

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

69th Legislative Day

June 23, 1983

Speaker McPike: "The House will come to order. The House will come to order. The Members will be in their seats. The Chaplain for today will be Father Anthony Tzortzis, Pastor, St. Anthony's Church in Springfield. Father Tzortzis is a guest of Representative Steve Nash. Will the guests in the balcony please rise to join us in the invocation?"

Father Tzortzis: "Let us pray to the Lord. Lord, our God, have mercy. Holy God, in all humility we pray to You, who are the source of wisdom. Bless and grant perfect health of mind and body to our State Representatives and all loyal officers of our government of our country. Direct their thoughts, Lord, in the way of truth, and they may enact order and enforce those things that are pure, those that are true, those things that are just, tending towards all excellence and virtue. Enlighten them to govern and to lead our people in the ways of Your righteousness, for You are holy, always now and ever and unto ages of ages. Amen."

Speaker McPike: "We will be led in the Pledge of Allegiance by Representative Ropp."

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

Speaker McPike: "Roll Call for Attendance. Representative Huff, present. 118 Members answering the Roll Call, a quorum is present. Agreed Resolutions."

Clerk O'Brien: "House Resolution 398, Rice; 399, Nelson - Daniels - Hoffman et al; 400, Madigan - Younge et al; 401, Younge; 402, Younge; 403, Younge; 404, Harris; 405, Tate; 406, Curran; 407, Topinka; 409, Hoffman; 410, Wolf - Slape; 411, Steczko; and 412, Kulas et al."

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Speaker McPike: "Representative Giorgi, Agreed Resolutions."

Giorgi: "Mr. Speaker, Rice's 398 recognizes the accomplishments of the Reisch family. 399, by Nelson et al, honors the Woman of the Year. 400, by Younge, acclaims the contribution of Shirley Chisolm. 401, by Younge, says that Diane Jackson will retire from her position as an educator. 402, by Younge, recognizes another retirement. 403, by Younge, also recognizes 38 years of dedicated teaching. 404, by Harris, eulogizes a third dedicated 30 years of education. 405, by Tate, honors the Mayor of the City of Decatur. 406, by Curran, heralds a graduation. 407, by Topinka, lauds Lodge Betsy Ross. 409, by Hoffman, notes a retirement. 410, by Wolf, tells of honest Edward Bieser. 411, by Steczo, notes an anniversary; and 412, by Kulas, calls attention to the... the very serious 25th anniversary of Captive Nations Week. I move for the adoption of the Agreed Resolutions. I move for the adoption of the Agreed Resolutions."

Speaker McPike: "Representative Giorgi has moved the adoption of the Agreed Resolutions. The question is, 'Shall the Agreed Resolutions be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Death Resolution."

Clerk O'Brien: "House Resolution 408, Nash - Madigan - Daniels et al, with respect to the memory of Mr. Thomas J. Gatziolis."

Speaker McPike: "Representative Giorgi moves the adoption of the Death Resolution. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Resolution's adopted. Representative Vinson on a Motion."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House. Pursuant to Rule 12 (b), I would ask leave to use the Attendance Roll Call for the purpose of placing on the Special Order of Business, Subject Matter - State and Local

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Government, for today, Senate Bill 1244, sponsored by Representatives Hallock and Pierce."

Speaker McPike: "The Gentleman asks leave to use the Attendance Roll Call. Representative Vinson, your Motion moved relative to 12 (b). The Parliamentarian believes that the more appropriate Motion would be to move pursuant to 12 (c), if you would like to amend your Motion."

Vinson: "Why don't we do it according to both?"

Speaker McPike: "I think it would be easier for you to get 60 votes than to get 71, so the Chair would..."

Vinson: "Well, we had 118 on the Attendance Roll Call. That's why I asked for leave to..."

Speaker McPike: "Well, I... I think there would be objections raised. Perhaps it would be better."

Vinson: "Well, I'm certainly willing to participate this morning in compounding Representative Cullerton and the Parliamentarian's error, so I would move pursuant to 12 (c)."

Speaker McPike: "Is that Senate Bill 1244?"

Vinson: "Yes, Sir."

Speaker McPike: "The Gentleman moves pursuant to 12 (c). He asks for leave to use the Attendance Roll Call to waive... to... pursuant to 12 (c) to put Senate Bill 1244 on Special Order of Business, Subject Matter - State and Local Government. Are there any objections? Hearing none, leave is granted. The Attendance Roll Call will be used. Representative Terzich, for what reason do you rise?"

Terzich: "Yes, Mr. Speaker. I'd like a Motion to... on 12 (c) to put 1107 on today's Calendar on Utility Reform."

Speaker McPike: "Where is that on the Calendar?"

Terzich: "It's on Third Reading, page 16."

Speaker McPike: "Representative Piel."

Piel: "Mr. Speaker, would you ask the Gentleman to hold that

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request for just a minute, please?"

Speaker McPike: "Could you hold that request, and we'll get back to you as soon as Representative Piel takes a look at this? On page 19 of the Calendar, Senate Bills Second Reading, appears Senate Bill 206, Representative Bullock. Is Representative Bullock here? Out of the record. Senate Bill 241, Representative... I'm sorry. Representative Turner, on 206. Representative Bullock is not here. Would you like to call Senate Bill 206? Out... Representative Turner? Okay. We will return to that in just a second. Senate Bill 241, Representative Panayotovich. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 241, a Bill for an Act to amend the Illinois Enterprise Zone Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Karpziel - Vinson."

Speaker McPike: "Representative Karpziel on Amendment #1. Representative... Representative Karpziel withdraws Amendment #1. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Senate Bill 294, Representative Jaffe. Representative Jaffe on the floor? Out of the record. Senate Bill 372, Representative Jaffe. Representative Jaffe. Out of the record. Senate Bill 416, Representative Wolf. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 416, a Bill for an Act relating to certain compacts between the State of Missouri and Illinois. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Ralph Dunn, amends Senate Bill 416 on page two by deleting lines seven and eight."

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Speaker McPike: "Representative Dunn on Amendment #1. Representative Ralph Dunn. Is the Gentleman in the chambers? Representative Wolf, Representative Dunn is not in the chamber. What is your desire, Sir?"

Wolf: "Well, Mr. Speaker, I am opposed to the Amendment as filed; however, I had no objection to giving the Representative an opportunity to present his Amendment. The only thing is, at this particular point, I'm a little bit worried that if I take it out of the record, I don't know whether we're going to get back to it or not. So I would move that the Amendment be tabled."

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 by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment's tabled. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Senate Bill 526, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 526, a Bill for an Act to amend an Act to create sanitary districts and remove obstructions in the Des Plaines and Illinois Rivers. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, W. Peterson, amends Senate Bill 526 on page one and line one and two."

Speaker McPike: "The Gentleman from Lake, Representative Peterson, on Amendment #1."

Peterson: "Mr. Speaker, I... "

Speaker McPike: "Excuse me, Mr. Peterson. Representative Cullerton, for what reason do you rise?"

Cullerton: "I would just ask if he was... I would just ask if the Gentleman was going to withdraw the Amendment."

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Speaker McPike: "Representative Peterson on the Amendment."

Peterson: "Mr. Speaker, I am asking leave to withdraw Amendment 1."

Speaker McPike: "The Gentleman withdraws Amendment #1. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, W. Peterson."

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

Peterson: "Amendment #2 provides that the Illinois Commerce Commission will fix the rates of resale water by a municipality which receives water from another municipality which procures water directly from Lake Michigan and then resells the water to a different municipality, unincorporated area or nonresidence, unless such rates are otherwise agreed upon by the purchaser and the seller. I move for the adoption of Amendment 2."

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

Bowman: "Will... Will the Gentleman yield for a couple of questions?"

Speaker McPike: "He indicates he will."

Bowman: "Representative Peterson, could you explain to us what the present system is that you are seeking to change with this Amendment?"

Peterson: "Yes, currently, municipalities - certain municipalities go to the Circuit Court to fix the rates of water if there's a dispute."

Bowman: "Well, but don't they normally negotiate the rates with the recipient municipalities first, though?"

Peterson: "Yes, and that's what this provides for, that they would negotiate. If they cannot reach agreement, it would go to the ICC."

Bowman: "It would go to the ICC instead of the Circuit Court?"

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Peterson: "Right, but not for those municipalities that draw water directly from Lake Michigan."

Bowman: "Wait a minute. I'm not sure I understand. You're saying that if a water... Let's say a municipality draws water directly from Lake Michigan... "

Peterson: "They would go to the Circuit Court. This Amendment would not change that procedure."

Bowman: "Okay. Now, you've really got me confused."

Peterson: "Alright. What this has to do in resale waters, those people that receive water from Lake Michigan and then sell it to another municipality... "

Bowman: "Right."

Peterson: "And that municipality sells it to an unincorporated area, they would be under ICC."

Bowman: "Oh. I see. Okay. So it's only... kind of... It's a second stage, if you will..."

Peterson: "That's correct."

Bowman: "... In the resale process that the ICC would be involved."

Peterson: "That's right, Representative."

Bowman: "Okay. So my community in Evanston, for example, which draws directly from Lake Michigan, would be unaffected by this."

Peterson: "That's correct."

Bowman: "Thank you."

Speaker McPike: "The Gentleman from Cook, Representative Terzich, on the Amendment."

Terzich: "Well, I'm not necessarily agreeing with the Amendment. At the present time that, you know, if they sell water to the different municipalities, that's entirely up to the seller as well as the buyer, whether or not they want to pay for those type of services and that it can be adjudicated that if there is any discrepancies within the

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Circuit Court, rather than having the Commerce Commission involved with it. And also, I would question whether or not that this Amendment would be germane to a sanitary district Bill."

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

Cullerton: "Yes, Mr. Speaker, I've had a chance to look at Amendment #2, and I really would question the germaneness of the Amendment and ask you to inquire of the Parliamentarian if it's germane."

Speaker McPike: "The Gentleman is questioning the germaneness of Amendment #2. The Clerk will read a Message from the Senate while we're ruling on the germaneness."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in passage of Bills of the following title: House Bills 603, 645, 646, 647, 667, 670, 682, 684, 687, 714, 720, 722, 730, 740, 742, 749, 753, 754, 768, 772, 775, 782, 798, 810, 818, 835, 853, 859, 921, 922, 924, 960 and 975, together with attached Amendments, and the adoption of which I am instructed to ask concurrence of the House of Representatives, passed the Senate as amended, June 22, 1983. Kenneth Wright, Secretary.'"

Speaker McPike: "Representative Matijevich in the Chair. Representative Piel."

Piel: "Thank you, Mr. Speaker. A little earlier, Representative Terzich spoke in reference to Senate Bill 1107 and asked them to have it put on the Special Order. We've got no problems with that."

Speaker McPike: "Fine. The Parliamentarian will meet with Representative Terzich to discuss it. Thank you."

Speaker Matijevich: "On the question of germaneness, the Chair

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rules that the Amendment is germane. The Gentleman from Cook, Representative O'Connell."

O'Connell: "Question of the Sponsor. The Amendment addresses the resale to unincorporated areas?"

Peterson: "Yes."

O'Connell: "Okay. Right now, for example, the City of Chicago has a surcharge on unincorporated areas for the sale of water."

Peterson: "This would not affect that surcharge, because this Amendment does not affect the sale of water from Chicago to unincorporated areas."

O'Connell: "No. My understanding is that there's a sale of... if there's a sale of water from Chicago to another entity for resale, there is a surcharge."

Peterson: "It only pertains to sale to another municipality. I think I know where you're heading, Representative."

O'Connell: "Well, where I'm heading is, I think that surcharge should be eliminated. That... I wish I had known about this earlier. I would have put an Amendment on there to eliminate that surcharge. Thank you."

Speaker Matijevich: "Representative Peterson to close."

Peterson: "Thank you, Mr. Speaker, Members of the House. I would move that the Amendment be adopted."

Speaker Matijevich: "Representative Peterson moves for the adoption of Amendment #2 to Senate Bill 526. All those in favor say 'aye', opposed 'nay', and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. We skipped over Senate Bill 206, Representative Turner. The Clerk will read the Bill. Senate Bill 206."

Clerk O'Brien: "Senate Bill 206, a Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. No

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Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1... "

Speaker Matijevich: "One moment. Representative Terzich, for what purpose do you seek recognition?"

Terzich: "Really, you know. I... Number one, I questioned the germaneness. I objected to the Amendment, and then to simply go... It's my... It's even my Bill. I would like to at least have some type of a courtesy to object to the Amendment and at least have a Roll Call on 526."

Speaker Matijevich: "Talking about the last Bill?"

Terzich: "Yes."

Speaker Matijevich: "Well, your light wasn't on, and... at the time, and I... There was nobody else seeking recognition. I ruled on the germaneness, and the Gentleman closed. There's nothing else the Chair can do."

Terzich: "Well, nothing you can do? Well then, I would make a Motion to reconsider the Amendment."

Speaker Matijevich: "You can oppose the Bill on Third Reading, but there's nothing more we can do on Second."

Terzich: "Oppose it? It's my Bill."

Speaker Matijevich: "Oh, it's your Bill. I see. Oh. Well, you sure didn't scream when we called for the Roll Call on the Amendment. It was... obviously, you had enough votes, Representative Terzich."

Terzich: "I objected originally. I mean, how many times do I have to object?"

Speaker Matijevich: "Well, the Chair made a ruling of germaneness."

Terzich: "Well, I also objected to the Amendment."

Speaker Matijevich: "Well... "

Terzich: "Well... Well then, could I move to table Amendment #1 to Senate Bill 20... 526?"

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Speaker Matijevich: "The House will stay at ease. We were a little disorganized when we did that. We'll stay at ease for a moment. Representative Terzich, we'll... we're going to move on, and there are ways you can resurrect that later. And I would suggest you discuss that with the appropriate people. Senate Bill 206. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 206, a Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Bullock, amends Senate Bill 206 on page six, line 25 by inserting immediately after 'after', the words 'serviced by'."

Speaker Matijevich: "Is Representative Bullock in... Bullock in the chamber? Rep... Well... Turner, do you want to proceed with the Amendment? Alright. Representative Turner on the Amendment."

Turner: "Thank you, Mr. Speaker, Ladies and Gentlemen. The Amendment just changes some technical terms in the Bill. I'd ask that we move for the adoption of the Amendment."

Speaker Matijevich: "Representative Turner moves for the adoption of Amendment #1. Those in favor say 'aye', opposed 'nay', and Amendment #1 is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. Senate Bill 527, Richmond. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 527, a Bill for an Act regarding the possession of firearms stolen during burglaries. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk O'Brien: "None."

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Speaker Matijevich: "Third Reading. Senate Bill 536, Greiman. Are you ready? Read... Are you saying read the Bill? Read the Bill. Oh... Oh, out of the record. I'm sorry. Out of the record. Senate Bill 564, Daniels - McCracken. Out of the record. Senate Bill 565, O'Connell. Read the Bill."

Clerk O'Brien: "Senate Bill 565, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, O'Connell, amends Senate Bill 565 on page one, line 14 and so forth."

Speaker Matijevich: "The Gentleman from Cook, Representative O'Connell, on Amendment #1."

O'Connell: "Mr. Speaker, I'd like to withdraw Amendment #1."

Speaker Matijevich: "The Gentleman asks leave to withdraw Amendment #1. He has leave. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, O'Connell, amends Senate Bill 565 on page one by deleting line 14."

Speaker Matijevich: "Representative O'Connell on Amendment #2."

O'Connell: "Thank you, Mr. Speaker, Members of the House. What Amendment #2 does is to clean up the Bill as it left the House Judiciary Committee. We took the recommendations of staff from both sides of the aisle and eliminated a reference to punitive damages in addition to the ability to collect treble damages. I should say that the Bill is addressed at civil actions taken by an injured party or the victim of a fencing operation. The Bill is a product of the Illinois Legislative Investigating Commission, which did a report on fencing; and, as a result of this, it came up with Senate Bill 565 as part of an overall package. In addition to removing the punitive damages reference, a major portion of the Amendment is to provide for rebuttable presumptions. The original Bill had used the word

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'inference' in finding several factual situations that would lead to an inference of guilt in a civil action. We deleted the word 'inference', and in lieu thereof, we placed 'a rebuttable presumption'. I would... Unless there's any questions on the Amendment, I would ask for its favorable adoption."

Speaker Matijevich: "Representative O'Connell has moved for the adoption of Amendment #2. On that, the Gentleman from DeWitt, Representative Vinson."

Vinson: "I have no questions, Mr. Speaker."

Speaker Matijevich: "Representative O'Connell moves for the adoption of Amendment #2. All in favor say 'aye', opposed 'nay'. Amendment #2 is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. Senate Bill 588, Alexander. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 588, a Bill for an Act to amend the Local Governmental and Governmental Employees' Tort Immunity Act. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Matijevich: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Matijevich: "Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Alexander, amends Senate Bill 588 as amended."

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

Alexander: "Mr. Speaker, I move to withdraw Amendment #2."

Speaker Matijevich: "Leave to withdraw Amendment #2? Leave, and Amendment #2 is withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Alexander, amends Senate Bill 588 as amended."

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Speaker Matijevich: "Representative Alexander on Amendment 3."

Alexander: "Amendment #3 puts a cap of the amount of money that could be levied in the instance of the judgment arising out of an illegal collection of tax. It sets the amount of tax not to exceed .05 percent, and I ask for adoption of this Amendment."

Speaker Matijevich: "Representative Alexander moves for the adoption of Amendment #3. The Gentleman from DeWitt, Representative Vinson."

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

Speaker Matijevich: "She indicates she will."

Vinson: "Representative, would you please explain again what this Amendment would do?"

Alexander: "The Amendment would put a cap... It provides that in any single year, a tax levy by local public entity to pay for settlements or judgments arising from the illegal collection of taxes due to the incorrect assessment of property shall not exceed .05 of the equalized assessed value of the taxable properties within the boundaries of the public entity, as determined by the Department of Revenue."

Vinson: "Is there currently a provision in the statutes for any tax for this purpose?"

Alexander: "At present and to my knowledge, no. This is taxation in one specific instance where there has been claims or judgments entered against local government for illegal collected taxes from the pollution control entities and whatnot. It's the case coming out of Lake County where taxes were collected. The court ruled that the local government had illegally collected the taxes. There is now some \$7,000 now owed by Lake County backed with a Commonwealth Edison to pay the taxes."

Vinson: "So, what you would, in effect, be doing with this is

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creating a new tax levy without a referendum for this specific purpose."

Alexander: "For this specific purpose only."

Vinson: "Thank you."

Speaker Matijevich: "Being no further discussion, Representative Alexander has moved for the adoption of Amendment #2 to Senate Bill 588. Those in favor say 'aye'. Oh, Amendment 3, rather. Those in favor say 'aye', opposed 'nay', and Amendment #3 is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. Be at ease for one second. Senate Bill 774, Karpel. Read the Bill."

Clerk O'Brien: "Senate Bill 774, a Bill for an Act to amend Sections of the Illinois Municipal Code and an Act in relation to county zoning and the Township Zoning Act. Second Reading of the Bill. This Bill has been read a second time previously. Amendment #1 was withdrawn, 2 was adopted and 3 was not germane."

Speaker Matijevich: "Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Stuffle - Vitek - Karpel, amends Senate Bill 774 as amended in Subsection B and so forth."

Speaker Matijevich: "The Gentleman from Vermilion, Representative Stuffle, on Amendment #4."

Stuffle: "Yes, Mr. Speaker and Members of the House. As you know, this Bill has provided us with a bit of problems to date. This Amendment #4 is an attempt to try to resolve, through a compromise language, the elements that the Bill constitutes with regard to the issue of downzoning. What the Amendment would do is provide a middle-ground standard with regard to downzoning, so that a person could, in fact, go to court; and, if there was a determination under the Amendment that there had been downzoning that was not

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primarily for a public purpose, that person could then seek to collect for his court costs. Currently in the Bill with the Amendment that was put on, the standard is extreme. The standard says, 'constitutes unreasonable exercise of the police power by such municipality, or in the case of county or township, a county or township and was a willful and wanton action'. It's my belief and the belief of many others that that standard is too strict to ever be applied or ever be proven. This Amendment would still require judicial action and judicial determination, but serves as a middle ground between the original standard expressed in the Bill and the extreme standard, I believe, expressed by the other Amendment. So I would offer to you Amendment #4, along with Representative Vitek and Representative Karpiel as my principal hyphenated Sponsors."

Speaker Matijevich: "Representative Stuffle moves for the adoption of Amendment #4. On that, Representative Karpiel. Are you seeking recognition on the Amendment? Are you seeking recognition on the Amendment?"

Karpiel: "No, Sir."

Speaker Matijevich: "Alright. The Gentleman from Sangamon, Representative Curran."

Curran: "Thank you, Mr. Speaker. Will the Sponsor yield? Mr. Sponsor, isn't this Amendment striking the language 'willful and wanton' which we so carefully put on a few days ago?"

Stuffle: "Well, I don't know that we carefully put it on. I was here, too, when you were here. The point of the Amendment is, I believe, that we're trying to express - We're all concerned about the issue. We go about it in different ways. The idea of the Amendment is to provide a compromise. I don't believe that the standard in the other Amendment could ever be reached or would ever be reached,

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and I don't think we could express the intent of the Legislature if that were put on the Bill and the Bill were passed. The reason for my Amendment to put... put the language was not primarily for a public purpose in the Bill as to set what I believe is a reasonable standard that... that the courts could look at and determine was, in fact, the case. I think the other Amendment goes entirely too far, and that standard could never be reached in a judicial proceeding, and the property owner could never receive relief under that standard."

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

Huff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise to support this fine Amendment. I think it is a modest compromise between what, in my opinion, could be categorized as an imposed protective covenant. I think this is a good Bill. It deserves your support."

Speaker Matijevich: "Representative Stuffle has moved for the adoption of Amendment #1 (sic - #4). Those in favor say 'aye', those opposed say 'no', and the Amendment #... 4, rather, Amendment #4 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Cullerton, amends Senate Bill 774 on page two, line 11..."

Speaker Matijevich: "The Gentleman from Cook, Representative Cullerton, on Amendment #5. The Gentleman from DeWitt... or Cook, Representative Piel, for what purpose do you seek recognition?"

Piel: "A question of the Clerk, Mr. Speaker. Has this Amendment been printed and distributed?"

Speaker Matijevich: "No, it has not. Be at ease one moment. I'm checking out if it... Representative Karpel, you are seeking recognition? Oh, I'm sorry. The... Representative Vinson, the Gentleman from DeWitt, is seeking recognition."

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Vinson: "Mr. Speaker, when was the Amendment filed?"

Speaker Matijevich: "I'll find out. Representative Cullerton will answer that. The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, the Amendment was filed this morning. I would ask the Sponsor to take it out of the record so we can wait for it to be distributed. When we get back to it, we can argue the Amendment."

Speaker Matijevich: "She looks like she's in that mood that she was one other day. Representative Karpziel."

Karpziel: "My switch... Thank you. I've been having trouble with my microphone, as you know, the last couple of days. No, I do not wish to take this Bill out of the record. I'd like to go with it today."

Speaker Matijevich: "Yes, Representative Vinson, for what purpose do you seek recognition? Representative Karpziel again."

Karpziel: "And I move to table Amendment #5 to House... Senate Bill 774."

Speaker Matijevich: "This Motion... Representative Karpziel has moved to table Amendment #5. That Motion is debatable and requires a majority of those voting. On that Motion, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, Mr. Speaker, I obviously would object to her Motion to table my Amendment. It's a very reasonable Amendment. It has to do with the issue of standing. Basically, what it says is that a property owner must initially have objected to the change in the reclassification of the property before they would be able to receive any compensation on an appeal. I think it's a reasonable Amendment. We're not going to be allowed to debate it if we table it prior to its being distributed. I certainly don't want to be out of order, Mr. Speaker."

Speaker Matijevich: "The Gentleman from Cook, Representative

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Davis, for what purpose do you seek recognition?"

Davis: "Thank you for advancing me north into Cook County, Mr. Speaker. I'll be in Lake before you know it. A point of order. I think the Gentleman is addressing the Amendment. The Motion is to table and he should confine his remarks to that."

Cullerton: "Well, Mr. Speaker... "

Davis: "However, that's the point of order, if I may, Mr. Cullerton. I think that is a legitimate point of order, and you should not discuss the Amendment. It's not in front of us, and only you know what's in it."

Speaker Matijevich: "Well, I think in this Session we've been ruling that on Motions to table that refer to an Amendment, that it is in order that the person debating the Motion can refer to the subject matter in discussing why it should or shouldn't be tabled. That's been... That's been the ruling from this Chair this Session. So the Gentleman has been in order up to now, at least. Proceed, Representative Cullerton."

Cullerton: "Yes. Thank you, Mr. Speaker. I just wanted to let everyone know why they should vote against the Motion to table, because they'll know what a good Amendment it is, and we can't put the Amendment on if it's tabled. So, I thought I'd tell you what the Amendment did. But the point is that the Amendment, I think, should be debated at a future date when it's been distributed. So, I would ask you to oppose the Motion to table."

Speaker Matijevich: "The Clerk has informed the Chair that the fiscal note has... to the Bill as amended has been filed, as well as a State Mandates note I believe. The Gentleman from Will, Representative Davis."

Davis: "Well, Speaker, if it's in order, I move the previous question."

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Speaker Matijeich: "Well, your people are seeking recognition, but the Motion is in order. The Gentleman from Will moves the previous question. The question is, 'Shall the main question be put?'. Those in favor signify by voting 'aye', those opposed by voting 'no'. I'm up in the... Right now, I'm up in the Chair, so... Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 53 'ayes', 62 'nays', and the previous question Motion fails. The Gentleman from Will, Representative Davis."

Davis: "Well, Mr. Speaker, I would now move that the House recess until the Amendment is printed and distributed."

Speaker Matijeich: "You're not called for that. You have not been recognized for that purpose. Representative Vinson, for what purpose do you seek recognition? Or, you're on the phone. Proceed, Representative Vinson."

Vinson: "Mr. Speaker, throughout the discussion of that Bill, I had my light on. Throughout the explanation of vote period, I had my light on. You chose not to recognize me during discussion of the Bill and during the opportunity to explain votes. Now, if you're going to get into that kind of a situation today, we're going to have a hell of a problem in here."

Speaker Matijeich: "Representative Vinson, every time I've called you, which has been three times, you've been pointing to somebody else to be recognized. I have always, since I've been on this Chair, whenever your light is called, unless Lee Daniels is here, you are the first person to be recognized, and I will continue to do that. You can bet on that. I do follow the... try to follow the orders of seniority with regards to Leadership. Is there further discussion? No... Nobody wants to talk anymore. The... Representative... Representative Cullerton is..."

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Representative Karpziel has moved to table Amendment #5 to Senate Bill 774. Those in favor will vote 'aye', those opposed will vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 52 'ayes', 57 'nays', 1 voting 'present', and the Motion to table has... fails. Representative Vinson, your light isn't on, but I heard you. So, I'll call on you. You're pointing to someone again. Representative Karpziel, at the direction of Representative Vinson."

Karpziel: "I would like... I would like to verify the 'no' vote, please."

Speaker Matijevich: "You are within your rights. The Lady has requested a verification of the negative votes, and Representative Cullerton asks for a Poll of the Absentees. The Clerk will call the absentees."

Clerk O'Brien: "Poll of the Absentees. Braun. Bullock. Hutchins. Laurino. Stuffle. Turner. Wolf and Younge."

Speaker Matijevich: "The Lady from Cook, Representative Braun, for what purpose do you seek recognition?"

Braun: "Mr. Speaker, I'm not recorded as voting. I'd like to vote 'no'."

Speaker Matijevich: "Record Representative Braun as voting 'no'. Representative Stuffle, what... for what purpose do you seek recognition?"

Stuffle: "Record me 'aye', please."

Speaker Matijevich: "Record Stuffle 'aye'. Representative O'Connell, for what purpose do you seek recognition?"

O'Connell: "Can I have leave to be verified?"

Speaker Matijevich: "We better check. Representative Karpziel, does he have leave to be verified? He does. O'Connell, leave to be verified. Representative Ozie Hutchins, for what purpose do you seek recognition?"

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Hutchins: "Record me 'no', please."

Speaker Matijevich: "Record Representative Hutchins as 'no'. The Clerk will read out the negative vote, and the Members will be in their seat. And when your name is called, raise your arms."

Clerk O'Brien: "Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Brummer. Brunsvold. Capparelli. Christensen. Cullerton. Curran. Currie. DeJaegher. DiPrima. Domico. Doyle. John Dunn. Farley. Flinn. Giglio. Giorgi. Greiman. Hannig. Hicks. Homer. Hutchins. Jaffe. Keane. Kulas. LeFlore. Leverenz. Levin. Marzuki. Matijevich. Mautino. McGann. McPike. Mulcahey. Nash. O'Connell. Panayotovitch. Pangle. Pierce. Preston. Rea. Rice. Richmond. Ronan. Saltsman. Shaw. Slape. Steczo. Taylor. Terzich. Van Duyne. White. Yourell and Mr. Speaker."

Speaker Matijevich: "Questions of the negative vote? Representative Karpziel?"

Karpziel: "Could you give me the count right now, Mr. Speaker?"

Speaker Matijevich: "Yes, we'll... we'll do that. 53 'ayes', 59 'nos'. Proceed, Representative Karpziel."

Karpziel: "At this time, is there anyone that would like to be verified, so that I don't have to have requests during the Roll?"

Speaker Matijevich: "That wasn't a good question to ask. They'll always get volunteers for that. Representative Christensen."

Karpziel: "Christen... Fine."

Speaker Matijevich: "Record Representative McPike as 'aye' and asked to be... I mean 'no', and asked to be verified."

Karpziel: "Alright. Anybody else want to be verified? Alright. Representative Brummer? Mr. Speaker, shall I just continue? I said Representative Brummer. I see he's in

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the... "

Speaker Matijevich: "Oh, Brummer is here. I didn't... I didn't hear you."

Karpiel: "Yes. Thank you. Representative Capparelli?"

Speaker Matijevich: "Representative Capparelli? Is Representative Capparelli on the floor? I don't see Representative... Oh, here he is."

Karpiel: "Representative Terzich?"

Speaker Matijevich: "Representative Terzich is right here, speaking to the Parliamentarian."

Karpiel: "Oh, I'm sorry. Representative Shaw?"

Speaker Matijevich: "Representative Shaw? Representative Shaw? I saw him a moment ago. Are you... Representative Shaw, are you... I don't see him in the Assembly. Remove Representative Shaw."

Karpiel: "Representative Slape?"

Speaker Matijevich: "Representative Slape? I don't see Representative Slape here. Remove Representative Slape."

Karpiel: "Representative Greiman?"

Speaker Matijevich: "Representative Greiman in the... not in his chair. Representative Greiman? I don't see Representative Greiman on the floor, and he's not coming in the door yet. Remove Representative Greiman from the Roll."

Karpiel: "Representative Rea?"

Speaker Matijevich: "Representative Jim Rea? Jim Rea? I don't see Representative Rea. Remove Representative Rea from the Roll Call."

Karpiel: "Representative Van Duyne?"

Speaker Matijevich: "Representative Van Duyne? Representative Van Duyne is not in the Assembly. Remove Representative Van Duyne."

Karpiel: "Representative Pangle?"

Speaker Matijevich: "One moment. Return Representative Greiman

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to the Roll Call over here. Representative Fangle is in his seat."

Karpiel: "Representative Curran?"

Speaker Matijevich: "Representative Curran is in the back.

Representative Wolf 'no'. Representative Wolf 'no'."

Karpiel: "Representative Mulcahey?"

