

Brummer: "Well, I only qualify... qualify that as a result of a Bill that does provide, as I recall, a loan mechanism from the Department of Commerce and Community Affairs with regard to some start-up cost and repayment with regard to the operation of that Board. There should be no cost to the taxpayers of the State of Illinois. There's certainly nothing in this Bill that will provide any cost to the taxpayers of the State of Illinois."

Birkinbine: "Thank you. And Mr. Speaker, to the Bill."

Speaker Greiman: "Proceed."

Birkinbine: "If anyone wants to take a moment and look at this Bill which, as the Sponsor said, has about 13 different

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provisions in it, if you wish to do more than simply knee jerk at something that's gotten a lot of attention beginning with Ralph Nadar on down the line, if you take a moment and look at it, there should be something in here for everybody to vote against. And I urge a 'no' vote."

Speaker Greiman: "The Lady from DuPage, Ms. Karpiel."

Karpiel: "Yes, thank you, Mr. Speaker. Representative, could you tell me how Senate Bill 187 differs from the House Bill that we passed out on... on the CUB."

Brummer: "It... it is identical with the exception of Amendment #11 which we just adopted, which inserts the words or statements on page twelve line seven. It is simply... that was simply a clarifying Amendment. It is identical, otherwise, to the provisions of House Bill 252 which previously passed here."

Karpiel: "Well, I had thought that the Senate Bill that... when it was coming out of the Senate was slightly different than the House Bill. That there was some provision in the Bill that would say that the utilities would have to not only send out notices about... about the CUB, but they would also have to send out advertising on it."

Brummer: "You're absolutely right. House Amendment #1 was a relatively simple drafting process, I think. On House Amendment #1, we simply took the provisions of House Bill 252 and put that in House Amendment #1, which we adopted on this Bill. So... so, we adopted exactly the provisions of House Bill 252 with Amendment #1. And you are right in terms of House... Senate Bill 187, when it originally came over here with regard to the issue of the Citizen Utility Board was... was somewhat different than... than 252. We put 252 in here."

Karpiel: "Okay. Thank you, Representative."

Speaker Greiman: "Further discussion? There being none, Mr.

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Brummer to close."

Brummer: "Yes, this Bill... this Bill incorporates many of the changes that we have spent weeks and months addressing both in the House Utilities Committee on the House floor here with regard to other Bills. It incorporates the provisions of Speaker Madigan's package that he put together with regard to Citizen Utility Board with regard to utility rate reform. He was joined in, I think, all of those issues or almost all of those issues by Minority Leader Daniels. I... I think it represents a reasonable comprehensive reform with regard to the entire issue of public utilities, and I would urge an 'aye' vote."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 105 voting 'aye', 6 voting 'no', 2 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 189. 189 out of the record. On the Order of Senate Bills Third Reading appears Senate Bill 191. Mr. Pierce will handle. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 191, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Lake, Mr. Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, I'm handling this Bill at the request of the Gentleman in the Chair, for the Senator next to the Gentlemen in the Chair. This is a noncontroversial Bill which makes it clear when bifurcated trials can be held under the Dissolution of Marriage Act. It provides that upon agreement of the parties or a motion of either party in a finding by the

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court that appropriate circumstances exist, the court may enter a judgment for dissolution, which is what we call divorce these days, which reserves the issues of child custody, child support, maintenance and property disposition for a later hearing. It's... it really clarifies what we thought the original Act did. Its passed out unanimous vote pretty much in the Senate, House Judiciary Committee, and I urge the passage of Senate Bill 191."

Speaker Greiman: "The Gentleman moves for the passage of Senate Bill 191. On that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 109 voting 'aye', none voting 'no', none voting 'present', 1 voting 'present. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 192, Mr. Berrios. That's on Special Order for tomorrow. Okay. Mr. Clerk, read the Bill - Senate Bill 192."

Clerk O'Brien: "Senate Bill 192, a Bill for an Act to amend Sections of the Illinois Migrant Labor Camp Law. Third Reading of the Bill."

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

Berrios: "Mr. Speaker, Members..., the Amendment makes..."

Speaker Greiman: "Wait, Mr. Berrios. Let me just... let's just get it back in its correct posture. The Gentleman asks leave to return the Bill to the Order of Second Reading. The Gentleman have leave? Leave is hereby granted. Mr. Clerk, read the..."

Clerk O'Brien: "Amendment #2, Berrios - Kulas..."

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

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Berrios: "The Amendment makes some changes in the Bill. It changes the violation and makes it a petty offense now with a fine of no less than 100 dollars, and it takes the Department of Public Health authority away to assess civil penalties and provides that a worker, where he is justified, can go to circuit court and ask the courts to declare that the migrant camp is a willful violation of the Act. And I would ask for a favorable vote."

Speaker Greiman: "The Gentleman moves for the adoption of Amendment #2 to Senate Bill 192. On that, is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. On the Order of Senate Bills Third Reading appears Senate Bill 193. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 193, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

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

Johnson: "Thank you, Mr. Speaker and Members of the House. This Bill doesn't go nearly as far as a Bill that I came too short of passing last two... last month or as far as I'd like to go. But I told the opponents to that Bill before that we would go with this Bill, and certainly the Bill is an improvement on our current status of the law. This Bill simply reverses the burden of proof in a case, a criminal case, where the defense of insanity is interposed. Right now, once evidence is raised concerning the mental state of a defendant in a criminal case, the state has to prove beyond a reasonable doubt that the defendant was sane at the time of the commission of the crime. This Bill simply

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requires the defendant to show by a preponderance of the evidence that he or she were insane at the time of the commission of the offense. You all got as many letters, I'm sure, as I did, on Senate Bill 696 from Elgin, from the large number of people who are... have been acquitted by reason of insanity and wrote on a separate Bill, so the problem is not one that's small. I would simply ask for those of you who are interested in the subject matter, the most recent example for you to look at the recent copy of Newsweek magazine in which a Kevin 'Cooper', who had been in October of '82 deemed mentally incompetent to stand trial, then later on after the burglary, raped and kidnapped a 17 year old girl, was acquitted by reason of insanity. Then in a third corridor of the revolving door committed a mass murder in which four individuals, three from the same family, another individual were killed in June of this year in California. The bottom line was, the last quote was, quote, 'The senseless rampage quickly rekindled the debate over how to contend with the criminally insane. Captain Phillip 'Skyler' of the San Bernadino Sheriff's Department committed and wondered allowed, quote, 'if we'll ever get this guy convicted no matter how much evidence we have. 'Quote, 'The insanity defense worked once or twice in Pennsylvania and the chances are it will work again.' ' We don't want it to work to contravene justice in Illinois, and this Bill is a modest and reasonable step towards at least putting an out of control defense in some sort of meaningful control. And I would urge it's adoption."

Speaker Greiman: "The Gentleman moves for passage of Senate Bill 193. On that, is there any discussion? The Gentleman from Marion, Mr. Friedrich."

Friedrich: "Mr. Speaker, Members of the House, I had also

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introduced a similar Bill in the House, but I've been working with Representative Johnson and others, and I think think this is a good compromise of all the Bills. I... I, like Representative Johnson, would have preferred a much stronger Bill, but at least, for the first time, this puts the burden of proving insanity on the defense. And I think it will eliminate some of the things that have been happening in the past. I urge your support."

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

Jaffe: "Yes, Mr. Speaker and Members of the House, I'm going to rise in opposition to this Bill. You know, I think, again, we're... we're playing with the criminal law and playing with it in very foolish manner. Because of the Hinckly case, because of some other cases, all of sudden the Legislature feels that it has to go out and do all sorts of things to change the law when, in fact, the law has been working. And I think it's folly for us to think that the law has not been working and for us to destroy the criminal law is really to destroy, I think, the American jurisprudent system. I think that we're just proceeding in the wrong way, and we should not, at this time, move to change the burden of proof in a criminal case. And... and this Bill leaves a lot of things up in the air. Let me tell you about some of them. You know that ordinarily to establish an affirmative defense, the defendant need only introduce some evidence on the point. The state must prove that the defendant guilty beyond a reasonable doubt on that issue as well as the other elements of the offense. By the terms of this Bill, in insanity cases, the defendant must prove his point by a preponderance of evidence, you know, like 51 %, not just by some evidence. And so what you're doing is, you're saying that... requiring that a jury, in essence, find a defendant guilty before they may find him

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not guilty by reason of insanity is inconsistent. There is so much inconsistency to this Bill that it isn't even funny. It also ignores the degree to which the issues of insanity and the ability of the defendant to form the requisite mental state for the offense overlap. So, in essence, what we're trying to do again is we're trying to solve what we think is a problem. But I think it's just a PR problem, something that's been highlighted by the media when the system, I think, has been working very well indeed. I think that we're foolish if we try to pass something like this. I think we're going to pass it out of this House knowing how this House ordinarily goes. We're going to find out that it doesn't work. And then a year or two years from now, we're all going to come back again, and we're going to say, 'Oh, my goodness gracious, what do we do with the insanity defense?' We did that two years ago when Senator Geo-Karis passed her defense. I voted against it at that particular time, and I admonished the House at that time that I thought that we were moving in the wrong direction. Now, what a lot of people want to do is they want to correct what we did with Senator Geo-Karis. She was wrong when she passed that particular Bill, and we're wrong when we pass this type of Bill. I wish we would stop and reflect before we vote and before we vote on things that we think are good law and order Bills. This is not a good law and order Bill. It's a bad law and order Bill, and it's going to hurt the jurisprudence system. And I would urge a 'no' vote."

Speaker Greiman: "Further discussion? There being none, Mr. Johnson to close."

Johnson: "Thank you, Mr. Speaker and Members of the House. Representative Jaffe is right. Our criminal justice system in this regard is working. It's working to allow

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individuals who have committed an offense, who intended to commit the offense, and yet, because of this insuperable and ridiculous burden of proof, are allowed such as Kevin 'Cooper' and such as hundreds of other examples, all of which we can document because we've studied this area for six years, to go back on the streets and commit these same and a greater offense time after time after time. This Bill simply says, if you want to interpose the defense of insanity in a criminal case, then you ought to at least have the burden by a preponderance of the evidence of showing that you were insane at the time the offense was committed. It's a very, very modest attempt in directing itself to a very, very serious problem, and I would urge a 'yes' vote."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 95 voting 'aye', 8 voting 'no', 4 voting 'present', and this Bill, having received a Constitutional Majority is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 195. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 195, a Bill for an Act to provide assistance to persons who require organ transplants. Third Reading of the Bill."

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

Shaw: "What... what this Bill does, Mr. Speaker and Ladies and Gentlemen of the House, this is an organ transplant Bill. And it will set aside two million dollars from the lottery, a special lottery, that would be set up. It would put a cap of two million dollars on it per year, and I think we've heard an awful lot of talk about the transplant,

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liver transplants, that young people, especially around this state... Up in the northern part of Illinois, a few weeks ago, we had a youngster up there that they had to take up some 300 and some thousand dollars to give her a liver transplant. But at that time, it was too late. And I think this would go a long ways towards helping, alleviating the situation such as that. And I'm asking for your favorable vote on this... on Bill 195 - Senate Bill 195."

Speaker Greiman: "The Gentleman moves for passage of Senate Bill 195. On that, is there any discussion? There being none... the Gentleman from Cook, Mr. Harris."

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

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

Harris: "Representative, what is the two million dollars used for?"

Shaw: "The two million dollars would be used for people that cannot afford... that don't have any money, that cannot afford to pay for the transplant themselves - the organ transplant themselves, the operation. And they could use a portion of the two million dollars."

Harris: "Do we unfairly, once this fund is eliminated, do we then unfairly exclude those people who need the... need a transplant at some later date, but cannot... we cannot help them because we no longer have anything left of the two million dollars?"

Shaw: "Well, I believe we have... I believe that we would have enough left."

Harris: "Thank you, Mr. Speaker."

Speaker Breslin: "Representative Breslin in the Chair. Is there any further discussion? There being no further discussion, the Gentleman from Cook, Representative Shaw to close."

Shaw: "I'm asking that you, Ladies and Gentlemens of the House,

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to support 195. I think it's a good Bill, and it's a start in the right direction. We have a lot of people all across the State of Illinois who need some type of assistance in organ transplants, and this would be the... its not the panacia, but it's a start in the right direction. And as I said earlier, a special lottery would be set up to raise the two million dollars that's needed, that would administered by the public health. And I'm asking for a favorable vote on this Senate Bill 195."

Speaker Breslin: "The question is, 'Shall Senate Bill 195 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. To explain his vote, Representative Ropp."

Ropp: "I guess, Madam Speaker, I was going to ask a question relative to who will determine who's going to be the recipients of these grants in that there's so many people that may need them."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 82 voting 'aye', 31 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 204, Representative Churchill. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 204, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill."

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 204 protects the confidential statements made to employees of a Rape Crisis Center. We have a situation in Illinois under the Mental Health Code where, if a victim of a rape we're to come in and to the mental health center and make statements to an employee of the mental health center, those statements would be confidential statements. If a victim of a rape goes into a

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Rape Crisis Center, the statements are not confidential. What Senate Bill 204 attempts to do is to bring to the Rape Crisis Center the same confidentiality that is protected under the Mental Health Code. I would ask for the support of this Bill. Thank you."

Speaker Breslin: "The Gentleman moves for passage of Senate Bill 204, and on that question, is there any discussion? There being no discussion, the question is, 'Shall Senate Bill 204 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Have all voted who wish? The Clerk will take the record. On this Bill, there are 113 voting 'aye' and none voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 209, Representative Cullerton. Out of the record. Senate Bill 211, Representative Saltsman. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 211, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "Representative Saltsman."

Saltsman: "Madam Speaker, I'd like to return this Bill to Second Reading for an Amendment. May I have leave please?"

Speaker Breslin: "Does the Gentleman have leave to return this Bill to the Order of Second Reading? There being no objection, the Gentleman has leave. Representative Yourell in the Chair."

Clerk O'Brien: "Floor Amendment #1, Saltsman, amends Senate Bill 211 on page one in line one and five and so forth."

Saltsman: "Mr. Speaker, this Amendment was suggested by the Teachers Retirement System. And all that it does is it provides a mechanism for the system to collect the retired contributions from the teacher and employer. Recommended by the Teachers Retirement System. Ask for adoption."

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Speaker Yourell: "Is there fur... The Gentleman moves adoption of Amendment #1 to Senate Bill 211. Is there discussion? Being no discussion, all those in favor... Representative Cullerton."

Cullerton: "Would the Sponsor yield?"

Speaker Yourell: "He indicates he will."

Cullerton: "I just wondered, has the Pension Law Commission studied the Amendment at all, taken a position on the Amendment?"

Saltsman: "They're in favor of it."

Cullerton: "Pension Law Commission is in favor of it?"

Saltsman: "Yes."

Cullerton: "All right. Thank you very much."

Speaker Yourell: "Is there further discussion? The Gentleman moves the adoption of Amendment #1 to Senate Bill 211. All those in favor will say 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments?"

Saltsman: "Mr. Speaker, may I return this Bill to Third Reading?"

Speaker Yourell: "Third Reading. The Gentleman asks leave to hear the Bill on Third Reading. Does he have leave? Leave is granted. Proceed, Sir."

Saltsman: "Thank you, Mr. Speaker. Senate Bill 211 amends the Teachers Retirement System. And it... what it does is it lets former teachers that are working for teacher organizations to keep their teachers pension while working for these organizations. It specifies that, 'Such teachers employed by professional teachers organizations may become a member of the system for service after June 30th, 1983. If the teacher had previously established credible service in the system, the teacher files an irrevocable election to become a member, and the teacher does not receive credit

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for such service in any other pension fund.' I do ask for this Bill's passage."

Speaker Yourell: "Is there discussion? The Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Yes, would the Sponsor yield?"

Saltsman: "Yes."

Ebbesen: "Representative Saltsman, I'm looking at this Amendment you just put on. In reading it, would you explain what this means on the bottom of page three there, about who's paying for what into the system? Are... are we asking the employer to pick up the entire cost or the entire contribution?"

Saltsman: "The teacher and employer have... the new employer have to decide which one will pay the employee's and the employer contribution. If the employee wants to pay the whole thing, they can upon being accepted. That's the agreement that they have to work out between them and the association. But the full amount will be paid."

Ebbesen: "Well, I'm sure in order to participate that the full amount would be paid. But what you're really saying, the way this reads, any employer of teacher as defined et cetera, et cetera shall pay the full accruing retirement cost based upon the services determined by the Board of Trustees of the Retirement System. So, what you're saying, it doesn't say anything about the employee. You're really... if the board said that there... the employer shall pay it all, then this is like the certain school districts where the... a board of... the board of education... the taxpayers pick up the full cost. Is that what this really does for these people in this category?"

Saltsman: "The board of education will pick up no cost if that's what you're asking. It'll be no..."

Ebbesen: "No. No. Not in this, but I mean it's similar to that

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same procedure. Is that what this Bill does?"

Saltsman: "It would be similar to that procedure of what the board of education previously did."

Ebbesen: "All right. Thank you."

Speaker Yourell: "Is there further discussion? The Gentleman from Peoria, Representative Saltsman to close."

Saltsman: "Yes, thank you, Mr. Speaker. This piece of legislation, we presently have other systems that have this in it. For instance, the Illinois State... Illinois... excuse me. The Illinois Association of School Boards are members of the downstate system, and this gives these other employees the same rights to belong as they do. I'd appreciate its passage."

Speaker Yourell: "The question is, 'Shall this Bill pass?' All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Yourell 'aye'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 86 voting 'aye', 17 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. O'Connell 'aye'. Representative Matijevec in the Chair."

Speaker Matijevec: "Representative Didrickson, for what purpose do you rise?"

Didrickson: "Yes, I would have liked to have been recorded on that last Roll Call 'aye'."

Speaker Matijevec: "Leave. She was seeking recognition. Leave. Representative Didrickson be recorded 'aye'."

Didrickson: "Thank you, Mr. Speaker."

Speaker Matijevec: "Senate Bill 255 (sic - 225), Wolf. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 225, a Bill for an Act to amend an Act in relation to practice of public accounting. Third Reading of the Bill."

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Speaker Matijevich: "Representative Wolf on Senate Bill 225."

Wolf: "Thank you, Mr. Speaker and Members of the House. Senate Bill 225 is a revision of the Public Accounting Act to conform to the Sunset Review. The Bill has a number of changes. It's been approved by the Department of Registration and Education. It's been approved by the Governor's Office. It's supported by some 17,000 members of the Illinois CPA, and also by the Independent Accountants Association. I won't touch on all of the changes, because I'm sure that all of you have been given a fact sheet which you either have on your desk or were there a couple of days ago. Number one, however, it expands the type of discipline that may be imposed on licensed accountants. It replaces some confusing definitions with regard to the Public Accounting Act. It does require some 80 hours of continuing education every two years, and it makes several general administrative changes. It also provides for specific authority to the University of Illinois to adopt necessary and reasonable rules for the administration of certain appropriate sections of the Act. It also expands membership of the Public Accountant Registration Committee. Establishes requirements for reinstatement of an expired or inactive license, and establishes requirements for the endorsement in this state of an applicant who has been licensed in another state. There are several other provisions, as I said, all of which, I'm sure, that you're familiar with. For the past forty years the unlicensed accountants could prepare and issue unaudited statements as long as they did not express an opinion or an assurance. This Bill is intended to keep the status quo between the functions performed by licensed public accountants and none licensed accountants. The unlicensed or independent accountants may continue to

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perform any function under this amended law that they could perform under the prior law. This includes those presently engaged in all future unlicensed accountants. Again, the additional language added to Section 11 of the Act will keep the status quo and enable unlicensed accountants to continue to perform all of the functions that they were permitted to do under the existing Act. This Act, again, has been approved by the individuals and departments that I have enumerated, plus the Independent Accountants Association. And I would ask for your support."

Speaker Matijevich: "Representative Wolf has moved for the passage of House... Senate Bill 225. The Gentleman from Cook, Representative Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, for the purpose of reading into the record in regards to Senate Bill 225, I want to make the following statement. I want to assure all Members that this Amendatory Act of 1983 will continue to authorize the unlicensed accountant to issue all types of audited financial statements with a cover letter, as long as they do not express an opinion or express assurances on such statements. I think that's absolutely necessary. It's in agreement with the Independent Accountants and the CPAs. Thank you, Mr. Speaker."

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

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

Speaker Matijevich: "He indicates he will."

Vinson: "Do the statements that you made..."

Speaker Matijevich: "One moment. Representative Yourell back in the Chair. All right."

Vinson: "What?"

Speaker Matijevich: "Representative Yourell is going to be back

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in the Chair. Proceed."

Vinson: "Do the statements that you read in opening on the Bill and that Representative Yourell read lead me to correctly believe that the unlicensed independent accountants support the Bill?"

Wolf: "That is correct."

Vinson: "Thank you."

Speaker Yourell: "Further discussion? The Lady from Cook, Representative Topinka."

Topinka: "Yes, Mr. Speaker, if I might have leave to ask the Sponsor a question."

Speaker Yourell: "The Gentleman indicates he'll yield."

Topinka: "Yeah, Representative Wolf, I had at least two independent accountants in my district who have sent me letters now who claim that the Amendment, indeed, does not cover their concerns, and they would still be concerned that they would be able to take care of these audits. You do have a signoff from the Independent Accountants Association?"

Wolf: "That is correct, Representative. There was an Amendment added in the Senate under Section 11 which indicated that all accountants would be able to continue under this Act to perform all functions that they were permitted to do in the past."

Topinka: "They claim that they have had a legal opinion following this Amendment and that, indeed, the Amendment does not clarify this. Now, I have something in my hand now which was passed to me by Representative Karpel from the Independent Accountants Association as of May 26. But, of course, this is June 21st. There has been... there has not been any change?"

Wolf: "Well, I can refer you to the statement that was read just a moment ago by Representative Yourell, signed by Mr. James

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'McGuire', the Chairman of the Legislative Committee of the Independent Accountants Association who wanted to assure all of his constituents and all of those people that he represents that they are in full accord with this Bill."

Topinka: "Very fine. Thank you."

Speaker Yourell: "Representative Terzich."

Terzich: "Yes, would the Sponsor yield?"

Speaker Yourell: "The Gentleman indicates he'll yield."

Terzich: "Does this Bill contain some continuous educational program, for something like 80 hours every two years?"

Wolf: "It does that."

Terzich: "Can you tell me how many hours of training an attorney has to have every two years?"

Wolf: "I'm not an attorney, Representative. I couldn't tell you that."

Terzich: "Well, I assume it's none. Right? I think there's no training for attorneys, but they want 80 hours for the CFAs."

Wolf: "That's possibly true. But I would like to point out that under this Bill, the 80 hours of training that is referred to is a very flexible item that can be addressed by the Department of Registration and Education and gives a wide latitude for the Department to determine whether or not that individual is trying or attempting to comply with the educational requirement."

Terzich: "Well, it's my understanding that Judge 'Wopner' of People's Court suggest 80 hours training for attorneys as well... might considered amending that in the Bill."

Speaker Yourell: "Representative Marzuki."

Marzuki: "I... I guess I will just forget what I has to say."

Speaker Yourell: "Is there further discussion? There being no further discussion, the question is, 'Shall this Bill pass?' All those in favor will vote 'aye', those opposed

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will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 116 voting 'aye', none voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House... Senate Bill 2... Yes, Representative Ewing, for what reason do you rise?"

Ewing: "Mr. Speaker, I rise as Member of the Leadership on this side of the aisle, not really for a personal privilege, but maybe for the privileges of the female Members of our side of the aisle. I question severely the mode of operation that we are following in this House. And I bring the point up that not long ago we passed the Bill of Representative Breslin which provided portable potties for all the agricultural workers. And Mr. Speaker, we don't have a potty that works for the Ladies in this House. Now, we keep hearing about when the appropriate time is going to be to address the smallness of their facilities, and today, it isn't even operating for the second day. Some of our Members, and there are more Ladies in the Republican Party on this side of the aisle than on your side, and maybe that's part of the reason for the delay, but some of our Members are having trouble being present when their Bills are called. Could you please report to us when that will be taken care of?"

Speaker Yourell: "It's my understanding, Representative Ewing, that the Committee on Potties is meeting right now, and as soon as they make a determination, we'll... we'll certainly get that word. Do you want us to refer the answer to you or to the Ladies?"

Representative Ewing: "You can refer it to me. I think it would be just a little simpler if you'd call for a plumber. You're Committees don't do too much over there. If it's

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like Appropriations Committee, I'd just call for a plumber. Maybe we'd get it fixed."

Speaker Yourell: "Thank you. Thank you very much, Mr. Ewing. Appearing on the Order of Special Order is 22... Senate Bill 228. On the Order of Senate Bills Third Reading is Senate Bill 230, which also... also on the Order of Special Order. Do you wish that Bill called? Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 230, a Bill for an Act to create the Commission on Senior Citizens. Third Reading of the Bill."

Speaker Yourell: "Representative Nash."

Nash: "Mr. Speaker, Ladies and Gentlemen of the House, a very simple Bill, it creates the Commission on Senior Citizens to study the status of the elderly in the state and recommend legislative action concern... concerning the needs of the senior citizen. I move for its adoption."

Speaker Yourell: "Is there any discussion? The Lady from Sangamon, Representative Oblinger."

Oblinger: "Mr. Speaker and Members of the House, first I would like to know if the Sponsor would yield to a question."

Speaker Yourell: "The Gentleman indicates he will."

Oblinger: "Representative Nash, do we not already have the Illinois Council on Aging?"

Nash: "Representative Oblinger, yes, we do, but I've been advised by the Senate Sponsor that they're not doing what they're supposed to be doing. And that's why it was necessary for him to file... to create this Commission, to study what they're suppose to be doing."

Oblinger: "Mr. Speaker, to the Bill."

Speaker Yourell: "Proceed, Ma'am."

Oblinger: "At this point, about ten years ago, this very General Assembly created the Department on Aging, and as part of that Bill, they created the Illinois Council on Aging to

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which are appointed eight Legislative Members, two by each side of the aisle in both Houses. There are 23 public members, half of whom have to be over 55 years of age, and no more than half of them may be from the political party. So we have 11, 11 and an independent voter representing the public sector of this Council. The Council is empowered to advise the Department on Aging and to make recommendations for legislation and for actions by the Department on Aging which includes reviewing and okaying all the nutrition sight Bills and plans, all the senior center plans, the 13 area agency plans, and the plans of the Department on Aging. They have done this faithfully. I've been a Member of this for quite some time, and they have done their job well. They have active Members who attend the meetings. They have no staff. We use only the staff that's in the Chicago office to do our mailings, and now we're going to have a duplicative group - the Commission on Aging - which will have a staff and a budget of approximately a 100,000 dollars. I'm not adverse to having a group that's working with us. I wish they had amended the Illinois Council on Aging Act to give them additional dollars if that's what they wanted, but I can't see a Council on Aging and a Commission on Aging doing the same things. And I would urge a 'no' vote."

Speaker Yourell: "The Lady from DuPage, Representative Nelson."

Nelson: "Thank you very much, Mr. Speaker. What I feel, Ladies and Gentlemen, is that we will be having this debate every single day in this General Assembly. If you remember, yesterday, we were debating the creation of a Commission to study the Kankakee River. We are rapidly approaching the point where there will be more Commissions than there are Members of this House, and I think that in times like these when we have very, very difficult votes coming up on income

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tax increases that this is a completely indefensible vote. To vote for the creation of any new Commission today makes no sense. In general, Commission are, in this state, places for people to have patronage jobs, and to take a few trips around the state, and to hold some hearings, and to garner some publicity. They are noting other than that. We have staff assigned to the General Assembly who do wonderful research for us and are able to find out for Members what the problems are without the creation of more Commissions. Today we just managed to knock off the Agreed... the Consent Calendar a National Guard Study Commission. Yesterday, it was the Kankakee River Commission. This is the Commission on Aging. If you look at the appropriation Bills, you'll notice Senate Bill 278 appropriates six million dollars for continuing Commissions in this state. An Amendment that was adopted, Amendment #1, by a Representative who usually likes to get up on the floor and say that he votes to save the taxpayers money, adds another eight million dollars for various Commissions. Amendment #2 adds 200,000 dollars for the Special Event Commission bringing the new Bill total to 14 million dollars. Further Amendments add 25,000 dollars for the National Guard Study Commission, and two more Amendments add each an additional 70,000 dollars for the Chicago Community School Study Commission. I would submit to you that this money..."

Speaker Yourell: "Excuse me a moment, Ma'am. For what reason does the Gentleman arise, Representative Nash?"

Nash: "Mr. Speaker, this isn't an appropriation Bill. Representative Nelson is going through appropriations. This is simply a Comm... a Bill to create a Commission. That's the way it should be discussed. We're not discussing the appropriations."

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Speaker Yourell: "Point is well taken. Restrict your remarks to the Bill, Representative."

Nelson: "My point is that these Commissions in times like this cost money that we cannot afford, and I would urge a 'no' vote."

Speaker Yourell: "The Gentleman from Winnebago, Representative Mulcahey."

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

Speaker Yourell: "The Gentleman has moved the previous question. All those in favor will say 'aye', opposed 'no'. The previous question is moved. The main question is back to Representative Nash to close."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This... in response to remarks with the previous speaker, this legislation response in general dissatisfaction with the Council of Aging. They've been very ineffective, and that's why we need this Commission. I urge an 'aye' vote. Thank you."

Speaker Yourell: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', those opposed vote 'no'. The voting is open. Representative Topinka to explain her vote."

Topinka: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, in explaining my 'no' vote, I would like to make note that not only the Department of Aging is in opposition to this Bill, but the American Association of Retired Persons is in opposition, the Illinois Retired Teachers Association is in opposition. We also have at this time ten departments in the State of Illinois which take care of senior programs including the Attorney General's Office and the Lieutenant Governor's Office. It seems to be pretty well taken care of."

Speaker Yourell: "Representative Bullock to explain his vote."

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Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the Gentleman's legislation. We cannot do enough for the senior citizens in the State of Illinois. And no one agency, and no one council, and if you are for senior citizens, you'll vote 'aye' on this Bill. You're hypocritical if you say that the seniors of this state have been taken care of. We are not taking care of the senior citizens. We need this Bill. We need to study the problems of Reaganomics and taxing Social Security benefits. That's why this Bill is necessary, so that we can get a handle... we can get a handle on the coordination of programs and benefits in the State of Illinois for the seniors of our state. I respectfully urge an 'aye' vote, Mr. Speaker. And I think every senior citizen in Illinois ought to have a Roll Call of this vote to find out who the real hypocrites are when it comes to fighting for senior citizens."

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

Friedrich: "Well, that was a very emotional speech, and it may get the speaker several votes, but I think if you want to be realistic, I don't think being 65 entitles you to anything in particular except good life and the right to live in this country, and so on, and enjoy the fruits of your labor. But there are a lot of people that are 65, as far as I'm concerned, should be paying the same taxes as the guys 35 who's trying to raise his children, and buy his home and a few more things. We've got a Department on Aging. How far do you want to go?"

Speaker Yourell: "Have all voted who wish? Have all voted who wish? The Gentleman from Lake, Representative Matijeovich, to explain his vote."

Matijeovich: "Well, I'm quite surprised. I didn't hear anybody

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argue in debate every on this floor of the House that we ought to take away the seniors responsibilities under the Lieutenant Governor's Office at all. And I really think that the seniors ought to have a forum here in the Legislature. And you know, I can see what the other side of the aisle is kind of reving up to an election on this matter of Commissions. But believe me, I say seriously there's a lot of good to Commissions. Finally, somebody ought to say a good word for Commissions. There are some Commissions, I have seen come in and recommend legislation to this Body that would never have passed if it weren't for the work of those Commissions. And if that being true, I don't see any better purpose than to have a Commission for senior citizens. I think there is legislation that the seniors need, and by providing them that forum, I think this could be the good avenue to do it. And I... I would urge some more votes."

Speaker Yourell: "Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 61 voting 'aye', 49 voting 'no', and on that question, the Lady from DuPage, Representative Nelson."

Nelson: "I'd like to verify this Roll Call, Mr. Speaker."

Speaker Yourell: "The Lady's requested a verification. Representative Nash requests a verification of the... a Poll of the Absentees. Proceed, Mr. Clerk."

Clerk O'Brien: "Poll of the Absentees. Christensen, Piel, Winchester and Younge."

Speaker Yourell: "Proceed with the verification, Mr. Clerk. Representative Piel, for what reason do you rise?"

Piel: "Would you please vote me 'no' please?"

Speaker Yourell: "How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as not voting."