Speaker Matijevich: "Representative Mulcahey is in his seat."

Karpiel: "Representative DeJaegher?"

Speaker Matijevich: "In his seat."

Karpiel: "Representative Homer?"

Speaker Matijevich: "Representative Homer? Is Representative Homer in the Assembly? I don't see him here. Remove Representative Homer."

Karpiel: "Representative Hicks?"

Speaker Matijevich: "One moment. Representative Brookins, for what purpose do you seek recognition?"

Brookins: "Mr. Speaker, how am I recorded?"

Speaker Matijevich: "How is Representative Brookins recorded?"

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

Brookins: "Would you change me to 'aye'?"

Clerk O'Brien: "Change Brookins to 'aye'. Proceed with the negative vote."

Karpiel: "What happened to Mr.... Representative Hicks, Mr. Speaker?"

Speaker Matijevich: "Return Representative Van Dwyne to the Roll Call. Which one was that?"

Karpiel: "I didn't hear what... Representative Hicks."

Speaker Matijevich: "Representative Hicks? Is Representative Hicks in the chamber? I don't see him in the... on the floor. Remove Representative Hicks."

Karpiel: "Representative Mautino?"

Speaker Matijevich: "Mautino is in the aisle here."

Karpiel: "Representative Pierce?"

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Speaker Matijevich: "Representative Pierce? I don't see Representative Pierce on the floor. Remove Representative Pierce."

Karpiel: "Representative Rice? I see Representative Rice."

Speaker Matijevich: "Proceed."

Karpiel: "Representative John Dunn?"

Speaker Matijevich: "Representative John Dunn is in the aisle."

Karpiel: "Representative Flinn?"

Speaker Matijevich: "Representative Monroe Flinn is way in the back, in his seat."

Karpiel: "Representative Richmond?"

Speaker Matijevich: "Representative Richmond is right next to him."

Karpiel: "That's all, Mr. Speaker."

Speaker Matijevich: "The Gentleman from Cook, Representative Cullerton, for what purpose do you seek recognition?"

Cullerton: "Mr. Speaker, I'll withdraw Amendment #5."

Speaker Matijevich: "Representative Cullerton withdraws Amendment #5. Further Amendments? Yes, the verification will be void. The Amendment is with... Alright. Representative Vinson, for what purpose do you seek recognition?"

Vinson: "The verification was in... was pursuant to a Motion. Now, only the Sponsor of a Motion, with leave of the full Assembly, can withdraw a Motion. No one else can withdraw a Motion. That was what the verification was on. That's what the Roll Call was on, and you cannot dump that Roll Call..."

Speaker Matijevich: "Alright. Then, we will have to complete the verification."

Vinson: "Fine."

Speaker Matijevich: "Alright. Representative Karpiel, do you want to..."

Karpiel: "I did complete it, Mr. Speaker. I said that was all."

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Speaker Matijevich: "Well, no. The... The Gentleman has the right to verify the affirmative, you know."

Karpiel: "Fine."

Speaker Matijevich: "You know, when one side does not have the majority, then you have to verify the other side, so..."

Karpiel: "Well, Mr. Speaker, could I ask, at this point, what is the... what is the count?"

Speaker Matijevich: "Representative... We'll get to you."

Karpiel: "I think one side does have the majority."

Speaker Matijevich: "Representative Mulcahey, for what purpose do you seek recognition?"

Mulcahey: "Mr. Speaker, please change my vote from 'no' to 'yes'."

Speaker Matijevich: "Change Mulcahey to 'aye'. Representative Dunn, 'aye'. Representative Rice? John Dunn, 'aye'. Representative Rice, 'aye'. Where did everybody come from? Representative Pierce, 'aye'. We'll have to go very slow. Hold on. Representative Domico, 'aye'. Representative Berrios, 'aye'. Representative... Let's have a little decorum. Would anybody object to another Roll Call? Sam? Alright. Okay. I was trying to make things easy for everybody, but... Alright. Representative Brunsvold, 'aye'. Representative Taylor, 'aye'. Representative... We've got to go slow, because the Clerk just can't get it all. Representative DiPrima, 'aye'. James... James Rea, 'aye'. Mautino, 'aye'. Curran, 'aye'. Leverenz... Leverenz, 'aye'. LeFlore, 'aye'. Shaw, 'aye'. McGann, 'aye'. Marzuki and the cane, 'aye'. Hicks... Marzuki, 'aye'. Hicks... Marzuki, 'aye'. Hicks, 'aye'. Doyle, 'aye'. Alexander, 'aye'. Jaffe, 'aye'. Bullock, I think we've got you 'aye', but we'll try it again. Bullock, 'aye'. White, 'aye'. White, 'aye'. Terzich, 'aye'. Capparelli, 'aye'. Hutchins... Oop, we've got to wait

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some more. Representative Giorgi, for what are... purpose are you seeking recognition?"

Giorgi: "Mr. Speaker, how am I recorded?"

Speaker Matijevich: "How's Giorgi recorded?"

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

Giorgi: "Mr. Speaker, I'd like to put in the record that if any of the public wants a copy of this Roll Call as amended and as verified, that a statement be given by Representative Vinson as to the tactics used here this morning, so that they... so they can find him very reprehensible."

Speaker Matijevich: "DeJaegher, 'aye'. Hutchins, we've already got you. Hutchins, 'aye'. Steczo, 'aye'. Carol Braun, 'aye'. Oh, we've got to slow down again. Carol Braun, 'aye'. Hannig... Hannig, 'aye'. Panayotovich, 'aye'. Pangle, 'aye'. Richmond, 'aye'. Monroe Flinn, 'aye'. O'Connell, 'aye'. Is there anybody else? Kulas, 'aye'. Who? Preston, 'aye'. Do we... Do we have everybody? I don't think it will make any difference to posterity, but we might as well have Matijevich, 'aye', too. Yourell, 'aye'. No? Yourell, for what purpose do you seek recognition? How is Representative Yourell recorded?"

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

Speaker Matijevich: "He wants to stay that way. That aboy, Bus. Van Dwyne's singing his swan song over there. Are there any further changes? No further changes? The Clerk, give the Chair the count. We'll be at ease for one second. One moment, Representative... Representative Giorgi. On this issue, the count is 91 'ayes', 18 'nays', 1 'present'. The Motion prevails, and the Amendment #5 is tabled. We'll be at ease for a second. Mr. Clerk?"

Clerk O'Brien: "State Mandates Act note has been filed."

Speaker Matijevich: "The Gentleman from Cook, Representative Cullerton, for what purpose to you seek recognition?"

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Cullerton: "Mr. Speaker, I filed a request for a State Mandates note Act as amended by Amendment #2 and 4, and I don't believe the fiscal note State Mandates Act complies with that request."

Speaker Matijevich: "We'll get a ruling from the Parliamentarian. The Gentleman from DeWitt, Representative Vinson, on that."

Vinson: "Did I hear Representative Cullerton correctly that he did not believe that the State Mandates Act applies to this Bill?"

Speaker Matijevich: "He said that he asked... he requested a fiscal... State Mandates fiscal note as amended by 2 and 4, and that pursuant to that, it has not been complied with, and I'm checking out... "

Vinson: "I was sure I heard him say that the State Mandates Note Act didn't apply to this Bill."

Speaker Matijevich: "No, it has not been complied with as to his request. And we are checking into it, and the Parliamentarian... "

Parliamentarian Getty: "On behalf of the Speaker, the Chair would rule that the request for a State Mandates fiscal note has been filed requesting a State Mandates fiscal note as amended by Amendments 2 and 4. The Clerk has received a State Mandates note stating, 'At your request, the State Mandates Review Office reviewed Senate Bill 774 as amended by House Amendment 2, et cetera.' Accordingly, we would rule that the State Mandates Fiscal Note Act has not been complied with as regards the Bill as amended by Amendments #2 and 4."

Speaker Matijevich: "The fis... State Mandates Act fiscal note has not been complied with, and the Bill will stay on Second Reading. The... Vinson or Karpziel, you're... alright... because your light's on, Sam. The Lady from Cook, Representative Karpziel."

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Karpiel: "Yes, I move that the State Mandates Act does not apply to Senate Bill 774 as amended by Amendment 4. The Bill is substantially the same as it was in its original form and as it was under Amendment 2, and I don't believe that the Mandates Act applies any more to the Bill now than it did with just Amendment 2 on it. And I so move, and I'd like a Roll Call vote."

Speaker Matijevich: "Representative Karpiel has moved that the State Mandates Act does not... is not... does not apply as to Amendment #4 because it does not change anything from Amendment 2. And is there any discussion on that? If not... Representative Vinson on that point."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Lady's Motion. It's clear, by previous rulings of the Chair, that the Lady's Motion is proper, and it's clear in this particular context, that we ought to support the Lady's Motion. The effect of the Amendment had no impact on the cost of local government. We're getting down to the end of the Session. We're getting down to the deadline days. This is her only opportunity to have a chance to move this Bill to Third Reading and to have a chance to present this Bill for final passage. A vote... A vote against this Motion is a vote against Senate Bill 774, and anybody that votes against it is saying that they don't want 774 to pass."

Speaker Matijevich: "Is there further discussion? Representative Stuffle, are you seeking recognition? Representative Stuffle."

Stuffle: "Mr. Speaker, Members of the House, I'd anticipated there might be a question about the Motion. But just on the record, whether there is or not, this is, as Representative Vinson indicated, I think, in order. I think it's important that we move this Bill along. It's taken up a

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great deal of time in this House. We all know what our Amendment did - #4. We know that it does not have any other effect from Amendment 2. I think her Amendment... her Motion is proper, obviously, since we have made precedent here yesterday on a Bill, Senate Bill 532, in fact, making this same Motion. I would hope that the Members of the House, if they are in support of the Bill as amended, as they indicated by their effort, I think, in tabling the last Amendment and putting #4 on would support Representative Karpziel in her request that this Motion be passed and this Bill be moved along and given proper consideration on Third Reading, as it ought to have."

Speaker Matijevich: "Representative Karpziel has moved that the Fiscal Note Act does not apply as to Amendment #4. Those in favor signify by voting 'aye', those opposed, by voting 'no'. Have all voted... Have all voted who wish? The Clerk will... Representative Davis, are you seeking to explain your vote? No? We'll give you that opportunity. Have all voted who wish? The Clerk will take the record. On this question, there are 68 'ayes', 39 'nays', and the Motion prevails. Third Reading. Gentleman... The Gentleman from DeWitt, Representative Vinson, for what purpose do you seek recognition?"

Vinson: "Mr. Speaker, pursuant to the rule Representative Cullerton has cited earlier today and the rule that the Parliamentarian has cited, I move that Senate Bill 774 be placed on a Special Order of Business, Subject Matter - State and Local Government and that that be done immediately."

Speaker Matijevich: "You weren't recognized for that purpose, Mr. Leader. We have a lot of business to do, so let's... let's proceed. The... The Chair will now go to the Order of House... Senate Bills on Third Reading, which are on

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special call and have got to be amended. The first Bill is Senate Bill 938. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 938, a Bill for an Act relating to public financing of gubernatorial campaigns. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Preston, asks leave that Senate Bill 938 be returned to the Order of Second Reading for the purpose of an Amendment. Leave, and leave is granted. The Bill is on Second Reading. Are there Amendments?"

Clerk O'Brien: "Amendment #2, Preston, amends Senate Bill 938 as amended and so forth."

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

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 to Senate Bill 938 is purely a clean up Amendment of the Bill, to put it in its proper posture in accordance with the House version that went over to the Senate. What this Bill does is it changes the term 'qualified candidate' in the Bill to the term 'eligible candidate' to remove any conflict throughout the Bill, and changed the word 'person' in the Bill to the word 'individual' and defined public matching funds to be used as consistent terminology throughout the Bill and makes similar type technical changes only. And this Bill has been amply discussed, and I'd... I'd ask for your 'aye' vote on this Amendment."

Speaker Matijevich: "Representative Preston has moved for the adoption of Amendment #2. The Gentleman from Cook, Representative Piel."

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

Speaker Matijevich: "He indicates he will. Proceed, Representative Piel."

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Piel: "Representative Preston, you mentioned that it was basically just a merely Amendment that made some couple changes, and obviously this Amendment is sitting here with 19 pages on it. If it was just a couple changes, why did we delete everything after the enacting clause and go from that point?"

Preston: "It... That was only at the Reference Bureau's thought, to make it simpler for them. The Bill just makes changes... In the Bill without this Amendment, the Bill used the term 'qualified candidate' in some parts, 'eligible candidate' in other parts of the Bill, and that was all changed consistently to be 'eligible candidate', because Article IX already has a definition of 'qualified candidate', and 'eligible' is now used consistently throughout the Bill. It... It changed the word 'person' to the word 'individual' throughout the Bill, because 'person' as defined in Article IX conflicted with the intended meaning in... in this 938. And it defined the term 'public matching funds' and other terminology to be used consistently throughout the Bill. It's purely cleanup."

Piel: "Thank you very much."

Speaker Matijevich: "The... Representative Olson on the Amendment."

Olson: "Thank you very much, Mr. Speaker. Would the Sponsor yield?"

Speaker Matijevich: "He indicates he will. Proceed, Representative Olson."

Olson: "Lee, does this Amendment provide for independent candidates' clock to begin running to qualify for funding?"

Preston: "Yes, it does."

Olson: "What part of the... Where does it provide for that in the Amendment?"

Preston: "In the... In the definition of 'qualified candidate'."

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Olson: "So it provides for an independent party?"

Preston: "Yes."

Olson: "Alright. Does this Amendment basically codify what you and I discussed the other day, relative to what intent is provided for in the Amendment?"

Preston: "Yes. Yes."

Olson: "Thank you very much."

Speaker Matijevich: "Representative Preston has moved for the adoption of Amendment #2. Those in favor signify by saying... say 'aye', those opposed say 'no'. 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 62 'ayes', 45 'nays', and Amendment #2, having received a favorable vote, is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. Senate Bill 1031, Terzich. Read the Bill."

Clerk O'Brien: "Senate Bill 1031... "

Speaker Matijevich: "This Bill is on Second Reading. Are there Amendments?"

Clerk O'Brien: "It's on Second Reading? Senate Bill 1031, a Bill for an Act to amend the Boundary Street Commercial Zone Renovation Act and the Civil Administrative Code of Illinois. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Matijevich: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Matijevich: "Any further Amendments?"

Clerk O'Brien: "Amendment #2 was withdrawn. No further Amendments."

Speaker Matijevich: "Has the fiscal note been complied with?"

Clerk O'Brien: "The fiscal note is filed."

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Speaker Matijevich: "Third Reading. Senate Bill 219, Oblinger.

The Clerk will read the Bill. It's on Third Reading."

Clerk O'Brien: "Senate Bill 219."

Speaker Matijevich: "The Lady asks leave that... Read the Bill."

Clerk O'Brien: "A Bill for an Act to amend the Election Code.

Third Reading of the Bill."

Speaker Matijevich: "The Lady asks leave to return Senate Bill 219 back to the Order of Second Reading for the purpose of an Amendment. Does she have leave? She has leave, and the Bill is on Second Reading. Are there... Are there Amendments?"

Clerk O'Brien: "Floor Amendment #4, Oblinger, amends Senate Bill 219 as amended and so forth."

Speaker Matijevich: "The Lady from Sangamon, Representative Oblinger, on Amendment #4."

Oblinger: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment #4 is in response to Representative Cullerton's query as to whether all the judges could be of one Party if they were not, when they were clustered - the precincts were clustered. This Amendment solves that problem, I believe. If there are two in the cluster, one from each Party; three or four in the cluster, not more than two from one Party; and five in the cluster, not more than three from one Party, and I would appreciate adoption of this Amendment."

Speaker Matijevich: "Representative Oblinger moves for the adoption of Amendment #4. There being no discussion, all in favor say 'aye', opposed 'nay', and Amendment #4 is adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Hoffman, amends Senate Bill 219 as amended in Section 1."

Speaker Matijevich: "The Gentleman from DuPage, Representative Hoffman, on Amendment #5."

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Hoffman: "Thank you very much, Mr. Speaker. I would like to withdraw Amendment #5."

Speaker Matijevich: "Leave to withdraw Amendment #5? Leave, and Amendment #5 is withdrawn. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. Leave to keep the Bill on Short Debate? Leave, and the Bill will remain on Short Debate. We'll be... We'll be at ease for one moment. The hour for the Special Order, Subject Matter - Senior Citizens, having arrived, we are now on Senate Bill 1241, Representative Alexander. The Clerk will read the Bill. This is on page 19 of your Calendar."

Clerk O'Brien: "Senate Bill 1241, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. Amendments #... Amendments #1 and 2 were adopted previously."

Speaker Matijevich: "Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. The Lady from Cook, Representative Alexander, asks leave for the immediate consideration of House Bill 1241. Leave is granted. The Clerk... The Bill is on Third Reading. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 1241, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Cook, Representative Ethel Alexander."

Alexander: "Thank you, Mr. Speaker and to the Members of the House of Representatives. Senate Bill 1241 is a Bill to aid community-based organizations. We are aware here in this General Assembly of the huge amount of money that is expended for the use of overutilizations of medical care."

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This Bill merely says that the Department of Public Aid may permissively make contracts with your community-based organizations in order to establish a guideline or information with regards to overutilizations of medical care. For example, the community base would be charged with going into your communities to advise persons who have overused the system in the areas of good nutrition, alcohol abuse, excess smoking, and they would then report back to the Department of Public Aid those individuals who are overutilizing the system. This information then would be channeled to the Department... not to the Department, rather to LAC with regards to trying to find out how we can lower the cost of the medical costs that's out there among those persons who would be involved in the overutilization. I ask for your support of this Bill, and I will answer questions, if any."

Speaker Matijevich: "Representative Alexander has moved for the passage of Senate Bill 1241. The Gentleman from DeWitt, Representative Vinson."

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

Speaker Matijevich: "She indicates she will. Proceed."

Vinson: "Representative Alexander, I have examined your underlying Bill, your original Bill, and I think it's a pretty good Bill. But, I'm curious. Is Amendment #2 a part of this Bill now?"

Alexander: "Amendment #2 - just one moment, let me find out which one that one is - Amendment #2 is the Bill (sic - Amendment) that says that the guidelines to be established by the Illinois Department, which would be our Department of Public Aid, shall require that the recipients can release... I mean, to sign a release for any further use or disclosure of such information. That means that there is an air of confidentiality with regards to the persons who

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are accepting the contracts with... imparting information
to persons who would not be proper... have use for them."

Vinson: "Representative, I think you've described Amendment #1."

Alexander: "No, I have it as Amendment #2."

Vinson: "No, I believe Amendment #2 is an Amendment that was
sponsored by Mr. Bowman, the Gentleman from Cook, and I
wonder if that's part of the Bill."

Alexander: "Amendment... That's Amendment... Yes, it is."

Vinson: "That is... Amendment #2 is Mr. Bowman's Amendment?"

Alexander: "No. Mr. Bowman's Amendment... "

Vinson: "Well, Mr. Speaker... "

Alexander: "That is correct, Mr... Representative Vinson.
Amendment #2 is Mr. Bowman's Amendment."

Vinson: "Amendment #2 is the Bowman Amendment?"

Alexander: "That is correct."

Vinson: "And what does that do?"

Alexander: "It permits the Department of Public Aid to contract
with nonprofit, community-based organizations, and it
further amends the Senior Citizens' and Disabled Persons'
Property Tax Relief Act. It incorporates an additional
program with a pharmaceutical assistance. Payments to
pharmacies for the reasonable cost of prescription drugs on
behalf of a senior citizen or disabled person who purchases
an identification card from the Department of Revenue at
the annual cost of the additional Circuit Breaker grant.
In other words, what it would do would permit persons to
subscribe, out of their senior citizens' Circuit Breaker, a
subscription which would entitle them to copayments when
they go in to purchase their medicines."

Vinson: "So, this is the... Mr. Bowman's pharmaceutical Circuit
Breaker program?"

Alexander: "That is correct."

Vinson: "Okay, and that's on this Bill."

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Alexander: "That is correct."

Vinson: "That really, don't you think, has made your Bill a much worse Bill?"

Alexander: "I didn't hear you."

Vinson: "Don't you think that's made your Bill a much worse Bill?"

Alexander: "No, I do not. I think it makes it a better Bill."

Vinson: "Okay. To the Speaker. Inquiry of the Chair. Mr. Speaker, when was this Bill moved to Third Reading?"

Speaker Matijevich: "Just a little bitty... "

Vinson: "I beg your pardon?"

Speaker Matijevich: "Just a little bitty bit ago."

Vinson: "Well then, Mr. Speaker, I would object to this Bill being considered for final passage at this point. You can't do that without 71 votes."

Speaker Matijevich: "She had leave to do it, and there was nary a... "

Vinson: "Speaker?"

Speaker Matijevich: "Yes?"

Vinson: "She had leave to move it to Third Reading."

Speaker Matijevich: "No, she had leave from me... and now this time, you take the tape and read it. She had leave for the immediate consideration of House... Senate Bill 1241. Okay? Alright. Representative from Cook, Representative Bowman."

Bowman: "Right. Thank you, Mr. Speaker. I believe we have probably discussed the substance of Amendment #2 yesterday quite thoroughly. I would just point out that it was amended yesterday, so that it may be taken up today on Third Reading quite properly. The fiscal notes were properly filed, and I would... I stand in support of this. This is the Senior Citizen Pharmaceutical Assistance Act that is amended under this Bill, and I believe that we're

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all in support of that. Aren't we, Representative?"

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

Topinka: "Mr. Speaker, if I may ask the Sponsor a question."

Speaker Matijevich: "Proceed."

Topinka: "With...If I may just kind of reiterate and clear up my mind, because I... I feel that with Amendment #2, I've lived with that particular Bill for so many times, it's now an Amendment. What will be the cost of Amendment #2 onto your previously very good Bill?"

Alexander: "I yield to the Cosponsor, Woody Bowman."

Speaker Matijevich: "Representative Bowman."

Bowman: "The fiscal note suggests that it will be four and a half million dollars."

Topinka: "That was the fiscal note that was on the Bill as amended by Amendment #1 that is on file now, is that correct?"

Bowman: "The...The fiscal...The fiscal impact of Amendment #... Well, the fiscal impact of the Bill as amended by Amendment #1 is zero. The fiscal impact of the Bill as amended by Amendment #2 is four and a half million dollars."

Topinka: "Okay. If I might ask...to...To the Bill."

Speaker Matijevich: "Proceed."

Topinka: "At this moment in time, although I don't have an official note from the Bureau of the Budget, they claim that the addition of this Amendment to this Bill would be \$17,000,000 for basically a program that already is to some extent, in operation in the Department of Public Aid. I just wish to know, if that a similar program put into order in the State of New Jersey after three years is now at a point of \$35,000,000 and counting, to the point where the State of New Jersey has had to institute legislation for casinos in order to pay for the program. It's a rather expensive type of program. I don't know that the abuses

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that could still be incurred on a federal as well as on a state level and duplication have been addressed by the Amendment. I like the Bill in itself, but I do have a problem with the Amendment being attached to it. So I would recommend a 'no' vote."

Speaker Matijevich: "The Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of Representative Alexander's Bill. I think the second part of her Bill has been thoroughly explained, and I think this Body has voted previously, as it relates to providing a Pharmaceutical Assistance Program in our state. Representative Alexander's Bill, moreover, deals with a permissive program in the area of preventative health care. I think all of us in this Body support that concept. It certainly will keep down costs to our state and will enable us to make determinations relative to new programs, to keep people out of hospitals and keep them well. This is a very good piece of legislation, a preventative health legislation, and an aid program for the elderly and the poor in the state. I would urge an 'aye' vote."

Speaker Matijevich: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very much, Mr. Speaker. An inquiry of the Chair."

Speaker Matijevich: "Proceed."

Hoffman: "It is my understanding that the fiscal note which has been filed was prepared for Senate Bill 424, or House Bill 424, not for House Bill 1241 as amended. And I would ask for a ruling in regard to the applicability of a...this fiscal note and raise the question that...or suggest at least that this fiscal note does not meet the requirements

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of the law on fiscal notes."

Speaker Matijevich: "Representative Bowman on that point."

Bowman: "First of all, Mr. Speaker, I suggest that that is untimely. Second of all, I would point out that the request was made of both the Department of Public Aid and the Department of Revenue yesterday. The Department of Public Aid complied promptly, and their note was filed, leaving me with no recourse but to file the fiscal note to 424 with a statement signed by myself that the two pieces of legislation are, in fact, identical. If the...It seems to me, the burden of proof is on the questioner."

Speaker Matijevich: "Don't...don't talk too long. The Chair will rule that the...the question of the fiscal note is not timely. The Bill is now on Third Reading. The Gentleman from McLean, Representative Ropp."

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

Speaker Matijevich: "He indicates he...She indicates she will."

Ropp: "Representative, would you give me some indication as to what your intention of preventative health might be?"

Alexander: "Representative Ropp, I am sure that you are aware that in our communities, there are certain hazards or things that persons do that sometimes cause or bring about illness. I can almost relate this back to the days of the old circulating visiting health nurse, who would come into the home and tell you the proper diets to eat or look for lead poisonings in the home. There are persons out there that have not been advised of these hazards; that sometimes just by having this information coming and flowing through from your community-based person or representative can stop some of these high...recurring medical costs that we have to sit here and wrestle over in the late morning hours trying to find. This is a preventative health program. It will be good for everybody, if this program is put into

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effect."

Ropp: "Should this Bill not pass, or between this point and the time of passage of this Bill, if you have constituents that are of need of this service, might I recommend a county extension services that have been in existence for some fifty years throughout this state? Cook County does have an extension service and can provide you with the same kind of service that this Bill is attempting to address."

Alexander: "Representative Ropp, I will agree with you on that point, but we have not been able to here, as my understanding..."

Ropp: "Representative Alexander, I don't think that was a question. You'll have an opportunity, or someone will...to close."

Alexander: "Okay. Thank you."

Speaker Matijevich: "No further discussion, Representative Woods Bowman to close."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I believe we have had a thorough airing of the issues. However, I believe there is still a misconception about how this program relates to the program in New Jersey, and because that's always cited by people who stand in opposition to the Bill. Let me just simply say once again for the record that this is quite different from the program in New Jersey, in that there is a prepayment that's required of program participants. That will screen out the high volume of low incidence users, which will cut the cost of program considerably in addition to raising revenues, which will help to finance the program. Indeed, we won't have to put additional GBF into the program. However, I think, we have designed this in such a way as to keep the costs under control and provide us with an efficient administration of this program. There is no...It

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seems to me, no question should be in anybody's mind about the need for this program. We should have our priorities straight. And if we cannot, as a State Legislature, fill the gap in health care provided to our senior citizens, then I don't know what we're doing here. This should be our number one priority. It is the number one priority of the Illinois Council of Senior Citizens' Organizations, and I urge that it be yours, too. I now move for the passage of House (sic - Senate) Bill 1241."

Speaker Matijevich: "Representative Alexander and Representative Bowman move for the passage of Senate Bill 1241. The question is, 'Shall Senate Bill 1241 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 64 'ayes', 46 'nays'. And the Gentleman from DeWitt, Representative Vinson, for what purpose do you seek recognition?"

Vinson: "Let's verify this one."

Speaker Matijevich: "And the Gentleman from DeWitt asks for a verification. And Representative Alexander asks for a Poll of the Absentees. The Clerk will call out the absentees. Representative Vitek 'aye'. Vitek 'aye'. There are 65 'ayes'. DeJaegher 'aye'. 66 'ayes'. Representative Brunsvold 'aye'. Do you still persist, Representative Vinson? Alright. The Clerk will call out the absentees."

Clerk O'Brien: "Poll of the Absentees. Ralph Dunn, Dwight Friedrich."

Speaker Matijevich: "Dunn 'no'. Dwight Friedrich 'no'."

Clerk O'Brien: "Homer, Mautino, McPike. No further."

Speaker Matijevich: "The Clerk, now, will announce the affirmative vote. When your name is called... Be in your seat. When your name is called, raise your hand. And proceed with the affirmative vote."

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Clerk O'Brien: "Alexander, Berrios, Bowman, Braun, Breslin, Brookins, Brummer, Brunsvold, Bullock, Capparelli, Christensen, Cullerton, Curran, Currie, DeJaegher, DiPrima, Domico, Doyle, John Dunn, Farley, Flinn."

Speaker Matijevich: "Representative Shaw, are you seeking recognition?"

Shaw: "Yes, could I have leave to be verified?"

Speaker Matijevich: "Leave for Representative Shaw to be verified. Leave, and Representative Kulas asks leave to be verified. Leave. Representative Turner asks leave to be verified. Representative Laurino asks leave to be verified. And Preston asks leave to be verified. Leave. And Ellis Levin asks leave to be verified. Leave. And Leverenz over here. Leverenz asks leave. Leave. Proceed."

Clerk O'Brien: "Giglio, Giorgi, Greiman, Hannig, Hicks, Huff, Hutchins, Jaffe, Keane, Krska, Kulas, Laurino, LeFlore, Leverenz, Levin, Marzuki, Matijevich, McGann, Mulcahey, Nash, O'Connell, Panayotovich, Pangle, Pierce, Preston, Rea, Rhem, Rice, Richmond, Ronan, Saltsman, Satterthwaite, Shaw, Slape, Steczo, Stuffle, Taylor, Terzich, Turner, Van Dyne, Vitek."

Speaker Matijevich: "Monroe Flinn leave to be verified. Leave."

Clerk O'Brien: "White, Wolf, Younge, Yourell, Mr. Speaker."

Speaker Matijevich: "Mautino leave to be verified. Leave. What? Mautino wishes to be recorded 'aye'. Brummer, leave to be verified. Questions of the affirmative vote. Representative Vinson."

Vinson: "Who was the last person that asked leave?"

Speaker Matijevich: "Brummer asked leave to be verified."

Vinson: "What...what's our starting count?"

Speaker Matijevich: "68 'ayes'."

Vinson: "Representative Breslin."

Speaker Matijevich: "Representative Breslin is over here."

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They're both over there. She counts for two votes."

Vinson: "Did she vote twice?"

Speaker Matijevich: "She's pretty close to it."

Vinson: "Representative Bullock."

Speaker Matijevich: "About next Friday. Bullock. Representative Bullock. I don't see him in the chambers. Is Representative Bullock here? Remove Bullock from the Roll Call."

Vinson: "Capparelli."

Speaker Matijevich: "Representative Capparelli. Takes him about one... Return Bullock to the Roll Call. And remove Capparelli from the Roll Call."

Vinson: "Representative Christensen."

Speaker Matijevich: "Representative Ray Christensen is in the back in his seat."

Vinson: "Representative Currie."

Speaker Matijevich: "She's here on the phone."

Vinson: "Representative Domico."

Speaker Matijevich: "Representative Domico. He's sitting over here."

Vinson: "Representative John Dunn."

Speaker Matijevich: "John Dunn is in the aisle."

Vinson: "Representative Farley."

Speaker Matijevich: "Representative Farley. Representative Farley in the back? I don't see him back there. Remove Representative Farley."

Vinson: "Representative Giglio."

Speaker Matijevich: "Giglio is in his seat. Leave to...for Homer. Leave for Homer voting 'aye'. Is Homer recorded?"

Clerk O'Brien: "The Gentleman is recorded as not voting."

Speaker Matijevich: "Homer would like to be recorded 'aye' and asks leave to be recorded 'aye'."

Vinson: "Representative..."

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Speaker Matijevich: "One moment. Representative Braun asks leave to be verified. Homer asked leave to be verified, rather. Leave. Thank you."

Vinson: "Representative Hicks."