Speaker Yourell: "Record the Gentleman as 'no'. Representative

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Vitek. How's the Gentleman recorded?"

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

Speaker Yourell: "Any others? Proceed with the verification, Mr. Clerk."

Clerk O'Brien: "Alexander, Barnes, Berrios, Bowman, Braun, Brookins, Bullock, Capparelli, Cullerton, Curran, Currie, DiPrima, Domico, Doyle, Farley, Flinn, Giglio, Giorgi, Greiman, Hannig, Hicks, Huff, Hutchins, Jaffe, Keane, Krska, Kulas, Laurino, LeFlore, Leverenz, Levin, Marzuki, Matijevich, McAuliffe, McGann, McPike, Nash, O'Connell, Panayotovich, Pangle, Pierce, Preston, Rea, Rhem, Rice, Richmond, Ronan, Saltsman, Shaw, Slape, Steczo, Stuffle, Taylor, Terzich, Turner, Van Dwyne, Vitek, White, Wolf, Yourell, Mr. Speaker."

Speaker Yourell: "Representative Nelson, do you have question of the affirmative?"

Nelson: "Yes, I do..."

Speaker Yourell: "Representative Nelson."

Nelson: "... Mr. Speaker. Representative Brookins."

Speaker Yourell: "Excuse me a moment. Representative Younge, for what reason do you rise? How's the Lady recorded?"

Clerk O'Brien: "The Lady's recorded as not voting."

Younge: "Vote me 'aye'."

Speaker Yourell: "Record the Lady as 'aye'. Proceed, Representative Nelson."

Nelson: "Representative Brookins."

Speaker Yourell: "Representative Brookins. Representative Brookins. The Gentleman in the chamber? Remove him."

Nelson: "Representative Curran."

Speaker Yourell: "Representative Curran is in his... in the back of the chambers."

Nelson: "Okay. Representative Christensen."

Speaker Yourell: "Representative Christensen. Representative

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Christensen. He's not voting, Ma'am."

Nelson: "Excuse me. Representative Cullerton."

Speaker Yourell: "Representative Cullerton. Representative Cullerton. The Gentleman in the chamber? Remove him."

Nelson: "Representative Farley."

Speaker Yourell: "Representative Farley is in his seat."

Nelson: "Excuse me. Representative Flinn."

Speaker Yourell: "Representative Flinn is in his seat."

Nelson: "Representative Giglio."

Speaker Yourell: "Representative Giglio. Representative Giglio. Is the Gentleman in the chambers? Remove him."

Nelson: "Representative Greiman."

Speaker Yourell: "Representative Greiman. Representative Greiman. He'll be right out. Remove him. Excuse me a moment, Representative Nelson. Representative Richmond, for what reason do you rise?"

Richmond: "To ask leave to be verified."

Speaker Yourell: "The Gentleman asks leave to be verified. Return Representative Cullerton to the Roll Call. He's at the left of the Well. Further questions? Representative Bullock, for what reason do you rise? You weren't removed, Sir. Proceed, Representative Nelson."

Nelson: "Representative Huff."

Speaker Yourell: "Representative Huff is standing at his seat. Leave to verify Representative Freston. He's standing there in the aisle. Leave. Proceed, Representative Nelson."

Nelson: "Representative Hutchins."

Speaker Yourell: "Representative Hutchins is in his seat."

Nelson: "Representative Keane."

Speaker Yourell: "Representative Keane is in his seat or somebody else's seat."

Nelson: "Representative Laurino."

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Speaker Yourell: "Representative Laurino's in his seat. Further questions?"

Nelson: "Representative McPike?"

Speaker Yourell: "Representative McPike. Return Representative Greiman to the Roll Call. He's right here. Representative McPike in the chambers? Remove him. Further questions?"

Nelson: "Representative O'Connell."

Speaker Yourell: "Representative O'Connell standing at his seat."

Nelson: "Representative Levin."

Speaker Yourell: "Representative Levin. Representative Levin. The Gentleman in the chambers? Remove him."

Nelson: "Representative Pangle."

Speaker Yourell: "Representative Pangle. Return Representative McPike to the Roll Call. Representative Pangle. Representative Pangle. The Gentleman in the chamber? Remove him."

Nelson: "Representative Stuffle."

Speaker Yourell: "Representative Stuffle. Mr. Stuffle. The Gentleman in the chamber? Remove him."

Nelson: "Representative Rea."

Speaker Yourell: "Representative Rea. He's stand.. standing right over there. Representative Levin, return him to the Roll Call."

Nelson: "Representative Dunn, John Dunn."

Speaker Yourell: "Representative John Dunn. Vote 'no', Representative. How's the Gentleman recorded? John Dunn is recorded as voting 'no'."

Nelson: "Excuse me. That's all my questions."

Speaker Yourell: "Return Representative Pangle to the Roll Call. Representative Rhem, for what reason do you rise?"

Rhem: "How am I recorded?"

Speaker Yourell: "How's the Gentleman recorded?"

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

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Speaker Yourell: "Mr. Clerk... Representative Barnes, for what reason do you rise?"

Barnes: "I was out back talking to some constituents. You didn't verify me off the Roll Call, did you, Mr. Speaker?"

Speaker Yourell: "No."

Barnes: "Thank you."

Speaker Yourell: "You're still on. Representative Tate, for what reason do you rise? Representative Giorgi, for what reason do you arise?"

Giorgi: "How am I recorded?"

Speaker Yourell: "How's the Gentleman recorded?"

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

Giorgi: "I was just thinking. Three of the people that were in debate, one of them's on seven Commissions, the other one's on three, and if you took the Commission from one of the guys, he'd jump out of his skin."

Speaker Yourell: "For what reason does Representative Topinka arise?"

Topinka: "Mr. Speaker, in light of that, because, since the Representative from the other side who just spoke just came over and asked me how many Commissions I am on, I said seven, because legally we have to put Legislators on the Commissions by statute which are passed out of this House. If those Commissions did not exist, I wouldn't have to be on seven of them, because in the... in the main, at least five of them are a gross waste of time. And I do not even attend the meetings if I don't have to because they are a gross waste of time."

Speaker Yourell: "Representative Tate, for what reason do you arise?"

Tate: "Change my vote to 'yes'."

Speaker Yourell: "How's the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'no'."

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Speaker Yourell: "Change him to 'aye'. What's the record, Mr. Clerk? On this question, there are 60 'aye', 48 voting 'no'... for what reason do you arise? How's the Lady recorded? The Lady's recorded as voting 'no'. Change the Lady to 'aye'. What's the Roll Call, Mr. Clerk? On this question, there are 61 'ayes', 47 'nos'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Thir... Senate Bills Third Reading is Senate Bill 233. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 233, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

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

Oblinger: "Mr. Speaker and Members of the General Assembly, this Pension Bill is truly for the senior citizens. It applies to people who retire from teaching before 1973. It raises the minimum from 10 to 15 dollars a month, and the monthly one from 300 to 450 dollars. This applies to people who are probably most of them now 75 years of age or older. The amount of the money to be expended will be reduced each year drastically, and finally, will, of course, sunset itself because of the age of the people. This Bill is... the Teachers Retirement System is in favor of it, the IFT and the IEA. And I would try to answer any questions why this is necessary if you have any. I would appreciate your 'yes' vote."

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

Terzich: "Yes, Representative Oblinger, is the Pension Laws Commission favor this Bill?"

Speaker Yourell: "She didn't hear you, Representative Terzich."

Terzich: "Is the Pension Laws Commission in favor of this Bill?"

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Oblinger: "No, but I will have to say that the gentleman who represents them told me that it was the least expensive of all the Bills and did not testify in the hearing."

Terzich: "Least expensive of what Bills?"

Oblinger: "Well, I'm looking at House Bill 1026 that flew out of here at 99 to 12 which costs in first year pay out almost a million dollars more in actuarial liability 5,000,000 dollars more, and in actual liability over thirty years over 400,000 dollars more. And that was a much more expensive Bill. That's why he said this one was less expensive and would decrease more rapidly because the people would be dying off. They're all 75 or older, and they have to have had 30 years of service."

Terzich: "Well, I understand that over the last couple few years that the teachers have had substantial increases in their pension benefits as far as the minimum pension for widows and annuitants and so forth... far in excess of the cost of inflation. And this is simply another step to do that, isn't it?"

Oblinger: "No, it isn't. The amount of the increase on this annualized bases is 5.5%, and the inflation during the same period was 10.3%, so it has not kept up inflation, this group of teachers."

Terzich: "Yeah, but... well, again, Mr. Speaker, Ladies and Gentlemen of the House, it still amounts to approximate cost of one and a half million dollars. And the teachers have over the years gotten substantial benefits for their people in the lower income. Even though it's a worthy cause, but similar... similarly many, many other participants in the pension system have worthy causes as well."

Speaker Yourell: "The Gentlemen from Henderson, Representative Neff."

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Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I speak in favor of Senate Bill 233, because all we're doing here is raising these people up 15 dollars per month. And many of these people are just receiving salaries. They've gone through inflation just like everybody else has, and they're not getting adequate payment to live on. When you talk over with several of these people and I'm sure some of you have. I talked to a gentleman, retired teacher, retired about 20 years ago, and we want to remember this. Many of these teachers are only drawing 50 to 60 dollars a month at the time they retired, so their pension has been very low. And even though we've raised them some, they still are inadequate to meet their living cost. Some of these people you talk to, they've saved their money and been good citizens, paid their taxes, had a home. They've had to sell their home, and also, a little savings account, used that up. They're proud people that don't, when you tell them, well, they're going to have to go on public welfare or public aid, they're proud. And they don't want to do that. And I think it's a shame to force them on. Another party I talked to, asked him how he's getting along, and went through his budget. I says, how do live? He says, well, he says, 'You know, I eat peanut butter sandwiches three times a day, and that's the only way I can get by.' So when we... hear from people like this, I think it's a... I think this is the least we can do to give these people a 15 dollar raise, and I would hope we would all support it."

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

McAuliffe: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I would rise in support of Senate Bill 233. We're talking about people who are, for the most part, older."

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They're going to be dying off as the years go by. It'll give them a little bit of dignity and a little bit of security in their last years. They're... people who have taught all their lives, dedicated themselves to the public, educated today's youth, today's taxpayers, and they're asking for a little bit of help so they don't have to be eating peanut butter sandwich, or sitting in their house in the dark, or freezing without any heat. Four hundred fifty dollars a month is very little money to get by on, and many of these people have no other source of income. I don't think it's going to break the state to give these people that extra 15 dollars a month, and I'd strongly urge the support of everyone for Senate Bill 233."

Speaker Yourell: "Further discussion? There being no further discussion, the Lady from Sangamon to close."

Oblinger: "Yes, Mr. Speaker, this only applies to 1,700 people, all 75 years of age or older, because they had to retire before 1973. If you need an example, I probably would have been in this group. I taught in suburban Cook County for 75 dollars a month, like these people, which I never got. They said when and if we have some money, we will pay you. Nine years later, they still didn't have the money. If I hadn't been living at home, how could I have saved any money for my old age. This group of people taught at the lowest salaries during the depression. And remember, teachers do not have Social Security. This is their only investment. And I would appreciate your 'yes' vote."

Speaker Yourell: "The question is, 'Shall this Bill pass?' All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 94 voting 'aye', 11 voting 'no'. This Bill, having... Hastert 'aye'. Karpel 'aye'. Anyone

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else? This Bill, having received the Constitutional Majority is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 239. That's on Special Order. Did you want to call it today? Representative Brunsvold. Out of the record. Appearing on the Order of Senate Bills Third Reading is Senate Bill 240. The Lady from Sangamon, Representative Oblinger. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 240, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

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

Oblinger: "Mr. Speaker and Members of the General Assembly, you're going to like this one. First of all, we passed a Bill last year, and in doing so, we forgot to include some people who would have to pay a higher rate for their... toward their pensions. And this is to include them. It raises it from 8% to 9.5%. These people have agreed to this. It only effects 40 people. In addition, we found out that a number of people in the Department of Corrections, when they were on sick leave, the Department was paying their Social Security. And this Bill gives them the authority to recover that Social Security payment and put it in the General Revenue Fund, so we're replenishing what we took out before, and I would appreciate your vote."

Speaker Yourell: "Is there discussion? Being no discussion is, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', those opposed will vote 'no'. The voting is open. Yourell 'aye'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 110 voting 'aye', none voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 242, out of the

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record. Appearing on the Order of Senate Bills Third Reading is Senate Bill 245. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 245, a Bill for an Act to amend the Illinois Physical Therapy License Act. Third Reading of the Bill."

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

Terzich: "Yes, Mr. Speaker, Senate Bill 245 amends the Illinois Physical Therapy License Act to provide that the licensee shall not be liable for civil damages as a result of acts or omissions in providing emergency care except for willful and wanton misconduct. The Bill adds the Good Samaritan clause to the Act that's been a standard feature to many health professions, and it's also been endorsed by the American Chapter of the American Physical Therapists. And I'd appreciate your support."

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

Tate: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, this is a Bill that's had a great deal of work. It's agreed upon by all the interested parties. It passed out of the Senate 57 to 1, and I encourage an 'aye' vote."

Speaker Yourell: "Is there further discussion? The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Yourell: "Indicates he will."

Brummer: "Maybe I don't understand what physical therapists do, but when do physical therapists provide emergency care?"

Terzich: "The provision that, if it's a called upon in case of an accident or any other emergency, there's many people that presently have it, whether it be policeman, fireman, nurses, what have you. That in case they apply emergency treatment in case of an accident that they would be covered under Good Samaritan provision. It does not cover anything

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that calls upon their service for willful or wanton misconduct, doesn't alleviate them. It simply brings them under the Good Samaritan provision."

Brummer: "Well, the Good Samaritan clause generally is applicable when someone is not getting paid for the services their rendering, and I think that's why they're called the Good Samaritan. Is this applicable with regard to physical therapists when they are providing that emergency treatment, only in those instances when they're not on duty or not being paid."

Terzich: "That's correct."

Brummer: "Okay. Thank you."

Speaker Yourell: "Did you wish to be recognized Representative Breslin? Representative O'Connell."

O'Connell: "Mr... Representative Terzich, is the reason why we need this Bill is that presently the physical therapist is held to a higher standard of care, so that if they were to assist in an emergency situation they would not fall under the Good Samaritan law?"

Terzich: "That's correct."

O'Connell: "Thank you."

Terzich: "You're welcome."

Speaker Yourell: "Is there further discussion? There being no further discussion, the Gentleman to close, Representative Terzich."

Terzich: "I'd appreciate your support."

Speaker Yourell: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 109 voting 'aye', none voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. With leave of the House, I would

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like to return to Senate Bill 239. Inadvertently, it had a mark on the Calendar that came through indicating that the Bill was on a Special Order, but that is not the case. Does the Gentleman have leave? Leave is granted. Appearing on the Order of Senate Bills Third Reading is Senate Bill 239. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 239, a Bill for an Act concerning the regulation of shorthand reporting. Third Reading of the Bill."

Speaker Yourell: "Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 239 sets up the Illinois Certified Shorthand Reporters' Act of 1984. The old regulations will sunset, and this would be an Act to set up the standards for shorthand reporters until 1993. The Bill itself sets down definitions. It sets up a Board with the Director, and the nuts and bolts of the examinations and rules and regulations for shorthand reporters. The supporters of this Bill, the Illinois Shorthand Reporters' Association, State Bar Association of Illinois, the Department of Registration and Education had opposed the Bill but now supports it. The Sunset Commission also has no problem with this Bill. The opposition, I think, is coming from the stenomask people, as well as Representative Terzich. So, with that, I would ask for your support for Senate Bill 239."

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

Flinn: "Well, Mr. Speaker, I reluctantly rise to oppose the Bill. When the hyphenated Sponsor, House Sponsor, Representative Cullerton, got up I had... on Second Reading, I had an Amendment which would put the stenomask people on the Bill."

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Now, his only reason for not permitting the stenomask Amendment on was that the Senate Sponsor didn't want any Amendments at all. Well, since when does the Senate tell the House they can or cannot put Amendments on a Bill? In the first place, the court reporters are being very selfish about this whole thing. Stenomask, and I'm going to violate the rules just for a moment, but the stenomasks, in order to explain them, is a very simply method. It exempts part of the process now the court reporters use. It's used in the Federal Courts. It's used in the military. It's used in a number of states. I see nothing wrong with giving this Bill just enough to get it on Postponed Consideration, take it back and amend it; but, otherwise, I'm going to have to oppose the Bill and vote against it. I think it's a shame that the Senate can tell us what we've got to do."