Speaker Matijevich: "Representative Hicks is near his seat."

Vinson: "Representative Krska."

Speaker Matijevich: "Krska. Representative Krska is not in his seat. Is Representative Krska here? I don't see him around. Remove Krska."

Vinson: "Representative Laurino."

Speaker Matijevich: "Laurino asked leave to be verified, and he had leave."

Vinson: "Representative O'Connell."

Speaker Matijevich: "Representative O'Connell is in his seat."

Vinson: "Representative Ronan."

Speaker Matijevich: "Representative Ronan. Is Representative Ronan back there? I don't see him back there. Remove Representative Ronan."

Vinson: "Representative Steczo."

Speaker Matijevich: "Steczko is in his seat."

Vinson: "Representative Wolf."

Speaker Matijevich: "He's in the back."

Vinson: "Mr. Preston."

Speaker Matijevich: "Preston. Is Representative... Oh, he had leave to be verified."

Vinson: "He had leave?"

Speaker Matijevich: "Return Capparelli to the Roll Call. In the center aisle."

Vinson: "No further questions."

Speaker Matijevich: "No further questions, the Clerk will give us the count. 6...On this question, there are 66 'ayes', 48 'nos' and Senate Bill 1241, having received the Constitutional Majority, is hereby declared passed. We

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have now completed the Order of Special Order Subject Matter-Senior Citizens. And we shall now turn to the Order of...to the Special Order Subject Matter-State and Local Government. And the first Bill on that Special Order is Senate Bill 1024 which appears on page 16 of your Calendar, Representative Stuffle. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 1024, a Bill for an Act to amend the Illinois Industrial Development Authority Act. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Vermilion, Representative Stuffle, on Senate Bill 1024."

Stuffle: "Mr. Speaker, Members of the House, I'll be brief on Senate Bill 1024. It's had a pretty full hearing before the Committee on Economic Recovery and on Second Reading with regard to the Amendments yesterday. Senate Bill 1024 as amended now contains the provisions of the economic recovery plan that we sent to the Senate in House Bill 2290, sponsored by Speaker Madigan, myself, the Majority Leader and Representative Mautino, the Chairman of the Committee on Small Business. As I said yesterday, we had extensive debate with regard to this Bill. It is supported, as you know, by the business community in the state and has been given support as well by those people in organized labor. We have had extensive hearings throughout the state with regard to the plan that is in place in this and the other Bill. It provides for a system in which the state would issue insured revenue bonds to create a loan program to stimulate the economy and create jobs in this state as well as creating a venture capital in the seed money fund. I think the provisions of the Bill are extremely tight. I think this is as good a Bill as we could put out of this House. And I would ask for your affirmative vote to keep in place, what I think, is one of

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the most important job-producing programs that this House could ever put together that was put together in consultation with bankers, with industry, with labor and done over many months and many hearings of my Committee, and Representative Mautino's Committee under the leadership and guidance of the Speaker of the House. I would hope that we could put a large affirmative vote on it and move this state ahead in creating jobs and bringing us out of recession. I know that there are differences of opinion about the funding mechanism herein. I think I addressed those yesterday with regard up front, and frankly, to the issue of using pension money. We provide for a ten percent direct return on the pension funds that are utilized, and I believe that they're minimal compared to some of the other programs and proposals that's been before us. Therefore, I would simply ask for an affirmative vote on Senate Bill 1024 as amended."

Speaker Matijevich: "Representative Stuffle has moved for the passage of Senate Bill 1024. On that, the Gentleman from Macon, Representative John Dunn. John Dunn."

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

Speaker Matijevich: "He indicates he will."

Dunn: "After the Amendment process was completed yesterday, does this Bill provide for use of some pension funds to fund this program?"

Speaker Matijevich: "Representative Stuffle."

Stuffle: "Yes, it does. As I indicated to you yesterday, the manner it provides for utilizing ten million dollars for each of three years from pension funds from, I believe, seven different funds, returning to them on a twenty year payback the money that's borrowed with ten percent interest and the use of an additional ten million dollars to create a Venture Capital Fund. These systems are given the

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assurance in the Bill, first call on state assets, the return of some \$94,000,000 in twenty years, at ten percent interest on \$40,000,000 that are effectively borrowed from those systems."

Dunn: "What is the..."

Stuffle: "I'm sorry."

Dunn: "...form and nature of the security provided for the..."

Stuffle: "There is a number of securities provided for in methods of securing the loans in the Bill providing that depending upon the amount, size and duration of the loan, that local banks would have to secure a percentage of the loans that are made. There is provisions for the authority in the Bill to require securities in addition to the percentages put up by local banks that they could require their securities to cover the cost of the loans. In addition to that, this is a backup program with the invested...the investment funds...If you will, the Insurance Fund, let me correct that, that's put together by the pension money. The pension money, then, by the provisions of the Bill, is repaid twenty year duration ten percent a year."

Dunn: "Thank you. Mr. Speaker, Ladies and Gentlemen, briefly to the...to the Bill. We had legislation earlier this year which this same Sponsor supported, which is good legislation that allowed the investment of state employees' pension funds all across the Board, all the pension funds for investment in real estate mortgages. Those investment loans, however, were fully insured and guaranteed so that in the event of default, there would be 100% reimbursement to the pension funds. The only opposition to the Bill, was a concern that the return on the investment from the pension funds might be a little bit lower than the current rate of return those pension funds are receiving from the investments and the portfolio at the present time. The

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Bill, unfortunately, didn't pass, and it should have passed, because it would be a good thing for the business climate in the State of Illinois to stimulate the residential mortgage business. This Bill, well intended as it may be, has an all together different philosophy. A small business is a nice catch word, a buzz word, a phrase. It's become like motherhood, and apple pie. It's something all of us are hesitant to vote against or even think about criticizing. Nevertheless, what we're talking about here is taking the pension funds of employees of the State of Illinois, and it's my understanding that all the pension funds are tapped here, or all the larger ones anyway. Funds are going to be removed from those pension funds and loaned out in the form of bonds to be amortized and repaid over a period of twenty years. That's a nice concept, but where are the people being consulted who put the money into those pension funds? Did they want their money loaned out in the form of bonds repaid by their children and grandchildren? I don't think they want that. I think this is a concept that we should be very reluctant to advance and propose, because what we're doing is we're borrowing from pension funds. Many of you know that we had legislation of an emergency nature earlier this year to borrow from pension funds, and there was great controversy about that when the state employees found out that their pension funds were being tapped. And we just hear from the Sponsor that while these loans are being secured, they're being secured by securities chosen by the banks which are responding in this program. How do we know what the security will be? How do we know what terms and conditions these loans will be repaid if we can lower the level of pay out in pension funds, when we have told people to put their money in these funds that we will pay out at 100% of pay

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outs every year through the appropriation process? And we have been as low as 50%, and we're trying now to get back up to 70%. We're not keeping faith with the people. Wait till they find out that we've borrowed their funds for a longterm indebtedness, and we promise to repay over a period of twenty years. If we can't repay on a current basis, I don't think they're going to be very happy with us when they find out that we've taken their funds and promised to pay over a period of twenty or thirty years. I would respectfully, with all due respect to the Sponsor who proposes this excellent legislation, who has made a very fine attempt to address a crying need in this state for small businesses, I would, nevertheless, respectfully urge a 'no' vote on this Bill."

Speaker Matijevich: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very...Thank you very much, Mr. Speaker, Ladies and Gentleman of the House. For much the same reasons as explained by the last speaker, I, too, rise in opposition to Senate Bill 1024. Not only are we by fiat, by legislative fiat taking away the resources without the consent of the governing boards of the pension funds for purpose for which we are prepared to deem the right way to invest those funds, but we also are getting involved in a private market with public money. I would suggest to the Members of this House that there is currently adequate money out in the private marketplace for legitimate ventures. What is going to happen is that those ventures of which can get access to legitimate capital will get access through the legitimate market, and those businesses which are marginal and which cannot get access to legitimate private capital will turn to the finance authority proposed in this Bill for resources. And of

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course, the purpose of the finance authority is to loan money, and they certainly are going to do that. And we'll find ourselves stuck with those kinds of loans. And so, for the additional reason of adequate resources in the private sector, if you know anything about the financial markets and the conditions of the financial market in this country today, you know that there is money being held by banks, by venture capital organizations, by savings and loans, which they would love to get into the marketplace and make a legitimate interest income on it. There isn't that much demand out there for it at the present time for a whole variety of reasons, and that money is available. We are then going to go into the marketplace with private...I mean with public money, which we, as a Legislative Body, have extracted from our pension systems without their consent and continue to glut that market. Ladies and Gentlemen, I would suggest to you that this is the wrong way for this Body to go. This is a direction that we should not take for those two reasons. And I would ask for your opposition to this legislation."

Speaker Matijevich: "The Gentleman from Madison, Representative Wolf. His light is on. The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. I too stand in support with Representative Stuffle for what is now embodied into Senate Bill 1024, the embodiment of Senate Bill 1024 being basically the structure that this House passed overwhelmingly with about 85 votes as it appeared before us as House Bill 2290. I think the important factor that has been addressed by Representative Dunn and Representative Hoffman need to be addressed in that regard. The guarantees which we present, as it pertains to the pension funds is currently addressed as about one and a

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half to two points higher than a current return. The Auditor General's report on those existing funds list them out as 8.9 and 8.7, I believe, over the past two years. The ten percent guarantee is certainly better than what the return is at this point in their investment portfolio. The embodiment of 1024 is probably one of the best umbrella concepts for, not only venture capital, but economic recovery in this state. We have addressed the concerns of the business communities to put the financial authorities and bonding authorities under one umbrella with this legislation. That was one of the requirements and requests by all of the economic interest in this state. In that regard, we have received many requests for the legislation in its present form, 2290, to many venture capital firms, investment companies, insurance companies interested in investing and using the availability of the economic recovery provisions that are embodied in 2290. It's a good Bill. We have to have the seed money and the insurance money as presented in Amendment #1 to 1024. And I think if you're interested in having private enterprise in conjunction with the financial institution, with insurance for the bonding funds that we have to use to start up, you can see that this is the only program that will be effective to put people back to work. It addresses Illinois employees as well. And I think it should be passed in its form that has been corrected technically for the betterment of the industrial base in our state. It's a good Bill, and I recommend passage."

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

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

Speaker Matijevich: "Representative Piel has moved the previous question. The question is, 'Shall the main question be

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put?' Those in favor say 'aye', those opposed say 'no', and the main question is put. Representative Stuffle to close."

Stuffle: "Mr. Speaker and Members, simply to say this to you. I think you know that I've risen on this floor probably 75 or 80 times to pass pension Bills to help these various systems. I appreciate the remarks of Representative Dunn. To correct only one, we do not reloan the 30,000,000 that goes into the Insurance Fund to anyone. It's there to secure the interest with regard to the loans only. Let me indicate to you, that I would not take, Representative Mautino would not take, the Speaker would not take money from these funds without putting it back at a reasonable level of interest. I believe when you look at all of the funds, and you look at their '82 return, the latest one the averages average in the 8.5% range. That's clearly so. I think we need to turn the corner in this state with regard to economic recovery. We know no one is wild about all the methods that we employ. We also know that there is no way that we can tap general revenue, in this time and place, to turn the corner on economic recovery. This same Bill came out of the House, 2290, with 85 votes as Representative Mautino said. This Bill, I think, is as good as we can put together. It's a Bill that's been scrutinized up and down this state by bankers, by investors, by the Chamber of Commerce, by the unions in this state, by people who want to go back to work. We need to employ a method that will do that job, and those groups, the Chamber supports it, the other groups I mention support it. And I think this is the best method that we have. If there are those who want to go out and say we're trying to rob the pension system, let them say so. But let them also respond to my point. We've stood here and tried to create jobs to make it possible to

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put more income in sales tax in the coffers of this state. That's what this Bill would do. We know that. Even those who may oppose it because of the reasons cited by Dunn and Hoffman, maybe they have legitimate reasons. I'm sure they believe they do. But I think we've got to turn the corner and put people to work. This Bill will do that, and I urge an affirmative vote."

Speaker Matijevich: "Representative Stuffle has moved for the passage of Senate Bill 1024. The question is, 'Shall Senate Bill 1024 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have...Have all voted? The Gentleman from Sangamon, Representative Curran, to explain his vote."

Curran: "Thank you, Mr. Speaker. As you know, I have more retirees in my district than any other district in the state. And I'm green up there, and I'm green because this is a guarantee for those retirees. It is a twenty year, ten percent guarantee where those retirement funds are guaranteed a repayment of \$90,000,000 for a \$40,000,000 investment. I wonder what we think that money is doing for those retiree funds. It's not sitting in some vault. It's all being invested, and so far it's not getting even nine years of ten percent. You do not have to be concerned about those retirement funds. We're doing a good job for them with this Amendment, with this Bill. I'm strongly in support of it. It's good for the retirement funds. I think we need more green votes up there."

Speaker Matijevich: "Representative Stuffle to explain his vote."

Stuffle: "I just want to point out that the ten percent return here, we've had a lot of games played with returns on investments. These funds would lead you to believe that all their returns are greater than that, that they always do better than that, and that's simply not the case. I

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cited the 8.1% return average of the teacher system, for example, last year. And in fact, in each of the systems we've looked at, the return has been dropping, because we're coming, hopefully, with this Bill and other efforts, out of the recession. I will point out to you, as you look at some of those systems, they didn't even make any money on some of their investments. I looked at the figures for time weighted equities regard to that system, minus nine percent. Dow Jones Industrials, minus eleven percent. So don't let them kid you into believing that they don't...that they somehow make twelve and thirteen and fourteen and fifteen percent on all their investments. They don't. They know better than that, and they have first claim on the assets of this state with regard to this Bill. I think their people want to work too and want the state to go back to work. If they had a little more broad sighted and less short sighted view of the activities under this Bill, it would pass."

Speaker Matijevich: "The Gentleman from DeWitt, Representative Vinson, to explain his vote. One minute."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am voting 'no' on this; because, when we voted on this Bill before, it did not invade the Downstate Teachers' Retirement System. I would make the other point that if we impose an allocation in this respect, what we're really doing is flying in the face of the Prudent Man Rule. Now the Prudent Man Rule is what governs these investments at this point. And what you're saying is that you're going to supersede the Prudent Man Rule. Why would you make this particular allocation when a prudent man would not? Otherwise, you don't need this Bill if a prudent man would make this investment. So I would urge a 'no' vote on the Bill."

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Speaker Matijevich: "Representative Dwight Friedrich, one minute to explain his vote."

Friedrich: "Mr. Speaker, when we start fooling around with the pension funds of the state employees of this state, I think we're in pretty dangerous territory. Now, you can say that they're guaranteed by this and that, and that's fine. But if you even want to boil it down to saying, 'Well the state guarantees it', then all you're doing right now is putting the state in debt for some ventures which may not be profitable which can result in losses. Now either way it's a bummer. So I think you ought to vote 'no'."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 63 'ayes', 54...Representative Woodyard, for what purpose?"

Woodyard: "Mr. Speaker, if this does have the required number of votes, I wish to verify."

Speaker Matijevich: "The Gentleman asks to verify the affirmative vote. There are 63 'ayes', and 54 'nays'. Representative Hannig, for what purpose do you...?"

Hannig: "Leave?"

Speaker Matijevich: "One moment. And Representative Woodyard asked for a verification, and Representative Stuffle asked a Poll of the...whoever that one absentee is."

Clerk O'Brien: "Poll of the Absentee."

Speaker Matijevich: "Let's find out who he is."

Clerk O'Brien: "Jaffe."

Speaker Matijevich: "Jaffe. He's the culprit. And the Clerk will now announce the affirmative vote. When your name is announced, be in your seat and raise your hand. And Representative Gary Hannig asks leave to be verified. Does he have leave, Representative Woodyard? Leave, Representative Hannig. Representative Frummer asks leave

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to be verified, and he has leave. Proceed with the Affirmative Roll Call."

Clerk O'Brien: "Alexander, Berrios, Bowman, Braun, Breslin, Brookins, Brummer, Brunsvold, Bullock, Capparelli, Christensen, Cullerton, Curran, Currie, DeJaegher, DiPrima, Domico, Doyle."

Speaker Matijevich: "Will the people in the center aisle go farther back, or else get in your seats? Mr. Doorman, if there are any unauthorized persons in the House, please remove them. It seems kind of crowded in here, in the back. Anybody in the back who doesn't belong here get out, and the others be seated. Out or be seated, whichever. Alright, proceed. Representa..."

Clerk O'Brien: "Farley."

Speaker Matijevich: "...Representative Marzuki asks leave to be verified. Leave."

Clerk O'Brien: "Flinn, Giglio, Giorgi, Greiman, Hannig, Huff, Hutchins, Keane, Kraska, Kulas, Laurino, LeFlore, Leverenz, Levin, Marzuki, Matijevich, Mautino, McGann, McPike, Nash, O'Connell, Panayotovitch, Preston, Rea, Rhem, Rice, Richmond, Ronan, Saltsman, Satterthwaite, Shaw, Slape, Steczo, Stuffle, Taylor, Terzich, Turner, Van Dwyne, Vitek, White, Wolf, Younge, Yourell, Mr. Speaker."

Speaker Matijevich: "Questions of the affirmative vote by Representative Woodyard."

Woodyard: "Mr. Speaker, before we start, Representative Brummer did ask to be verified also."

Speaker Matijevich: "That's correct. And Representative Alexander is now asking leave. Leave. What's the count, Mr. Clerk? It is still 63 'ayes'. Proceed with the questions of the affirmative."

Woodyard: "DiPrima."

Speaker Matijevich: "Representative DiPrima. He is in his seat."

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Woodyard: "Farley."

Speaker Matijevich: "Representative Farley. I don't see him back there. Representative Farley in not in the chamber. Remove him from the Roll Call."

Woodyard: "Krska."

Speaker Matijevich: "Representative Krska. I don't see Representative Krska in his seat. Is he in the chamber? And I don't see him. Remove Representative Krska. Representative Younge, are you seeking leave to be verified? Leave for Representative Wvvetter Younge to be verified. Leave. Proceed with questions of the affirmative."

Woodyard: "Levin."

Speaker Matijevich: "Ellis Levin is in his seat."

Woodyard: "Panayotovich."

Speaker Matijevich: "Panayotovich is in the front aisle."

Woodyard: "Steczo."

Speaker Matijevich: "Steczo is in his seat."

Woodyard: "Taylor."

Speaker Matijevich: "Taylor is in his seat."

Woodyard: "Van Duyne."

Speaker Matijevich: "Greiman asks leave to be verified. Leave? Al Greiman, leave. What was that last one?"

Woodyard: "Van Duyne."

Speaker Matijevich: "Representative Van Duyne. I don't see Representative LeRoy Van Duyne anywhere. Remove him from the Roll Call."

Woodyard: "Vitek."

Speaker Matijevich: "Vitek is in his seat."

Woodyard: "Ter...Terzich."

Speaker Matijevich: "Terzich. Representative Terzich. I don't see Representative Terzich. Alright...Oh, here he is."

Woodyard: "Huff."

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Speaker Matijevich: "Who was that?"

Woodyard: "Huff."

Speaker Matijevich: "Doug Huff is in his seat."

Woodyard: "Preston."

Speaker Matijevich: "Lee Preston is standing by his seat."

Woodyard: "Berrios."

Speaker Matijevich: "Berrios is standing talking to Capparelli."

Woodyard: "Breslin."

Speaker Matijevich: "Breslin. I don't see... Representative
Breslin. Is Representative Breslin in the chamber? I
don't see her around. Remove Representative Breslin from
the Roll Call."

Woodyard: "Did we remove Domico?"

Speaker Matijevich: "Remove who? Domico? No."

Woodyard: "Domico."

Speaker Matijevich: "Representative Domico. Marco. Here...here
he is."

Woodyard: "Slape."

Speaker Matijevich: "Representative Slape. Return Representative
Breslin. And Slape has walked in waving to everybody.
Proceed."

Woodyard: "No further questions."

Speaker Matijevich: "No further questions, Representative Jaffe
'aye'. There are 61 'ayes', 54 'nays', and Senate Bill
1024, having received the Constitutional Majority, is
hereby declared passed. Representative Stuffle, for what
purpose do you rise?"

Stuffle: "Having voted on the prevailing side by which Senate
Bill 1024 passed, I now move to reconsider that vote."

Speaker Matijevich: "Representative Stuffle, having voted on the
prevailing side by which Senate Bill 1024, moves to
consider the vote. Representative Mautino."

Mautino: "Moves that that lay on the table."

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Speaker Matijevich: "...Be tabled. Those in favor say 'aye', those opposed say 'no', and the Motion prevails. Representative Davis, for what purpose do you rise?"

Davis: "Well, Mr. Speaker, for the purpose of a Motion. I filed in writing a Motion with my signature and with Representative Stuffle and Vinson. A Motion that would put Senate Bill 774 in this Special Order of Business that we're now on. I wait to this time to call that Motion, because we're now exactly in the middle of that Special Order. And I cite to you, the precedence of your side and your floor manager having amended and added in Motions during the process for the last three days that we've been on this Special Order of Business and during the House Bills that were heard in the last week in May for the same purposes. I would now ask you, Mr. Speaker, to call that Motion for a vote. It is in writing. It is at the well. It does call for Senate Bill 774 to be included in the Special Order of Business, State and Local Government."

Speaker Matijevich: "Representative Davis, we have a couple of other Bills, and it's not necessary they be in order. We will return to that Motion before we complete this Order of Business."

Davis: "But...but, Mr. Speaker, I understand your concern for not calling or not calling the Motion at this time. Believe me, the controversy over this Bill has raised a great deal of eyebrows, but the Motion is timely. There are only...there is only one more Bill left..."

Speaker Matijevich: "Representative Davis, there...there are two more Bills, and they are both Republican Bills. We will return to your Motion. The next Bill is Senate Bill 1244, Hallock. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 1244, a Bill for an Act to amend Sections of an Act in relation to construction, operation,

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regulation and maintenance of the system of toll highways.

Third Reading of the Bill."

Speaker Matijevich: "Before we proceed to that, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Did I understand that you assured Representative Davis that you would return to the discussion of his Motion..."

Speaker Matijevich: "Yes."

Vinson: "...Before this Order of Business is completed?"

Speaker Matijevich: "Before this Order of Business is completed, yes, Sir. The Gentleman from Winnebago, Representative Hallock, on Senate Bill 1244."

Hallock: "Thank you, Mr. Speaker. This Bill emanates from the Illinois Toll Highway Authority's decision, recently, to have a ten cent fare increase. That fare increase amounts to a thirty-three and a third percent increase, and in my part of the state having paid for twenty-five years, we think it's unjustified. But more importantly than that, this Bill tries to address the fact that that increase was requested without any public input. So what this Bill does is ask, that first of all, before any fare increase of the Toll Highway Authority couldn't...can, in fact, be granted, that first of all, a notice of that request be published in the Illinois Register. Second, that that publication also state the fact as to how much has been requested and why. And third, that a public hearing, in fact, be held. It's my contention that a public hearing is an essential requirement of all governmental entities. The Toll Highway Authority surely should be required by that statute as well, and that's what this Bill does. Pursuant to that public hearing, the Toll Highway Authority then, after forty-five days, can make a decision and, in fact, have a rate increase if they so choose. But I believe it's paramount in government, openness in government in allowing

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the public's the right to know and right to say what should go on in government, that we allow a public hearing for Toll Highway Authority rate increases. And that's what the Bill does, and I would appreciate your support."

Speaker Matijevich: "Representative Hallock has moved for the passage of Senate Bill 1244. There being no discussion, the question is, 'Shall...Oh, Representative Giorgi. I'm sorry."

Giorgi: "Mr. Speaker, who was the Sponsor of Senate Amendment #1? Does the Sponsor know who the Senate Sponsor of Amendment #1 was?"

Speaker Matijevich: "Representative Hallock."

Hallock: "I'm sorry, I didn't hear the question."

Giorgi: "Who was the Sponsor of Senate Amendment #1?"

Hallock: "I'm not sure."

Giorgi: "Well, anyway, what I'd like to say is back in 1965, as a freshman Legislator, I tried to amend a Tollway Authority Bill as this is coming to the General Assembly, and I amended it to read that when the tolls...when the bonds were paid off on the northwest tollway, that the tollway would become a freeway, and I was defeated by the General Assembly. And then for the next ten years, people used that Amendment as a Bill to make the tollway a freeway. Now I think that Senate Amendment should have read that when the bonds are paid off, that the tollway would become a freeway. What happened is, when the tollway was first enacted in 1955, break even point was \$31,000,000. And they promised us that at the end of that...1975 that the tollway would become a freeway. Well the Governor straton at that time issued \$358,000,000 in bonds, and now the tollway reached a \$100,000,000 in tolls last year. But about 1968 what they did is they encumbered the northwest tollway, the Bill tollway 5, which to this day is not

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paying its share of the bonds off, and the projections have been off and are still off. I think that the plan here is, the master planners want the northwest tollway to always be the golden goose that laid the golden egg. I think they're planning on building the tollway in DuPage County, and they're going to try to pledge the money from the northwest tollway to build a tollway in DuPage County. And I resent that, being a Rockfordite, and seeing the toll increase from ten cent to twenty to thirty and now to forty. And I think that this Amendment is derelict, in that it didn't provide that when the bonds were paid off, that tollway would become a freeway and highway 5 would become a freeway. I think this is a poor Amendment. I'm going to support the principle, but that Amendment should have been more explicit."

Speaker Matijevich: "The Gentleman from Lake, Representative Pierce, to close. Oh, I'm sorry, Representative Hallock."

Hallock: "Before Representative Pierce closes, I'd like to respond to my colleague's statement about the Toll Highway Authority. As many of you know here in the General Assembly, I've had a Bill before this process before, which would, in fact, abolish the Northwest Toll Highway Authority. Unfortunately and it's most lamentable, the fact is that support doesn't exist here for that this year. But I appreciate the support of my colleague from Rockford on an issue, and hopefully, we can pass it next year. But for the time being, this Bill states that we have to have a public hearing on any rate increases. That's what the Bill does, and I appreciate your support for this Bill at this time. And I would ask that Dan Pierce close on this Bill."

Speaker Matijevich: "One moment. Representative Leverenz is seeking recognition. The Gentleman from Cook, Representative Leverenz."

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Leverenz: "Yes, I just wanted to question... Isn't this the same thing as the Amendment that I put on the Senate Bill that I had that we passed last week?"

Hallock: "Yes, I believe that Bill, as amended, having gone back to the Senate, it does the same thing."

Leverenz: "So, in fact, we are duplicating our efforts with this Bill, with the Amendment that was adopted and the Senate Bill and passed. So if I vote 'present', you will not misconstrue?"

Hallock: "I won't take it personally, if that's what you mean. But I do believe it's important to drive home the message, and obviously, that Bill makes that point. And this Bill makes the same point, and it would be a good idea to have both Bills making that point. And I would appreciate your 'aye' vote, but you have to vote your conscience."

Leverenz: "Well then, in an effort not to load up the Calendar. Mr. Speaker, to the Bill. We have already provided what Senate Bill 1244 would provide again, and it might be futile to load up someones Calendar, and if you want to vote 'present', everybody can."

Speaker Matijevich: "Representative Pierce to close."

Pierce: "Mr. Speaker, there is a good reason to vote for this Bill. This Bill is for... This is final passage. This Bill goes to the Governor if we pass it here in the next few seconds. The other Bill is a House Amendment to a Senate Bill, probably be nonconcurrent, and who knows what will happen to it. I want to remind Mr. Giorgi and others that it's not only the northwest tollway that's been paying and paying, but the tri-state tollway as well which was constructed at the same time. The reason the tolls are still on and the bonds haven't been paid off is that Governor Ogilvie had the idea of building an east-west tollway. He took beautiful farm land in DeKalb County and

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other places - farmers didn't want to give it up - and built this tollway out to a place called Sterling Rockfalls...Rockfalls, and no one takes it. They don't take it, because I-80 parallels it. That's a free interstate paid 90% with federal funds when it was constructed, and we're having a lot of trouble maintaining it in good condition in the present Road Fund that we have. People don't take the east-west toll road, and yet, the bonds from the northwest and the tri-state are paying it off. We need a public hearing before tolls are increased. The toll road is not a luxury as the executive director apparently feels. Many...many people must take it to go to and from work. Senior citizens in the northwest area must take it to get to the hospitals, to get to their doctors. It's an essential road. Mr. 'France' had apparently felt, that it was some kind of luxury. If you don't like paying the tolls in Belvidere, you could drive to Chicago on old Route 20 or something. Let them eat cake, he said, if they can't afford the tolls, and that's why I think the Daily Herald had that nickname for him 'Gail Antonette'. But the toll road is not a luxury. It's now an essential road. It's an essential road for many, many people in northern and northwest Illinois. The Bill that I am Chief Cosponsor of and that I'm now closing on would require a public hearing. That's all it requires, a notice and a public hearing before tolls can be increased. You get that when your utility rates are increased. You're supposed to get that when your taxes are increased by municipalities and school boards. What's wrong with the Illinois State Toll Highway Authority having a public hearing for public input before they jack up the tolls on the Illinois tollway system. I urge passage of Senate Bill 1244 as Chief Cosponsor in the House."

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Speaker Matijevich: "Representative Pierce has moved for the passage of Senate Bill 12...Representative Hallock and Pierce have moved for the passage of Senate Bill 1244. The question is, 'Shall Senate Bill 1244 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 106 'ayes', six voting...no 'nays', six voting 'present', and Senate Bill 1244, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1263. Ewing is not here, and I understand Hastert does not want to handle the Bill. We will be at ease for one moment. Alright, the Chair has said that before the conclusion of this business, Special Order, we would return to Representative from Will, Representative Davis. The Gentleman from Will, Representative Davis."

Davis: "Thank you, Mr. Speaker. I now renew my Motion to include Senate Bill 774 on the Special Order of Business for State and Local Government. I make the Motion, mine and Representative Stuffle's, and Representative Vinson's. I now make that Motion, because I find that in looking at history and looking at the Calendar today, that Senate Bill 774, because of it's controversy, may not have an opportunity to be called in the next couple of three days and should have properly been included under this Special Order of Business in the first place. I make that Motion. A lot of people want this Bill passed. A lot of people want this Bill to be presented to the Governor. The Senate will have a chance to consider the Amendments that are on it. And at this point, Mr. Speaker, I move for the passage of the Motion to include Senate Bill 774 in the Special Order of Business, State and Local Government."

Speaker Matijevich: "Representative McGann."

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McGann: "Mr. Speaker, I object to this Motion."

Speaker Matijevich: "He can vote against it. The Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House, you've heard the Gentleman's Motion. His Motion is to place the Bill on this Special Order. The only way in which this Bill has an opportunity of being presented to the House is if the Gentleman's Motion succeeds. In other words, a vote against the Gentleman's Motion is a vote against Senate Bill 774."

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

Stuffle: "Mr. Speaker and Members, I rise in support of the Motion. I understand Representative McGann's concern, but we all have the right to be heard in this House. We all have the right to differences of opinion, and I think it's clear that this Bill has had a rough enough road in being heard at all. I think it ought to be heard now in Third Reading. Everyone's had the chance to prevail with regard to their viewpoint on the Amendments, on the issues of tabling, on the issues of technicalities, and they ought to have a right to prevail one way or the other on Third Reading. Representative Jack Davis, Representative Vinson are absolutely right. We think that's the only fair way to approach this. This is not a Democrat or Republican, or downstate, or upstate, or Chicago or suburban issue. It's an issue that ought to be heard. The differences of opinion ought to be sounded out on Third Reading. The only way that will occur is if it's put on this Special Order of Business. Therefore, I urge your affirmative vote on the Motion by the three of us with regard to this Bill."