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

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

Speaker Yourell: "Indicates he will."

Birkinbine: "Why is this needed?"

Brunsvold: "From what I understand, Representative, the regulations for the shorthand reporters is going to expire, and this would extend the Act for the shorthand regulation till 1993. It's going to sunset, in other words, from my understanding."

Birkinbine: "I guess my question should have been why... why do we have such a Commission at all? Why is it needed for the business of shorthand work?"

Brunsvold: "There has to be, I think, some regulations as far as who's taking the reporting. You get in courts where testimony is very important, as you would know, and we have

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to have some reliable people to take the testimony. That becomes... That also came into what Representative Flinn said. There's some argument between the shorthand reporters and the stenomask people as to the accuracy involved with both cases."

Birkinbine: "Thank you."

Speaker Yourell: "Gentleman from Macon, Representative Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, the only controversy with this Bill is that under the Sunset Committee recommendation, that they wanted to include court reporters in it. And what it essentially amounts to is a turf fight, but the fact of the matter is that if you're in favor of having competent, professional shorthand supporters, you should vote for this Bill which strengthens the whole Judicial system. And I would encourage an 'aye' vote on it."

Speaker Yourell: "Gentleman from Winnebago, Representative Hallock."

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

Speaker Yourell: "He indicates he will."

Hallock: "When the Sunset Law was passed a couple of years ago, it was contended then and probably still is today that we needed to have some automatic sunset provisions, because we have just too many agencies, and commissions and boards and basically providers such as this who are licensed. It was thought that the only way we could terminate some of these licenses would be in fact to have an automatic termination date. This Bill extends that termination date another ten years. Why do we need to license this profession?"

Brunsvold: "I think it's evident that we need licensing in order to make sure... make sure we maintain qualified people in the courtroom, people that can take testimony and have it accurate. And without this, who knows what's going to

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be... who's going to be taking testimony with no regulations, no testing, no schooling. We need qualified people in the courtroom."

Hallock: "Well, as one who is in the courtroom, my question revolves around mainly the question of licensing itself. We license more occupations than any state in the nation, and it's your belief that we should license this profession as well?"

Brunsvold: "I think we need to license them in order to regulate them, make sure they have the proper skills in order to take shorthand."

Hallock: "Thank you."

Speaker Yourell: "Gentleman from Cook, Representative Harris, did you wish to be recognized? Is there further discussion? Representative Terzich."

Terzich: "Yes, Representative Brunsvold, can you tell me what a court shorthand reporter is and what their duties are?"

Brunsvold: "Their duties are to take the testimony as it's presented in the courtroom, word-for-word."

Terzich: "Could secretaries take shorthand?"

Brunsvold: "It depends if they were good enough."

Terzich: "Who determines whether or not they're good enough?"

Brunsvold: "This Act would say whether they're good enough."

Terzich: "But wouldn't their employer determine whether or not they were good enough to do that job?"

Brunsvold: "Possibly, but we should at least have them tested so they know the English language, so they can take this at a certain speed, so they record what they've taken down in the form that it was given in the courtroom."

Terzich: "Is it not true that a shorthand court reporter does nothing more than take the testimony and then repeats the same thing into a dictaphone and has someone else type it?"

Brunsvold: "Well, you're referring to the stenomask people, and

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that's what they're doing. They're simply repeating the words."

Terzich: "No, I'm talking about a shorthand court reporter.

Don't they take the notes in shorthand and then dictate it into a..."

Brunsvold: "Shorthand or on a machine."

Terzich: "... recording machine and let someone else type up what they... supposedly someone else said?"

Brunsvold: "That's the idea, yes."

Terzich: "So, actually they... all they do is the same thing as a stenomask or anything else. They could make mistakes also, can't they?"

Brunsvold: "I suppose."

Terzich: "Well, number one, I really don't know why we do license shorthand court reporters, because actually their competency should determine whether or not they have a job or not. The Department of Registration and Regulation, from what I understand, oppose the Bill. The Sunset Commission recommends that it be shut down. The Auditor General in his Joint Committee on Administrative Rules recommends that such regulation be placed with the Office of the Illinois Courts which I assume could handle that just as well. And at the same time, I was one of the two people who voted against this Bill in Committee, and I was kind enough to have a nice, young Croatian lady, who happens to be a court reporter, send me a letter and tell me that on Thursday, June 2nd, Senate Bill 239 was presented to House Committee on Regulations, of which you are a Member, and says, 'I was astonished at your ignorance of what a court reporter duties are and the skills required of this job, and I'm herewith enclosing some reports which may help you understand the importance of the retention of a certified shorthand court reporters', which I still don't

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understand. And she was also ashamed to report to the Cook County Official Court Reporters' Association and the Illinois Shorthand Reporters' Association that I voted against the Bill. And to top it off, she also sent me my 'Happiness is being Croatian' sticker, which is an insult to the Croatians. So, I give... to the 'no' votes. I think the Bill... Well, thank you, John. I got one right here now. But many people recommend it. I think that the competency of the person who is taking the shorthand, whether it be a secretary or the court, certainly could determine whether or not they're competent enough, and I see no reason in the licensing of short... courthand short reporters (sic - shorthand court reporters)."

Speaker Yourell: "Further discussion? There being no further discussion, Representative Brunsvold to close."

Brunsvold: "Thank you, Mr. Speaker. Representative Flinn indicated the Senate was against the stenomask people. The shorthand reporters do not feel that they are accurate enough to... to fulfill the needs at the courtroom. The State Bar Association also feels that the shorthand reporters should be regulated. The Department of Registration and Education also supports the Bill, and I would ask for your favorable vote on House Bill... or Senate Bill 239."

Speaker Yourell: "Question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Van Duyne, one minute to explain his vote."

Van Duyne: "Thank you, Mr. Speaker. I'm going to vote 'present' on this. I hope Joe will understand. I believe, with all our electronic devices that we have today such as tapes that we use in our own Committee meetings, that the

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stenomask really should be included in this. And so I'm going to support Representative Flinn's position that we should give them about enough to get it on Postponed Consideration and bring it back for Second Reading so that they can be added to the Bill, and then I'll be happy to vote for it."

Speaker Yourell: "Representative Cullerton to explain his vote."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I am a hyphenated Cosponsor in this Bill along with Representative Brunsvold. I think that we should remember, with regard to the issue of stenomask, that there was an Amendment that Representative Flinn attempted to put on the Bill. It was soundly defeated. I can't recall the exact numbers, but it was something like 20 to 70 or something like that. The opposition to the Bill was... has been removed by just about everyone concerned with the issue of sunset. The Gentleman from Chicago who has someone in his district who is... I'm sorry, of his same ancestry. I think it's getting kind of late in the Session. We really can't take out our personal animosities towards people with respect to good Bills by killing good Bills. It's just not a good idea. So, I think that it's an important Bill. It's one that should pass, and I would ask for an 'aye' vote."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? On this question there are 55 voting 'aye', 45 voting 'no'. Representative Alexander. Take the record, Mr. Clerk. Representative Alexander, how do you want to vote?"

Alexander: "I'm voting 'yes'. But I've been listening to this dialogue with regards to this Bill, and I'm voting 'yes'. In the court system, a court reporter must be able to maintain a speed of over 250 words a minute and hold it.

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Yes, there are good secretaries out here, but are they trained to write at that speed at accuracy? The court is going to hold the court reporter responsible for what they write and transcribe. You've never seen bad court reporters before our law went into effect as I have seen where they have thrown court reporters in jail for contempt of court, because they couldn't even read their own notes back. You ought to realize that someday you might need a transcript that is accurate in order to save something that you want, and this is a good Bill. And I would ask every Member of this House to support it."

Speaker Yourell: "On this question there are 55 voting 'yes, 45 voting 'no'. Representative Brunsvold."

Brunsvold: "Poll the absentees, Mr. Speaker."

Speaker Yourell: "Gentleman requests a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Braun. Christensen. Farley. Giglio. Keane. Matijevich. Bonan. No further."

Speaker Yourell: "Representative Brunsvold."

Brunsvold: "Mr. Speaker, could we put this on Postponed Consideration?"

Speaker Yourell: "Gentleman asks leave to place this on Postponed Consideration. Postponed Consideration. Appearing on the Order of Senate Bills Third Reading is... is Senate Bill 245. Read the Bill, Mr. Clerk. Appearing on the Order of Senate Bills Second Reading (sic - Third Reading) is Senate Bill 247. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 247, a Bill for an Act to amend an Act in relation to the system of toll highways and to create the Illinois State Toll Highway Authority. Third Reading of the Bill."

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

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 247 would provide for annual audits of

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the Illinois Toll Road Authority, rather than audits every six months. By Amendment #1, we have provided that public hearings would be taken prior to any increase in the rates on the tolls. If you have any questions, I'd be happy to answer them. I would move for the passage, now, of Senate Bill 247."

Speaker Yourell: "Is there discussion? The Gentleman from Lake, Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, I want to commend the Sponsor of this Bill for realizing and amending his Bill to require public hearings before toll increases are granted by the Illincis Toll Highway Authority. This agency has been arrogant. It's ignored the public. It's raised tolls when it wasn't necessary. It re-repairs and repairs roads that were repaired the year before, ties up the whole toll road, tears it up. They won't pay for little county bridges and township bridges that go over the toll road and need repairs. They're flushed with money. Everytime they got a few dollars ahead they build a new tollway. They built that east/west tollway out there at Rock Falls, which nobody needs and nobody takes, because they have I-80 paralleling it. And the tolls from the Tri-State Tollway, the northwest tollway are going to pay for that lemon, that loser. So, I commend the Gentleman, the Sponsor of this Bill, Mr. Leverenz, for asserting and putting onto this Bill the requirement that this irresponsible agency have public hearings before they raise tolls. Thank you, Mr. Leverenz, for realizing the deficiencies in the toll road that exists today."

Speaker Yourell: "Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Mr. Speaker, Ladies and Gentlemen, I wonder if the last speaker was saying that this was a press release Bill."

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Speaker Yourell: "Is there... Is there further discussion?
Representative Leverenz to close."

Leverenz: "Thank you, Mr. Speaker. It, again, allows for annual audits, instead of every six months from the Audit Commission. That is recommended. As Mr. Pierce so eloquently has pointed out, this arrogant organization will have to have public meeting prior to any rate increases so that the public can go and put the points to them to make sure that especially when they do maintenance on the toll road, they don't do it while we're going back and forth to Session. At this time, I'd move for the passage of Senate Bill 247."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor will vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Giorgi 'aye'. Take the record, Mr. Clerk. On this question there are 113 voting 'aye', none voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 252. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 252, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill."

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

Terzich: "Senate Bill 252 amends the Code of Civil Procedures limitation on actions and... action provisions to provide that civil actions for personal injury of loss... arising out of the murder or commission of a Class X felony by a person against them whom the action is brought may be commenced no later than ten years later after the person who inflicted such injury has completed his sentence and such judgements may be enforced at any time. From what I understand at the present time, there's a two... this must

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be done two years from the act. What this will do is that it will give a right of recovery so that people who commit Class X felonies and murders such as John Gacey may not make any profit as a result of their crimes, and this would extend it to ten years after the person has committed their sentence. And I would appreciate your support of House... Senate Bill 252."

Speaker Yourell: "Is there any discussion? Representative Cullerton. Is there discussion? Do you wish to close, Representative Terzich?"

Terzich: "I would like your support on this good Bill."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed vote 'no'. The voting is open. Representative McCracken to explain his vote."

McCracken: "Just a question of the Sponsor. Representative Terzich, does this extend the time period in which any judgement may be executed, or is it a Statute of Limitations on bringing the lawsuit initially?"

Speaker Yourell: "Nod your head. Okay. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 101 voting 'aye', 2 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 261. Representative Woodyard? Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 261, a Bill for an Act to amend the Public Community College Act. Third Reading of the Bill."

Woodyard: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is the annual community college formula rate Bill that contains the equalization grant schedule. It also contains the energy and conservation grants and also the economic development grant rates. This has been worked

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out with the Board of Higher Education, community college people, ICCB and everybody else."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Gentleman from Macon, Representative Dunn, to explain his vote? No. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 107 voting 'aye', 1 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 242. Leave to back up and pick this one up, Mr. Vinson. Leave? Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 242, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

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

Saltsman: "Thank you, Mr. Speaker. This amends the Election Code. It only effects three cities, which would be Peoria, Springfield and Rockford, Illinois. What this does is, by referendum, allows to eliminate the City Election Commission and consolidate them with the County Election Commission or the County Clerk's Office. This Bill is amended to take effect on July 1, 1985. I'd appreciate your support."

Speaker Yourell: "Is there discussion? Being no discussion, the question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 111 voting 'aye', 1 voting 'no'. Representative Hallock 'aye'. 112 voting 'aye', 1 voting 'no'. This Bill, having...

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Representative Leverenz 'aye'. Anyone else? 113 voting 'aye', 1 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 263. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 263, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

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

DiPrima: "Yes, Mr. Speaker, Ladies and Gentleman of the House, I would like to request that Senate Bill 263 be returned to Second Reading and ask to table House Amendment..."

Speaker Yourell: "Just a moment, Sir. Let's get there. Does the Gentleman have leave to return this Bill to Second Reading for the purpose of an Amendment? Leave is granted. Mr. Clerk. The Bill is on Second Reading. Are there Amendments?"

DiPrima: "Yes, I..."

Speaker Yourell: "Just a minute, Sir. Mr. DiPrima, proceed."

DiPrima: "Yes, I would ask ... I move to table House Amendment #2 to Senate Bill 263."

Speaker Yourell: "Gentleman moves to table Amendment #2 to Senate Bill 263. Does he have leave? Amendment's tabled. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Mr. DiPrima. For what reason does the Lady from Champaign, Representative Satterthwaite, rise?"

Satterthwaite: "Tabling an Amendment that was taken off in a House Committee. I do... I object to having an Amendment tabled on the House floor with no discussion when the Committee action was in favor of that Amendment. The Bill, with that Amendment tabled, will be unconstitutional, and I think, if we prefer to have the Bill get out of this House, we should have some full consideration on the Motion to

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table that Amendment."

Speaker Yourell: "For what reason does the Gentleman from Cook, Representative Taylor, rise?"

Taylor: "Point of order, Mr. Speaker."

Speaker Yourell: "State your point."

Taylor: "The Amendment has been tabled already..."

Speaker Yourell: "That's correct. Your point is well taken. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. Representative DiPrima."

DiPrima: "Yes, Sir. Now that it has been moved up to Third Reading, I'd like to have the Bill heard."

Speaker Yourell: "Gentleman asks leave to have the Bill heard on Third Reading. Does he have leave? Objections have been raised."

DiPrima: "I'm willing to overcome. I move that we put it to Third Reading."

Speaker Yourell: "Just a moment. The Parliamentarian advises me that objections are not necessary. The Bill is on Third Reading, and the Amendment has been tabled. So, the Gentleman has every right to proceed on Third Reading. Proceed, Sir."

DiPrima: "Alright. Now, Senate Bill 263 amends the School Code to increase the amount of maximum scholarship award from 2,050 dollars to 2,300 dollars for two semesters or three quarters of full-time undergraduate enrollment and from 1,025 dollars to 1,150 dollars for two semesters or three quarters of part-time undergraduate enrollment effective July 1, 1983. Now, Senate Amendment #1 provides that each male applicant for any scholarship funded, in whole or in part by the state, shall within six months after obtaining age 18, submit satisfactory evidence of his compliance with draft registration requirements. Failure to comply will

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result in the denial or revocation of the scholarship. And I would ask your favorable vote."

Speaker Yourell: "Is there discussion? Representative Vinson."

Vinson: "Mr. Speaker, are we on the Motion?"

Speaker Yourell: "We're on the Bill. Third Reading."

Vinson: "I rise in support of the Gentleman's Bill. I don't believe that we ought to presume to determine what's constitutional or not. I think we ought to presume to determine what is good public policy. I believe this Bill is good public policy. I believe, in my own personal judgement, that it is constitutional, and I think that in the final outcome of the Judicial process, that legislation of this nature will be determined to be constitutional. It simply uses state funding to help accomplish another laudable public purpose; and, for that reasons, I would urge everybody to vote 'yes' on the Bill."