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

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Giorgi: "Mr. Speaker, I...You know, I think...I think we've shown a lot of respect to Representative Vinson and the Republican Leadership, but sometimes they take advantage of our good nature, and they're making a mckery of the system of the parliamentary procedure running this House. Now, the Leadership agreed on which Bills should be on the Special Order of Call. We've honored that. We've made agreements, and we've honored them. And I think that this is...some type of chicanery. I think you're trying to embarrass us, and I think that what you're going to do, is you're going to weld the Democratic Party into one solid block, and they're going to deny your Motions in the future if you don't start being fair about these things."

Speaker Matijevich: "Representative Davis to close."

Davis: "Well, Mr. Speaker, Representative Stuffle is not in the Republican Leadership, although, we have a spot for him if he'd like to cross the aisle. The truth of the matter is, we are being fair under your rules. Only yesterday this procedure was used, and the day before ad nauseum during House Bills final week back in May. Representative Cullerton has time and again used this device. The Chair has recognized it. We're being fair. We're operating under the precedence and rules that you amend as you go along. This Bill absolutely should have been included under this Special Order; and, for some reason, it was not. We make the Motion now so that it can have an opportunity to be heard. And Representative Vinson was absolutely correct, a 'no' vote on this Motion is a 'no' vote against the Bill and having it heard. And I now move for the passage of my Motion, Mr. Speaker."

Speaker Matijevich: "Representative Davis has moved that House...Senate Bill 774 be included into the Special Order of Business, State and Local Government. Those in favor

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signify by voting 'aye', those opposed by voting 'no'.
Representative Currie, one minute to explain her vote."

Currie: "Thank you, Mr. Speaker and Members of the House. I don't see any reason why this Motion should prevail. It has nothing to do with the substance of the Bill. We're on a procedural Motion. Senate Bill 774 was on Second Reading this morning. The idea that it should have been included yesterday in the Calendar for special consideration today is nonsense. If the argument is that no Bill will be heard, unless it is on a Special Order of Business, then I don't know what kind of games we're trying to play in this House. Senate Bill 774 should stay in its proper place on the ordinary Third Reading Calendar now that it finally has arrived at Third Reading. And it should be considered along with all the many other Bills that are on that Order in its proper place. This Motion should be defeated."

Speaker Matijevich: "The Gentleman from Lake, Representative Pierce."

Pierce: "Mr. Speaker, this is a bad precedent. If they get away with this, the next thing will be the Daniel's-Vinson income tax increase of close to a billion dollars they're trying to foist on the people of Illinois in the Daniel's income tax plan. If they get by with this Special Order, that'll be their next Motion. They'll be up here trying to increase our income taxes by close to a billion dollars on the Daniel's income tax increase. Let's watch this as a precedent. It's the first step towards being thrust into the Daniel's Republican income tax increase program. And for that reason, I vote 'no'."

Speaker Matijevich: "The Lady from DuPage, Representative Karpel, one minute to explain her vote."

Karpel: "Well yes, Mr. Speaker, the last speaker that spoke, you know, as we all know that's just pure demogogy and

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baloney. The whole matter with this Motion and the reason that it should pass, is the reason this Bill has been on Second Reading for so long, is because your side of the aisle and the people that have been in the Chair have passed over this Bill on two occasions, and on the third occasion would have just simply not called it, even though neither one of the Sponsors had taken it out of the record. We all know the history of this Bill. And the reason why it's important for this Motion to pass, so that we can hear it on Third before the deadline and before this Bill just dies on the Calendar. As Representative Vinson said, anyone who is for this Motion...for the Bill, should be for this Motion. If you are 'no' on this Motion, that means that you are against the Bill."

Speaker Matijevich: "Would the Lady bring her remarks to a close? The Gentleman from Will, Representative Davis, one minute to explain his vote."

Davis: "Thank you, Mr. Speaker. If you voted for Amendment 4 on this Bill only a few hours ago, and it had 67 votes, then you ought to be voting for the Motion if you want that to be heard. And I can say to the Lady from Cook, Representative Currie, this is no move around the process on Third Reading. Many Bills have been included on Special Orders that remained on Second Reading. This Bill was specifically prohibited from this Order of Business, and this Motion corrects what is a tragic error and the ability of the Chair to deny a Member the right to have her Bill heard at all. And I'll tell you right now, that if Bill is not included on the Special Order of Business, it will not be heard in this chamber. You can rest assured Monday night at midnight this Bill will die."

Speaker Matijevich: "The Gentleman bring his remarks to a close. The Gentleman from Cook, Representative Piel, one minute to

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explain his vote."

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Well now is the time that all the free thinkers in the House can exercise their independence in the House. Is it going to be a situation where the Leadership is going to tell you how certain legislation is going to be passed that affects his or her specific district, or are you going to vote for the people for the State of Illinois? It's a situation where you realize just as well as anybody else in the House, if you're voting 'no', that this Bill does not... if it goes to Third Reading on the Regular Order, it's going to die. So you can go back home and tell the people that one of your 'no' votes cost them having this Bill."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 54 'ayes', 58 'nays', 4 voting 'present' and the Motion fails. We're now on the Order of...the Special Order of Workers' Rights, the hour of 11 a.m. having arrived and then some, and the first Bill is Senate Bill 25, Levin, on page eight of your Calendar. Levin - Olson. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 25, a Bill for an Act to amend an Act relating to shared work unemployment benefits. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Levin, on Senate Bill 25."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's no secret that our state is in the middle of a severe economic recession, and while we here talk about natural recovery, Illinois traditionally lags six to twelve months behind the rest of the country. It is also no secret that the so-called economic recovery will soon

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leave this country with a 6 to 8% unemployment rate, which means, in the State of Illinois, an 8 to 10% unemployment rate. Senate Bill 25 would provide a new tool, by which Labor and Management can put people in this state back to work now. It creates a system of work sharing. Currently, a person is only eligible for unemployment compensation if he or she is fully laid off. This means that the employer is stuck with a dilemma, when they have an individual that they have expended a great deal of money in training, a skilled worker. Either they can lay that person off and lose the benefit of the thousands of dollars they've invested in that individual, or they can keep that person on, even though they might not have enough work to keep that person going full time. Senate Bill 25 is modeled, is similar to laws in various other states, most notably, California, Arizona, Oregon, and as well in Canada, and most of Western Europe, in that it overcomes this problem by permitting, on a voluntary basis where there is agreement by both labor and management, a person to be employed part time and to receive part time unemployment compensation. It is modeled on legislation proposed by the U.S. Department of Labor. Let me very briefly just describe the key provisions. First of all, it is purely and totally voluntary. It must be agreed to by both labor and management for it to go into effect, and that agreement must be reduced to writing. It must be approved by the Illinois Department of Labor. Number two, it is funded under a separate fund. It is not funded under the normal Unemployment Compensation fund. And number three and most importantly, it...most importantly it requires a reimbursement by the participating employers on a dollar-for-dollar basis. We need this legislation now to deal with the problem of unemployment in this state. It's

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something that both labor and management want. You saw the Tribune a couple of days ago. A number of electrical workers in the City of Chicago have, in fact, gone to a very similar kind of a work sharing arrangement. Because of the lack of jobs, they're trying to share work. This proposal has been worked on at this point for about a year and a half. Initially there were substantial hearings last year before the Subcommittee of the House Labor Committee. Everybody's been involved in the process of developing this legislation, labor and management, in terms of what is in this Bill as it was amended with Amendment #1. It is... The substance of this Bill, to my knowledge, is supported by everybody. If you look at the last issue of the newspaper of the Chamber of Commerce, they support this Bill. I met on Tuesday with the Illinois Manufacturers' Association. They have no problems with the provisions in this Bill. I just talked to representatives of the Department of Labor. They're not opposed to this Bill. We do have a problem. I'm going to admit it. We're going to hear somebody, I'm sure, from the other side of the aisle state, 'Well, there may not be any substantive opposition to this Bill, but there may be a problem with federal compliance'. I suggest that that is a bugaboo. I suggest that we have no evidence of any kind that this Bill would put us out of compliance with the federal requirements. I have the only letter which has come from the Federal Government, and I have read that letter, and I have it in front of me. And nowhere does that letter say it would put us out of compliance. A-low level bureaucrat suggests that they may not like...may not think it's a viable method, but nobody says, that it's going to put us out of compliance."

Speaker Matijeovich: "The Gentleman bring his remarks...If it's not ten minutes, it sure seems like it. Proceed."

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Levin: "Let me just conclude by stating, that if, in fact, there are any problems down the road, if, in fact, we hear from the Federal Government that there is going to be a problem by putting this good Bill on the Governor's desk, the Governor can amendatorily veto it, or he can fully veto it, and we would expect that that would be responsible action on his part. But this is an important Bill. It's one of very few things that we can do that can really have an effect on putting people back to work. It's been worked on by all sides. It's a good Bill, and we need it now. We don't need it a year or two years down the road. We need it right now. So I urge support for this Bill."

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

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House, I rise on this Bill because it is a critically important matter. Some months earlier in this Legislative Session, a Summit Conference was held at the Mansion in regard to the subject of unemployment insurance and unemployment compensation."

Speaker Matijevich: "One moment, the Gentle...the Majority Leader, Jim McPike, for what purpose do you rise?"

McPike: "I think Representative Levin would like to take this Bill out of the record."

Speaker Matijevich: "We could have saved ten minutes. Out of the record. Leave that the Bill be out of the record. Senate Bill 53, Nash - Cullerton. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 53, a Bill for an Act removing the state income tax and wage law impediments to ride sharing. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Nash."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This a very simple Bill that amends the Minimum Wage Law

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and the Illinois Income Tax Act to exclude money other than salary received by a driver of a ride sharing arrangement. That's all the Bill does. If you have a ride sharing arrangement, the other passengers in the car contribute towards the gasoline purchase, that money is not taxable. I urge an 'aye' vote."

Speaker Matijevich: "Representative Nash has moved for the passage of Senate Bill 53. There is no discussion. The question is, 'Shall Senate Bill 53 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk...Nelson 'aye'. Mulcahey 'aye'. Have all voted who wish? The Clerk will take the record. On this question, there are 117 'ayes', no 'nays', and Senate Bill 53, having received the Constitutional Majority, is hereby declared passed. Senate Bill 133, Panayotovich - Laurino, on page eight of your Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 133, a Bill for an Act to amend an Act in relation to public purchases, leases and contracts. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Represent... Representative Panayotovich, on Senate Bill 133."

Panayotovich: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 133 is identical to the Bill that we passed out of here a couple weeks ago, House Bill 561. It is our buy American Bill which we're trying to put people back to work. We have a steel industry and an auto industry, as well as others, that are just hurting so bad that we have to put people back to work. We must buy our American-made products. House Bill 561 passed the Senate, 52 to 1, and is now, we hope, to get to the Governor's desk. I would ask for the same 72 votes I had when House Bill 561 came out of here, and I'll answer any questions.

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Thank you."

Speaker Matijevich: "Representative Panayotovitch has moved for the passage of Senate Bill 133. On that, the Gentleman from McLean, Representative Ropp."

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

Speaker Matijevich: "He indicates he will."

Ropp: "Mr. Representative, do you have any athletic qualities about you?"

Panayotovitch: "Better than you, Sir. Yes."

Ropp: "Yes. Do you happen to play on the House..."

Speaker Matijevich: "He... he's not vain, is he? He said yes. Proceed."

Ropp: "You happened to play on the House softball team that played against the Senate and beat them severely 20 to 4?"

Panayotovitch: "Yes, I attempted to play that day."

Ropp: "Are there certain pieces of equipment that are necessary in playing softball, like a bat..."

Panayotovitch: "Bat, ball, shoes, jock, yes."

Ropp: "Is also another item that is ordinarily considered a piece of the equipment considered a cap?"

Panayotovitch: "Yes, Sir."

Speaker Matijevich: "We... we know what you're getting to Ropp. You might as well get to it."

Ropp: "Well, okay. Did the..."

Speaker Matijevich: "Where was it made?"

Ropp: "... the caps that were purchased by your side of the aisle, can you identify from what country those were made and distributed to each Member of the House that played on that team?"

Panayotovitch: "To my understanding, I didn't wear the hat, first of all, because it was made in a foreign country. Secondly, the people that did purchase the hat were not aware of where the hat came from. Thirdly, when I

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approached the Governor at the softball game and told him where he was... his hat was made from, he then put a Buy American sticker right in the middle of his hat and tore the made in Taiwan sticker out."

Ropp: "In other words... in other words, it was made in Taiwan."

Panayotovitch: "I believe that's true."

Ropp: "My exhibit A, that I'm showing here."

Panayotovitch: "That's right. Put it on."

Ropp: "I did wear it in that illustrious victory, and I just wanted to call that to the attention of the Sponsor of this Bill. And now to the Bill, if I might, Mr. Speaker."

Speaker Matijevich: "Representative Ropp on the Bill."

Ropp: "Very briefly, though we have gone over this a time or two, evidence in nonsupport of this Bill has grown to the degree that each one of you may have received a copy of a letter written to us by the Consulate General of Canada, so stating that in the year of 1982, the State of Illinois exported to Canada some 2.8 billion dollars worth of imports, that we... we sent to Canada, and that we imported from Canada 2.3 billion dollars, or a surplus of .05 billion. But it also goes on to state that each time we export a billion dollars worth of goods that provides some fifty thousand jobs here in Illinois and in this country. We also heard evidence by the Italian Consulate when he came to speak to us just last week of the need for international trade, and that trade was a two-way street and that by this passage of this Bill, we are eventually causing foreign countries to say to us, 'If you are in no position to want to consider, even consider buying goods that we have to produce, that we have to keep our own people at work, then we will no longer purchase goods from you, the State of Illinois or you, the country of the United States of America'. What I'm saying in this brief

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comment is that this is a Bill that is, though well meaning, certainly approaches this effort in a very inaccurate way. We ought to be, in fact, producing more goods. We ought to be encouraging more foreign countries to purchase products that our laborers produce and that our constituents are providing work for and producing good quality merchandise, rather than to say no to foreign countries. 'We don't want your goods unless your goods exceed our production costs and sale by fifteen percent.' Fifteen percent, Ladies and Gentlemen of this House, is an exorbitant figure, is one that almost states to our industry throughout this country that we can, in fact, skyrocket our cost to some fourteen and a half percent and still... and still provide work for people in our country. That will be nothing but drive people out of work. It is an attempt by this Bill to tell foreign countries we want a complete circle around Illinois or the United States. We don't want to even consider purchasing your products. This is not the way to go, Ladies and Gentlemen, in terms of developing more jobs for the State of Illinois and the United States. We must be more progressive. We must be more concerned about developing international trade and competing in the international market by providing the highest of quality goods that we can produce, under the finest labor group of people in this world, that of the American laborer, the Illinois labor people, and let's produce more. Let's sell more. Let's not discourage international trade, as this Bill would do, and as does so state the Sun-Times in their editorial of May 31, 1983. Thank you."

Speaker Matijevich: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very... thank you very much, Mr. Speaker."

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Ladies and Gentlemen of the House, when the House Bill was before this Body, I spoke in opposition to that Bill, and I would just like to quickly recap what I said at the time. We don't need less exporting. We need more of it. Illinois is one of the major exporting states in the nation. That is a two-way street. We cannot set up a handicap of... for people who are not part of our interstate, intrastate commerce. We must set up ways in which we can encourage that participation. Anyone who sees the big picture in this world knows that we no longer are a national economy, but we're a series of regional economies tied into a worldwide economic base, and history marches on. You cannot hold back... excuse me. You cannot hold back the future; and, as the economic wheels in this world turn, the location of certain kinds of jobs are changing. Just as at one time we got our shoes from one area of the country and our clothing from another area, that shifted by regions, and now it has shifted on a worldwide basis and will continue to do so. The kinds of economic activities which we carried out in the 17th and 18th Century were carried on somewhere else as we moved into the 19th and 20th Century, and so it shall ever be. And we cannot by fiat turn that back. All we can do is increase the cost of goods to local government by this kind of... this kind of legislation. This kind of legislation won't work. It's irresponsible, and it is hurtful. It is hurtful to the taxpayers in each of these communities who will have to pay extraordinary amounts of money, and it will discourage the shifts that have to take place in our economy. As we become an education and information based economy, and the distribution of... of knowledge and information become the main es... the main economic activity in our society, we should allow that activity to proceed and to grow and to

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encourage the changes in the types of programs that workers are going to participate in actively. We should not discourage change. Change is inevitable. We only increase the cost of that change by this kind of legislation; therefore, Ladies and Gentlemen, I rise in opposition to this Bill."

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

Slape: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I move the previous question."

Speaker Matijevich: "Representative Slape has moved the previous question. The question is, 'Shall the main question be put?' Those in favor say 'aye', those opposed say 'no', and the main question is put. The Gentleman from Cook, Representative Laurino, to close, or no, Panayotovich is going to take the whole show. Representative Panayotovich."

Panayotovich: "Thank you, Mr. Speaker. In listening to the people from the other side of the aisle, I... I agree with some of them. I believe the last speaker mentioned that we cannot hold back the future, and he's exactly right. We can not hold back the future. In the Chicagoland area, the steel mills... we have a steel mill with ten thousand people that was employed over four or five years ago. There's fifteen hundred there now. There's another steel mill that had thirty-five hundred people. There are seven hundred and fifty working there now. The auto industry is hurting. There are people out of work. We're holding back the future. We got to try to promote our country. We got to try to promote our goods. They talked about these countries that are against this. Another Speaker spoke about them. Sure these countries subsidize their companies. These countries come in and give these

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companies their monies. We don't have that here in this state. We don't have that in this country. What we need to do is we need to put more people back to work. We need to put food on the table. As I said before, we need to put pride back into the people of this country. I'm not saying it's a cure-all Bill. It's not going to be the end. It's not going to make everything go right. As I repeat again, the Senate passed the House Bill 52 to 1. One Republican voted against it. We had 72 votes when we passed that Bill out of here, and I would appreciate having more votes on it this time, and I ask for your favorable vote. Thank you."

Speaker Matijevich: "Representative Panayotovich has moved for the passage of Senate Bill 133. The question is, 'Shall Senate Bill 133 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Representative Tuerk, one minute to explain his vote."

Tuerk: "Mr. Speaker, Members of the House, the two Gentlemen that spoke in opposition to this Bill, the Gentleman from McLean and the Gentleman from DuPage, certainly articulated well the reasons why you should be voting against the Bill. The Gentleman from Cook who said the Senate passed this Bill, or passed the House Bill 52 to 1, I've noticed in this Session more than any other Session that I've been here that the Senate is passing so many bad Bills over to the House that this is a fine opportunity for us to kill one. Actually what the Gentleman from Cook says about employment is fallacious. It'll do more to put more people out of work than what he purports to do in putting people to work. It's going to invite protectionism. It's going to be counterproductive to the thrust of the objective of his Bill, and as a result, I would invite all of you to vote 'no' on the Bill."

Speaker Matijevich: "The Gentleman from Winnebago, Representative

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Hallock, one minute to explain his vote."

Hallock: "Yes, I thought I'd like to explain my vote on this issue, because it's such an important issue, and it's a very difficult question. The reason why I'm going to vote 'no' in a second is because, first of all, Illinois is the number one exporting nation... state in the nation in terms of agriculture. But more importantly to my community, we're the third most important state in the nation, in the whole nation, in manufacturing. And in my community of Rockford, Illinois about half our jobs are in the manufacturing sector. This Bill could cost Illinois over ten billion dollars in exports we have each year and about ninety thousand jobs. And I would surmise that with half the people in my community being involved in manufacturing, this could be a direct blow to Rockford, Illinois, and I'm voting 'no'."

Speaker Matijevich: "Representative Dwight Friedrich, one minute to explain his vote."

Friedrich: "I think this is the most hypocritical Bill we've ever had around here. We've got people in the Legislature driving foreign made cars. We've got people in... in... state employees are driving. We've got people in the steel mills, and I'd be willing to bet some of those fifteen hundred that are still working are driving foreign made cars and crying about imports and competition in the steel business. How can we tell units of local government they can't buy it, when two thirds of the men on this floor are wearing shirts made in Taiwan? I think it's absurd. You can't do it. If we're going to start, let's let the union members who are... who are now getting out of work buy American, not just preach it and say units of local government have to do it. This is hypocrisy."

Speaker Matijevich: "The Gentleman from Adams, Representative

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Mays, one minute to explain his vote."

Mays: "Thank you very much, Mr. Speaker. I was beginning to wonder whether my speak light worked. I've had my light on all through debate on this Bill and a previous Bill, and I'm just wondering does it check out? Are we okay up there?"

Speaker Matijevich: "You're all right."

Mays: "All right."

Speaker Matijevich: "There's been a lot of lights on your side of the aisle this morning, and... and I try to go back and forth, and then somebody back here moves. Proceed."

Mays: "All right. Just... just... just to bring up some points that were made previously when the Bill was in the House, and we had a chance to debate it properly. Buy America's been around this country for forty years through U.S. legislation and through thirty different states' legislation, and there is not one study that shows one quantifiable job has been generated as a result. Indeed, we've had a recession, and a depression, and everything we can think of since with or without this kind of legislation. It exempts the State Mandates Act from this Bill, which means it's going to cost local governments, from a fiscal note that was attached on the House Bill. A local government of fifty thousand's going to have to pay a million and a half bucks more to implement this Act. So, we're... we're putting... we're perpetrating a boondoggle on the tax paying public of this state, and we're implementing just another welfare program for big labor."

Speaker Matijevich: "Have all vote who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 70 'ayes', 44 'nays', 3 voting 'present', and Senate Bill 133, having resu... received the Constitutional Majority, is hereby declared passed. The next Bill is

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Senate Bill 179, Giorgi - Oblinger, and with the consent of the Sponsors, this Bill is on Consent Calendar on page twenty-two. And all those Bills on Consent Calendar, we are going to pass over. If they are taken off Consent, we have agreement with both sides of the aisle that those Bills will be called first. That agreement has been reached, Representative Giorgi. The Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Mr. Speaker, I'm getting worried that the horses at Arlington are very nervous over this Bill, and I want to get it passed."

Speaker Matijevich: "We'll get back to it. Senate Bill 192, Berrios - Kulas. The Clerk... On page nine of your Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 192, a Bill for an Act to amend the Illinois Migrant Labor Camp Law. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Berrios, on Senate Bill 192."

Berrios: "Senate Bill 192 as amended will provide effective enforcement of the Illinois Migrant Labor Camp Law. Persons representing the Department of Health, the producers and the migrant advocates have worked on this piece of legislation to help provide good housing for the migrant workers that come here to Illinois, and for them, I would ask a favorable vote from everyone in the House. Thank you."

Speaker Matijevich: "Representative Berrios has moved for the passage of Senate Bill 192. There being no discussion, the question is, 'Shall Senate Bill 192 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 112 'ayes', 1

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'nay, and Senate Bill... Panayotovich 'aye'. 113 'ayes', 1 'nay, and Senate Bill 192, having received a Constitutional Majority, is hereby declared passed. Senate Bill 197, Madigan - Daniels, is on page 22 Consent Calendar, and that will be called on Consent, consent of the Sponsors. Senate Bill 228, Panayotovich - Laurino, on page nine of the Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 228, a Bill for an Act relating to compensation of workers injured as a result of industrial accidents. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Panayotovich, on Senate Bill 228."

Panayotovich: "Thank you, Mr. Speaker. Senate Bill 228, which we debated partly yesterday during the Amendment, is both a business and a labor Bill. It's to expediate hearings in the injured workers for medical benefits, Workmen's Compensation Act or Occupational Disease Act. And what we're trying to do is speed up so that the injured parties will get a fair hearing quicker and brought it to an end, and yesterday, we did a few Amendments. We debated it yesterday. I'd be willing to answer any questions."

Speaker Matijevich: "Representative Panayotovich has moved for the passage of Senate Bill 228. On that, the Gentleman from DuPage, Representative Hoffman."

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

Speaker Matijevich: "He indicates he will. Proceed."

Hoffman: "As this Bill has been amended, are there any groups still opposed to the Bill as amended?"

Panayotovich: "As of yesterday when we amended the Bill, I have not heard any negative feedback at all."

Hoffman: "Then I can assume that the people on the business side of the issue have, to the best of your knowledge, had their concerns addressed by the Amendments."

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Panayotovich: "The Amendment did come from the business community. Right."

Hoffman: "Thank you very much."

Panayotovich: "You're welcome."

Speaker Matijevich: "There being no further discussion, the question is, 'Shall Senate Bill 228 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 112 'ayes', 5 'nays', and Senate Bill 228, having received a Constitutional Majority, is hereby declared passed. Senate Bill 284, Taylor - Brookins, on page nine of your Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 284, a Bill for an Act to amend the Minimum Wage Law. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative James Taylor, on Senate Bill 284."

Taylor: "Thank you, Mr. Speaker and Members of the House. Senate Bill 284 amends the Section of the Minimum Wage Law prohibiting discrimination in payment of wages on the basis of sex. Provided that no employee (sic - employer) shall discriminate between the employees on the basis of sex, age or known physical handicap except as otherwise provided in the Minimum Wage Law. I solicit your support for Senate Bill 284."

Speaker Matijevich: "Representative Taylor has moved for the passage of Senate Bill 284. On that, the Gentleman from Kendall, Representative Hastert."

Hastert: "Would the Sponsor yield?"

Speaker Matijevich: "He indicates he will."

Hastert: "Representative Taylor, could you just give us a practical application of this Bill? Why is it needed?"

Taylor: "Well, apparently, the Senator that introduced the Bill

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thought that there was some discrimination going on, and I certainly know of some. I saw on T.V. just the other night where one young man that was a laborer on the refuse truck was laid off in Oak Park because of the fact that he was a handicap. And that particular case is the case that we should need to use this Bill."

Hastert: "Well, what you said, this was sexist discrimination. Would it effect handicapped, too?"

Taylor: "It would effect handicapped if the employer had hired the individual."

Hastert: "Thank you."

Speaker Matijevich: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Will the Gentleman yield, please?"

Speaker Matijevich: "He indicates he will. Proceed."

Mautino: "Jim, I've received a lot of correspondence from Mental Health and Developmentally Disabled Institutions such as Help... Self-Help, Horizon House, et cetera. Would your legislation, in any way, address the sheltered workshops where these handicapped people work mostly on a piece work type basis, occupational therapy type situation? Does it re... Does it include in this legislation that they must be paid the minimum wage?"

Speaker Matijevich: "Representative Taylor."

Taylor: "It would not affect that at all, Representative Mautino."

Mautino: "I noticed that one of the Amendments, the Senate Amendment #3 deletes the reference to the discrimination in pay base on the... Oh, I see what you've done. You've taken it out of... in other Amendments is what you're saying."

Taylor: "Shelter workshops pay less than the minimum wages, and they still will be able to do that after the Amendment #3

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was put on there."

Mautino: "Thank you very much."

Speaker Matijevich: "The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Would the Sponsor yield, please?"

Speaker Matijevich: "He indicates he will. Proceed."

Tuerk: "Well, assuming that you pass this Bill and it becomes law, would it be your plan to inform each one of those sheltered workshops of how they go about getting the exemption from paying the minimum wage?"

Taylor: "The law is not changed, and they can find out through the Minimum Wage Act and through the shelter work... program... shelter work program."

Tuerk: "Well, I'm aware of the fact that if this is passed, they... they can file for the exemption from the Department of Labor; however, I'm not so sure that each one of those areas of sheltered workshops would be aware of that fact and might get stuck with paying the minimum wage. Now, my question is, do you have any plan at all, you and the Senate Sponsor, of letting those sheltered workshops know how they go about filing for the exemption?"

Taylor: "Well, I... I think, Representative Tuerk, if they read what's in the law, they would not have any problem at all understanding what the law is about this particular legislation."

Tuerk: "Well, apparently, you have no plan then. That answers my question. To the Bill. There are all kind of problems with this type of Bill. We had it early on with House Bill 971 which was put in the Subcommittee in the House Labor and Commerce Committee, and we had plans of having some hearings on that Bill throughout the year so that we could work out a solution. I am quite aware of the fact that these sheltered workshops can file for the exemption, and I

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think that's the proper way to go. However, there may be cases in the state and many of them that don't know that that option is open to them. And, therefore, it could be detrimental to the operation. And therefore, I reserve the vote on the Bill to the point where I am not sure that these people are going to be covered by the exemption. Therefore, I would suggest a negative vote."

Speaker Matijevich: "Representative Taylor to close."

Taylor: "Thank you, Mr. Speaker and Members of the House. I feel strongly about this. I feel that in the shelter welfare program where those agencies are that the leadership there would understand the law and would inform those persons about it; therefore, I solicit your support for Senate Bill 284."

Speaker Matijevich: "Representative Taylor has moved for the passage of Senate Bill 284. The question is, 'Shall Senate Bill 284 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 106 'ayes', 10 'nays', and Senate Bill 284, having received ... Hoffman 'aye', Gene Hoffman 'aye', having received the Constitutional Majority, is hereby declared passed. Senate Bill 284 is hereby declared passed. Senate Bill 336 on page ten of your Calendar, Representative Breslin. Read the Bill."

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

Speaker Matijevich: "Oh, wait. Out of the record. Out of the record. Senate Bill 416 on page 19 of the Calendar on the Order of Second Reading, Representative from Madison, Representative Wolf. The Bill is on Second Reading. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 416, a Bill for an Act relating to certain compacts between the states of Missouri and

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Illinois. Third Reading of the Bill."

Speaker Matijevich: "Are there any Amendments? Oh, the Bill's on Third Reading. The Gentle... Read the Bill. Did you read it on Third? Oh, I'm sorry. I thought it was on Second. The Gentleman from Madison, Representative... Representative Hallock, for what purpose do you rise?"

Hallock: "Question of the Chair. We were on Workers' Rights, Senate Bill 336, which I respect the Sponsor for taking it out of the record. Now we're... Are we going to proceed through the rest of the day on this Order? Are we going to come back to 336, or are we done for the day on that issue?"

Speaker Matijevich: "Well, that depends on the Sponsor."

Hallock: "Well, I would appreciate the Chair indicating whether once a Bill is skipped on this Order if we're done with that Bill or whether we're going to come back to it."

Speaker Matijevich: "Well, we'll get back to that issue."

Hallock: "I'll be waiting."

Speaker Matijevich: "You wait patiently. The Gentleman from Madison, Representative Wolf, on Senate Bill 416."

Wolf: "Thank you, Mr. Speaker, Members of the House. Mr. Speaker, I was advised by the Parliamentarian earlier that since this Bill was moved from Second to Third this morning that I would have to suspend the appropriate rule for immediate consideration, and I would now so move."

Speaker Matijevich: "The Gentleman asks leave that... for the immediate consideration of Senate Bill 416, and on that, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Would you state the Motion?"

Speaker Matijevich: "He is asking leave which he isn't receiving, so he's going to move for the immediate consideration of Senate Bill 416."

Vinson: "This Bill was... is currently on Second Reading?"

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Speaker Matijevich: "No, it's on Third, but he's asking for the immediate consideration of it."

Vinson: "It's been amended today?"

Speaker Matijevich: "It's been moved today to Third."

Vinson: "And it was amended yesterday?"

Speaker Matijevich: "It has not been amended from what I..."

Wolf: "It has not been amended, Mr. Speaker."

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

Speaker Matijevich: "Yes. Proceed."

Vinson: "Does this Bill involve compulsory binding arbitration?"

Wolf: "Yes, Sir, it does."

Vinson: "Mr. Speaker, to the Motion."

Speaker Matijevich: "Proceed."

Vinson: "Mr. Speaker, I would urge Members to vote against immediate consideration of this Bill. We're dealing, at this stage and on this Special Order of Business, with a number of Bills in the workers' rights field, the collective bargaining field, the tax increase field, and I think Members ought to have time to consider those Bills very carefully before they vote on them. I don't believe we need Motions for immediate consideration. We've already seen the practice implemented, delaying and rescheduling these Special Orders. That can be done in regard to the Gentleman's Bill, and I would oppose the Motion for immediate consideration of the Bill."

Speaker Matijevich: "The Gentleman from Perry, Representative Dunn."

Ralph Dunn: "Thank you, Mr. Speaker. Representative Wolf handled this Bill correctly this morning. I wasn't on the floor when my purposed Amendment #1 to the Bill was called. I was on my way over here, and I appreciate the way he handled it and probably did it right. I'd like to see the Bill, if it could be returned to Second for purpose of

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Amendment, and I think it ought to be held at least on Second Reading. This does have binding... mandatory binding arbitration for a group of people in the Bi-state area, Bi-state bus people, and it also has the right to strike. I think when you put those two things together, maybe the Bill ought to be looked at, and I, too, would object to having it heard right now. I'd like to leave it on until tomorrow at least, and I'd like for it to be returned, if I could, at that time to... for an Amendment."

Speaker Matijevich: "We'll stay at ease for one moment. We're researching something. One moment. The Gentleman's going to withdraw his Motion. There was no Amendment applied to it. The Bill was read a second time yesterday; and, having been read a third time today, he is within his rights to proceed with... with the Bill on Third Reading without that Motion. And the Clerk has read the Bill. The Gentleman from Madison, Representative Wolf, on the Bill."

Wolf: "Thank you, Mr. Speaker and Members of the House. Senate Bill 416 is a proposed Amendment to the Bi-State Compact of the Bi-State Development Agency, an Agency that operates the transit system in the metropolitan area of St. Louis covering both the Illinois and Missouri sides. This proposal is to... To amend the Compact, it would simply authorize and require the continuation of a system of collective bargaining that has prevailed in the St. Louis and East St. Louis transit system without specific legislation since the employees were first transferred to public employment in 1973 and even before that for a period of some ten years through the operations of the Bi-State Agency. As drafted, this Bill would authorize and direct the Bi-State Agency in its public transportation operations; number one, to bargain collectively and enter into written contracts with accredited representatives of

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its employees, number two, to provide a system of health, welfare and pension benefits for its officers and employees, their families and their dependents; number three, to settle all labor disputes including those over new contract terms and conditions by final and binding arbitration, to comply with Section 13(c) of the Urban Mass Transportation Act and the context of federal grants of assistance and to enter into federally required protective arrangements preserving the rights and interests of employees. Number five, it would also extend to Bi-State employees the priority of employment in any newly created jobs on the system for which they could qualify, of course, after a reasonable training period, to make authorized payroll deductions as would be lawfully made in private employment. Now this Compact Amendment to the Bi-State Development contract is necessary to preserve employee rights and interests, because in neither case do existing federal or state labor relations laws apply to the Bi-state Employment Act. We believe this Bill to be reasonable. We believe that it approaches the problem in a reasonable way, and we would request your full support."

Speaker Matijevich: "Representative Wolf has moved for the passage of Senate Bill 416. The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Mr. Speaker, Members of the House, there's no reason whatsoever to pass this Bill. These people in By State have been bargaining collectively for some twenty odd years. They're doing a good job of it, and let me tell you that the people under their employ, the average bus driver with fringes is drawing about 32,000 dollars a year. That isn't bad. I... I don't see any need for any state mandate to say that you have to bargain collectively when they're already doing it and doing it well. This also means that

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the State of Missouri has to pass similar legislation, and the State of Missouri Legislature has adjourned. It did not pass any law along these lines. Ours would be premature, unnecessary, certainly a Bill that would mean that an outside force, namely under the binding arbitration agreement, would come in and tell the people how to run their business. Don't forget that Bi-State is receiving considerable state funds from the State of Illinois as well as the State of Missouri in which to operate. It also gets federal funds. There's all kind of funds available to operate this transit authority in efficient, well managed form. I see no reason why the State of Illinois would be mandating such a law at this time, and I would suggest a negative vote."

Speaker Matijevich: "The Gentleman from Cook, Representative Bullock."

Bullock: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of Senate Bill 416. I could not disagree more with the distinguished Representative from Peoria as it relates to the intent of this legislation. The fact of the matter is the individuals in the Bi-State Agency region are, in fact, entitled to bargain collectively and are entitled to recognition under that agreement. Representative Wolf has advanced this legislation and has been able to withstand some minor assaults to... to disturb the Bill and to gut it. It is now in the form in which he and Senator Hall would wish that this Body would pass it. I think we've had ample opportunity to state clearly our position on public employees and their right to bargain collectively in this state, and I would urge an 'aye' vote on Senate Bill 416."

Speaker Matijevich: "The Gentleman from DuPage, Representative Hoffman."

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Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to Senate Bill 416. The Leadership on this side of the aisle is opposed to this legislation and the other collective bargaining legislation which is currently before us. Let me state a philosophical position which I believe is above and beyond the basic issues that are included in this Bill. At some point in time, those of us who are sent here to represent the people must be consistent and must represent the best interests of the people of the State of Illinois. The best interests of the people of the State of Illinois does not include this Legislature giving their power which has been invested in them by the Constitution and giving away the power we've invested as a Legislative Body in local units of government to give those rights away to special interest groups. Now, it cannot be argued that the employees of these agencies, be they municipalities or otherwise, have a special interest. We are, in fact, and in effect giving away through this collective bargaining legislation, Senate Bill 416 and others, that sovereignty that has been invested in this Legislative Body by the Constitution of this state and the people of Illinois when they elected us pursuant to that Constitution. We are, as a Legislative Body, in effect taking away the rights that we have given municipalities and other public agencies in this state, the power to conduct their affairs, when we pass this legislation, because we, in effect, take that power away from them and give that to a vested interest groups - the employees. Now, you and I know in our hearts that this is going to eventually cost a great deal more money than it currently does. The people of this state have a right to be represented in this Body. The people are not being represented in this Body when we pass this kind of

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legislation. At some point in time, we have to say 'No, it's enough'. That time has come. It is enough. We've had enough, and we must resist the additional erosion of power of our local units of government away from the people whom they are representing. And in all due respects to the Sponsor of this Bill and other kinds of... types of legislation, they, too, know, I believe they must know and they must feel, that we are, in fact, doing this. It's a disservice to the people of the State of Illinois, and it is at the expense of the people of the State of Illinois that we are transferring a portion of the sovereignty of our own... of our state and our local units of government to a special interest groups - the employees of those units of government. And it's for that reason, Ladies and Gentlemen, and no derogation of the Sponsor or the members of the special interest groups who are involved, that we must say no. We must resist this kind of legislation."

Speaker Matijevich: "The Gentleman from Sangamon, Representative Curran."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to congratulate the previous speaker for establishing an important principle here that the people of the State of Illinois have a right to be represented by this Body. That's exactly what we're doing here. We're allowing those 200 Illinois employees the right to bargain collectively and to be represented by... not only by this Body but by their bargaining agent. I want the people in this chamber to understand we're talking about approximately 200 employees, and this is no rush to judgment. This is a situation where the State of Illinois has to act. The State of Missouri has to act, and the United States Congress has to act. The suggestion, for example, that we shouldn't do something because Missouri

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hasn't done it yet is, in my opinion, a sad excuse... a sad excuse for us not to do something. We ought to be ahead of... the State of Missouri every time, and we ought to be ahead of the State of Missouri in representing those 200 Illinois employees. I rise in support of Senate Bill 416. I think we ought to vote for it. It only effects 200 employees, and I think the people who are speaking on the other side opposed to this Bill are making much to do about nothing. Thank you."

Speaker Matijevich: "Representative Wolf to close."

Wolf: "Thank you, Mr. Speaker and Members of the House. In response to one of the previous speakers who indicated that the State of Missouri has to enact similar legislation, this is correct. He also indicated that the Missouri Legislature has ended their Session, and this is correct. But he did not go on to tell you that the Missouri Legislature is now planning to meet in Special Session sometime during the month of July to consider this among a number of the subjects that they will discuss. He also indicated that the collective bargaining process has worked well throughout the years in this particular operation. I would agree with that. This Bill is to merely put in place and to preserve the rights of those individuals who have acted in good faith down through the years. This Bill is designed to protect the interests of those individuals. A recent National Labor Relations Board decision, however, has held that employees of this district are not private employees and that the provisions of the National Labor Relations Act regulating collective bargaining by private employees are, therefore, not applicable to this particular group, making necessary this particular legislation. We believe this is reasonable legislation. We believe it is needed legislation since, as you know and I know, the State

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of Missouri in recent times has been moving away from the collective bargaining process and away from the support of labor in general. I ask for your support for this Bill. I believe that it is needed to preserve all of the rights that have been indicated by previous speakers. Thank you."

Speaker Matijevich: "Representative Wolf has moved for the passage of Senate Bill 416. The question is, 'Shall Senate Bill 416 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 65 'ayes', 49 'nays', and Senate Bill 416, having received the Constitutional Majority, is hereby declared passed. Senate Bill 512, Nelson, appears on page 24 of your Calendar under the Order of Consent Calendar, and with consent of the Sponsor, that Bill will be heard on the Order of Consent Calendar. Senate Bill 516, Stuffle, is on page 12 of your Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 516, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Verrilion, Representative Stuffle, on 516."

Stuffle: "Mr. Speaker, Members of the House, Senate Bill 516 is, I believe, a noncontroversial Bill with the Amendment put on in the Senate worked out between the teachers' organizations and the school boards. Would require school boards to establish tenure lists by certification categories and distribute copies of those lists to the employee organizations. The purpose of the Bill is to end possible consternation where there's a lack of knowledge as to who should be on what tenure list and who's qualified to be on those lists. As I indicated, I know of no opposition. We worked to put together an Amendment in the

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Senate to solve the differences between the teachers' organizations and the school boards. I think the Bill will serve to... to have meritorious consequences. Both support it now. We had a similar Bill in the House that would have passed, I believe, but was never called for lack of time, and I would ask for your affirmative vote on Senate Bill 516."

Speaker Matijevich: "Representative Stuffle has moved for the passage of Senate Bill 516. On that, the Gentleman from Adams, Representative Mays."

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

Speaker Matijevich: "He will."

Mays: "We amended this Bill in the House, did we not? So this is final Action on this Bill right here?"

Speaker Matijevich: "Representative Stuffle."

Stuffle: "Yes, I think you're referring to Senate Bill 532."

Mays: "Ckay."

Stuffle: "You're concerned about my collective bargaining Amendment. That's on another Bill."

Speaker Matijevich: "There being no further discussion, Representative Stuffle moves for the passage of Senate Bill 516. The question is, 'Shall Senate Bill 516 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 106... 108 'ayes', 5 'nays', and Senate Bill 516, having received the Constitutional Majority, is hereby declared passed. Senate Bill 531, Taylor - LeFlore, on page 13 of your Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 531, a Bill for an Act to amend the Minimum Wage Law. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative

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Taylor."

Taylor: "Thank you, Mr. Speaker and Members of the Senate... I mean of the House rather. Amendment #1 to Senate Bill 531..."

Speaker Matijevich: "One moment. Is it... Are you requesting leave to return it to Second Reading, Representative Taylor?"

Taylor: "No, we did that yesterday."

Speaker Matijevich: "Oh, oh, okay."

Taylor: "And I think Amendment #1 is the... what I was about to explain at this point..."

Speaker Matijevich: "Oh, the Bill. All right. Proceed."

Taylor: "Amendment #1 did satisfy many of the objections that we had and, I think, satisfy most of the concerns of many of the other organizations. It amends the Minimum Wage Act, increased the minimum hourly wage in three periodical increments ending with July of 1985. This Bill brings the Minimum Wage Act in line with the federal minimum wages in many of the areas that we are concerned about. And, I think it's a good Bill, and I solicit your support."

Speaker Matijevich: "Representative Taylor's moved for the passage of Senate Bill 531. On that, the Gentleman from Cook, Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. When we talk about the minimum wage and raising the minimum wage, it's fair to say that there's a burden with that minimum wage, and I don't mean a burden on employers. I suggest to you that there are primarily two groups that a burden falls on, those workers who are perceived as marginal and those who are perceived as less productive or more expensive to employ than others. Now you ask, who are these marginal or more expensive less trained workers? Primarily they're in two groups. They're

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the youth of this country. They're low skilled because of age, immaturity and lack of experience, and they are also the minority groups in this country, especially blacks and Latinos, who because of racial discrimination or other socioeconomic factors, are disproportionately represented among low skilled workers. I suggest to you it is no accident that both of these groups are disproportionately represented on the unemployment statistics of this country. Now there can be a lot of emotion. There can be a lot of racial overtones and undertones when you talk about the minimum wage. I'd like to talk statistics. Back in 1961, not all that long ago, when minimum wage was \$1.15 an hour, in the age group of 16 to 17 year olds for every 100 whites working there were 96 non-whites working, nearly one to one. This is among males. Among those 18 and 19 year olds, for every 100 whites working there were 106 non-whites. And in the 20 to 24 year old age bracket for every 100 whites working there were 102 non-whites working. Now, if you move to 1969 when the minimum wage jumped to \$1.60 an hour, all of a sudden we're at 96 as compared with a 100 blacks to whites or non-whites to whites working. That number had dropped to 77 in the 16 and 17 year old age group. Among 18 and 19 year olds, still for every 100 whites working 95 non-whites were working. And still, in the 20 to 24 year old age group the number was the same. There were 102 non-whites for every white working. I bring you up to 1976 when minimum wage went to \$2.30 an hour. Now in the 16 to 17 year old age groups for every 100 whites working there were only 57 non-whites. In the 18 and 19 year old age group for every 100 there were only 77 non-whites working. And in the 20 to 24 year old age group that bracket had dropped out. The bottom had fallen out as compared with where it was. There were now only 91

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non-whites working as compared with 100 whites. Those are statistics by the Department of Labor, Bureau of Labor Statistics. You can follow up, as we've raised the minimum wage, the nonwhite male population, working population, has gone steadily downhill. But beyond statistics, how would minimum wage affect discrimination? Because that seems to be underlying a lot of conversation on minimum wage. I ask you to think of an employer. Pick a white employer who does not want to employ black, or Latino, or minority members. There are certain costs affected when you hire somebody. Now if you have a minimum wage in which everybody has to get paid a certain amount, that actually helps the person who would like to discriminate. Why? Because if there was no such minimum wage and an employer wanted to hire only whites, there might very well be a non-white who was willing to work at 50% an hour less. That becomes a 50% an hour cost of doing business to the racist employer. It's a fact that the white racist unions in South Africa have been pushing the Minimum Wage Law. Why? Because the restrictive hiring practices that they had written into law are being broken down. So they're not protecting the white workers the way they were in the past, unfairly. So what are they pushing for? They're pushing for strong and higher minimum wage laws for that specific reason. Now, unions in this country also support raising and maintaining the Minimum Wage Law. I suggest to you that they do not have the same reasons as those in South Africa, but just because you may go into something with different reasons doesn't mean the effect is not the same. What does this have to do with the cost of us in putting to work unskilled workers? I... Let's just take an example. Say to build a fence, you can get a skilled worker, and that skilled worker can do a fence... can build a fence in

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the time it would take three unskilled workers. And if any of you are weekend handymen or women, you know exactly how poorly we can compare with somebody who's a skilled worker. So say it takes three workers, unskilled workers, to build a fence that one skilled worker could do. Put for purposes of argument the minimum wage at \$5.00. Three workers are going to cost you \$15.00 an hour. That means that the skilled worker can work at \$14.00 an hour and be a bargain. What happens if we raise the minimum wage from \$5.00 an hour to \$7.00 an hour? Now, to employ those same three unskilled workers, it costs \$21.00 an hour to build that fence. That same skilled worker, instead of charging \$14.00 an hour, can charge \$20.00 an hour and still be a bargain. The minimum wage works to the benefit of the skilled worker, not the unskilled worker. We... And this, I suggest to you, this is not unique in labor. It's the same in everything else. I feel sure that Hart, Schaffner and Marx, or Brooks Brothers or Yves St. Laurent would love to have a minimum cost for buying a suit, because that way their prices, by contrast, would be a whole lot closer than what they are now. We seem to be on the subject of workers' rights, rather a less than modest title for this sort of business. I suggest to you that the minimum wage is nothing more than a floor for higher skilled workers. It's an aid for those who would wish to discriminate and a statistically provable disincentive to hire young unskilled workers. If you come here on the floor of the House and you express an interest in, how are we going to train the untrained, how are we going to get experience to those who are inexperienced, and how are we going to employ those who are unemployed, and then you turn around and support an increase in the minimum wage, you're working at cross purposes with yourself. And it's self contradictory. This

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should not pass. Indeed, if we were going to make any kind of move in the right direction, it would be to either reduce or eliminate the Minimum Wage Law in this country. Thank you."

Speaker Matijevich: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Will the Gentleman yield?"

Speaker Matijevich: "He indicates he will."

Mautino: "Jim, I'd like to ask the same question on this legislation that I presented to you on the prior Bill. Many of the sheltered workshops, once again, contacted us on the effect that this legislation would have on their operation as it pertains to occupational therapy, jobs for the handicapped, et cetera. Would this legislation in any way, shape or form affect their current posture of piecework for those individuals in sheltered care and developmentally disabled facilities?"

Speaker Matijevich: "Representative Taylor."

Taylor: "My answer would be the same as it was before. I don't think that this would have an effect at this point."

Mautino: "As I read the legislation and the Amendment, it does not state any exemptions. Would you, please, for legislative..."

Taylor: "What Amendment are you reading now?"

Mautino: "I'm reading 531. The two Amendments that I have is the... excuse me. The one Amendment is the House Amendment #1 which basically changed the effective date. There is no provisions as I look at the legislation as it pertains to sheltered workshop protections of their existing pay structure on piecework and contractual agreements. I would hope that someone would be able to submit to me that answer to that question before we take a vote on this Bill."

Speaker Matijevich: "The Gentleman... The Gentleman from Will,

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Representative Davis."

Davis: "Well, thank you, Mr. Speaker and Members of the House. I suppose those of us on this side have failed miserably in our attempts over the years as this subject has been repeatedly discussed in this chamber to articulate properly the reasons why these moves upward by organized labor are self-destructive. I think today, probably, the best speech I've ever heard was given by Representative Birkinbine as to exactly why this is the wrong area to go. My goodness gracious, what he didn't tell you was that despite the discriminatory activities of many employers to keep from hiring Latins and blacks and the unemployment statistics in the inner cities that are staggering, absolutely staggering, for under 21 year old black males, and Latino males and, yes, women as well. Actually, what he didn't tell you was the same thing applies for whites in other communities. When the minimum wage goes up, employment goes down. Employers find ways to consolidate jobs and eliminate jobs. It's as simple as that. If there's ever going to be employment in the cities, you should eliminate the minimum wage, but certainly at this juncture, you should not raise it when unemployment is at its tragic high since the 1930's. And I would certainly recommend a 'no' vote on this Bill. It's absolutely at cross purposes to Representative Taylor and Senator Smith and their folks, and the Latinos, and the whites and everybody in this state, in particular, the youth who would like to be employed and have dignity and at least have the work ethic to survive and the jobs available to them by not raising the minimum wage. I would encourage a 'no' vote."

Speaker Matijevich: "Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill, and I want to

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respond specifically to remarks that were made earlier regarding the impact of the minimum wage on minorities specifically. I have been on this floor since I've been here fighting for a better standard of living, for a quality, a decent quality of life for poor people. Poor people are not just black. Poor people are white. They are Latin. They come in all stripes. And it seems to me that if indeed we are genuine... genuinely concerned about the welfare of the poor, we will address ourselves to the conditions in... under which they live. Whether they... If they are workers, we will address ourselves to whether or not they are earning a living wage, whether or not the dollars that they get for the sweat of their brow are sufficient to maintain them with housing, and clothing, and food and things that... and the things that go into providing a decent standing... standard of living. We are not suggesting by this Bill that the costs of employing the poor be raised so high that no one will be able to work. We are, however, suggesting that the cost of employing the poor should be at a minimum, that amount that is necessary to maintain a decent standard of living in this modern society. None of us, none of us in this room could survive on a minimum wage living alone, and you recognize that. At the same time, the people who do work at the minimum wage are entitled not to working conditions approximating slavery, not to working conditions approximating the... the sweat shops that we've seen in this country and in others. They are entitled to have a decent standard of living and at least to be able to afford the necessities. That's what the minimum wage at least provides a floor for in this country. Second, with regard to those people who are not employed. I have come before this General Assembly time and time again asking for some compassion, asking for some

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sympathy, asking for some understanding of the conditions under which the unemployed poor must live, asking that this General Assembly approve a floor, a basis upon which this government will subsidize their standard of living. And quite frankly and in all candor, those pleas have more often than not fallen on deaf ears on the other side of the aisle. I don't understand the contradiction. What would you have us do? What would you have the poor do? Work in... under conditions in which they cannot... when they are working, under which they cannot live or alternatively not have work and not have a living subsidy as well? It's... It's... It's a contradiction that flows through all of the arguments, and I say that while I... the figures that were quoted earlier are impressive figures. And, yes, it is a concern. At the same time we should be concerning ourselves with the issues of full employment in this country, with the issues of providing a decent standard of living for those people who do work and a subsidy out of government for those who cannot or do not work as opposed to trying to lower the floor to nothing and sending workers in this country back to the 18th century. I rise in support of this Bill and encourage everyone to vote for it."

Speaker Matijevich: "The Gentleman from Cook, Representative Kulas."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. When one of the previous speakers was rattling off the different statistics on the black, and white and minorities, he failed to mention that in 1961 a hot dog cost 25¢. In 1961, you could buy a Coke for 10¢. Cigarettes were 50¢. You could buy a car for \$2,000.00. Since then, inflation and spiraling costs have brought everything up. If you want to support your constituents,

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you'll vote for this Bill."

Speaker Matijevich: "The Gentleman... The Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. I thought I would just add to the statistics. The United States Office of Management and Budget official poverty un... index for 1983, for this current year, says that the standard for a family of four is 825 dollars a month, 825 dollars a month. That and anything less than that counts as poor. If this Bill passes, Senate Bill 531, starting January 1st, 1984, the minimum wage worker will be taking home the grand sum of 424 dollars a month, just about half of what it counts to count as poor in this country in this present 19... year 1983. I think the right vote is certainly a 'yes'."

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

Piel: "Move the previous question, Mr. Speaker."

Speaker Matijevich: "Representative Piel has moved the previous question. The question is, 'Shall the main question be put?' Those in favor say 'aye', those opposed say 'no', and the main question is put. Representative Taylor to close."

Taylor: "Thank you, Mr. Speaker and Members of this House. I have listened to the debate very extensively, and I understand many of the concerns that many of you have, but I know what's happening in the City of Chicago and the State of Illinois in terms of minimum wages. I can see the day that you are paying at least 15,000 dollars to have a person stay in prison for one year and, yet, you're going to complain about paying a minimum wage here in our state and our cities today. I know about the blacks in my community. You don't have to tell me about the minorities.

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I've been one for 53 years, and I understand all of the problems that exist. We need this Bill. Senator Smith is not the kind of person that would put in legislation that would affect our people. She wants to help, and that's my job here to do whatever's necessary to help her. And as far as Representative Mautino is concerned, if there's a problem, I'm certain if this Bill get out of here, we can work it out in terms of shelter care in a Conference Committee. I solicit your support for Senate Bill 531."

Speaker Matijevich: "Representative Taylor has moved the passage of Senate Bill 531. Those in favor will signify... Representative Mautino is seeking recognition. For what purpose do you seek recognition?"

Mautino: "In response to my inquiry of Sen... Representative Taylor and for clarification matters, I just discussed with Kathy Dunn of the Department of Labor that a letter will be forthcoming that in those cases of sheltered workshop and disabled workers, they are authorized by the Department of Labor to pay a lesser amount based on the application by the individual sheltered workshop director to the Department of Labor. In that regard, I remove my objections from the legislation and recommend an 'aye' vote. And Kathy will have that. Any other problems with it, we will correct in Conference Committee. Correct?"

Speaker Matijevich: "Representative Taylor has moved for the passage of Senate Bill 531. The question is, 'Shall Senate Bill 531 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Representative Ropp, one minute to explain his vote."

Ropp: "Thank you, Mr. Speaker and Members of the House. I don't think anyone is opposed to making a decent wage for a decent hour's amount of labor put forth. I think a support of this Bill will do nothing more than to continue to

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encourage the development of robots and further mechanical devices that will replace hundreds and hundreds of thousands of employees."

Speaker Matijevich: "Representative Wyvetter Younge, one minute to explain her vote."

Younge: "Thank you, Mr. Speaker. I'm voting 'yes' on this Bill, and I challenge Representative Birkinbine to join me in a request for a Special Session to examine deeply into the problems of the unemployment among black youths and Latino youths. If you're sincerely interested in the problems that you rattle off in reference to statistics, then join in a program of trying to do something about alleviating the very, very bitter and very, very bad unemployment situation among black youth."

Speaker Matijevich: "Representative Hallock, one minute to explain his vote."

Hallock: "Thank you, Mr. Speaker, Members of the House. It's a sad fact; but, in my community, half the people who are unemployed don't even have a high school education. It would seem to me that if we have any chance, any hope of ever reemploying those people, we surely can't take this action. You know, I can see a need for this kind of Bill, we're in a day and age when we are moving into computers and other technical aspects. The move in this direction only is going to say that for those who are cut out now by being unemployed without a high school education, they surely won't be able to find jobs. This is not a solution, and I urge a vote... 'no' vote."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 67 'ayes', 49 'nays', and Senate Bill 531, having received the Constitutional Majority, is hereby declared passed. Representative Breslin in the Chair."

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Speaker Breslin: "Senate Bill 536, Representative Greiman. Out of the record. Senate Bill 955, Representative DiPrima. Out... Call the Bill? Call the Bill. Read... Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 955, a Bill for an Act to amend an Act in relationship to layoffs and reinstatement of state employees. Third Reading of the Bill."

Speaker Breslin: "Representative Stuffle."

Stuffle: "Madam Speaker, Members of the House, Senate Bill 955 provides with regard to the Merit Board of the Secretary of State provisions that are similar, in fact, exact to those that already exist with regard to employees under the Civil Service Commission who are under the jurisdiction of the Governor and jurisdiction B of the Personnel Code. What this Bill does is provide for the ability of an employee to appeal a layoff to the Secretary of State's Merit Board. In making that appeal, if that employee can show that there was a violation of either the Merit Law or the rules of the Merit Board, that employee can seek reinstatement and has a right, in the same manner as employees under the Governor now has, both to reinstatement and to back pay less other pay in unemployment compensation received in that period of time. It also permissively provides that by rule, either this Board or... and, that is, the Board under the Governor may provide for reinstatement of sick leave and vacation days that are not liquidated in money for employees who are reemployed either under the Secretary of State or under jurisdiction B under the Governor. Those two parts are permissive. The first part gives the same, I reiterate, rights to employees reinstated under the Secretary of State's Merit System that employees already have under the Governor in the Civil Service Commission. I would ask for your affirmative vote."

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Speaker Breslin: "The Gentleman has moved for passage of Senate Bill 955, and on that question, is there any discussion? There being no discussion, the question is, 'Shall Senate (sic-Senate Bill) 955 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 110 voting 'aye' and 3 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on your Calendar under the Order of Workers' Rights appears Senate Bill 974. With the concurrence of the Sponsor, this Bill is on the Consent Calendar and will, therefore, be taken out of the record. Senate Bill 982, Representative Bullock or Representative McPike. Senate Bill 982. Representative Bullock. Is the Gentleman in the chamber? Representative Piel, for what reason do you rise?"

Piel: "Yes, Madam Speaker, I would ask leave of the House to waive Rule 65(b) while the present Speaker's in the Chair, please."

Speaker Breslin: "The Gentleman asks leave to waive Rule 65(b). Does the Gentleman have leave? The Gentleman has leave. Is Representative Bullock in the chamber? Out of the record. Senate Bill 1070. Excuse me. Representative Bullock is back. With leave of the Body, we will go back to Senate Bill 982. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 982, a Bill for an Act to amend Sections of an Act regulating the wages of laborers, mechanics and other employers (sic - employees) employed in any public works by the state, county, city or any public body. Third Reading of the Bill."

Speaker Breslin: "Representative Bullock."

Bullock: "Thank you, Madam Speaker and Ladies and Gentlemen of

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the House. I was called out because of a constituent concern. Representative Cullerton, that should be on the record. Mr. (sic-Madam) Speaker and Ladies and Gentlemen of the House, Senate Bill 982 as passed by the Senate has not been amended, and it concerns the payment of prevailing wage. And in order to delete the exceptions which provide the maintenance workers need not be paid prevailing wage, Senate Bill 982, in fact, deletes the exclusion of maintenance work from construction covered by the prevailing wage. In essence, what the legislation is intended to do, Madam Speaker and Ladies and Gentlemen of the House, is to implement a 1963 decision, wherein, the courts held that the prevailing wage payment was deemed to apply to those individuals employed upon public works projects, but only such laborers, and workers and mechanics as are directly employed by contractors or subcontractors, in the actual construction of work on the site, were deemed to engage in that practice. We have discussed the Bill extensively in Committee and on the floor of the House. Amendments have been offered. Some have been withdrawn, and some have been defeated. I think the Bill is now in the posture that we would like to see it passed. And Madam Speaker, I would be glad to answer any questions at this time."

Speaker Breslin: "The Gentleman has moved for passage of Senate Bill 982, and on that question, the Gentleman from Peoria, Representative Tuerk."

Tuerk: "Madam Speaker, Members of the House, this Bill isn't in the form for passage. Actually it's as bad a Bill as a lot of the Bills that the Democrats have passed already today. This, I might mention to those of you who are representing areas where there are universities in your district, this is going to increase the cost immeasurably to those

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universities for maintenance people to the point where it's going to be atrocious what it's going to cost the universities in order to get a lot of their menial main... maintenance work done. For example, grass cutting, you're... you're talking about paying the prevailing wage in those areas for people who are cutting the grass, and other particular duties around a state university. This should only apply to contractors and subcontractors. We attempted to amend the Bill to that extent, except the Sponsor was not agreeable to that approach. It does cover... The highway superintendents, for example, have told us that it's going to double their maintenance costs. It's going to be a tremendously costly measure in terms of state output. For those of you who are concerned about the revenues in the state and the cost relevant to the various activities the state's involved in, I suggest to you that this is a costly measure. The Governor's Office is certainly opposed to it, as so many of us on this side of the aisle are opposed. I think it behooves those of you who are representing the areas, as I stated, of state universities and the like, to take a hard look at this and oppose the Bill. I would suggest a 'no' vote."

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

Bowman: "Thank you, Madam Speaker. Will the Gentleman yield to a couple questions?"

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

Bowman: "Representative Bullock, I just have a couple of questions to establish the legislative record here."

Bullock: "Proceed."

Bowman: "Thank you. The first question is that this applies only to maintenance workers on a construction site. Does it

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not?"

Bullock: "That is the intent, Representative Bowman, of Senate Bill 982."

Bowman: "So, it would specifically exclude maintenance workers say, in a school building, that would be doing routine maintenance if there were say, construction going on in some other part of the building that they weren't involved in."