Speaker Yourell: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Well, Mr. Speaker, I think, first of all, that we are in violation of the rules of this House. There was objection to hearing this Bill on Third Reading today, because the Bill had been returned to Second Reading. I do not believe that it is appropriately before us at this time. If in fact, however, we are going to proceed on the Third Reading of this Bill, then I would suggest to you that there has been action within the last few days to declare that it is unconstitutional for us to have this kind of requirement that was placed in the Bill in the Senate Amendment #1. The federal courts have ruled in Minnesota that the ... that government cannot force students to register for the draft before receiving financial aid. If in fact we are to pass this Bill, we will be in violation of that court ruling which was made

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just a few days ago. I would suggest that we should not jeopardize the constitutionality of this Bill. The Bill seeks to provide an increased grant for scholarships for needy students of the state. If you insist on passing it in this form, I fear that we may in fact jeopardize the new level for grants, and I urge a 'no' vote on the Bill."

Speaker Yourell: "Representative Hoffman."

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

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

Hoffman: "Mr. Sponsor, I'd like your opinion on... I'd like your comments on the decision that the Judge made in regard to this issue that's been referred to. What do you think about that Judge?"

DiPrima: "What Judge... What Judge is that?"

Hoffman: "The Judge who ruled that you couldn't require that you had the document that you had registered for the draft in order to get the loan."

DiPrima: "Well, you know that they should have done. They should have charged them with treason. You talk about being un-american."

Hoffman: "Thank you, Mr. Sponsor. I thought you might feel that; and, as I usually do when you come up with legislation, Representative DiPrima, I'm for you a hundred percent on this Bill. You are absolutely right. You can't convince me that you ought to exempt someone who is applying for the taxpayers' money through financial aid to not obey the law the same as everybody else. And if you don't register for the draft, you're in violation of the law. And if you don't like that, then that law should be changed, but you should not expect certain people to be held responsible for the law and others and then reward them for it. If you know the history of the student loan program, you'll know

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that that may turn out to be the largest boondoggle since the Morrell Act in 1865, but time will only tell. And I want you to know, Representative DiPrima, I'm with you."

Speaker Yourell: "Representative McPike."

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

Speaker Yourell: "Indicates he'll yield."

McPike: "Representative DiPrima, the Bill itself raises the maximum scholarship award from 2,050 to 2,300 dollars?"

DiPrima: "Yes, Sir."

McPike: "What effect does this have on the over 100,000 students that attend state universities?"

DiPrima: "Well, this Bill was introduced by Senator D'Angelis, and - I don't know - all the schools seem to be greatly in favor of this."

McPike: "I just asked what effect does this have on the 100,000 plus students that attend state universities?"

DiPrima: "Well, we just wanted to keep up with inflation. It would give them a little more money. That's as simple as that."

McPike: "This gives more money to the 100,000 students attending state universities?"

DiPrima: "Yes, Sir."

McPike: "Could you explain how, since none of the tuitions at those universities approach 2000 dollars, how it helps those students? In what way does it help those students?"

DiPrima: "What way does it help them?"

McPike: "Yes."

DiPrima: "We're giving them more money. Don't you understand what it...?"

McPike: "No. The tuition... The tuition at SIU Edwardsville or SIU Carbondale, for example, is about 1,100 dollars a year. So, if we gave them a full tuition scholarship, it would be 1,100 dollars. How does it help those students by

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increasing the scholarship grant from 2,000 to 2,300 if the maximum tuition is somewhere around 1,100, 1,200 or 1,300 dollars?"

DiPrima: "Well, we'd probably break it down so it befits each individual college on a sliding scale."

Speaker Yourell: "Representative Dunn. John Dunn."

Dunn: "I have a... Will the Sponsor yield for a question?"

Speaker Yourell: "Indicates..."

Dunn: "In my Bill book, I have before me a copy of Amendment #5 to this Bill offered in Committee on Higher Education by Representative Satterthwaite, and it says adopted. Is there such an Amendment on this Bill, or was it tabled on the floor? Or what's the status of..."

Speaker Yourell: "Mr. Clerk..."

DiPrima: "Representative Vinson had that knocked off."

Dunn: "That's been... That's been taken off?"

DiPrima: "Otherwise I would have went with that Amendment."

Dunn: "Okay. Thank you very much."

Speaker Yourell: "Representative Bowman."

Bowman: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. To clear up one problem here. The maximum award level primarily benefits students in private schools, such as the one that I represent. Northwestern University would be one of the beneficiaries. However, I think that we should look at the other feature of this legislation. It's unfortunate that these two pieces of legislation were merged into one; because, as practical matter, they really work at cross purposes. One is, indeed, a laudable public purpose. The other is not a laudable public purpose. It would involve the Scholarship Commission getting involved in doing policing of federal laws, federal regulations. I think that we are not well advised to become policemen for the Federal Government, and that is precisely what the

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Bill, as amended by the Senate, would have us do. I think that is very bad public policy. It is something that the state should not get involved in. I here people rise on the floor all the time and complain about federal rules and federal regulations, and here we are in a position not only of endorsing the thing, but actually helping the Federal Government administer them and using our own tax resources to be policemen for the Federal Government. That is not good public policy. So, I think, if you want to vote for more money for the private institutions of higher education, then fine, but do not be misled that this piece of legislation has other aspects to it that will require us to use state tax dollars to police federal laws. And I think that is improper."

Speaker Yourell: "Representative Hawkinson."

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

Speaker Yourell: "Indicates he will."

Hawkinson: "Representative, does this legislation have a severability clause in it? In other words, if one of the provisions is found to be unconstitutional, does that provision drop off and the rest of the Bill remain?"

DiPrima: "Absolutely."

Hawkinson: "Thank you."

Speaker Yourell: "Representative Ewing. Do you want to continue?"

DiPrima: "Am I a Parliamentarian?"

Speaker Yourell: "Representative Ewing, do you want to continue this?"

Ewing: "It's hard to continue after that kind of an answer. I move the previous question."

Speaker Yourell: "Gentleman... The previous question is moved. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The previous question is moved. Representative

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DiPrima to close."

DiPrima: "Yes. Well, like I saw - I was reading in the paper last week. There was a couple of kids. They desecrated the flag, and then the Judge gave them a sentence. And he gave them the option they either filed citizenship with Russia or else serve their sentence - whatever sentence he gave them. They decided to take the sentence. I don't have to go any further. You don't want these kids to obey our laws, then vote against this Bill. If you think they should comply with the laws of the government, then vote 'yes'."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those oppose 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Yourell 'aye'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 84... 85 voting 'aye', 14 voting 'no'. This Bill, having received the Constitutional Majority, is hereby... Representative Levin votes 'no'. Take the record, Mr. Clerk. On this question there are 85 voting 'aye', 15 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 266. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 266, a Bill for an Act in relation to the salaries and fees of the clerks of the Supreme and Appellate Court. Third Reading of the Bill."

Wolf: "Thank you, Mr. Speaker and Members of the House. Senate Bill 266 is a Bill that amends the Act in relation to Appellate Court clerks and the Supreme Court and simply provides that the ordinary and contingent expenses of operating those offices, including salaries, shall be determined by the Supreme Court. Prior to the 1970

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Constitution, Appellate Court clerks were, of course, elected officials the same as everyone else. Since that time and since the Constitution, they are elected officials, and this Bill would simply tend to put them under the control of the Supreme Court. The Bill would also allow the Supreme Court clerk to deposit collected fees with the State Treasury at any time, rather than quarterly. This is a small sum that we're talking about, and they would rather get rid of the funds immediately rather than wait until the quarterly report. I simply ask for your support."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 101 voting 'aye', 7 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Hawkinson 'aye'. Appearing on the Order of Senate Bills Second... Third Reading is Senate Bill 272, Representative McCracken. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 272, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill."

Speaker Yourell: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 272 allows the juvenile court, in its discretion, to assess costs against the minor. This would be operative only if the minor were able to pay and costs is left undefined thereby meaning that it is limited to the traditional concept which is court fees, service of processed fees - is normally a nominal figure. It is not required that the court impose the costs, but only that it

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is in the court's discretion to do so. Amendment #1 to Senate Bill 272 was adopted in Committee and expands that treatment which may be ordered by the court as a disposition in a case. It allows psycho-therapeutic as well as medical treatment. There was a question in Committee whether or not the deletion of the word 'psychiatric' in the Amendment was intentional. I have reviewed that; and, in my opinion, the use of the word 'medical', which is retained, satisfies the questions we had about that in Committee. I move the passage of Senate Bill 272."

Speaker Yourell: "Is there discussion? Representative Giorgi?"

Giorgi: "Yes, I'd like to ask a question of the Sponsor."

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

Giorgi: "Is there a limit to the costs that can be incurred?"

McCracken: "Costs, by definition, does not include attorneys fees, does not... And the definition of costs, as I have indicated, is service of process, things of that nature."

Giorgi: "Are you talking about - what, twenty, thirty dollars or is there...?"

McCracken: "Yeah, it comes to about 70 dollars in a typical case."

Giorgi: "How about the restitution of the victim in some cases?"

McCracken: "That's not covered by this Bill. Costs is limited to those court costs I've... I have discussed."

Giorgi: "Well, didn't this come up in discussion on the Bill about the cost... or the restitution of the victim?"

McCracken: "Restitution is an authorized disposition under current law. This does not effect that."

Giorgi: "Okay."

Speaker Yourell: "Representative Ropp, did you want to be recognized?"

Ropp: "I guess, Mr. Speaker, maybe the last question."

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Representative, you know we passed a Bill dealing with the restitution being paid in full. Does this have any contradictory reaction to that Bill that we passed earlier in the Session?"

Speaker Yourell: "Representative McCracken."

McCracken: "Frankly, I don't know, Representative Ropp. Currently, restitution under the Juvenile Court Act is separately defined from the Criminal Code. I have not referred to that definition, however."

Ropp: "Okay, thank you."

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

McCracken: "I ask for a favorable Roll Call."

Speaker Yourell: "Question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mulcahey 'aye'. Take the record, Mr. Clerk. On this question there are 109 voting 'aye', 3 voting 'no'. This Bill having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 284. It's on a Special Order. Representative Taylor, do you want to call that or wait? Out of the record. Appearing on the Order of Senate Bills Third Reading is Senate Bill 304. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 304, a Bill for an Act to implement programs designed to remedy the cause of and the problems associated with poverty in Illinois. Third Reading of the Bill."

Speaker Yourell: "Representative Giorgi."

Giorgi: "Mr. Speaker, Senate Bill 304 provides that the Department of Commerce and Community Affairs will provide community action agencies with financial assistance,

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including but not limited to community service block grant funds. This is the... No. This is the program that continues the block grant program, and it's under the auspices of DCCA. I urge the support of the House."

Speaker Yourell: "Is there discussion? Being no discussion, the question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed 'no'. The voting is open. Have all voted who wish? Piel 'aye'. Have all voted who wish? Cullerton 'aye'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 92 voting... 93 voting 'aye', 21 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 319. Mr. McMaster? Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 319, a Bill for an Act to amend the Illinois Lottery Law. Third Reading of the Bill."

Speaker Yourell: "Representative McMaster."

McMaster: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I am sure that in this year of shortage of state funds you have heard many people ask, 'What happened to the Lottery money that was supposed to go to education? Why is it not going to education?' And all of you recall that when Representative Giorgi passed that legislation quite a few years ago, that money was not allocated to go to education funding but was directed towards the State General Fund. This legislation will merely return to what we started out to do several years ago and will put the Lottery money into education. I urge a 'yes' vote."

Speaker Yourell: "Is there discussion? Representative Dwight Friedrich."

Friedrich: "Mr. Speaker, I think this is a system of fooling ourselves. We make the appropriation to education out of

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General Revenue. The Lottery money goes into General Revenue. They get the Lottery money. They'll get less from some other source. I don't know who we're kidding here, but you only give so much to education out of the total General Revenue Fund anyway. There's nothing wrong with it, but it's kind of a subterfuge in my opinion."

Speaker Yourell: "Is there further... Yes, Representative Flinn."

Flinn: "Mr. Speaker, I agree with the previous speaker that it probably doesn't do anything, because the more we give them out of Lottery the less we'll take away from their regular appropriation. But what it does do, the Bill corrects a misconception of the general public. They were promised, when the Lottery Bill come down the pipe, it was going to go for education. Well, it didn't go that way, and the final analysis... the Amendments took it away and it goes to the General Fund. And I think this will prove that the original idea was to give it to education and prove that the public really wants to go that way. That's the way we ought to do it, even though we are kidding ourselves and kidding the general public."

Speaker Yourell: "Representative Pierce."

Pierce: "Mr. Speaker, there's a lot of confusion on this side of the aisle. We thought it was going to go for education, too, and we haven't heard from the father of the Lottery. And certainly I wouldn't want to go home and think that I was misled in any way, because I was here when the Lottery passed by the father of the Lottery who told us it was going to solve all of our school problems. So... If the Gentleman from Winnebago would inform us here of what the original legislative intent was, we could vote more intelligently on this Bill."

Speaker Yourell: "Yes, Sir, do you want to rise on something there, Mr. Giorgi?"

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Giorgi: "Mr. Speaker, in 1972, the Lottery... the first time the Lottery passed the House, half of the proceeds were to go to education. That was the headline in the Tribune, but we didn't pass the official Lottery until 1974. And the Senate would not take an Amendment to put the money in the Common School Fund. There were four Amendments that went to the Senate, one-quarter going to Common School Fund, one-quarter to Scholarship, one-quarter to cities, counties and townships and one-quarter of the money going to elderly programs. The Senate... nothing to do with trust funds any longer. They were discussing with trust funds. So, they send the Bill back clean. And that's the way it was passed, and that's the way it was signed."

Speaker Yourell: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think the explanation by the Representative from Winnebago ought to clear up any misconceptions or myths that have been passed around since the passage of the Lottery Bill. I couldn't agree more on the issue than with Representative Friedrich, because... exactly... This is exactly what we're doing. We're fooling ourselves. It's... It's out of... You know, it's six of one, half a dozen another. I don't think we ought to participate in fooling the people when we know that's what we're doing. We fool the people enough in our ignorance that we ought not do it in our wisdom. And, therefore, I rise in opposition to this Bill."

Speaker Yourell: "Representative Ebbesen."

Ebbesen: "Well, yes, Mr. Speaker and Ladies and Gentlemen of the House, I'd like to make a couple of observations. As I recall back in 1974, and I supported the Lottery Bill; because, as Representative Giorgi said, it was going to go to education. But his explanation is just a little bit

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different about these contingency funds. That Bill was held over in the Senate as a hostage, and then when then Speaker Blair and Governor Walker and a few of the leadership went into a smoke-filled room and created the RTA, that's when the Lottery Bill came back here and to talk about putting the money in the General Fund to subsidize the Regional Transit Authority. So, everybody who buys a ticket on the Lottery is really buying a ticket on a bus."

Speaker Yourell: "Representative Tuerk."

Tuerk: "Well, Mr. Speaker, Members of the House, I think it's been clear here in the debate today that there was a common misconception back ten years ago when the Lottery Bill passed; that it wasn't earmarked for any specific purpose, namely education or whatever; that the funds were going into the General Revenue Fund from which were disbursed for the various Bills that the state had. And, as a result, there's been a misconception for at least ten years. The Sponsor of this Bill wants to do a certain thing. You can support that if you'd like, but all I'm rising to try and clarify once again. I thought Representative Giorgi did clarify that well; and, as a result, there shouldn't be any misconception that those funds were earmarked for education or for any other purpose."

Speaker Yourell: "Is there further discussion? No further discussion, the Gentleman to close, Representative McMaster."

McMaster: "Thank you, Mr. Speaker. It amazes me that so many people such as my seatmate who have gotten up to reiterate exactly what I said in my opening remarks on this Bill that there was a misconception by the public that we did not earmark the Lottery Fund for education, and we are merely trying to do so now and clear up that misconception. And I

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would also like to point out that a similar Bill to this passed out of the General Assembly several weeks ago by a vote of 102 to 4. This Bill passed out of the Senate by a vote of 54 to 1, and I would urge a 'yes' vote. And I think we should make sure that the money is going to go to education. I urge a 'yes' vote."

Speaker Yourell: "Question is... Question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed vote 'no'. And on that, Representative Brookins to explain his vote."

Brookins: "Thank you, Mr. Speaker... Thank you, Mr. Speaker. I wasn't around here ten years ago to know which way you said the money was going to go and not go, but I do know that in my campaign in... the biggest question that was hit me is, 'Where is the money going, and why is it not going to education?'. So, with that, I vote 'aye'."

Speaker Yourell: "Representative Huff, one minute to explain his vote."

Huff: "Yes, Mr. Speaker, very briefly, this is an opportunity for me to keep faith with the long-held belief in my district that the money was in the schools. I vote 'aye'."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 103 voting 'aye', 7 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 322. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 322, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Yourell: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is another in my series of law and order Bills. This will amend the Criminal Code with regard to

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persons convicted of felonies who fail to return from either a furlough or from work and day release. This would provide that a felony convict who knowingly fails to return is guilty of a Class 3 felony, and a misdemeanor convict who knowingly fails to return is guilty of a Class B misdemeanor. Any person who knowingly aides a felony convict from failing to return is guilty of a Class 3 felony. Any person who knowingly aides a misdemeanor convict from failing to return is guilty of a Class B misdemeanor. I would indicate that this Bill was a recommendation of the Illinois State Bar Association. I would be happy to answer any questions. I would ask for your support."

Speaker Matijevich: "Representative Cullerton has moved for the passage of Senate Bill 322. The Gentleman from DeWitt, Representative Vinson."

Vinson: "Will the Gentleman yield for a few questions?"

Speaker Matijevich: "He indicates he will."

Vinson: "Representative, is it not the current law in the State of Illinois that to commit a felony with a gun is a Class X offense?"

Cullerton: "Yes, that's armed violence."

Vinson: "Alright. Now, I would direct your attention to page one, lines 19 through 22. Now, isn't the effect of the Bill to lower that Class X offense, in this case, to a lower felony?"

Cullerton: "You talking about Section B under the escape sentence?"

Vinson: "I'm sorry. I want to talk about Section A, lines 12 through 14. And, of course, you'd have to read lines 26 through 28 in connection with that."

Cullerton: "Okay. I still don't understand what your question is. It doesn't say anything about... Are you talking about

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page one of the Bill?"

Vinson: "Yes, I'm talking about page one of the Bill. You make it a... so that a person convicted of a felony who fails to return from furlough is guilty of a Class 3 felony. Correct?"

Cullerton: "Right, if they fail to return."

Vinson: "That's right. And, under Subsection (d), that would be upgraded. If he did that with a gun, that would be upgraded to a Class 2 felony."

Cullerton: "Right, but they could also be charged with armed violence and be charged with a Class X. This doesn't preclude that at all. There's a whole... That's the ... The problem with armed violence is that there's a number of lesser offenses, like aggravated battery, that if you commit it with a firearm, it's not only armed violence, which is a Class X, but it's also the Class 2 felony of aggravated battery. And this is a similar situation. It's not lowering the penalty. It's providing for a different offense for the particular penalty. And if the prosecution elects to charge someone with armed violence, they can always do that, and that's still on the books. And that's a Class X felony."

Vinson: "So, why would we have this alternative procedure?"

Cullerton: "Well, because the current law talks about escaping from a penitentiary, and there was a concern that it doesn't address the issue of someone who is out on furlough or out on work release who fails to return. And this is... The intent of this Bill is to make it clear that failing to return is also going to come under the escape provisions of the Criminal Code. So, we're just making it clear that it's against the law for failure to return, just as it would be for someone to escape."

Vinson: "And you are not lowering the penalty for a commission

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for armed violence."

Cullerton: "No, armed violence is committing a felony with a weapon. This would... This could, if they didn't use a weapon... of course, I don't know how you could use a weapon in failing to return from a work release, but I'm sure a prosecutor could figure out a way to charge them with it; and, if they did, they could be found guilty of a Class X felony of armed violence."

Vinson: "And this is not an encouragement to the use of weapons."

Cullerton: "No."

Vinson: "You feel absolutely confident about that."

Cullerton: "Look who's here. The real Speaker. I think it's a good Bill. I'd appreciate your 'aye' vote."

Speaker Matijevich: "Speaker Madigan."

Madigan: "Ladies and Gentlemen of the House, I would like to interrupt the business momentarily to announce the presence of our former speaker and very good friend, the Honorable Lieutenant Governor of the State, George Ryan. I suggested to George that he might wish to offer a few remarks to the Body today, but he said that he'd rather not do that today; although, he may return very shortly to offer some remarks on some of the pertinent issues which we are considering at this time. So, today we just simply wish to welcome George back to the House for a friendly visit. George Ryan."

Speaker Matijevich: "We'll see you, George. Have you concluded, Representative Vinson? I guess you have. Representative Ropp."

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

Speaker Matijevich: "Indicates he will."

Ropp: "Mr. Sponsor, you've been extremely diligent in getting knowingly into lots of Bills this year. For further help in my understanding, would you explain a situation which would mean unknowingly failure to come back?"

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Cullerton: "No."

Ropp: "Why?"

Cullerton: "I can't think of any right now."

Ropp: "Well, why could you not think of a unknowingly and are so concerned about a knowingly? If you don't have one, couldn't you have the other?"

Cullerton: "Well, I imagine if someone went to the wrong prison, thinking that they were returning to the right prison. Representative Ropp? Say, return to the wrong prison, thinking that they were returning to the right prison. That's possible that they didn't knowingly fail to return from a work release."

Ropp: "Well, it probably really wouldn't make any difference then, would they, if they didn't know which prison they were returning to as long as they were in prison?"

Cullerton: "Yeah, but, you know, some of these state's attorneys might charge them with a Class 3 felony here of failing to return, and then that would have to be the defendants defense."

Ropp: "I guess you have continued to help me be more unknowledgeable about this than I even was before."

Cullerton: "Well, I can tell you this - that if you fail to put in a mental state, then it's presumed that it's either recklessness. A reckless mental state would have to be proven by the state or a knowing, intentional mental state. So, if you don't put knowingly - and it's not disastrous, because it's presumed to be reckless - but it's... If you have the chance to do it, you should do it in any criminal penalty, and that's what we've done on this Bill."

Ropp: "Okay. Thank you."

Speaker Matijevich: "Representative Jaffe."

Jaffe: "Yeah, would the Gentleman yield to a question?"

Speaker Matijevich: "Indicates he will. Proceed."

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Jaffe: "John, under this Bill if someone has been charged and is serving a Class 3 felony and is on a work release program, and he goes out one day and is on the work release program; and, while he's out, his wife informs him that the child has been hit by a car, and he knowingly takes that child to the hospital, and he doesn't come back for a little period of time. Actually, that's a Class 3 felony."

Cullerton: "Absolutely."

Jaffe: "Okay. So, if I may speak to the Bill, what you have in an instance over here, and I wish we would pay attention to this Bill, because what you have is you have an individual that can be late or... for any reason. I mean, he can take a child to a hospital. He can do any good cause. As long as he knows that he's doing it, and he can be late and all of a sudden, if he's guilty of a Class 3 felony, he's again guilty of a Class 3 felony, which means that, for doing a good act, he could be sentenced to the penitentiary mandatorily for two to five years. This is another instance where we're going way overboard, where we're doing all sorts of wrong things. I don't know how anybody could possibly vote for this Bill if they really thought about it for any moment of time. So, I would urge a 'no' vote, despite the magnificent sponsorship of this Bill."

Speaker Matijevich: "Representative Karpziel."

Karpziel: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Matijevich: "He indicates he will. Proceed."

Karpziel: "He's nodding his head no."

Speaker Matijevich: "Oh, no?"

Karpziel: "Representative, I am thoroughly confused on this Bill with the arrival of our former Speaker and all the commotion and everything. My analysis or our analysis on this side says that this Bill will provide for lesser penalties for a prison or jail inmate's failure to return

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from work release or furlough than it does for escape. I guess what I'm asking, and I wonder if... I guess what I'm asking is if you are changing the present law to make it a lesser penalty for those returning from furlough or a work release than for an escape."

Cullerton: "I'd think about that for a second. If I understand what you just said, we are providing for a lesser penalty for someone who fails to return from work release than if someone escapes from the prison, and that's right."

Karpiel: "Right."

Cullerton: "That makes sense, doesn't it?"

Karpiel: "Yeah, but is that a change in the present law? Is the present law all the same?"

Cullerton: "No, the only purpose for the Bill is that when you read the escape Section of the current law, the question is, if someone goes out on work release and fails to come back on time, is that technically an escape? And what I'm saying with this Bill is, yes, it is an escape. It's under the escape Section, and it's specifically spelled out that the failure to return is a specific penalty."

Karpiel: "Well, under present law, what is it now?"

Cullerton: "Well, under present law, there's an argument that it's not covered by the Criminal Code; that failure to return is not an escape and; therefore, there's a loophole. And that's what the Bill is designed..."

Karpiel: "And that's what the Bill is intended to do."

Cullerton: "Right."

Karpiel: "I see. So, that's why Representative Jaffe is saying that it could be with due..."

Cullerton: "This Bill is endorsed by the A team - Homer, McCracken and Hawkinson. What else can I say?"

Speaker Matijevich: "That's the A team."

Karpiel: "It must be a very good Bill, Representative. Thank

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you."

Cullerton: "It's a law and order Bill."

Karpiel: "I urge an 'aye' vote."

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

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

Speaker Matijevich: "Representative Flinn moves the previous question. The question is, 'Shall the main question be put?'. Those in favor say 'aye', opposed 'no', and the main question is put. Representative Cullerton to close."

Cullerton: "I would ask for your favorable support for a Bill which, if not part of Judge Steigman's package, it certainly qualifies to be one, and I would ask for everyone's support for this good law and order Bill."

Speaker Matijevich: "Representative Cullerton has moved for the passage of House... Senate Bill 322. The question is, 'Shall Senate Bill 322 pass?'. Those in favor signify by voting 'aye', those opposed by voting 'no'. Representative Dunn to explain his vote. One minute."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It won't make much difference, but I did want to point out to the Membership that I believe this Bill will make convicts of convicts' mothers. If someone goes to the house and says... walks in the door. The mother's got to say, 'Don't cross the threshold', or, 'Don't come in the door'. If the mother says, 'The first thing you've got to do tomorrow morning is go back to jail', she's probably going to be a convicted felon herself. So, I think we're pushing things a little bit too far with this Bill to try to achieve a good result."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 97 'ayes', 6 'nays', 6 voting 'present', and Senate Bill

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322, having received the Constitu... I'm sorry.
Representative Ewing, I didn't see you again. I'm sorry."

Ewing: "After... Mr. Speaker, as soon as you're through with this
Bill."

Speaker Matijeich: "No, go ahead. I really didn't see you,
or... Do you want to explain your vote?"

Ewing: "I want... I would like you finish this Bill, and then I'd
like to be recognized."

Speaker Matijeich: "Oh, alright. Have all voted who wish? The
Clerk will... Representative Davis 'aye'. There are 97
'ayes', 6 'nos', 6 voting 'present'. Senate Bill 322,
having received the Constitutional Majority, is hereby
declared passed. Representative Ewing, for what purpose do
you seek..."

Ewing: "Mr. Speaker, you were not in the Chair a few minutes ago,
but I'd like to make a parliamentary inquiry. There's a
great deal of power on the podium behind you and to the
side. I was told, on behalf of the ladies, that the
committee on women's potties was needy; and, if they
haven't reported... if they haven't reported, would it be
possible to make a Motion to discharge?"

Speaker Matijeich: "Now, that's... I'll..."

Ewing: "I mean, things are bad. I've now got the report that
there is not soap."

Speaker Matijeich: "I'll tell you... We'll flush it out on the
Speaker one of these days."

Ewing: "No soap. Please."

Speaker Matijeich: "But we now are going to the Order of
House/Senate confrontation, Representative Capparelli."

Capparelli: "We'd like to make two presentations, one to the
Speaker and one to the Minority Leader. Today is our game,
and I wish you'd all come out and support your team. We've
got some nice, young atheletes out there who'll give me a

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good time. We'd like to present the Speaker, Mike Madigan, Mr. Speaker's shirt that is usually given to the Speaker, and, Mike, we'd like to present you with the Speaker's and the hat that goes with it. He's the original captain and the boss of the team. We also have... Mike was kind enough to come out here. He's not feeling too well. We also would like to make a presentation, co-captain Bopp will make that to the Minority Leader."

Ropp: "Thank you very much, Mr. Speaker. It is my pleasure to present to the Minority Leader his shirt which you can clearly see is portly sized."

Madigan: "To Representative Capparelli and Terzich, thank you for the award. We... We plan to adjourn at 5:00 to permit a full attendance at the game tonight. This has become an ongoing event. It's very well attended, and we have much to thank Representative Capparelli and Terzich and Pete Miller, who I believe was either the originator of this game or one of those who was originally involved in starting the game. So, thank you very much, and I hope everybody attends the game."

Daniels: "I would like to present my shirt to Mike, and... for next term, Mike. We're going to save this one for you. And, George? George Ryan, what Bill would you like me to pass now? Thank you."

Speaker Matijevich: "Speaker said, 'Thank you', but it won't fit, Lee. And we hope we win by the ten-run rule tonight. Next Bill is Senate Bill 323, Yourell. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 323, a Bill for an Act to revise the law in relation to local public library districts. Third Reading of the Bill."

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

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Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I would ask leave to table Amendment #1 to Senate Bill 323. It has a technical difficulty with the Amendment, and..."

Speaker Matijeovich: "Gentleman asks leave to return Senate Bill 323 to the Order of Second Reading for the purpose of tabling an Amendment. Leave, and the Bill is on Second. And Representative Yourell now asks leave to table Amendment #1. Leave. Amendment #1 is tabled. Are there further Amendments? One moment, Bus. We're not sure you tabled the right... Table 1... Amendment #1 has already been tabled. Is that the one you wanted tabled or..."

Yourell: "Amendment #1 is the one I want to table, yes."

Speaker Matijeovich: "Well, it's already been tabled. So, you're in good shape."

Yourell: "Okay."

Speaker Matijeovich: "Alright. Third Reading. Woop, wait a minute. Are there further Amendments? Leave to return it to Third... Second. Leave. Further Amendments? Bus, we don't have any Amendments. 2, 3 and 4 are already on there. Can we move it to Third now?"

Yourell: "Yes."

Speaker Matijeovich: "Third Reading. Representative Yourell on Senate Bill 323."

Yourell: "Thank you, Mr. Speaker. Senate Bill 323 as amended is a Bill that the Illinois Library Association has been working on for the past six years. What it does is clarify existing language which attorneys, administrators and trustees have trouble with in interpreting the law when trying to run their library properly and to make the language of the Illinois Public Library District Act consistent with that in the Local Library Act. What Amendment #3 did was to take... or Amendment #4 was to take

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out the language that would have required a levy without a referendum. So, those that had difficulty with that part of the Bill have no need for further fear in that regard. So, I move for the passage of Senate Bill 323 as amended."

Speaker Matijevich: "Representative Yourell has moved for the passage of Senate Bill 323. The Gentleman from Cook, Representative Birkinbine."

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

Speaker Matijevich: "He indicates he will. Proceed."

Birkinbine: "Bus, do I understand that the Amendment that you withdrew, you said it had a technical problem with it, and you didn't replace it with another Amendment, but that took out the provision that would have allowed for a potential tax increase without a referendum?"

Yourell: "No. That was Amendment #4. They removed that language, and I'll read that to you if you like."

Birkinbine: "Which... Which Amendment..."

Yourell: "Amendment #4."

Birkinbine: "Is it... That's still in?"

Yourell: "That deletes... That took out the language that would have allowed libraries a tax levy without referendum. That language has been deleted. So, there is no problem with a tax levy without referendum, as it presently exists in the Bill."

Birkinbine: "Thank you very much."

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

Cullerton: "Yes, would the Sponsor yield?"

Speaker Matijevich: "He indicates he will."

Cullerton: "Representative Yourell, in the first Section of the Act that you're amending it reads that every such library shall be forever free to the use of the residents of the

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district wherein it is located. And you're changing that, and you're striking the word 'free'. What is the purpose of that change?"

Yourell: "What page is that on, Representative..."

Cullerton: "It's on page one of the Bill. It's under the Section 1-3, and it strikes the word 'free' in the phrase 'every such library shall be forever free to the use of the residents'. And it just strikes that word. And I was just wondering if it was contemplated some kind of an entrance fee or something like that to get into a library."

Yourell: "No."

Cullerton: "But what..."

Yourell: "No, this is language that was taken out in order to strengthen the language in the Library District Act when it becomes necessary for attorneys and administrators and trustees to administer the Act. They've had difficulty with that language, and that's why that language was struck."