Bullock: "Representative Bowman, in answer to your question very succinctly, it is the intent of Senate Bill 982 to implement the Appellate Court decision of 1963 which relates and commonly described as a Monmouth decision. This decision, in fact, dealt with the subject of paying prevailing wage to employees under a contract by private contractors or subcontractors, and the essence of that case is that there was a considerable disparity between fringe benefits and salaries paid to employees who were part of a government unit versus those who were seasonally employed. And that decision is what Senate Bill 982 attempts to implement."

Bowman: "Right, Representative Bullock, but the... the exclusion or the question that I was asking was whether, say a person was not seasonally employed, but they were doing routine maintenance work on a building away from the construction that was in progress on the same building. And they weren't involved in that construction at all."

Bullock: "Well, let me read to you, Representative Bowman, in answer to your question. I've answered it once, and I've said that that is... is not the intent of the legislation. I have here correspondence, Madam Speaker, from the Director of the Illinois Department of Labor, and the Director's comments are, I think, directly related to Representative Bowman's remarks. Under existing law, there

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are often disagreements over what is repair and what is maintenance. The Bill, if it were to pass, all public works would be included under the Act. Since the... Naturally there would be an increase in cost to governments for contracts for maintenance work, Representative Bowman, and it should be pointed out that the courts have made it clear that employees of public bodies are not covered under the prevailing wage. Therefore, if units of local government would hire workers to perform maintenance work, the change in the law would not affect them. The Bill is supported by the Department of Labor, and they hasten to point out that the type of work to be covered and the Department would... will no longer be placed in a position of having to adjudicate or make decisions on each project as a dispute arises."

Bowman: "Okay, I interpret that to mean that my hypothetical... under my hypothetical the person is excluded. Let me just ask one last question, and that is in terms of which prevailing wage would apply. I presume that it is your intention that the relevant prevailing wage would be that for other maintenance workers within the same area."

Bullock: "Yes, for example, we wouldn't expect the... the lawn mower maintenance man to be paid the prevailing wage of a college professor."

Bowman: "Thank you very much. No further questions."

Speaker Breslin: "The Gentleman from Adams, Representative Mays."

Mays: "Yes, thank you, Madam Speaker. Will the Gentleman yield for a question?"

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

Mays: "Now, as I understand it, Larry, what you're doing under this Bill is just eliminating the exemption all together for maintenance work performed on public projects. Is that correct?"

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Bullock: "Well, clearly what we're attempting to do, Representative Mays, and you are correct, we are attempting to require the payment of prevailing wage to public employees of units of local government performing maintenance work, but Senate Bill 982 does not require payment."

Mays: "So this Bill doesn't require payments of prevailing wage to any maintenance worker within a given unit of local government. Is that correct?"

Bullock: "It requires payment of prevailing wage to specific employees of a contractor or subcontractor who are performing that work for a unit of local government under contract."

Mays: "Why do you oppose the... why did you oppose Amendment #2 offered by Mr. Tuerk which would have spelled that out explicitly?"

Bullock: "Because the existing legislation, in my estimation, contains adequate language, and the Amendment, which the Committee defeated and Representative Tuerk offered, was superfluous, was duplicative of existing language in the legislation, and I didn't think that we needed in any way to do violence to the existing language with his superfluous Amendment."

Mays: "Okay. Am I correct when I assume that maintenance work is supposed to be like changing light bulbs, replacing roofs, things like that on projects that have already been built but are, you know, over the years have to be maintained, these simple projects? That's what the purpose of the exemption was. Is that correct?"

Bullock: "Well, tha... those are just a few of the jobs of a maintenance worker or we call them sanitation engineers. They do many other things, as you know."

Mays: "To the Bill, Ms... Madam Speaker."

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Speaker Breslin: "Proceed."

Mays: "When Larry brought this fine Bill before us in Labor and Commerce, you know, I suggested that indeed we've got a problem with the exemption on maintenance. The way the Department of Labor's been interpreting it over the years, it's been so skewed as to take out any applicability of that exemptions toward any kind of works project there might be. I do, however, have...I think he's going about solving that problem in a complete wrong direction. If he would simply wish to clarify what maintenance would mean, that would be a step in the right direction in my... my... mind. Now, this is one step in a long trend that have been taken under the subheading of workers' rights this year already. You got a problem with the minimum wage, increase it thirty percent, as we just did. You got a problem with prevailing wage, increase it as you've got to do every year anyway, or as this Bill does, exempts some exclusions from it or exclude some exemptions, whichever you want. You got a problem with construction workers been out of work, increase their unemployment insurance benefits. When their unemployment insurance benefits run out, increase the welfare for them. Give them more general assistance. Now, you know, those people that want to buy this bunk ought to be voting Democrat the next time. These are very simplistic answers to a problem that we've been trying to address on this side of the aisle in a constructive manner. I would urge a 'no' vote."

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

Stuffle: "Madam Speaker, Members of the House, I wish to speak on point to what... the Gentleman from Peoria made three statements which I think need to be corrected. Number one, he referred to the costs to the universities for

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maintenance. We argued this point with SIU who argued it with him. I suggested in Committee, as did the Sponsor, this does not affect maintenance performed by any public employee. And on point, if it doesn't there, it doesn't affect SIU or anyone else. That is clearly true. We asked SIU to go back and take my interpretation, and the court's interpretation and the Sponsor's interpretation to their lawyers, and they came back and they said, 'You're absolutely right. It does not affect us now, and it doesn't affect us in this Bill.' That's the first red herring. The second red herring is the argument of those road commissioners who called and wrote your county boards and said that they're going to have to have people paid the prevailing wage, even if they use their own people to... for construction work on projects. That is not true. Yesterday, Mr. 'Huffington' from Clark County asked me if I could supply a letter to that effect from the Department that has to administer that. I have that letter here, written by them. The Department says, just as we said in Committee and today, that employees of those units of government, in fact, any units of government who are public employees engaged in construction on public works are not covered by the current law and aren't covered by this Bill in any way, shape or form. That's the Department's own statement that must administer this particular Act. There's nothing to any of the statements you've heard with regard to the universities or those employees. Representative Bullock, I think's going to read that letter in closing, so I won't. We need that on the record. The intent of this Bill is clear. It applies only to maintenance workers on public works who work for subcontractors and contractors, and nobody else. No public employee is affected one iota at all on construction or

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maintenance in any way, shape or form. And they know that on the other side. And let me tell you, too, the Governor's Office, I'm informed, is not opposed, has no position, is neutral on this Bill. It ought to pass. It does just what Larry Bullock said it did, and it doesn't do any of the things that the others said it did."

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

Vinson: "Madam Speaker, Members of the House, I suppose I will address this inquiry to the Chair. Earlier in the deliberations on this Bill, I took time out to eat lunch, and I heard Mr. Bowman rise and speak to the Bill. And I thought I heard him oppose the Bill, and if that is so, that would be the first time he's ever opposed a Bill to spend more money by State Government. And I wonder if the Chair could confirm that?"

Speaker Breslin: "I cannot confirm that, Representative Vinson. I believe the Gentleman arose to clarify legislative intent. The... is there any further discussion on this Bill? The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you... thank you very much. Question of the... question of the Sponsor."

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

Hoffman: "Would this apply to a contract between a... Would this affect workers of a contractor who contracted with a university, or a municipality or a local school district for maintenance?"

Bullock: "Is it on a public works project?"

Hoffman: "If it's on a ongoing... ongoing proj... it would be an ongoing project. It would be the daily maintenance for the school."

Bullock: "It would have to be on a public works project. It would have to be in the general area of construction. They

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would have to be with the contractor or the subcontractor in order for this Act to cover their employ."

Hoffman: "All right. Thank you. One... one last comment. Contrary to the remarks of the previous speaker, our... our indication, our intelligence and our communication with the Governor's Office indicates that the Governor is opposed to this Bill, as is Leadership on this side of the aisle."

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

Bullock: "Thank you, Madam Speaker. We have heard the debate on this legislation. I wish to indicate, however, that Senate Bill 982 does not require the payment of prevailing wage to public employees of units of government performing maintenance work. It also fails to affect the wages of public employees of units of local government engaged in construction. Section 39 of Chapter 48, Subsection 33, clearly indicates the limits of the application of the current law. This limitation also applies to Amendments provided by SB 982 requiring the payment of prevailing wage to specified employees of contractors and subcontractors who are performing public works for units of government. Case law on this subject also supports this interpretation, clearly a Monmouth decision versus the Francis Lorenz Department of Public Works and Building 1963 opinion. And as my distinguished colleague, Representative Stuffle, outlined during House Committee debate and on the floor of this House today, Senate Bill 982 is not intended in any way to cause units of local government to expend unnecessary expenditure of funds other than to pay contractors and subcontractor employees the... agreed prevailing wage. In closing, I would say, the Department of Labor and the Director of that Department has clearly indicated that they do not oppose this Bill, and they've

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clearly indicated that passage of Senate Bill 982 will enable them to stop making patchwork decisions in projects by project disputes and would give clarity to the law. I urge an 'aye' vote and the passage of SB 982."

Speaker Breslin: "The Lady from Cook, Representative Braun, for what reason do you rise? Not now? Okay. The Gentleman has moved for the passage of Senate Bill 982. The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Lady from Cook, Representative Braun, to explain her vote."

Braun: "Thank you, Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the House. In so far as the Sponsor and those who have supported this legislation have explained it's limitations, have explained that it is an implementation of a case decided a long time ago that does not pertain to, or will not cause a rise in expenses to local government, I vote 'aye' and encourage others to do so as well. Thank you."

Speaker Breslin: "Have... have all voted who wish? The Clerk will take the record. On this Bill, there are 72 voting 'aye', 46 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Special Order of Business under Workers' Rights appears Senate Bill 1070, Representative Matijevich. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1070, a Bill for an Act to amend an Act concerning injuries and disabilities caused by exposure to asbestos. Third Reading of the Bill."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, I'd request leave to return this Bill back to the Order of Second Reading for the purpose of an Amendment."

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Speaker Braun: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? There being no objections, the Gentleman has leave. Are there any Amendments?"

Clerk Leone: "Floor Amendment #3, McPike, amends Senate Bill 1070 as amended."

Speaker Braun: "Representative McPike."

McPike: "Thank you, Mr. (sic - Madam) Speaker. Ladies and Gentlemen of the House. Amendment #3 restructures the Illinois Industrial Commission. Currently there are five members - two employer, two employee and one neutral. This Amendment changes it to six members - two employer, two employee and two neutrals. It then divides the Commission into two groups of three and allows a Committee of three to make decisions at the Industrial Commission Level, so that on each Commission of three... or each Committee of three there would be a labor representative, an employer representative and a neutral. We think that this will speed up the process at the Industrial Commission. We've discussed this with the Chairman of the Commission who supports it, the Governor who has no problems with it, and I have discussed it with Representative Tuerk who probably has no position on it. I'd move for the adoption of Amendment #3."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3, and on that question, the Gentleman from Will, Representative Davis."

Davis: "Well, thank you, Madam Speaker. The... I call the Parliamentarian's attention to the Amendment which we believe is out of order on page eight, line 34 by the inclusion of the language in the Amendment after the Commission. You have a sentence left over after that

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inclusion that appears to make the whole thing gobbledygook."

Speaker Breslin: "That was page eight, line..,"

Davis: "Page eight of Amendment #1 that was adopted to the Bill, not the base Bill itself. And this Amendment amends that page, and that Amendment. And we feel that in line 34 by the inclusion of the language that you have a sentence that's left hanging with no place to go."

Speaker Breslin: "We will study the Bill and get back to you, Representative. The Representative from DuPage, Representative Nelson."

Nelson: "I think that perhaps my question should wait until after we have determined whether or not the Amendment is germane. Thank you."

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

Ropp: "A question of the Sponsor of the Amendment."

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

Ropp: "In the three groups that you have so indicated, what is the determination or definition of a neutral?"

McPike: "Well, it's the same as under current law. We've not changed that at all."

Ropp: "Well, could you just... What is that, please, because I don't have the current law in front of me?"

McPike: "Currently, we appoint one that we call a neutral, and we say that, 'One of whom shall be a representative citizen not identified with either the employing or the employee classes'. So we changed the word 'one' to 'two'."

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

Matijevich: "No, only if I get an adverse ruling, I want to move the Bill to Third. That's all. Looks like it may be

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adverse, I hear."

Speaker Breslin: "Representative Davis, your point is well taken. The Amendment is out of order. What is your wish, Representative McPike? The Gentleman... The Gentleman's point is well taken. The Amendment is out of order. Do you withdraw the Amendment? The Gentleman withdraws the Amendment. Representative Matijevich. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, I'd like this Bill out of the record, please."

Speaker Breslin: "This Bill... At the request of the Sponsor, this Bill will... will be taken out of the record. Representative, there has been a fiscal note filed on this Bill, so... so you might want to be advised of that also. The next Bill on the call under Workers' Rights Special Order of Business appears Senate Bill 1174, Representative Homer. Clerk, read the Bill. Excuse me. Representative Matijevich, for what purpose do you rise?"

Matijevich: "Has 1070 been moved to Third?"

Speaker Breslin: "No, it has not been moved to Third. We took the Bill out of the record while it remained on the Order of Second Reading."

Matijevich: "Was that what everybody wanted?"

Speaker Breslin: "Well, that's what you requested."

Matijevich: "Hold it. I know, but I was acting on somebody else's request, so..."

Speaker Breslin: "In addition to which, Representative, there was a fiscal note filed. So, it could not be moved to Third."

Matijevich: "Well, when it's filed, it can be. It's the request that you can't. But just a moment, let me talk to my Parliamentarian here."

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Speaker Breslin: "Excuse me. The request was filed.

Representative Matijevich, for what reason do you rise?"

Matijevich: "My information is that both the fiscal note had been filed, and I wanted to move it to Third and then take it out of the record. The Fiscal Note Act request has been complied with. At least that's been my information."

Speaker Breslin: "Mr. Clerk, can you advise us?"

Matijevich: "I know I saw one, and I had my staff guy, Caleb, handed me one when it was filed."

Speaker Breslin: "The Gentleman from DeWitt, Representative Vinson, for what reason do you rise?"

Vinson: "Well, Madam Speaker, if you will note on the board, we've got a Senate Bill 1174. You moved to that Order of that Bill. You called that Bill. You took that Bill out of the record on Second Reading. You have no authority to go back and do anything with that Bill at this point, and we ought to proceed with Senate Bill 1174. You're right, and he's wrong."

Speaker Breslin: "Mr. Clerk, you have been asked a question regarding the fiscal note. Was the fiscal note filed?"

Clerk Leone: "The fiscal note is not in the Bill. We are checking."

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

Vinson: "Madam Speaker, let's not browbeat the Clerk when he's telling you what's right's right."

Speaker Breslin: "Representative, we were just trying to clear up the problem of where the fiscal note is. The Clerk has found the fiscal note and has it in his possession at this moment. Representative Matijevich, for what reason do you rise?"

Matijevich: "Madam Speaker, so I clear this up so that Sam Vinson knows nobody's pulling one over on him. All that a Sponsor

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can do is go by the Calendar; and, since this Bill has been amended, and it was held, I did go for the... fiscal note. I saw it. It had been filed. In fact, the Calendar for two days had said it had been filed. So evidently, it really was misplaced. And the only reason she held it on Second, she thought it had not been filed. So the Bill should have properly been moved to Third Reading, and I would... never want to hold anybody's Bill up, let alone my own, you know. So, I'd just a soon move it to Third. If I have to, I'll bring it back."

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

Vinson: "Well, Mr. (sic - Madam) Speaker, I think in one respect Mr. Matijevich, is correct. All a Sponsor has to go by is the Calendar. And I think if you take a look at the Calendar, you'll find that there's a State Mandates Act fiscal note requested as amended. Now, he doesn't have that. Doesn't appear to me that the Clerk had that, until you started browbeating him up there, and besides that, we're well beyond that Bill. We're on 1174, and it's not timely for him to request it to go to Third Reading."

Speaker Breslin: "Representative and Members, it is... We have been advised by the Clerk that the fiscal note has been properly filed. In fairness to Representative Matijevich, his Bill, Senate Bill 1070, should not have been held on the Order of Second Reading for the purposes of a fiscal note. It was the Chair's error, because we were... we did not have it in our possession at the time. We apologize to Representative Matijevich for that error, and his Bill should properly now be moved to the Order of Third Reading. And the Bill is so moved. Now the next Order of Business is Senate Bill 1174. Representative Homer is ready to proceed on that Bill. Clerk, would you read the Bill?"

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Clerk Leone: "Senate Bill 1174, a Bill for an Act regulating wages of laborers, mechanics and other workers employed in the state works by the state, county, city or any public body. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Breslin: "Mr. Clerk, has the fiscal note been filed on this Bill?"

Clerk Leone: "State Mandates fiscal note has been filed pursuant to House Amendment #1."

Speaker Breslin: "Third Reading. Representative Homer, do you wish to proceed on Third Reading on this Bill? Therefore, we will hear Senate Bill 1174. Representative Homer."

Homer: "Madam Speaker..."

Speaker Breslin: "Clerk should... excuse me. The Clerk should read the Bill again now the third time."

Clerk Leone: "Senate Bill 1174, a Bill for an Act regulating wages of laborers, mechanics, and other workers employed in any public works by state, county, city or public body. Third Reading of the Bill."

Speaker Breslin: "Representative Homer."

Homer: "Madam Speaker, Ladies and Gentlemen of the House, Senate Bill 1174 has two principle features as amended. First of all, the Bill provides an enforcement mechanism for violations of the Prevailing Wage Rate Act in such a manner as to provide the Department of Labor with the remedy of filing an action for an injunction against anyone who is violative of the Act. The Bill also provides that any contract entered into in violation of the Act would be void. It's against public policy, and in such cases, would allow a contractor who had commenced a project, if in violation, to be recompensed only for actual out-of-pocket expenses for material and labor. The second portion of the Bill comes by way of an Amendment, Amendment #1 which was

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adopted yesterday, which would extend the Prevailing Wage Rate Act at application to any public works project that is financed in whole or in part by industrial revenue bonds. I would move the adoption of this Bill."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1174, and on that question, the Gentleman from Adams, Representative Mays."

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

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

Mays: "Could you... I think the Bill as it stands or as it stood before yesterday was not that horrible a piece of legislation. Indeed, there may have been need for some improvement in those areas; however, with Floor Amendment #1, this now makes prevailing wage applicable to all industrial revenue bond projects. Is that correct?"

Homer: "That is correct. Under... Under either of two Acts, one being the Division 74 of the Illinois Municipal Code and the other one is the Industrial Revenue... or the Industrial Building Revenue Bond Act. Under either of those two Acts, yes."

Mays: "Do you agree with that?"

Homer: "Do I agree that that's what it does or do I agree with the principle which it advocates?"

Mays: "Either."

Homer: "The answer to both is in the affirmative."

Mays: "Well, let me ask you then, why should we be saying that these are public works projects just because they're financed by industrial revenue bonds when, indeed, to my knowledge the state's not on the hook for the payback? Local units of government that issue these bonds aren't on the hook for the payback. The companies that use the proceeds are totally liable for the payback. Are... Are..."

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Are... Is there any local unit of government or State Government that's liable for the payback of these bonds at all?"

Homer: "No, I... I believe the answer to that, there is no liability on the part of the local unit of government; however, there is the concept that by the use of industrial revenue bonds the interest on those bonds become tax exempt. Therefore, the public at large subsidizes the project. The public policy behind the Prevailing Wage Act, therefore, would be consistent, and those projects should consistently pay the prevailing wage."

Hays: "So because you may get a break on the interest, you don't think they ought to get that break, number one, and so what you're going to do with this is eliminate any kind of break that a company that may move into Quincy, or Canton or any other area in this state who might see that as one of these nice little things, one of the few little things that, indeed, this state has to offer and, indeed, local units of government have to offer to set themselves apart from other local units of government within this state. You don't think that that break should be there, and you want to eliminate it, emasculate it and take away any advantage by mandating that those employers, indeed, pay prevailing wage on their construction work. Is that correct?"

Homer: "Well, I'd certainly like to correct something you said initially. I... I do agree with the philosophy of industrial revenue bonds, and I believe that it is an incentive and a very, very positive one that we exempt the interest. I have no problem with that concept at all. All that the Amendment is saying or all that this Bill is saying, that if a company comes in and takes advantage of the industrial revenue bonds as a manner of financing which, of course, allows them the tax credit or the tax

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incentive, that they ought not to be allowed to bring in scab labor on the project but, rather, pay the prevailing wage rate in the community."

Mays: "Scab labor, you said. Right. Is that correct? I can't believe you said that, but you did say that. Right?"

Homer: "I did."

Mays: "Okay. Did you... Is the state on its revenue bonds supposed to be paying prevailing wage for the purposes through which its proceeds are..."

Homer: "This Bill does not address that issue."

Mays: "Oh. What about the... There was a Bill similar to this that passed the House already. Is that correct?"

Homer: "That's correct."

Mays: "What is the status of that Bill right now?"

Homer: "Well, the Bill was voted successfully out of the House and is in the Senate in some stage and, frankly, I don't know the details. It's my understanding that the... that the Bill received one vote short of passage on Third Reading, but I'm not certain of that."

Mays: "This is the same Senate that passed buy America 58 to nothing, has postponed your Bill in the... in the Senate. Is that correct? To the Bill... To the Bill, Madam Speaker. Basically, what this is going to be doing is just emasculate one of the few differences that we can make in the State of Illinois towards providing incentives for a business to either expand or locate within this state. I would urge a 'no' vote."

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

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

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

Vinson: "Representative, on page one of your Amendment, I mean... I'm sorry. On page one of your Bill, in line 23 'any

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contract for public works,' and so on, does that require the paying of a prevailing wage by any contractor funded through IRB's which are issued by a local unit of government?"

Homer: "I'm not sure I understand your question, Representative Vinson. Certainly with the Amendment, that would constitute a prevailing wage rate application for IRB's, yes."

Vinson: "So if a local unit of government issues industrial revenue bonds for a private developer, then that private developer would have to pay the prevailing wage. Is that correct?"

Homer: "That's correct."

Vinson: "And there's no distinction in that as to whether the local unit of government is a municipality or a county?"

Homer: "No, it would be equally applicable in each situation."

Vinson: "And there is no distinction as to the size of a municipality?"

Homer: "That's correct."

Vinson: "Madam Speaker, inquiry of the Chair. The Gentleman has now stated that any municipality of any size, be it a home rule unit or not a home rule unit, is subjected to this prohibition that they cannot issue contracts which do not require the prevailing wage. That clearly applies to home rule units of government. And as you know, under the Illinois Constitution, we cannot specifically prohibit a home rule unit of government from doing something with less than 71 votes here. And so, would you rule that this Bill will require 71 votes to pass?"

Speaker Breslin: "We will study the Bill and get back to you, Representative Vinson. On the question, Represent... the Lady from Cook, Representative Pullen."

Pullen: "Thank you, Madam Speaker, Ladies and Gentlemen of the

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House. The point of industrial revenue bonds is to provide a form of incentive for construction of industrial facilities in order to promote job creation in this state, so that people will have jobs in industrial settings. The form of the incentive has to do with the financing of the construction. If this Bill passes, what we grant with one hand we will be taking away with the other, because this promotes a disincentive financially for employers to build industrial facilities under industrial revenue bonds. What you're really doing, if you vote for this Bill, is voting to kill the entire industrial revenue bond idea, and I just hope you understand that when you cast your vote on this Bill. Thank you."

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

John Dunn: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I rise in support of Senate Bill 1174 as amended. And with regard to the controversy regarding, if there is any controversy, regarding the prevailing wage portion of the Bill, let me just point out, as we have indicated before in this General Assembly, that industrial revenue bonds are of no advantage to anyone unless they enjoy tax exempt status. Tax exempt bonds have long been made available to municipalities so that their debt obligations can be sold to the general public at a lower rate of interest to provide a break for the taxpayers who fund those local units of government to keep down the costs of their governmental operations. And in order to provide an incentive for people to buy those bonds, they have been given tax exempt status at the federal income tax level to provide a tax break so wealthy people in high tax brackets find these bonds attractive. A few years back, approximately ten years back or so ago, maybe fifteen, I don't recall, we began issuing industrial revenue bonds in

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the State of Illinois to provide that private groups, private corporations could take advantage of the advantageous situation provided to municipalities by purchasing... by using industrial revenue bonds and using the local governments as a passthrough so that private individuals could enjoy tax exempt status. What that means is that all the rest of us taxpayers are picking up the burden that... it results from the shortfall to the tax coffers of the state and the Federal Government by reason of making additional bonds available in a tax exempt basis. We have a clear policy and philosophy in this state that where there are public works projects, we shall pay the prevailing wage. And there is a good concept underlying that philosophy, and that is that we in this state, particularly here in Illinois where we are highly industrialized, want to see to it that our workers who do a fair day's work receive a fair day's pay and particularly where their wages are paid by government. If we believe in that philosophy, then we should make sure that philosophy applies to industrial revenue bonds, because the only reason for their existence is for government to make tax exempt status available to them and for all the rest of us to pay to those private individuals the advantage that they receive. We pay every time someone... We taxpayers pay everytime some corporation receives a break through industrial revenue bonds. If we're going to provide that where the public taxpayer bodies pay 100% of the cost of public works projects and insist that prevailing wage apply there, then what is the difference whether the cost of that project is less than 100% but, nevertheless, has taxpayer involvement? If we believe that people should receive a fair day's wage for a fair day's work in one situation, we certainly ought to subscribe to that concept and that

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philosophy in the other. This is a good concept, a good Bill. It's a logical extension of a consistent philosophy that we believe in in the State of Illinois, and we should not back away from it at this point in time. This Bill passed... This portion of the Bill passed this House this spring with plenty of votes to spare; and, as has been pointed out earlier, came within one vote of passage in the Senate, got tied up in a snarl of a different matter. And it should be law in the State of Illinois. So I would certainly recommend an 'aye' vote for this... this good Bill with this good Amendment on it."

Speaker Breslin: "Representative Vinson, Ladies and Gentlemen, the Chair will rule that this Act does not do anything to limit home rule powers and; therefore, the Bill will require 60 votes for passage. Is there any further discussion on this issue? The Gentleman from DeWitt, Representative Vinson, for what reason do you rise?"

Vinson: "Did I understand the Chair to say that it requires 60 votes for passage..."

Speaker Breslin: "That's correct."

Vinson: "... because it does not limit home rule power?"

Speaker Breslin: "Nothing in the Act limits home rule powers. That's correct."

Vinson: "Thank you."

Speaker Breslin: "Is there any further discussion on this issue? There being no further discussion, the Gentleman from Fulton, Representative Homer, to close."

Homer: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. The issue before us with regard to the amended portion has been fully debated both at the time that the Bill was presented to the House in the form of a House Bill as well as yesterday when this Amendment was adopted. I think that nothing further need be said, and I would urge

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the favorable adoption of the Bill."

Speaker Breslin: "The Gentleman has moved for passage of Senate Bill 1174. All those in favor vote 'aye', and all those opposed vote 'no'. Representative Karpel to explain her vote."

Karpel: "Thank you, Madam Speaker. I just rise to explain my vote on this Bill, because I had talked to some people and had indicated that I would very possibly vote for the Bill because the concept of the original Bill I... I don't find too much fault with. Since yesterday, with the Amendment put on it, I cannot support this Bill, and I just wanted to state so for the record."

Speaker Breslin: "Representative Tuerk to explain his vote."

Tuerk: "Madam Speaker, Members of the House, I, too, rise to oppose the Bill and to make one other point. And that is, following the ruling of the Chair, it is apparent to me that it's the intent of the Chair and this legislation to apply to small units of government but not to the big ones, and I think that should be part of the record."

Speaker Breslin: "The Gentleman from Vermilion, Representative Stuffle, to explain his vote."

Stuffle: "Just to indicate I think we adequately debated the Amendment which seems to be the crux of the questions here. The Amendment put on by Representative Dunn and myself yesterday codifies the opinion of the Republican Attorney General that preceded this one. This Attorney General agrees with that opinion that, indeed, the prevailing wage should be paid for the reasons sighted by Representative Homer as a matter of public policy, and I agree with that. And I think we should put more green votes on the board."

Speaker Breslin: "The Clerk will take the record. On this Bill, there are 78 voting 'aye', 45 voting 'no' and none voting 'present'. Excuse me. There are 68 voting 'aye', 45

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voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Order of Workers' Rights Special Order of Business appears Senate Bill 1238, Representative Cullerton. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1238, a Bill for an Act to add Sections to the Illinois Wage, Payment and Collection Act. Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton."

Cullerton: "I'd like to take it out of the record."

Speaker Breslin: "Out of the record. Representative Cullerton for the purposes of a Motion."

Cullerton: "Yes, pursuant to Rule 12(c), I move that this Special Order of Business, Workers' Rights, be continued until 6:30 p.m. Thursday, June 23rd, 1983, and that Special Order of Business, State and Local Government be continued to Friday, June 24th, 1983 at 10 a.m."

Speaker Breslin: "The Gentleman asks leave to continue the two Special Order of Businesses. Does the Gentleman have leave? There being no objection, the Gentleman has leave. Ladies and Gentleman, today is Representative Jesse White's birthday, and there is... there is cake for all in Representative Giorgi's office for those who would like to partake. Ladies and Gentleman, the Chair will now go to the Order of Postponed Consideration on page 21 of your Calendar. Page 21 of your Calendar, Consideration Postponed, appears Senate Bill 37, Representative Alexander. Out of the record. Senate Bill 112, Representative Rea. Out of the record. Senate Bill 239, Representative Brunsvold. Representative Cullerton. Clerk, read the Bill."

Clerk Leone: "Senate Bill 239, a Bill for an Act concerning the regulation of shorthand reporting. Third Reading of the

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Bill."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Thank you, Mr... Madam Speaker and Ladies and Gentlemen of the House. The purpose of this Bill is to continue the Illinois Certified Shorthand Reporters' Act, which controls the licensing of Illinois shorthand reporters, which Act will otherwise terminate in October of 1983. I believe the misunderstandings that existed at the time the Bill was first called have been cleared up. I know of no opposition to the Bill, and I would ask for its passage."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 239. And on that question, is there any discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Madam Speaker, Ladies and Gentlemen of the House, I rise in support of the Gentleman's Motion."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the question is, 'Shall Senate Bill 239 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? Clerk, take the record. On this Bill there are 107 voting 'aye', 9 voting 'no' and 1 voting 'present'. This Bill requires 71 votes in order to meet the required Constitutional Majority, and it has met that Constitutional Majority and is hereby declared passed. Ladies and Gentlemen, the Chair will now go to the next Special Order of Business, the hour of 2:00 having arrived and passed already. That Order of Special Business is the matter of Utility Reform. And on that Order the first Bill to be called is Senate Bill 101, Representative Matijeovich. Clerk, read the Bill."

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

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Speaker Breslin: "Representative Matijevidch or Representative Churchill. Representative Matijevidch on the Bill."