Cullerton: "That doesn't contemplate having to pay to get into a library I..."

Yourell: "No, it does not."

Cullerton: "Thank you."

Speaker Matijevich: "Representative Yourell to close."

Yourell: "Thank you, Mr. Speaker. I'd just ask for a favorable vote on Senate Bill 323."

Speaker Matijevich: "Representative Yourell has moved for the passage of Senate Bill 323. The question is, 'Shall Senate Bill 323 pass?'. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 104 'ayes', 4 'nays', 4 voting 'present'. Senate Bill 323, having received the Constitutional Majority, is hereby declared passed. Senate

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Bill 325 is on a Special Order. Out of the record. Senate Bill 327, Zwick. The Clerk will read the Bill. Representative Yourell in the Chair."

Clerk O'Brien: "Senate Bill 327, a Bill for an Act to amend the Illinois Credit Union Act. Third Reading of the Bill."

Speaker Yourell: "Representative Zwick."

Zwick: "Thank you, Mr. Speaker, Members of the House. House (sic - Senate) Bill 327 was introduced basically in reaction to a change that was made by the Federal Government that would give permissive language to federal credit unions to change, under certain circumstances, the common bonds that is defined in the credit union laws. If we do not change state law, this would create an advantage for federal credit unions, which the state credit unions could not even apply for and try to utilize. It's permissive in nature and would allow state credit unions to apply to the state the same way federal unions can now apply to the Federal Government for a change in the common bond as far as residence is concerned. The intent is basically for college students who may be away at college and don't reside at home and for, perhaps, sons or daughters who may be away in the military who no longer reside at home but could still maintain their position in the credit union the family belongs to when the credit union allows that kind of family membership. I would appreciate your support on this Bill."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? On this question there are 108 voting 'aye'... 107 voting 'aye', 3 voting 'no'. This Bill, having received the Constitutional Majority, is hereby

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declared passed. Senate Bill 336 is on a Special Order. Did you want to call that, Representative Breslin? Out of the record. Senate Bill 337 is on Special Order. Representative Piel, did you want to call that Bill? Out of the record. Senate Bill 338, Representative Hoffman. 338. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 338, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Yourell: "Representative Hoffman."

Hoffman: "Thank you very... Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 338, which was sponsored in the Senate by Senator Berman and Senator Rock and here in the House by Representative's Curran and myself, expands some of the provisions in the Section of the Code in reference to gifted education. This Bill was a product of the symposium that was held here under the auspices of the State Board of Education and the School Problems Commission and is supported by the State Board of Education, the IEA, the IFT, the Chicago Board of Ed, EDRED, the School Problems Commission. It provides for training grants. Senate Bill 886 is a companion Bill which provides the money for the summer grants and the fellowship grants and the trainingship grants. I would be pleased to respond to any questions and would ask for an affirmative vote on this fine improvement, in my judgement, of our statutes on gifted education."

Speaker Yourell: "Is there discussion? Being no discussion, the question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 112 voting 'aye', none voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed.

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Appearing on the Order of Senate Bills Third Reading is Senate Bill 341. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 341, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Yourell: "Representative Giorgi."

Giorgi: "Mr. Speaker, this is Senator Darrow's Bill which allows the county boards, by ordinance, to extend the delinquency date for payment of real estate taxes. Very simple Bill. I urge your support."

Speaker Yourell: "Is there discussion? Being no discussion, the question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 105 voting 'aye', 6 voting 'no'. This Bill, having received the Constitutional Majority, is... Representative Karpel 'aye' - is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 346. Out of the record. Appearing on the Order of Senate Bills Third Reading is Senate Bill 350. Representative McMaster? Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 350, a Bill for an Act to create the Conservation Tillage Risk Share Program. Third Reading of the Bill."

Speaker Yourell: "Representative McMaster."

McMaster: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the Senate duplication of the Bill of mine that passed out of here, oh, quite some time ago in regard to risk share on the Minimum Tillage Program of the State of Illinois. I would be glad to answer any questions. Those of you who remember the debate when we passed my Bill, it passed without any difficulty, and I would answer questions or urge your support of this Bill."

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Speaker Yourell: "Is there discussion? Representative McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. My district is not what you would consider a farm district; but, in driving to Springfield, I do drive past a lot of farmland. And I understand that one of the sayings about corn for midsummer goes like this, 'Knee high by the Fourth of July'. I guess if it's a good year, the corn should be knee high by then or maybe waist high or whatever. But this year driving up here I noticed that the corn wasn't knee high, even though it's not the Fourth of July, but the corn hadn't even poked its nose through the ground yet. The problem was is that there wasn't any corn planted, and the only thing that was in all of these fields as I was driving to Springfield were weeds. I just couldn't understand, and then I drove through a couple of little towns and I noticed that all the welfare recipients were in town. They weren't working anymore on the farm. The welfare recipients had taken over all the farms in central Illinois, and they were sitting in the taverns talking about and complaining about their welfare payments. Now, the Sun-Times found one of these welfare recipients is going to receive 430,000 dollars. There's been some misconceptions, I think, in the past about the welfare recipients. One misconception is that they drive around in black Cadillacs. Most of the welfare recipients in central Illinois drive around on red and yellow and black tractors. But they have these tractors now parked in the towns, because there's no reason to have the tractors in the fields. They have nothing there but weeds. Now we... We have here another welfare program for the farmers, and this is going to pay them to have a certain method of tillage so that if their corn doesn't grow as it did in the past... They would have to measure it against previous years. They

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couldn't measure it against this year, because they're not growing any corn. But they have to measure it against previous years. I suppose, as I said a couple months ago, that we're going to have to have a tremendous increase in our welfare workers, our social workers, that will have to go out and check these farmers to make sure that there isn't welfare cheating going on out there. I would think that it would be very easy to go from one field to the other to remove corn or to remove soy beans, and then when the day came to harvest, lo and behold, the harvest would be lower than what it was supposed to be. So, the welfare recipient would get another large check. I don't see how a caseworker could possibly have over 25 farmers or 25 welfare recipients to monitor in a year. So, this perhaps would require up to 300 or 500 new welfare workers just to monitor this program. I think after while that the farmers are going to get embarrassed about this. Twelve billions dollars spent on PIK this year alone, 430,000 dollars to one farmer in Illinois. One hundred thousand grants are common in Illinois. On top of that, we have direct grants of up to 50,000 dollars per farm, and now we're going to set up an additional welfare program to tell them how to plow their fields and to give them more money if they plow their fields the way we tell them to. And somehow they harvest less corn. I can imagine that these welfare recipients are going to become such an embarrassment to this state, sitting in their farmyards watching the weeds grow and sitting in the taverns with their tractors parked out front. It is going to be such an embarrassment to this state that I think... that this... that instead of having an image of the welfare recipients living in the cities, it appears like we are indeed going to change the national image right here in our state and have the entire United

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States foresee that all the welfare recipients live in the grain belt. I don't think it's a good idea to do this to our farmers. It certainly is a change from what the farmers have always said they support, and that is the free enterprise system. I don't think we can afford another welfare program at this time."

Speaker Yourell: "Representative Ewing."

Ewing: "Mr. Speaker and Ladies and Gentlemen of the House, after that last tirade on farmers, I think it's time that somebody come to their rescue. Representative McPike... Pardon me. The last Representative who spoke certainly shows how little he knows about Illinois agriculture by his comments about the PIK program and whether there's any corn being grown in Illinois. I don't know what part of the state he drives through coming to Springfield, but it's surely not through the good part. Now, I would say one more comment. I probably wasn't going to vote for this Bill; but, after the last comments, I feel I had to get up and speak for it and to vote for it. And if we're not careful, Ladies and Gentlemen, when we talk about welfare and the farmer and if we are consistent in our policy in this Legislature to drive all the other industry out of this state, all we're going to have left will be farmers and welfare recipients. So, I say, Ladies and Gentlemen, let's support the farmer, because he'll have a big job to support when he's the only one left. Let's vote 'yes' on this Bill."

Speaker Yourell: "Representative Johnson. Oh, the Gentlemen... The previous question is moved. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The question has been moved. Representative McMaster to close."

McMaster: "Thank you, Mr. Speaker. I'm glad you got around to me. The Majority Leader over there was bringing tears to

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my eyes. I think, Mr. Speaker, you noticed that I was drying them with my handkerchief. I was not waiving at anyone in the gallery. Mr. Speaker, I think, to expand a little bit upon what Representative Ewing said, it was very obvious to me listening to the Majority Leader that he does not understand what is going on in the farming community or what this Bill does. In reality, it is not a gift to any farmer. A farmer would not receive any money from this program unless he had a decrease in yield compared to another section of crop or area of crop in the same vicinity. And unless he had a drop in yield, he would not receive any money. All it is is a guarantee to try to help people like Mr. McPike to see that we insure the future of the people in this state, including his children and grandchildren should he every have any. And I certainly feel that it's a good program. If we're going to try to maintain the state, to maintain our position agricultural production and to insure that our future residents of this state will have food to eat, I think we should pass legislation such as this, and I would strongly urge a 'yes' vote for it. Maybe Mr. McPike will even vote for it."

Speaker Yourell: "Question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed will vote 'no'. The voting is open. Representative Ropp to explain his vote."

Ropp: "Thank you, Mr. Speaker and Members of the House. I'm going to continue to vote 'no', but not for the reason that the Majority Leader so indicated. Let me just say that the Majority Leader has indicated that this is a welfare program. Let me tell you what this kind of welfare program does that he is indicating that farmers are doing. They're making it possible for he and all of the other 11 million people in the State of Illinois and the over 200 million

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people throughout this nation to spend less than 17% of their disposable income just to stay alive eating food. No other nation, no other nation in the world can even come close to that, to the tune of 30, 40, 60 and even 70% of their disposable income goes for the purchase of food. Yes, that's what you're talking about, the public aid people in Illinois, the welfare people. These are American farmers, hard workers. I'm opposing it, primarily, because I think that it is a program that has been proven effective by the University of Illinois and other institutions of higher learning that farmers don't actually need to learn how to provide minimum tillage. They are knowledgeable of this, and I would prefer to put that million dollars in other effective programs that I feel are necessary for human needs. That's why I'm voting 'no'. It is a good program."

Speaker Yourell: "Representative Braun to explain her vote."

Braun: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There's 71 votes on this Bill so far. I don't really have a problem with welfare for farmers any more than I have for welfare for anybody that's in need, but I just want to say to the 71 people who are voting for this Bill that when it comes time to vote for an income tax increase in the State of Illinois so that we can find... fund welfare for people who can't even afford to buy farms, I hope you're there. When it comes time to fund the schools so children can learn to be farmers or whatever else it is that they want to be, I hope you're there. When it comes time to fund any number of human services programs for people who are handicapped and can't do for themselves, I hope that you're still there on that vote as well. This may be welfare for the farmers. Again, I have nothing against farmers, but I just have to be a little

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amused to see these many votes on a Bill that is a give-away to those who probably need it a lot less than a lot of other people in this state."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 66 voting 'aye', 22 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 355. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 355, a Bill for an Act to amend the Crime Victims Compensation Act. Third Reading of the Bill."

Speaker Yourell: "Representative Jaffe."

Jaffe: "Yeah, Mr. Speaker, Members of the House, this amends the Crime Victims Compensation Act to include driving under the influence under the crimes of violence, which make victims or the dependents eligible for compensation under this Act, but only if a conviction was entered. This makes victims or dependents in DUI cases eligible for compensation under the Act up to \$50,000 reduced by the amount of any dramshop, civil, tort, medicare, life, health, accident, their liability insurance recovery. Four states have already provided for this type of Amendment, California, Colorado, Michigan, and Texas, and the other states are doing likewise. I would be happy to answer any question with regard to it."

Speaker Yourell: "Is there discussion? Mr. McCracken. Representative McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen. Representative Jaffe addresses an important problem, and that is the victim of the crime which does great property damage and takes it toll in human life. However, I think the method we choose here, creates a problem for this

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reason. Up until this point, and up until very recently, all crimes which were included under the Act were crimes of violence which had to be committed intentionally as opposed to accidentally, as opposed to negligently, even as opposed to recklessly. But common to all of those was the fact that a conviction necessarily made the determination that the victim was hurt by this person. Now recently, we included reckless homicide, which no longer required intent to commit, but could be committed recklessly. However, even in that case, the conviction of the offense required that the victim be proved to have been hurt by the wrong doer or the perpetrator, so that all issues relative to causation were decided by the conviction. Now we move to driving under the influence, which does not require a finding that the victim was hurt because the person was operating the motor vehicle under the influence. It is possible, and it is not decided by a conviction of DWI, that the person was not hurt because the person was operating the motor vehicle under the influence. What we could have is the gratuitous fact of the operation while under the influence. So there is no proof of harm approximate cause to the harm to the victim. Now, even if the statute requires that there be a showing, that the victim was harmed as a result of the commission of the offense, it's still is not disposed of. What the victim would have to prove, essentially, would be that not only was the person convicted of DWI, but that the person was convicted, and in addition, that he was harmed by the operation of the motor vehicle while under the influence. We...we go way beyond the original perimeter of the Crime Victims Compensation Act. We introduce a new and extraneous element of proof which is required. No longer will it be a summary remedy. These are unanswered

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questions. It's an important area of concern, however, it is not addressed adequately in this Bill. I urge a 'no' vote."

Speaker Yourell: "Representative Davis."

Davis: "Thank you, Mr. Speaker. I move the previous question."

Speaker Yourell: "The Gentleman moves the previous question. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The previous question is removed. Representative Jaffe to close."

Jaffe: "Mr. Speaker and Members, just in correction of what the preceding Gentleman said, that the cases are all decided by the court of claims. You have to go before court of claims in order to make the recovery, you have to show injury, you have to show damages, you have to show everything else, so that's not a loophole at all. I think the Gentleman is...is mistaken on that. So, basically, all we're doing is including DWI under these crimes where people could come and collect. We've had a lot of talk about DWI today. It's about time we looked at the victims and try to help out them a little bit. And I would urge an 'aye' vote on it."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 90... Representative Mulcahey 'aye'. 97 voting 'aye', 7 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 356. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 356, a Bill for an Act to amend the Crime Victims Compensation Act. Third Reading of the Bill."

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Speaker Yourell: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker and Members, 300...Senate Bill 356 is really a clean up Bill that was asked for by the Attorney General. Basically what happens, is it restores a portion of the statute that was removed. That was the portion that permitted the court of claims to deny a claim. In addition, it says that awards may be reduced or denied to the extent that the victims acts, or conduct provoked, or contributed to this injure or death. And third, in all proceedings under this Act conducted by commissioners, they will not be found by the rules of other than it's used in the courts of law. That's basically is what the Bill says. I...I would be happy to answer any question."

Speaker Yourell: "Is there...is there discussion? There being no discussion. The question is, 'Shall this Bill pass?'. All those in favor vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this... Braun, 'aye'. On this question, there are 111 voting 'aye', none voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Senate Bills Third Reading is Senate Bill 357. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 357, a Bill for an Act to amend the Crime Victims Compensation Act. Third Reading of the Bill."

Speaker Yourell: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker, I...I will like to have leave to take this back to Second Reading for an Amendment, which I believe is going to be offered by Representative Davis."

Speaker Yourell: "The Gentleman asks leave to take the Bill back to Second Reading for purpose of an Amendment. Leave is granted? Leave granted. Amendments, Mr. Clerk."

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Clerk O'Brien: "Amendment #3, Johnson - Davis, amends Senate Bill 357 as amended by the following."

Speaker Yourell: "Representative Johnson on Amendment #3."

Johnson: "Thank you, Mr. Speaker, Members of the House. This is...Amendment, that I think, has an agreement on both side of the aisle. Offered by Representative Davis and myself, conforms the Board case, and the LA case and clarifies the law in respect to damage, and I urge this adoption."

Speaker Yourell: "Representative Johnson moves to adopt Amendment #3 to Senate Bill 357. Is there discussion? All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments? Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. Representative Jaffe."

Jaffe: "Mr. Speaker, may I have leave to hear this Bill now?"

Speaker Yourell: "The Gentleman asks leave to have the Bill heard on Third Reading. Is there a leave? Representative Jaffe."

Jaffe: "Mr. Speaker, this is a...this is another Bill from the Attorney General. Basically, what it says, it amends the Crime Victims Compensation Act to preclude compensation under this Act for injuries when the injuries occurs while the person is a victim in a federal or a state penitentiary. And that's basically... I...I would urge an 'aye' vote."

Speaker Yourell: "The question is, 'Shall this Bill pass?'. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 111 voting 'aye', 1 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 27. Alright. Appearing

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on the Order of Senate Bills... Back to page 19.
Appearing on the Order of Senate Bills Third Reading is
Senate Bill 365. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 365, a Bill for an Act to amend the
Crime Victims Compensation Act. Third Reading of the
Bill."

Speaker Yourell: "Representative Jaffe."

Jaffe: "Mr. Speaker, this is the last in that whole series of
Bills from the Attorney General. That basically all this
does, is amends the Crime Victims Compensation Act to
include this pecuniary lost in expenses for psychological
counseling in counseling by licensed social workers."

Speaker Yourell: "Is there discussion? There being no
discussion. The question is, 'Shall this Bill pass?'. All
those in favor vote 'aye', those opposed 'no'. The voting
is open. Have all voted who wish? Have all voted who
wish? Take the record, Mr. Clerk. On this question, there
are 112 voting 'yes', none voting 'no', and this Bill,
having received the Constitutional Majority, is hereby
declared passed. Now, on page 27. On the Order of Senate
Bills Second Reading Short Debate appears House
Bill...Senate Bill 859. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 859, a Bill for an Act to amend the
Revenue Act. Second Reading of the Bill. No Committee
Amendments."

Speaker Yourell: "Any Floor Amendments?"

Clerk O'Brien: "Amendment #1, Bullock, amends Senate Bill 859 on
page one by deleting lines one and two and so forth."

Speaker Yourell: "Take that Amendment out of the record. We're
going to read these Bills and leave them on Second Reading.
Alright, Senate Bill 859 having been read the second time.
Out of the record. Held on Second Reading. On page 33 on
the Order of Senate Bills Second Reading appears Senate

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Bill 1332. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1332, a Bill for an Act in relation to access to public records. Second Reading of the Bill.

This Bill has been read a second time previously."

Speaker Yourell: "Mr. Clerk, has a fiscal note been filed?"

Clerk O'Brien: "A fiscal note is filed."

Speaker Yourell: "Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. On page 32 on the Order of Second Bills Second Reading appears Senate Bill 891. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 891, a Bill for an Act to amend an Act creating the Department of Children and Family Services. Second Reading of the Bill."

Speaker Yourell: "This Bill have been read a second time, we'll hold that Bill on Second Reading. There are certain Bills that are on the Agreed Bill list on Second Reading. We're going to read those Bills a second time. And hold them on Second Reading. The Bills are Senate Bill 11 on page 33, Senate Bill 294 on page 28. Yeah, read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 11, a Bill for an Act creating the Illinois National Guards Study Commission. Second Reading of the Bill."

Speaker Yourell: "This Bill have been read on Second Reading will remain on Second Reading. Senate Bill 294, page 28. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 294, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill."

Speaker Yourell: "Senate Bill 294 have been read a second time will remain on Second Reading. Senate Bill 306, page 26."

Clerk O'Brien: "Senate Bill 306, a Bill for an Act to amend the

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Northeastern Illinois Planning Commission Act. Second Reading of the Bill."

Speaker Yourell: "This Bill have been read a second time will remain on Second Reading. Senate Bill 313 on page four. Read the Bill, Mr. Clerk."

Clerk O'Erien: "Senate Bill 313..."

Speaker Yourell: "Representative Vinson."

Vinson: "I think what you need to do is return that Bill from Third to Second. I think it's on Third right now."

Speaker Yourell: "Senate Bill 313 is on Third Reading Short Debate. Leave to return Senate Bill 313 to Second Reading? The Bill is on Second Reading."

Clerk O'Brien: "Amendment #2, Cullerton, amends Senate Bill 313 as amended on page one by deleting lines one and three and so forth."

Speaker Yourell: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 is very similar to a Bill that we passed out of here, having to do with jury duty exemptions. The Senate, unfortunately, defeated that Bill by seven votes over in the Senate yesterday. They indicated in debate, that they objected to the fact that newspaper reporters still had an exemption, and this concern was expressed by some Members on the House floor. So what we're doing with this particular Bill is to say that we will eliminate all jury duty exemptions, and the reporters will not have the exemption as was as they had in the previous Bill on House Bill 200. And this would conform what the Senate wanted, and I expect then, that they would concur with this Amendment. So I would ask for your support on Amendment #2."

Speaker Yourell: "The Gentleman has moved to adopt Amendment #2 to Senate Bill 313. On that, Representative Johnson."

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Johnson: "I stand in strong support of this Amendment. Our whole system of jury service. And our whole system of trial by ones pierce is really premise on the facts, that the fairest adjudication that an individual can get in a civil or a criminal trial is through a cross section of his or her pierce. And when we begin as we have in the past to exclude groups A, B, C, and we really carried it to ridiculous extremes, I think we lose that melting pot that makes a successful jury system. And if we want to preserve the jury system and make it stronger, it seems to me to be eminently reasonable to obligate citizens as a duty of citizenship to serve on juries. And as I indicated in my debate on the previous Bill, it seems to me, that there is no real reason why members of the press, the news media should be treated any different than anybody else with respect to jury service. And I would gather or I would guess that if you surveyed members of the press, that a big majority of them would feel that it was not only their duty, but a...an obligation that they freely undertook to serve on juries. In fact, I think they have their part of that melting process, and I think would, in many cases, serve a very valid role in a jury process. So this is a good Bill. It's a good Amendment. It's something we passed out overwhelmingly before. And I certainly rise in support of Representative Cullerton's Amendment."

Speaker Yourell: "Representative Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Just to make sure I understand the impart of this Amendment. The Amendment abolishes all exemptions from jury duty."

Yourell: "Is that a question?"

Hoffman: "Yes. A question of the Sponsor."

Speaker Yourell: "Representative Cullerton."

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Cullerton: "Yes, that's...that's correct. It's very similar to House Bill 200, which flew out of here, except that we've removed the exemption for reporters."

Hoffman: "Anybody else? How about the blind, or the deaf are they're in? They're no longer..."

Cullerton: "The blind and the deaf, well, that was a subject matter of a different Bill. They were statutorily excluded from serving on jury. That Bill which has passed the Senate, said that they're eligible for jury duty. That was a group of people that wanted to be included for jury duty."

Hoffman: "Now this includes attorneys?"

Cullerton: "Everybody, right."

Hoffman: "Doctors?"

Cullerton: "Right. And it's...in other words, the point is, that they will go under same..."

Hoffman: "Members of the General Assembly?"

Cullerton: "That's correct, right."

Hoffman: "The Governor?"

Cullerton: "Absolutely. This just means that people who want to be excused from jury duty will go through the same process, that anyone who can't make jury duty goes through now. And I was just told yesterday by Senator Fawell, you'll be interested in this, DuPage County now has started a one day one trial system, just like they have in Kane, and two-thirds of Cook County. What that means is, you only serve one day. And if you're not chosen on a jury, you go home, or if you are chosen on a jury, you serve just for the length of that one trial, which is an average of about three days. So the inconvenience of jury duty has been eliminated or reduced, and what we're saying is the people who are statutorily, because they've had strong lobby groups come down here and give them a reward, by not having

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to serve on a jury that's absurd, and that we should have everybody treated the same way by having a jury of your pierce, have everyone eligible. If for any reason you cannot serve cause it's inconvenience, the jury commissioners would excuse."

Hoffman: "Are you suggesting...Sir, are you suggesting that the lawyer's organizations would come...who have come down here in the past and exempted themselves from this civic responsibility? Are you suggesting that?"

Cullerton: "I certainly don't know the legislative history of that particular exemption, but they're in there now, and I will like to remove them."

Hoffman: "You suggested that they've lob...their organization came down there and lobbied themselves out of this responsibility."

Cullerton: "Well, the christian science readers are exempted too, so maybe they came down at the same time."

Hoffman: "And you're suggesting that the medical society did the same thing, aren't you?"

Cullerton: "Oh, I don't know about them. They don't have that big of organization..."

Hoffman: "Well, frankly, Sir, I am shocked."

Cullerton: "And dismayed?"

Hoffman: "And should grin that you would even make that kind of suggestion of these two fine organization, but I appreciate the impart of your Amendment."

Cullerton: "Thank you very much."

Speaker Yourell: "Representative Topinka."

Topinka: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this Amendment. And I just like to cite to you what one Assistant State's Attorney imparted to me when she talked about having a jury where you eligibly tried by your pierce, 'We have so affectively exempted all

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of these special interest groups from being part impartial of juries'. That is very difficult to get a trial by your pierce, because there just aren't very many left anymore. So alternately, if you want to be fair and provide a trial by jury, which is a constitutional right. It's a very fair Amendment, and it puts everybody into the same bag. And I would, and suggest that we vote the Amendment in."

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

Cullerton: "I would ask for a voice vote."

Speaker Yourell: "The Gentleman has moved for the adoption of Amendment #2 to Senate Bill 313. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Third Reading. Leave to have the Bill remain on Short Debate? Leave is granted. On page 27 is Senate Bill 690. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 690, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill."

Speaker Yourell: "This Bill have been read a second time will remain on Second Reading. On page 10 appears Senate Bill 879. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 879, a Bill for an..."

Speaker Yourell: "879 out of the record. Appearing on page 31 is Senate Bill 515. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 515, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill."

Speaker Yourell: "This Bill have been read a second time will remain on Second Reading. Appearing on page 27 is Senate Bill 1075. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1075, a Bill for an Act to amend the Illinois Optometric Practice Act. This Bill have been read a second time previously."

Speaker Yourell: "The Bill remain on Second Reading. Appearing

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on page 37 is Senate Bill 1083. Out of the record. Alright, getting back to Senate Bill 1083 on page 37. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1083, a Bill for an Act in relation to the conveyance of certain state real property. Second Reading of the Bill."

Speaker Yourell: "This Bill have been read a second time remain on Second Reading. Appearing on page 33 is Senate Bill 1211. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1211, a Bill for an Act to amend the School Code. This Bill have been read a second time previously."

Speaker Yourell: "The Bill remains on Second Reading. Appearing on page 27 is Senate Bill 1270. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1270, a Bill for an Act to amend the Illinois Identification Card Act. Second Reading of the Bill."

Speaker Yourell: "This Bill have been read a second time will remain on Second Reading. Representative Vinson."

Vinson: "In that last group that you went through and read a second time and held on Second Reading, did you read 515 and hold that on Second Reading?"

Speaker Yourell: "Yes, Sir."

Vinson: "Thank you."

Speaker Yourell: "Agreed Resolutions."

Clerk O'Brien: "House Joint Resolution 63, Satterthwaite - Johnson, House Resolution 392, Wojcik, 393, Brookins, 394, Ropp, 395, Currie - et al, 396, Curran - DiPrima, 397, Didrickson."

Speaker Yourell: "Representative Giorgi."

Giorgi: "House Joint Resolution 63 by Satterthwaite, recognizes the Illinois State Natural History Society; Wojcik's 392, celebrates a 100th birthday; 393 by Brookins, talks about

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the institution of marriage; 394 by Ropp, honors the pastorate of Calvary Baptist Church; 395 by Currie, honors the first woman astronaut flying into space today; 396 by Curran, talks about the Capital City - Mesi's Italian Beef and Sausage Stand; and 397 by Didrickson, commends Joseph Nolan graduated from Loyola University. I move for the adoption of the Agreed Resolutions."

Speaker Yourell: "The Gentleman has moved for the adoption of the Agreed Resolutions. Representative Vinson."

Vinson: "What was...what was the first Resolution?"

Giorgi: "It was a Senate Joint Resolution, that honored the Illinois State Natural History Society, Satterthwaite - Johnson."

Vinson: "Thank you."

Speaker Yourell: "Representative Friedrich."

Friedrich: "I want to be recognized when you get through with this."

Speaker Yourell: "I didn't hear you, Sir."

Friedrich: "I want to be recognized when you finish adopting these Resolutions."

Speaker Yourell: "The Gentleman moves for the adoption of the Agreed Resolutions. All those in favor say 'aye', opposed 'no'. The Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 391, Van Duyne. House Joint Resolution 64, Oblinger - Ebbesen."

Speaker Yourell: "Committee on Assignments. Death Resolutions. Representative McPike on the Adjournment Resolution."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Upon adoption of the Death Resolution for a former Member, I would move that we stand adjourn until tomorrow of the hour of 9:00 a.m."

Speaker Yourell: "Representative Richmond."

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Richmond: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. A very brief announcement. Members of the Ag Committee, instead of meeting downstairs, I'd like for you to come back to this corner for about a minute in a half before we...as soon as we adjourn."

Speaker Yourell: "Representative Flinn, did you want to make an announce...? Okay. Mr. Clerk, read the Death Resolution. Members will be in their seats. This is a Death Resolution for a former Member."

Clerk O'Brien: "House Resolution 369, Brummer and Dwight Friedrich. Whereas, It is with deep sadness that this body learns of the recent passing of our distinguished former colleague, Leslie N. Jones, in Hemet, California, at the age of 84; and whereas, Elected to the 74th and 76th General Assemblies, Representative Jones, then of Flora, Illinois, capably served his constituents of the 54th District and benefited all the citizens of this State with his expertise as Vice Chairman of the Judicial Advisory Council and as a member of the Commission on Organization of State Government; and whereas, Although he sat on the Republican side of the aisle in this chamber, Leslie Jones was admired by all of his... For his dedication to principles and his sense of fair play, and his government service extended to the roles of adviser to Governors Richard Ogilvie and Dan Walker and special assistant to State Comptroller George Lindberg; and whereas, Born June 1, 1898, in Flora, Illinois, to Robert and Della Jones, Leslie Jones fought valiantly in France during World War I as a machine gunner in the 33rd Infantry Division of the United States Army, winning a Distinguished Service Cross and returning home to attend McKendree College and the University of Illinois to earn his law degree in 1923 from the University of Chicago; and whereas, Mr. Jones came to

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the House of Representatives out of the truest sense of public service, for he had already concluded brilliant careers with the esteemed Chicago law firm of Sidley and Austin and as general counsel and assistant to the president of the Illinois Bell Telephone Company; therefore be it resolved by the House of Representatives of the Eighty-Third General Assembly of the State of Illinois, that we mark with sorrow the death of our respected former colleague, Leslie N. Jones, whose devotion to the betterment of the citizens of this State continues to serve as inspirations for those whose very life epitomized that of the noble statesman, and that we extend our most heartfelt sympathy to his grieving family and friends; and be it further resolved, that a suitable copy of this Resolution be presented to his widow, Mrs. Agnes Jones, and as a further token of our respect, the House does now stand adjourned."

Speaker Yourell: "Representative Brummer."

Brummer: "Yes, thank you, Mr. Speaker. Oh, I did not know Les Jones well, having only met him a time or two. I knew of his reputation. He was a Gentleman held in high esteem in our district. He served as a Representative in the district that I now represent, he did so after having a lengthy career prior to serving as State Representative. Among other things, serving as general counsel with Illinois Bell, and working with various Governors of this State. He was an individual who was greatly respected held in high esteem. And he will be missed by the people of his district and his family."

Speaker Yourell: "Representative Dwight Friedrich."

Friedrich: "Mr. Speaker, Members of the House. You know through the years, there have been a lot of great people sitting in these chairs, or in the chairs that were here in the prior

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years. And we forget from time to time the... at what a great service they perform. And I think it is fitting that we pause from time to time when one of these Members are gone. Les Jones was one of my constituents when I was in the Senate from...he was from Clay County. I knew him during many of the years that he did the things that were recited in this Resolution. Larry DiPrima and Clarence Neff, and I'm sure others remember him and served with him. He was a great public servant. He certainly did not serve here for the money, because he had done well in life as one... the general counsel of Illinois Bell and other things. But having served in the military, having served here, he was a great public servant along with a lot of other people who served here. And I appreciate the opportunity of our taking the time to pay tribute to him. And I would appreciate to adding all Members to this Resolution."

Speaker Yourell: "Leave to add all House Members to the Resolution? Leave is granted."

Friedrich: "And I move for the adoption of the Resolution."

Speaker Yourell: "The Gentleman has moved for the adoption of the Death Resolution. All in favor will say 'aye', opposed 'no'. The Resolution is adopted. The House now stands adjourned until 9 o'clock tomorrow morning."

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