Matijevidch: "Yes, Mr. (sic - Madam) Speaker and Ladies and Gentlemen of the House, Senate Bill 101 was amended yesterday and now becomes the Bill. I introduced Senate Bill 101, and it is similar to a Bill that I introduced three years ago in a... in an attempt to try to solve a situation that has occurred because of an adverse Supreme Court decision relating to the assessment of nuclear plants in what was my district, the City of Zion, the Commonwealth Edison Nuclear Plant. For many years that nuclear plant was assessed at the thirty-three and a third level just like your property and my property, and then the nuclear plant was certified as a pollution control facility and assessed at one half of one percent. And you can imagine what that did to the assessment base and to the taxing bodies in that area. When the nuclear plant was built, the Commonwealth Edison officials had told all of the community what the building construction of that facility would mean in the way of taxes, and it was a very difficult thing for those taxing bodies to have to make refunds based on a Bill that was introduced in '79 in the Senate as a housekeeping Bill. I introduced Senate Bill 101, and in its original form, it would have not only related to nuclear plants but all coal-fired and oil-fired plants, too. It is my opinion that nuclear facilities are much different than the other facilities, and it was never the intent when the Bill was passed in 1957 for tax... for incentives for pollution control facilities that nuclear facilities ever be... take advantage of that... of that law, because nuclear facilities by the nature of the building of those facilities must be pollution free. They are built by federal standards, and the dangers of radioactive material,

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they must be built in that way. And I don't believe that it was ever the intent that they be compared, for example, to those facilities that we try to... when something is manufactured and there are smoke, et cetera, that does contaminate the air that scrubbers or some other pollution control device be constructed and, therefore, they be assessed at the lower level. Because of a compromise that was reached, the Bill now relates to nuclear facilities only, and they not be certified as pollution control devices. I... I make that not as a political decision that at all enhances me, because Zion no longer is in my district. And, in fact, Waukegan is in my district, and they have a coal-fired plant. So, I am doing what I think is right. Even the Chairman of the Revenue Committee, Dan Pierce, said in Committee that we ought to look at the matter of the scrubbers and the fact that they are a legitimate pollution control device. So this is a compromise that has been reached. I've talked to the Senate Sponsor. He's aware of the dilemma that... that I face, and that we must pass something that we think is both constitutional and that can pass and that the Governor will sign. So, I would urge the Members to support this, and Sam Vinson, who introduced the Amendment, may have something further to say on it."

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

Brummer: "Yes, thank you, Mr. (sic - Madam) Speaker, Members of the Assembly. I... I rise reluctantly, I guess, to support this. I take with a grain of salt the comment made that a compromise was reached. A compromise was reached by cutting out all of the fossil fuel facilities which are the facilities that are used in districts, in my district as well as many other people district in this state.

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Representative Davis, I know, shares that concern. Representative Oblinger did. There was no compromise to reach with regard to those concerns with regard to coal-burning facilities. They were just cut out. That's not what I would call a compromise. However, because this Bill addresses a very important issue and because I hope the Senate will not see the wisdom of the Amendment that was adopted here, and so that we can keep this issue alive through a Conference Committee or otherwise, I would reluctantly urge an 'aye' vote so that we can pass it over to the Senate. Hopefully, the Senate will not concur in the Amendment. We can put it in... They can put it in Conference Committee, hopefully, at that point, and we can, hopefully, arrive at a genuine compromise that recognizes the interests all over the state."

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

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I do rise in support of Representative Matijevich's Bill. It's a good Bill. In my judgment, it is as reasonable a compromise as can be worked out on this matter. I would just simply make one point, and that is, that in regard to the coal-fired facilities, every effort was... every... every permutation and com... combination of dealing with those facilities was described and was discussed in that meeting. And in each case, the Gentleman who represented the units of government in this cause rejected that as a compromise. We could not find any common ground with him or we might have been able to work out a better compromise. What I think Representative Matijevich has done is to bring us a Bill and to amend it in a fashion that deals with a legitimate problem without causing a problem for Illinois coal and without

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unnecessarily raising the utility rates of utility consumers all over this state. I would urge support for his Bill, and I hope that his Bill, in this form, reaches the Governor's desk and is signed by the Governor."

Speaker Breslin: "The Lady from Lake, Representative Frederick."

Frederick: "Yes, Madam Speaker and Ladies and Gentlemen of the House, I, also, rise in support of this Bill. This Bill is very similar to House Bill 69 which passed out of this House by a substantial majority three years ago. It's an important Bill to the City of Zion. It returns funding to the schools and local government, and I urge your support."

Speaker Breslin: "The... There being no further discussion, the Gentleman from Lake... Excuse me. Representative Oblinger, from Sangamon, on the question."

Oblinger: "Madam Speaker and Members of the General Assembly, I was interested. I wasn't going to speak until the last speaker spoke; but, because it does a good job for her district and they're going to get money for their schools, we all ought to vote for it. All of us who are downstate have gas-fired, electric-fired, coal-fired. We're not going to get any benefit out of it at all. So why are we voting for it? You know, they did call it a compromise. A compromise is when both sides give. I don't see where the nuclear facilities gave one bit, and I don't see why we should have to always go along with what's good for some other area and neglect what's good for our own area. I still hope those people who voted 'no' yesterday will have the courage to still stay on the 'no' vote to send a message that we want a real compromise."

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

Matijevich: "Only to illuminate those... Let me tell you, I was trying my darnedest a few years ago to get some votes in

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those districts that you're describing, Josephine, and I could not, for heaven's sake, convince any of you that it did not just affect Zion. Remember that? Everybody said, 'All this Bill did was affect Zion only'. And I just tried to convince everybody, and we just squeaked out a vote. And I understand that it does, in its original form, does affect others. And I think you had... had better do some more work on it. We've been working for almost four years on this thing, and I don't want to give up that four years of work and get nothing, even though my district doesn't get... and neither does Virginia's. She... Zion is no longer in Virginia Frederick's district. So we are doing what we think is feasible. It's right. I believe it meets the uniformity test. It's constitutional, and I would urge the Members to support it."

Speaker Breslin: "The Gentleman has moved for passage of Senate Bill 101. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 110 voting 'aye', 4 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Utility Reform, Special Order of Business, appears Senate Bill 201, Representative Homer. Clerk, read the Bill."

Clerk Leone: "Senate Bill 201, a Bill for an Act to amend the Act concerning public utilities. Third Reading of the Bill."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker and Members of the House. Senate Bill 201 would require all public utilities which supply electric power to file every two years with the Illinois Commerce Commission a long term energy plan. The plan would have to include proposals for construction of

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any new facilities within the next ten years as well as to describe the types and methods of generation to be employed. The purpose of the Bill is to allow for the coordination of load requirements and to avoid the costly overconstruction of utility plants during periods of declining need. I would urge your support for this Bill."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 201. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Senate Bill 201 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this Bill, there are 114 voting 'aye', 3 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Utility Reform, Special Order of Business, appears Senate Bill 325, Representative Rea. Representative Hannig. Clerk, read the Bill. Excuse me. I understand that this Bill with the concurrence of the Sponsor will be taken out the record since it appears on the Consent Calendar on page 22. Representative Brummer, for what reason do you rise?"

Brummer: "Yes, to... to... an inquiry of the Chair."

Speaker Breslin: "State your inquiry."

Brummer: "I understood, at least with regard to one of the prior Orders, Special Orders of Business, that with regard to those Bills that were included on the Consent Calendar, they were not called on the Special Order of Business because they are on the Consent Calendar. I understood further that there was a commitment of the Chair, an agreement that if for some reason those Bills are knocked off the Consent Calendar, there's an absolute agreement that we will get to those Bills at sometime prior to the

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deadline."

Speaker Breslin: "That... That is correct, Representative, and they will be called if they have been taken off of the Consent Calendar, at a later date."

Brummer: "And that's applicable to all of the Bills on the Special Order of Call... Business?"

Speaker Breslin: "Excuse me. I didn't understand that."

Brummer: "That's applicable with regard to all the various Special Orders of Business."

Speaker Breslin: "That is applicable to all Bills on the Special Order of Call and only to those Bills that have appeared on the Consent Calendar. Senate Bill 485, Representative Greiman is the Sponsor, also appears on the Consent Calendar on page 24. It will be taken out of the record. Senate Bill 504, by Representative Brummer and Representative Hastert, also appears on the Consent Calendar on page 24. It will, therefore, be taken out of the record at this time. Representative Brummer, for what reason do you rise?"

Brummer: "Yes, with regard to that Bill and it appearing on the Consent Calendar, it had been removed from the Consent Calendar, and then the objection or the Motion to remove it was withdrawn. So that still appears on the Consent Calendar then?"

Speaker Breslin: "Mr. Clerk, can you advise us?"

Brummer: "It was printed on the Consent Calendar, but there was an objection filed this morning."

Speaker Breslin: "Representative... Mr. Clerk, can you advise us?"

Clerk Leone: "Senate Bill 504 appears on page 24, Consent Calendar Third Reading, First Legislative Day. An objection was filed to that Bill, but it was withdrawn. So it remains on Consent Calendar Third Reading."

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Brummer: "Thank you."

Speaker Breslin: "On the... Special Order of Business under the Order of Utility Reform appears Senate Bill 591, Representative Matijeich. Clerk, read the Bill."

Clerk Leone: "Senate Bill 591, a Bill for an Act to amend the Municipal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Matijeich."

Matijeich: "Yes, Madam Speaker, Ladies and Gentlemen of the House, Senate Bill 591 authorizes municipalities which operate electric utility systems to form joint municipal electric power agencies for the joint planning, financing, owning and operation of facilities related to electrical energy. It provides a reasonable approach to electric rate increase control by permitting municipal power agencies to join together to acquire power for their municipal users without extending coverage beyond the municipal limits. This Bill has the support of the Illinois Municipal Utilities Association and the Illinois Municipal League, and I know of no opposition to it."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 591. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Senate Bill 591 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 114 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Utility Reform, Special Order of Business, appears Senate Bill 644. Representative Brummer is the Sponsor. It appears on the Consent Calendar on the... on page 25. Representative Klemm, for what reason do you rise?"

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Klemm: "Parliamentary inquiry, please."

Speaker Breslin: "State your inquiry."

Klemm: "Representative Brummer had indicated that one of the Bills was on Consent Calendar had been removed and then had been placed back on the Consent Calendar."

Speaker Breslin: "This was not the Bill, Representative Klemm. That was the other Bill that he was discussing."

Klemm: "I understand that; but, since Rule 9(f), I think, does indicate that once a Bill has been removed from the Consent Calendar that it can no longer go on Consent Calendar the remaining part of the Session, I just want clarification. I have no opposition to any of it. I just wanted to be sure because the question was made, not only on this Order of Business, but for all items of Order of Business that may have been removed from the Consent Calendar."

Speaker Breslin: "Any time a Bill, as I understand it, is removed from the Consent Calendar, if the objection is removed to that Bill being on the agreed list, then the Bill reappears on the Consent Calendar. And the Clerk can confirm that on any particular Bill that you wish to request clarification on."

Klemm: "Fine. I just wanted that clarification. Thank you."

Speaker Breslin: "Very good. It must all occur on the same Legislative Day, I am advised by the Clerk. Senate Bill 644 is, therefore, out of the record. Senate Bill 645, also, appears on the Consent Calendar. It appears in your Calendar on page 25. With the concurrence of the Sponsors, Representative Brummer and Representative Klemm, we will take that Bill out of the record also. On the Order of Utility Reform, Special Order of Business, Senate Bill 838, Representative Steczo. Do you wish to proceed on your Bill? Is Representative Steczo in the chamber? Let us take this Bill out of the record, and we will see if

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Representative Steczo reappears shortly and go to the Senate Bill 849, Representative Keane. Clerk, read the Bill."

Clerk Leone: "Senate Bill 849, a Bill for an Act to amend the Open Meetings Act. Third Reading of the Bill."

Speaker Breslin: "Representative Keane."

Keane: "Thank you, Madam Speaker. Senate Bill 849 amends the Open Meeting Acts. It changes the word 'session' to 'meetings'. It, also, and more importantly deletes from the exceptions to public meeting deliberations the decisions of the Illinois Commerce Commission. My Bill, in other words, so everybody knows what we're doing here, would be to open the Illinois Commerce Commission deliberations to the public. I think because of the great number of rate increases, because of the previous legislation we passed here similar... the CBE legislation and that, there's a great amount of feeling by the people in the State of Illinois that they want to find out on what basis the Illinois Commerce Commission is making its decisions. There are two other less important parts to the Bill. Amendment #3, Keane - Daniels, put... includes the deliberations... exempts the deliberations concerning salary schedules for one or more classes of municipal employees, makes them private. And the 4th Amendment deals with where there's acquisition, sale or lease of real estate by a public school district is being considered that that is not open. The... I'd be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 849, and on that question, the Gentleman from Cook, Representative Giglio."

Giglio: "Thank you, Mr. (sic - Madam) Speaker, will the Sponsor yield?"

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

Giglio: "Representative Keane, is it the intent of this legislation that in no time that the Committee members meet they would have any time to actually talk in private at all?"

Keane: "Not when they're dealing with matters before the Illinois Commerce... the decisions and deliberations of the Illinois Commerce Commission. That would have to be conducted in the open. It would remove them... They are presently one of those classifications that can have private deliberations. This just makes their deliberations public."

Giglio: "No further questions."

Speaker Breslin: "Since no one else is seeking reco... recognition, would you like to close, Representative Levin, as a hyphenated Cosponsor?"

Levin: "Yes, thank you, Madam Speaker, Ladies and Gentlemen of the House. In urging an 'aye' vote on Senate Bill 849, I would just point out that the major part of the Bill on the Illinois Commerce Commission as amended with Amendment #2 is identical to House Bill 1813 which passed out of here on a 115 to 1 vote. It was part of the Speaker's package when it passed out of here, and I urge a favorable Roll Call."

Speaker Breslin: "The Gentlemen have moved for the passage of Senate Bill 849. The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this Bill, there are 112 voting 'aye', 3 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. With leave of the Body, Representative Steczo is now on the floor, and we would like to go back to his Bill, Senate Bill 838. Is there leave? There being no

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objections, Clerk, read the Bill."

Clerk Leone: "Senate Bill 838, a Bill for an Act to amend Sections of an Act concerning public utilities. Third Reading of the Bill."

Speaker Breslin: "Representative Steczo."

Steczko: "Thank you, Madam Speaker, Members of the House. Senate Bill 838 as amended is a Bill that deals with cable television companies and utility easements and allows that cable television companies would be able to use those utility easements on an apportionable basis if... if they so choose. What Senate Bill 838 seeks to address is the problem that some cable television systems have with regard to persons basically holding that utility or that cable TV company in abeyance and not allowing the cable to cr... to go across their property lines. This Bill originally had had some difficulty with various gas companies with respect to their oil and gas pipelines. They have been excluded from the Bill, and the opposition of those to particular utilities has been withdrawn. And I would ask the House to approve Senate Bill 838."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 838. On that question, is there any discussion? There being no discussion, the question is, 'Shall Senate Bill 838 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this Bill, there are 114 voting 'aye', none voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Utility Reform, Special Order of Business, appears Senate Bill 931. Representative Rea is the Sponsor. The Bill appears on page 27 on the Consent Calendar. With the concurrence of the Sponsor, we will take this Bill out of

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the record under our previous agreement. On the Order of Utility Reform, Special Order of Business, appears Senate Bill 1020. Representative Panayotovich and Birkinbine are the Sponsors. It, too, appears on the Order of the Consent Calendar, page 28. With the concurrence of the Sponsors, we will take this Bill out of the record according to our previous agreement. On the Order of Utility Reform, Special Order of Business, appears Senate Bill 1052. Representative Klemm is the Sponsor. It appears on your Calendar under Consent Calendar, page 28. With the concurrence of the Sponsor, we will take this Bill out of the record according to our previous agreement. On the Order of Utility Reform, Special Order of Business, appears Senate Bill 1057, Representative Klemm. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1057, a Bill for an Act to amend an Act concerning public utilities. Third Reading of the Bill."

Speaker Breslin: "Representative Klemm."

Klemm: "Thank you, Madam Chairman (sic-Speaker) and Ladies and Gentlemen of the House. Senate Bill 1057 as amended does a number of things. It allows the ICC to use the original cost method of valuation when determining the value of a public utility property in connection with rate making. It also requires at least one ICC Commissioner to attend public comment hearings on a rate case. It provides that a party may request a Commissioner to attend an evidentiary hearing on a rate case provided that written notification and request is made at least fourteen days before the hearing. It requires the utility to refund with interest an overcharge to a customer with a two year statute of limitation. It requires utilities with seven million gross revenues yearly to continue to file quarterly estimated returns or requires utilities with less than seven million

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gross revenue to file annual cost... annual actual gross revenue returns. It gives the ICC the authority to extend the deadline for electric suppliers to file gross revenue tax returns under extenuating circumstances. Presently, the ICC cannot waive the penalty for any reason when the gross revenue tax returns are not filed promptly, and this, certainly, gives them some latitude. Also, the reason for the valuation for the determination to use the cost method is, certainly, that it's certainly a more widely accepted approach. It certainly simplifies the ICC's procedure and certainly will save some rate case expense and staff time. Besides some technical changes and the procedures to reduce some paper work and unnecessary expense, I believe the Bill does several important things to help the utility consumer. One, it assures that the public, which is your constituency, that when they take off from work to present their point of view at a public hearing for a rate increase that at least one Illinois Commerce Commission member will be present, that they just won't have staff members and hearing officers being present, listening to their concerns and giving a staff report to the ICC members. And certainly, I think if people take time off to work and want to concern themselves about addressing rate increases or utility matters that the ICC has offered to hold public hearings that, certainly, they should be there to hear it, at least one of them should be. Also, at evidentiary hearings, I think the second proposal to help is that if expert testimony is wanting to be given either by citizens' groups, or a CUB group or even a utility, itself, that again that upon request an ICC Commissioner would be present. And I think the third point that certainly would help the consumer is that when a customer pays a bill that is later found to be incorrect due to an error in charging

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too much or in the measuring of the quantity or volume of service provided, that that utility shall refund the overcharge with interest to the customer and without the need for a costly hearing. I'll answer any questions if there are any."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1057. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Senate Bill 1057 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? The Clerk will take the record. On this Bill, there are 115 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Utility Reform, Special Order of Business, appears Senate Bill 1315. Representative Brummer and Nash are the Sponsors. It appears on the Consent Calendar on the... on page 30. With the concurrence of the Sponsors, this Bill will be taken out of the record pursuant to our previous agreement. On the Order of Utility Reform, Special Order of Business, appears 1348. Representative Ropp and Representative Rea are the Sponsors. It appears on the Consent Calendar on page 30. With the concurrence of the Sponsors, it will be taken out the record pursuant to our previous agreement. On the Order of Utility Reform, Special Order of Business, appears House Resolution 266, Representative Hicks. Clerk, read the Bill (sic-Resolution)."

Clerk Leone: "House Resolution 266 urges Congress to adopt appropriate legislation and support House Resolution 2154 known as the Natural Gas Consumer Relief Act."

Speaker Breslin: "Representative Hicks."

Hicks: "Yes, Madam Speaker, Members of the House, House

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Resolution 266 deals with the unusually high cost of natural gas we currently are having in the United States right now. Some of the problems we have throughout the United States does (sic-deals) with the liquified gas contracts that we have and that we're having to live by here in Illinois. And all this Resclution does, it urges Congress to pass legislation that will help with the consumers here in the State of Illinois, and I'd urge its adoption."

Speaker Breslin: "The Gentleman moves for the passage of House Resolution 266. On that question, is there any discussion? There being no discussion, the question is, 'Shall House Resolution 266 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 111 voting 'aye', 1 voting 'no' and 1 voting 'present'. This Resolution, having received the Constitutional Majority, is hereby declared passed. That concludes the Special Order of Business on Utility Reform, Ladies and Gentlemen, and the Chair will, therefore, go to those Bills on the Special Order of Business for Economic Recovery scheduled for Friday, June 24th at 2 p.m. that need to be moved....on that Order of Business that need to be amended. Senate Bill 1001. Who's the Sponsor of Senate Bill 1001, Mr. Clerk?"

Clerk Leone: "Representative Rhem is the House Sponsor of Senate Bill 1001."

Speaker Breslin: "Is Representative Rhem in the chamber? Ladies and Gentlemen, we are on the Order of those Bills that need Amendment that appear on the Order of Economic Recovery. If your Bill needs an Amendment and it is on that Order of Business, please get to the chamber so that your Bill can

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be called and be ready for tomorrow. The first Bill that appears on that Order is Senate Bill 1001, Representative Rhen. Is the Gentleman in the chamber? Representative Rhen. With leave of the Body, we will take that out of the record for the moment. Senate Bill 1002. Who is the Sponsor of Senate Bill 1002, Mr. Clerk?"

Clerk Leone: "The House Sponsor of Senate Bill 1002 is Leverenz - Doyle."

Speaker Breslin: "Representative Leverenz or Representative Doyle on Senate Bill 1002. Are either of those Gentlemen in the chamber? Representative Leverenz or Representative Doyle. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1002, a Bill for an Act to establish high impact training service programs. Third Reading of the Bill."

Speaker Breslin: "Representative Leverenz."

Leverenz: "I would.."

Speaker Breslin: "Are there any..."

Leverenz: "... move that this Bill be brought back to Second for purpose of further Amendment."

Speaker Breslin: "The Gentleman asks leave to move this Bill back to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? There being no objections, the Gentleman has leave. Are there any Amendments, Mr. Clerk?"

Clerk Leone: "Amendment #3, Leverenz, amends Senate Bill 1002 on page five and so forth."

Speaker Breslin: "Representative Leverenz."

Leverenz: "The Amendment would provide a couple of things that we did put in another Bill for clarification. One of the points is that they cannot be trained in these training positions for positions where a person was laid off or where they had high numbers of layoffs for a given,

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particular type of position. The Amendment would further provide that they would keep accurate records and maintain evidence of the results of the training program. Thirdly, that they cannot replace the strikers in a given strike situation with trainees, and I would move for the adoption of Amendment #3 to Senate Bill 1002."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3, and on that question, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you. Will the Sponsor yield to a question?"

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

Hoffman: "As I look at the Amendment, I'm not sure which of this... which of these, if either of them, have reference to the issue of strike replacement."

Leverenz: "Can you restate your question, Gene?"

Hoffman: "Well, I'm looking at Amendment #3, and you're on page six."

Leverenz: "You know what, Gene, you're entirely correct. I'm working from a long one, not a green one. Could you save that for Amendment #4, my explanation? I apologize."

Hoffman: "I would be pleased, and now you're going to explain Amendment #3."

Leverenz: "Right."

Speaker Breslin: "Is there any further discussion?"

Leverenz: "Amendment #3... Excuse me, Speaker. Amendment 3 reads that the director shall have the authority to grant approval pursuant to subparagraph A above prior to an individual's formal admission into the training course. Requests for approval shall not be made more than 30 days prior to the actual starting date of such course. Requests shall be made to the appropriate unemployment office. It brings out further details of the mechanism, and I would move for the adoption of Amendment #3. And what I said was

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3 is actually #4. I now move for the adoption of Amendment #3."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Madam... Madam Speaker... I'm looking at page six, and to the Sponsor of the Amendment, I'm looking at page six, and I'm looking at where it says between line twenty and twenty-one, 'provides for subparagraph B and subparagraph C', and the preceding subparagraph is either E; or, if it isn't, there is no A."

Leverenz: "Cite the page again, page six, you're saying?"

Hoffman: "Page six, look on your Amendment on line..."

Leverenz: "Line eleven?"

Hoffman: "Line fifteen of your Amendment."

Leverenz: "Yes."

Hoffman: "It says, 'On page six by inserting between lines twenty and twenty-one the following: E and C.' The preceding subheading is E, and if it isn't part of that, then there is no A."

Leverenz: "Well, then can I refer you to, on the Amendment, lines thirteen and fourteen where E is deleted and inserted in lieu thereof 5. We went to numbers instead of letters on the Amendment itself."

Hoffman: "Then... Then..."

Leverenz: "The Amendment cleaned up the Bill, I think, and it removes your question or your problem."

Hoffman: "Then where... where is the... where is the A. Is that on... Is that on line four of the Amendment on line twenty-one of the Bill?"

Leverenz: "That is correct."

Hoffman: "Fine. Thank you very much."

Leverenz: "Thank you. Thank you for raising the question and correcting me. Mr. Speaker... Madam Speaker, I would move

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for the adoption of the Amendment 3."

Hoffman: "Thank you for thanking me."

Speaker Breslin: "The Gentleman from Adams, Representative Mays,
on Amendment #3."

Mays: "Ted? Would the Gentleman yield, please? Could... Could
you tell us what problem you're trying to solve with this?"

Leverenz: "We're actually cleaning up the Bill. It technically
then lays out the mechanism to implement the whole
program."

Mays: "Have there been problems in your district where unemployed
people, to try to get training courses so they could seek
employment elsewhere, have been denied upon being accepted
in the school were actually denied their unemployment
benefits afterwards? Is that correct?"

Leverenz: "Well, this is the HITS program. Yeah, I've had
problems with the CETA program, probably like you have."

Mays: "And so this is trying to... Are you trying to solve that
problem with this Amendment?"

Leverenz: "That's correct."

Mays: "I support it."

Leverenz: "Outstanding. You're a leader."

Speaker Breslin: "Is there any further discussion? There being
no discussion, the question is, 'Shall Amendment #3 be
adopted?' All those in favor say 'aye', all those opposed
say 'nay'. In the opinion of the Chair, the 'ayes' have
it, and the Amendment is adopted. Are there any further
Amendments?"

Clerk Leone: "Amendment #4, Leverenz, amends Senate Bill 1002 on
page three and so forth."

Speaker Breslin: "Mr. Clerk, is Amendment #4 printed and
circulated?"

Clerk Leone: "No, it is not."

Speaker Breslin: "Representative, the Amendment is not printed."

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What is your pleasure? The Gentleman from Cook, Representative Leverenz."

Leverenz: "Well, I would like leave to leave this right where it is so we can get back to it at that time then. Thank you."

Speaker Breslin: "Very good. I understand that a number of the other Bills on this Order of Business do not have their Amendments printed and circulated at the moment. We will, therefore, come back to this Order of Business at a later time. Is... Is Representative Mautino's Bill in that position or not? Representative Mautino on Senate Bill 1026 which was the next Order of Business."

Mautino: "Thank you very much, Madam Speaker. I would..."

Speaker Breslin: "Senate Bill 1026, Mr. Clerk. Proceed Representative."

Clerk Leone: "Senate Bill 1026."

Mautino: "Senate Bill 1026, I believe, is on Third Reading, Special Order of Business. I would like to have leave to take Senate Bill 1026 back to Second Reading."

Speaker Breslin: "The Gentleman asks leave to return Senate Bill 1026 to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? There being no objections, the Gentleman has leave."

Mautino: "Thank you, Madam Speaker. I have an Amendment, and I believe it's Amendment #1. Has that Amendment been printed, please?"

Speaker Breslin: "Has Amendment #1 to Senate Bill 1026 been printed, Mr. Clerk?"

Clerk Leone: "No... No, it has not."

Speaker Breslin: "It has not, Representative."

Mautino: "I respectfully request that Senate Bill 1026 remain in the posture of Second Reading, and we go back to this sort of Business when the Amendment has been printed and given to the Membership."

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Speaker Breslin: "Senate Bill 1026 will remain on the Order of Second Reading, and we will get back to it as soon as we can. Representative Johnson, for what reason do you rise?"

Johnson: "I'm... I'm just wondering since we're... we don't object to what we're doing, but I'm just wondering for the help of the Membership, if when we go to these Bills you could let us know what page in the Calendar we're at, because there's a number of Orders here, and we'd like to be able to follow them a little more closely."

Speaker Breslin: "Yes, Representative, it was announced that all of those Bills were on the Special Order of Business under Economic Recovery and needed Amendments. And we will continue to try to do that in advance in the future. Representative Ehem is back on the floor. Mr. Clerk, can you tell us if the Amendment to Senate Bill 1001 had been printed and distributed and should we go to that Order of Business?"

Clerk Leone: "No, it has not."

Speaker Breslin: "It has not been printed and distributed, Representative. As a consequence, we will come back to that, and we will return it to the Order of Second Reading for the purposes of an Amendment when the Bill... when the Amendment is ready. Is that acceptable? Very good. The House will be at ease for one moment while we are deciding on what Order of Business to go to next. The Gentleman from DeWitt, Representative Vinson, for what reason do you rise?"

Vinson: "Mr. Speaker... Madam Speaker, we're in the last days of the Session. People desperately want to move their Bills. I would suggest that until you can figure out how to get Amendments printed and so forth on this particular Order of Business that we move on on the Regular Order, and we'll give you leave to get back to these Bills when you need

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to."

Speaker Breslin: "Very good. Thank you, Representative. We will return to the Order of Senate Bills Second Reading, page 20 on your Calendar, where we left off earlier today and appearing there is Senate Bill 787, Representative Braun. This is the Order of Senate Bills Second Reading. For those people who wish to move their Bills from Second Reading to Third Reading, please be in the chamber. Page 20 of your Calendar. Representative Braun. Out of the record. Senate Bill 800, Representative Richmond. Representative Richmond on Senate Bill 800. Out of the record. Senate Bill 958, Representative Daniels. With leave, Representative Vinson will handle that Bill. Clerk, read the Bill."

Clerk Leone: "Senate Bill 958, a Bill for an Act to amend an Act in relationship to the construction, operation, regulation and maintenance of systems of toll highways and to create the Illinois State Toll Highway Authority. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Braun is back in the chamber. With leave of the Body, we would like to go back to her Bill, Senate Bill 787. Clerk, read the Bill."

Clerk Leone: "Senate Bill 787, a Bill for an Act to amend an Act relating to the deduction of salaries or wages to state officers and employees in amounts of money designated to them for payment to the United Fund or other similar organizations. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any further Amendments?"

Clerk Leone: "Floor Amendment #1, Braun, amends Senate Bill 787 on page one and so forth."

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Speaker Breslin: "Representative Braun."

Braun: "Thank you, Mr. (sic-Madam) Speaker, Ladies and Gentlemen of the House. Amendment #1 deals with charitable contributions by state employees through the payroll deduction. This Amendment is the product of an agreement reached between the United Way of Illinois and many other charitable organizations and agencies. And it has the full support of the Senate Sponsor, Senator Sangmeister. Briefly, the Amendment will provide the opportunity for the participation of many charitable agencies throughout the state in the employee checkoff process. Many of these agencies are presently excluded from participation in the checkoff process... process, and with this Amendment, and with the passage of this legislation, they will be able to do so on an equal basis. I urge your support."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #1 to Senate Bill 787. On that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. The next Bill is Senate Bill 1000, Representative Madigan - Stuffle. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1000, a Bill for an Act to amend an Act to create the Prairie State 2000 Fund. It's been read a second time previously. No Committee Amendments."

Speaker Breslin: "Are there any further Amendments?"

Clerk Leone: "Floor Amendment #1, Madigan - Stuffle, amends Senate Bill 1000 on page two and so forth."

Speaker Breslin: "Representative Stuffle."

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Stuffle: "Yes, Madam Speaker and Members of the House, this Amendment to Senate Bill 1000 cleans up the Bill in several technical aspects which I would enumerate. First of all, as well, it also makes one major change. We replace what is in the Bill now which is partially the use of a capital stock sale and partially the use of... of a revenue bond sale. We eliminate the revenue bond sale in this Bill and provide merely for seven and a half million dollars in capital stock to be issued to back up the Prairie 2000 Fund. There are several technical matters addressed in the Amendment including changing the number of members who are in the Fund, and in so doing, we eliminate the possibility that there would be a considerable number of members, a question posed by the Republicans and by Democrats in Committee, by Representative Winchester, in part, the Minority Spokesman of the Committee through which this went. It also eliminates any salary payments to those members. It provides for changes in the Bill that would let the Auditor General audit the Fund and makes on the second page a number of technical changes. And it tightens up the provisions of the Bill with regard to the ability of either an employee or an employer under this Bill to receive a tax deduction for the payments made into either a premium fund or an approved program recognized under the Bill, a tax deduction, if you will, which is otherwise provided for in the Bill. It prevents the possible pyramiding of benefits by an employee that might attempt to receive support in benefits for a training program from more than one entity. It clarifies where an employee may withdraw or may... there may be a withdrawal from a program without the loss of benefit to those situations where someone attempts to receive back part of the employee's money where there's a death or where there is an undue

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family hardship and someone is forced to withdraw from a program. I offer Amendment #1 on behalf of the Speaker and myself."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to Senate Bill 1000, and on that question, the Gentleman from Hardin, Representative Winchester."

Winchester: "Will the Gentleman yield?"

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

Winchester: "Is... In this Amendment, does it correct the problem in the Bill that would have resulted in over 100 directors being appointed to this board?"

Stuffle: "Yes, Representative, in Committee, I answered your question in the affirmative, that I agreed with you. It corrects that. It reduces the number of members, and it eliminates totally their compensation by way of a salary. They can only receive expenses under the Bill. As you know, there could have been an innumerable group of people. This would then make it a situation where... where there would be as many as nine members. There would be six certain appointed members. There would be the potential that is pension funds permissively got into the thing, they could get two members, plus the treasurer would be the ninth, as an ex officio."

Winchester: "Alright. There was also some concern about the... the funding. In the Bill, you were... the intent of the Bill was the issuance of five million dollars in general revenue bonds as well as the issuance and sale of capital stock. How is that being addressed now?"

Stuffle: "To clarify your comment, there were no general obligation bonds. They were all revenue and capital stock. There were five million general... or five million revenue... I'm... I'm talking like you. There were five million revenue and five million stock issued. Now there's

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seven and a half million stock and no revenue bonds."

Winchester: "Thank you. I support the Amendment."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Has the fiscal note been filed?"

Clerk Leone: "The fiscal note has been filed as amended."

Speaker Breslin: "Third Reading. On Senate Bills Second Reading appears Senate Bill 1153, Representative Taylor. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1153, a Bill for an Act to amend the Court Reporters' Act. Second Reading of the Bill. Amendments #1 and 2 lost in Committee. No Amendments were adopted in Committee."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #3, Cullerton, amends Senate Bill 1153 on page one and so forth."

Speaker Breslin: "Representative Cullerton."

Cullerton: "I would ask to withdraw #3, please."

Speaker Breslin: "The Gentleman asks to withdraw Amendment #3. Does the Gentleman have leave? There being no objections, the Gentleman has leave. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #4, Cullerton, amends Senate Bill 1153 on page one and so forth."

Speaker Breslin: "Representative Cullerton."

Cullerton: "I ask leave to withdraw #4, please."

Speaker Breslin: "The Gentleman asks leave to withdraw Amendment #4. Does the Gentleman have leave? There being no

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objections, the Gentleman has leave. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #5, Hoffman, amends Senate Bill 1153 as amended."

Speaker Breslin: "Representative Hoffman on Amendment #5."

Hoffman: "I move to withdraw Amendment #5."

Speaker Breslin: "The Gentleman withdraws Amendment #5. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #6, Cullerton, amends Senate Bill 1153."

Speaker Breslin: "Representative Cullerton."

Cullerton: "I ask leave to withdraw #6, please."

Speaker Breslin: "Withdraw Amendment #6. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #7, Matijevich, amends Senate Bill 1153."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Leave to withdraw, Madam Speaker."

Speaker Breslin: "Withdraw Amendment #7. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #8, Cullerton, amends Senate Bill 1153."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker... Madam Speaker and Ladies and Gentlemen of the House. This is agreed... an, I believe, an Agreed Amendment. It increases the number of available Circuit Court Judges in DuPage and in Cook County. It provides for a minute clerk in certain counties. It provides for an administrative assistant for the Chief Judge of each circuit and raises the cap on their salary, and it also raises the cap on the court reporters' salary, not by increasing the salary but raising the cap. I would move for the adoption of Amendment #..."

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Speaker Breslin: "8."

Cullerton: "8. Thank you."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #8, and on that question, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Madam Speaker. I just wanted to rise and support the Gentleman's Motion for the adoption of Amendment #8."

Speaker Breslin: "The Gentleman from Lee, Representative Olson."

Olson: "Would the Sponsor yield?"

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

Olson: "Representative Cullerton, Amendment 8 is applicable only to DuPage and Cook Counties?"

Cullerton: "With respect to the Judges, the minute clerk refers to the counties of a certain population."

Olson: "The administrative assistants.. "

Cullerton: "150 to 175."

Olson: "The administrative assistants?"

Cullerton: "No, the administrative assistants apply to all circuits."

Olson: "All circuits?"

Cullerton: "Right. The Chief Judge of each circuit."

Olson: "Thank you very much."

Speaker Breslin: "The Gentleman from Hardin, Representative Winchester."

Winchester: "Since this sounds like a salary increase Bill, who pays the increase, the state or the local governments?"

Speaker Breslin: "Representative Cullerton."

Cullerton: "It's not a salary increase Bill at all."

Winchester: "Well, if you're raising the cap, additional dollars could be... could be paid. Is that correct?"

Cullerton: "It's a different issue, though."

Winchester: "Well, it's going to result in additional dollars

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being paid to an individual person."

Cullerton: "It could, if we'd have made that decision, and if we did make that decision, it would certainly come from the state."

Winchester: "How do we go about making that decision? Does that come from a form of legislation?"

Cullerton: "Legislation? By... This is not automatic, not at all."

Winchester: "Well then, who... who determines whether or not the increase is going to be made? Is that the county board?"

Cullerton: "We do. No, we do as... the state. The state."

Winchester: "Okay. Who would pay it? Would it come from local property taxes?"

Cullerton: "No, no. The state pays. We have control."

Winchester: "The bottom line. This would not result in a local property tax increase, would it?"

Cullerton: "This does not raise local property taxes."

Winchester: "Thank you."

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

Karpziel: "Thank you, Madam Speaker. I... I'm sorry. I just may not have heard this if it was already asked in debate. Is every Circuit Court Judge going to be getting one of these administrative assistants, or is just the Chief Judge of the circuit getting one?"

Speaker Breslin: "Representative Cullerton."

Cullerton: "It just changes the name of the... The Chief Judge of each circuit may appoint an administrative assistant instead of an administrative secretary."

Karpziel: "Thank you."

Speaker Breslin: "The Gentleman from Champaign, Representative Johnson."

Johnson: "As Representative Cullerton indicated, this is a

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permissive Amendment, obviously contingent on a number of factors. It makes sense. I think it serves those counties well that the Amendment directs themselves to, and I would certainly urge, and I think this is a basically Agreed Amendment, urge support of Representative Cullerton's Amendment."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #8, and on that question, there being no further discussion, the question is, 'Shall Amendment #8 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #9, Matijevich, amends Senate Bill 1153 as amended."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House, Amendment #9 authorizes the employment of one additional junior law clerk for each Judge of the Supreme Court. I move the adoption of Amendment #9."

Speaker Breslin: "The Gentleman moves the adoption of Amendment #9. On that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #9 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the... I hear 'nos'. On that question, all those in favor vote 'aye', all those opposed vote 'no'. Representative Homer? Have all voted who wish? The Clerk will take the record. Representative Homer? I'm sorry. The... The Clerk has already taken the record, and I wish to be recorded as voting 'no'. On... Do I have leave to be recorded as voting 'no'? There being no objections, I have leave. On this question, Representative DiPrima. Representative DiPrima asks leave to be voting 'aye', and Representative Wolf asks leave to be voting

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'aye'. On this question, there are 87 voting 'aye'... 86 voting 'aye', 17 voting 'no', and none voting 'present'. This Amendment, having received the Constitutional Majority, is hereby declared... declared adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. On the Order of Senate Bills Second Reading appears Senate Bill 1174, Representative Homer. Representative Homer? Senate Bill 1174 on Second Reading. I understand that Bill has already been passed on a Special Order of Business. Senate Bill 1211, Representative Cullerton. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1211, a Bill for an Act to amend the School Code. It's been read a second time previously. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, Cullerton, amends Senate Bill 1211 on page one and so forth."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This Amendment deals with the City of Chicago schools. It addresses the issue of the Building Fund, the Property Tax Building Fund. It does not address the issue of the Education Fund that people have heard so much about. It increases the rate by fourteen cents per hundred dollars of assessed valuation. It has an acceleration clause in it, the purpose of which is to be able to levy this year on the 1982 tax year. The levy would go from .45 percent to .59 percent. The money raised could be used to attempt to cut the estimated 200 million dollar deficit for the Chicago Board of Education. The money that is raised would primarily be used to reimburse tradesmen who work and not... would not be used to reimburse teachers. I'd be

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happy to answer any questions. I would point out that this is consistent with three other Bills that we have passed out of this House, House Bill 631, 32 and 33, having to do with the property tax rate for the Board of Education, and I would ask for your support of Amendment #1."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to Senate Bill 1211, and on that question, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this Amendment. It doesn't go nearly far enough in terms of equalizing the exposure of property owners in the City of Chicago compared to the collar counties and downstate, but I don't expect people to make a quantum leap. I would just expect that they would show good faith and make a reasonable response to the needs in Chicago. I believe that this is a step in the right direction and, therefore, should be supported."

Speaker Breslin: "The Gentleman from Hardin, Representative Winchester."

Winchester: "Well, the Gentleman from Chicago mumbled the Bill quite well. I think I got a better understanding from Representative Hoffman. But does this mean that the City of Chicago will be increasing its local property taxes to pay for a certain area in the Chicago school system?"

Speaker Breslin: "Representative Cullerton."

Cullerton: "Well, first of all, I really... I don't resent it, but I tried to be as... talk as slowly as I could without any accents or anything so that you could understand, and I'm sorry that you didn't understand my first explanation. Yes, indeed, we are talking about raising the property taxes just as I would hope for your support just as I supported your Bill to raise your downstate property taxes

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for prisons. In Chicago, we're interested in raising our property taxes for schools. This would go to the Building Fund, not the Education Fund. However, it would be able to be used to bring down the deficit that we've been... it's been estimated to be 200 million dollars in the City of Chicago."

Winchester: "Well, I... I appreciate the fact that you don't resent my comment, because it wasn't made... it wasn't made in any derogatory fashion. I do appreciate you speaking in favor of the Bill, but you didn't vote for it when the vote came up, but I'm, you know, I'm... you know, it's like my Bill, only DuPage County and Cook County had a back-door referendum. The rest of the downstate wanted it; but, if you guys want this and it doesn't apply to the rest of us, then I'm for it, too."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1. Is there any further discussion? There being no further discussion, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2, Cullerton, amends Senate Bill 1211 as amended."

Speaker Breslin: "Representative Cullerton."

Cullerton: "I would ask to withdraw Amendment #2."

Speaker Breslin: "Withdraw Amendment #2. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #3, Homer, amends Senate Bill 1211 on page 13 and so forth."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker and Ladies and Gentlemen. Amendment #3 addresses a problem of the school aid..."

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reimbursement of the school aid formula as it relates to tax abatement. The Amendment would provide that where a school district has determined to give tax abatement, either pursuant to the already existing corporate tax abatement law or where there's been a designation of an enterprise zone, the school district elects to give tax abatement to enterprises located within that enterprise zone, that for the purpose of school aid, the lower E.A.V., equalized assessed valuation, will be used in the determination of the appropriate amount of school aid. Without this Amendment, without this legislation, a school would be actually subjected to a double penalty. Not only would it receive the lesser amount of property taxes because of a lower... because of the tax abatement, but the higher equalized assessed valuation figure would be plugged into the school aid formula, resulting in less school aid to that particular tax district. What, in reality, would occur if... if this Amendment is not adopted, does not become legislation, is that no school district in the State of Illinois could possibly afford to abate taxes, thereby defeating the entire purpose of tax abatement, or the primary purpose of tax abatement within any taxing district, because, as we all recognize, the schools' portion of property taxes in many cases exceeds 50 percent of the entire tax levy for a particular taxing district. So, to make these tax abatements meaningful to attract industry, this kind of legislation must be adopted, and I would urge your support for Amendment #3."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to Senate Bill 1211, and on that question, the Lady from DuPage, Representative Nelson."

Nelson: "Thank you very much, Madam Speaker. Ladies and Gentlemen of the House, I do understand clearly why any

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Representative from an area that might have an enterprise zone designation would be interested in this Amendment, but I would like to point out to the rest of us that unless you expect some day to have that designation, you may, in all likelihood, wish to vote 'no' on this Amendment. In the first place, I would disagree with the Sponsor's statement that a problem exists. I do not believe that a problem exists. The... What happens in actuality is that under an enterprise zone designation, the tax abatement does occur, but as a matter of fact, simply because the taxes are abated, there is no change in your equalized assessed valuation. This Amendment incorporates the intent of Senate Bill 1146, and in doing so, effectively increases the general state aid entitlement for school districts which abate property taxes in order to attract industry under provisions of the Enterprise Zone Act. It could benefit those few school districts that have such designation, but no other school districts could benefit from this legislation. It does have, in the second paragraph of Amendment #3, a provision for a supplemental appropriation, and I think that that is proper, but I also believe that there is only so much money available for distribution to all of our school districts under the school state aid formula and that the choices between having a certain portion of that money set aside in a pot to distribute to these enterprise zone designated areas, which then, of course, would lower the total amount of state aid that is available to all the rest of the school districts in Illinois. It is for that reason that I am opposed to Amendment #3. Why should a local decision to abate local tax revenue be rewarded with an increase in state aid? This is the ultimate affect of this Amendment and; therefore, I urge 'no' votes."

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

Currie: "Thank you Mr.... Madam Speaker and Members of the House.

If the previous speaker is right that an abatement will not have any effect on the equalized assessed valuation, then this Amendment is unnecessary. If she's wrong, then it seems to me that this is a very important Amendment. In fact, it's quite a good Amendment. It isn't the local school district that gets to make the decision whether to have an enterprise zone or not. It's some other government. One of the governments is the Governor of this state. The Governor of the State of Illinois helps decide whether there will be or will not be an enterprise zone. A school district has no voice in making that decision. If the Governor and some other government decide that there will be an enterprise zone, the equalized assessed valuation, money available, property taxes available for that school district and its resulting school aid could be very seriously affected. I think that this is the kind of Amendment that makes excellent sense. If the state decides that there will be an enterprise zone and that will make a difference to the capacity of the local school district to raise money locally and to access the school aid formula, surely the Governor who's making that decision would want to ensure parity for the school kids in that town. This is a good Amendment. I think we should all support Amendment 3 to Senate Bill 1211."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker... or, Madam Speaker. Will the Sponsor yield to a question? How many... How many school districts would be affected by this Amendment?"

Speaker Breslin: "Representative Homer."

Homer: "Actually... Actually, Representative, as you know, there

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are, with regard to your question, eight enterprise zones throughout the state. So, obviously, any school district within one of those eight this year would be affected. In addition, there are going to be eight enterprise zones designated each and every subsequent years, in addition to which the Amendment covers not only enterprise zone tax abatement, but also the general corporate tax abatement provisions. Those provisions are available to any taxing district in any community throughout the State of Illinois. So long as that corporation locating meets certain criteria, then tax abatement is a possibility. So, in fact, it's available to each and every school district in the state."

Homer: "Alright. On the basis of your statement then, that you indicated that all school districts would be affected, and I would agree with you. All school districts would be affected. Under the present designation, however, only eight school districts would be beneficiaries. If... If we agree, and I think we can agree that there's a finite bottom line of resources available from the state to just... for distribution to school districts, that we're involved in a redistribution here away from the other districts in the state to the benefit of the districts that are designated as enterprise zones. I would also point out to the House that the impact of this legislation will not be until FY '86, at least as I understand it and; therefore, we have some time to deal with this issue. I think there may be a problem here, but I will share with you the same as I shared with the Sponsor of this Amendment that the school people and the tax people who are going to be affected both positive and negatively by this issue have not had an opportunity, have not had time to sit down and think this thing... this issue through. And for the two

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reasons, the redistribution and the fact that we have significant time to consider this issue for some future Legislative Session, I would suggest that we not support this Amendment, because the unknowns involved are more than the knowns. And we have sufficient time to address the issue. So, I rise in opposition to the Amendment."

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

Stuffle: "Madam Speaker, Members of the House, I think we ought to point out that there's some inconsistency in the argument here. It is clear that there are districts that would be affected as to their equalized assessed valuation, if there is abatement of corporate taxes, and clearly, that's already in the statute. That would happen. There's some question here whether or not it would. Clearly it would, if there's abatement. There's no doubt about that. Secondly, it should be pointed out, as Representative Homer did, that many districts could potentially be affected. Third, I think it's important to point out that we have looked at this issue. We've looked at the issue of different types of enterprise zones and abatement and the affect on the school aid formula, at least two or three different Bills in the last two years. I think there's been an adequate look at those ideas. This Amendment comprehensively looks at those types of tax programs, abatement programs, enterprise zone programs, so forth. It does it comprehensively. Now, while Representative Hoffman is right in saying that this has no fiscal impact until 1986, the point of it is that in terms of substantive need, we will be talking about '83/'84 school year and those subsequent to that in terms of those years that impact on '86 and out years from there in terms of fiscal years. So, we're talking about now in terms of the substance of the

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legislation. It treats everyone equally and, in fact, because of the language that requires a separate line item appropriation, it would be necessary for us to appropriate the money separate from the rest of the school aid formula. If we don't do that, then there would be no money for those districts to gain any advantage in terms of state aid. Clearly, if a district does have an abatement program, that money is held up locally, not distributed to those districts. Clearly, too, when there is an increase in the assessed value, the value of the state aid of that district goes down. At the same time the abatement produces less money locally. So, I think it's an even-handed approach to this issue, well crafted by Representative Homer, in fact, much better crafted than any of the Bills I've seen, and deals with the issue in a manner that we can all live with because of that separate line item. We're not taking from the general state aid money. We make the determination down the road whether or not to appropriate any money for this program, and I urge an affirmative vote for a well-drafted Amendment."

Speaker Breslin: "The Gentleman from Adams, Representative Mays."

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

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

Mays: "Canton had its application in for enterprise zone designation a long time ago, didn't it, and it was designated just a month or so ago? Is that correct?"

Homer: "What community?"

Mays: "Canton."

Homer: "Yes."

Mays: "When you put your application in, weren't reservations raised by the school officials about the possibility of lost revenues through the abatement advantages, the

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incentive, so to speak, for forming the enterprise zone?"

Homer: "The... The application had nothing in it insofar as I know of the school's feeling about the proposal. No."

Mays: "The school had absolutely no idea then that abatement, in the form of enterprise zone designation, would affect it. Is that correct?"

Homer: "No, that had nothing to do with the application, Representative Mays, if tax abatement will still be a decision left up to the school district."

Mays: "To the Bill, Madam Speaker. It seems like the Sponsor of this Amendment wants to have his cake and eat it, too, and I can't blame him for that. I think we all do. Clearly, on the one hand, you want to have your enterprise zone. I know the competition for that designation was extremely fierce and that we are limited by a decision from on high as to the number of zones that could be established. So, number one, they decided that they wanted the enterprise zone to promote industry, promote jobs for the youth so that those people getting out of school will have jobs and can stay in the community; and yet, on the other hand, they don't want to sacrifice anything for it. Now, Quincy went through a tax abatement question totally separate and distinct from enterprise zones, and we made it clear to all taxing bodies at that time that this is going to be the tradeoff. If you want jobs for the future, then we're going to do it, and we're going to have a short-term hurt. If you don't, then fine. We'll just keep stagnating. I think that's the kind of decision that basically every community that's applying for enterprise zones is going to have to realize, and we shouldn't make it any easier, because we are indeed limited by the competition as to how many zones can be designated. I urge a 'no' vote."

Speaker Breslin: "The Gentleman from Cook, Representative

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Leverenz."

Leverenz: "The Sponsor yield?"

Speaker Breslin: "He will yield to a question."

Leverenz: "The previous speaker referenced that these are divined on high. Could you tell me where 'on high' is?"

Homer: "I would assume that's the Governor's Mansion."

Leverenz: "If 'on high' is the Governor's Office, would you think that he is just a disgruntled person that didn't get his?"

Homer: "The previous speaker?"

Leverenz: "Yes, just previous to me. Is that why he... "

Homer: "That's a... That's a... That may be a perceptive observation, Representative."

Leverenz: "I appreciate you clearing the air on that matter, and I wanted really to know where 'on high' was. Thank you."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3. The Gentleman from Fulton, Representative Homer, to close."

Homer: "Alright. First of all, I think we need to keep clear what it is we're attempting to do with regard to the school aid formula in this state. We're attempting to maintain a minimal level of foundation support for each pupil in this state by combining property tax and state aid. The current minimal level is \$1,638 per pupil. All that this Amendment attempts to do is maintain that same amount of money per pupil, even in the event that a school district should elect to entertain tax abatement. As a practical matter, that won't happen, because the amount of taxes abated in each case very likely will largely exceed any increase in state aid as a result of this Amendment. But at least there will be some attempt to offset that, and what we're really talking about is maintaining a minimal level of support for educating the kids in this state, regardless of whether there's tax abatement, which should be our priority

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here. There is a need, I think, for immediate action, unlike Representative Hoffman indicated. We don't have time to deal with this problem. True, it will not affect any state aid until Fiscal Year '86, the reason for that being that Fiscal Year '86 state aid is dependent upon 1983 level of assessment. However, the decisions as to whether to abate have to be made now. How can... How can any district, or how can any community attract industry by delaying the decision? They have to let industry know now whether to abate, even though I agree it will have no impact whatsoever until Fiscal Year '86. There's also a need for us to be consistent and uniform, and already, with regard to tax increment legislation, we do allow for the lower E.A.V. to be used for computation of state aid. Shouldn't we be consistent in allowing tax abatement also to rely upon the real E.A.V. insofar as it would benefit the schools? I think that we do. Again, I would emphasize that we're not limiting this to enterprise zone areas. This includes any tax abatement in any community. Whether it be an enterprise zone or not, any school district can grant tax abatement if a new industry moves in from out of state or it's a new industry under certain criteria. So, we're not talking about just those areas affected, and I would again emphasize that each and every year we're going to have eight additional depressed areas in this state designated as enterprise zones; and, if we meant tax abatement to mean anything and if we have any hope of having any school district utilize tax abatement, we simply have to adopt this kind of legislation. Otherwise, it's a sham, and no school district in this state in any of those depressed areas could afford to even consider tax abatement. So, I would urge your support for this Amendment."

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Speaker Breslin: "The question is, "Shall Amendment #3 be adopted?" All those in favor vote 'aye', all those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 69 voting 'aye' and 43 voting 'no', and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #4, Cullerton, amends Senate Bill 1211."

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

Clerk Leone: "No further Amendments."

Speaker Breslin: "Has the fiscal note as amended... requested as amended been filed?"

Clerk Leone: "The fiscal note as amended is filed."

Speaker Breslin: "Has the State Mandates Act fiscal note requested as amended been filed, or has it been requested?"

Clerk Leone: "State Mandates Act fiscal note as amended is not requested."

Speaker Breslin: "Is not requested. Third Reading. Senate Bill 1222, Representative Cullerton. Clerk, Read the Bill."

Clerk Leone: "Senate Bill 1222, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, Cullerton, amends Senate Bill 1222 on page one and so forth."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, this is a technical Amendment... "

Speaker Breslin: "Excuse me. Representative Piel, for what reason do you rise?"

Piel: "Has this been printed and distributed, Madam Speaker?"

Speaker Breslin: "Mr. Clerk, has this been printed and distributed?"

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Clerk Leone: "No, it has not."

Speaker Breslin: "Excuse me, Representative. This Amendment has not been printed and distributed. What is your pleasure?"

Cullerton: "I'll withdraw it."

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

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1316, Representative Nash. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1316, a Bill for an Act to create the Revenue Bond Authority Standardization Act and amends certain Acts herein named. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "No Motions filed and no Floor Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, the Chair will now go... The Gentleman from Will, Representative Van Dwyne."

Van Dwyne: "Thank you, Mr... Madam Speaker. I filed a Motion to go as to a certain Order of Business, House Resolution 391. I filed House Resolution 391, and it was assigned by the Committee on Assignments to the Executive Committee, and as everyone knows, the Executive Committee is not meeting any longer. So, I had no other recourse but to file this discharge Motion, which I... I move with a Motion filed with the Clerk to go to that Order of Business now, please, while we have a moment."

Speaker Breslin: "Representative Van Dwyne, we would like to speak with you on that Motion. If you would take it out of the record for the moment, we will get back to you. The Order of Business that the Chair would like to go to, would be those Bills on Third Reading that are appropriation Bills that need Amendments. There are two Bills. They are

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Senate Bill 278 and Senate Bill 373. The first Bill to be called will be Senate Bill 278. Mr. Clerk, who is the Sponsor of that Bill? Representative Leverenz?"

Clerk Leone: "The House Sponsors are Leverenz - Nash."

Speaker Breslin: "Clerk, read the Bill."

Clerk Leone: "Senate Bill 278, a Bill for an Act making appropriations. Third Reading of the Bill."

Speaker Breslin: "Representative Leverenz."

Leverenz: "Thank you, Madam Speaker. I would move that Senate Bill 278 be returned to the Order of Second Reading for an additional Amendment."

Speaker Breslin: "The Gentleman asks leave to have Senate Bill 278 returned to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? There being no objections, the Gentleman has leave. Are there any Amendments filed?"

Clerk Leone: "Amendment #7, Leverenz, amends Senate Bill 278 as amended."

Speaker Breslin: "Representative Leverenz on Amendment #7."

Leverenz: "Thank you, Madam Speaker. Sorry for my interruption. Amendment #7 would provide a change on page two, line 21 by deleting '50,000' and inserting in lieu thereof '\$85,000', and on page 13 immediately after line 11 the following: 'for equipment and furnishings for Senate operations, \$80,000'. Space Needs needs the money through the Senate to pay for the completed construction and the office furnishings on the remodeling. I would move for the adoption of the Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #7 to Senate Bill 278. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #7 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the

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opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 373. Who is the Sponsor of that Bill, Mr. Clerk? 373."

Clerk Leone: "Barnes - Daniels."

Speaker Breslin: "Representative Barnes? Clerk, read the Bill."

Clerk Leone: "Senate Bill 373, a Bill for an Act to provide for the ordinary and contingent and distributive of expenses of the Department of Agriculture. Third Reading of the Bill."

Speaker Breslin: "Are there any further Amendments? Oh, excuse me. Representative Barnes."

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

Speaker Breslin: "Excuse me. Mr. Clerk, has this Bill been moved back to the Order of Second Reading?"

Clerk Leone: "It has not."

Speaker Breslin: "Okay. The Lady asks leave that the Bill be moved back to the Order of Second Reading for the purposes of an Amendment. Does the Lady have leave? There being no objections, the Lady has leave."

Clerk Leone: "Amendment #18, Leverenz, amends Senate Bill 373 as amended."

Speaker Breslin: "Representative Leverenz."

Leverenz: "Thank you, Madam Speaker. Amendment 18 to 373 would provide a technical cleanup provided by the Department. What we did was appropriate money from the Agriculture Premium Fund, and what it has to come from is from the Fair and Exposition Fund. It would be \$140,000 from that Fund, and I would move for the adoption of the Amendment."

Speaker Breslin: "Representative Barnes."

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

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

Barnes: "Could you... "

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Leverenz: "Most definitely."

Barnes: "Could you please explain to me why it went from \$100,000 when it was in the Ag Premium Fund and was increased to \$140,000 when it went to the Fair and Exposition Fund?"

Leverenz: "Yes, I'll give you the same explanation as I did when you were here at my desk. We want to be magnanimous, I think is the word, and help other people. That Fund, when money comes from it, it is 80 percent would go for the purposes as the Amendment #3, and we are allowing then 10 or 11 other communities to participate by applying for the other 20 cents on the dollar, and that is the reason for the increase in the Amendment. I think you might be named to a very high position at that fair in Cook County."

Barnes: "Representative, I've been looking for a very high position. Thank you."

Leverenz: "Thank you, Madam."

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

Ropp: "Madam Speaker, would the Sponsor yield?"

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

Ropp: "What are these funds going to be used for in those different counties?"

Leverenz: "Well, specifically, a fair in Cook County. What it really does is replaces Amendment #3."

Ropp: "Well, I think those funds from the Fair and Exposition Fund actually go for putting on of scientific projects, certain specified items in conducting the show. In those areas, it really doesn't do anything for premiums at a fair, as is done through the Ag Premium Fund. Just so everybody knows where you're putting it."

Ropp: "Would you make your last statement again, Sir, so I understand?"

Leverenz: "I say, I think those monies that come from the Fair

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and Exposition Fund, which are based on the population of the community in which the fair is located, are to be used specifically in the categories of, I think it was for exhibits such as scientific exhibits, research exhibits, educational exhibits and so forth. And that's what it's used for in conducting the fair."

Ropp: "Right. We will be expanding the fair. It is going to be located almost adjacent to IIT, and we will have the appropriate scientific exhibits there, too. Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Piel, for what reason do you rise?"

Piel: "Question of the Clerk, Madam Speaker. Has this been printed and distributed?"

Speaker Breslin: "Yes, Representative Piel, the Amendment has been printed and distributed."

Piel: "We do not have it over here."

Speaker Breslin: "Pardon?"

Piel: "None of us have it over here."

Speaker Breslin: "Would the Republican Pages please distribute this Amendment to those people who do not have it? That's Amendment #18 to Senate Bill 373. Representative Leverenz, for what reason do you rise?"

Leverenz: "Thank you, Madam Speaker. As a point of order, I have filed also a Motion to table Amendment #3, since this is replacing that. Is it appropriate to handle that Motion first, and then the Amendment?"

Speaker Breslin: "No. We will come back to you to handle that Motion after this Motion."

Leverenz: "Thank you for your direction."

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

Leverenz: "Thank you. The Amendment replaces Amendment #3, which will I... will move to table. It will take care of the

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Cook County Fair and apply... allow other monies to be applied for by either 10 or 11 other fair and expositions around the state. I would move for the adoption of Amendment #8 (sic-#18) to Senate Bill 373."

Speaker Breslin: "The question is, 'Shall Amendment #3 (sic-#18) be adopted?' All those in favor say 'aye'..."

Leverenz: "18."

Speaker Breslin: "Excuse me. 18. Amendment #18. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Representative Leverenz is now recognized on Amendment #3."

Leverenz: "Thank you, Madam Speaker. I would move that Amendment #3 be tabled. We just replaced it."

Speaker Breslin: "The Gentleman moves to table Amendment #3. Is there any discussion? There being no discussion, the question is, 'Shall Amendment #3 to Senate Bill 373 be adopted... be tabled?' And the question... All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is tabled. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen. Ladies and Gentlemen, may I have your attention? On the Consent Calendar on page 21, there appear a number of Bills that are the agreed list Bills. There are 18 Bills on that Order of Business on which Amendments are filed. There are three of those Bills that have been objected to. What Leadership has worked out is an agreement that these 18 Bills will be brought back to Second for purposes of an Amendment. It will include those three Bills upon which objections have been filed. The purpose for that is so that there may be a possibility that the Amendments will

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eliminate the objections. So, we're going to allow those Bills to be amended and perhaps the objections will be removed. So, I would ask the Clerk right now to read those Bills to you in the record, and we will then allow one hour for the Membership - at least one hour for the Membership to study all of the Bills and the Amendments filed and also for them to be... all of the Amendments to be printed and distributed, and then we will go to that Order of Business. Representative Piel, for what reason do you rise?"

Piel: "Yes, Madam Speaker, a question of the Chair. So we don't run into any posturing problems as far as these different Bills go, have all... all the Amendments that we're talking about, are they on the Members' desks at the present time, or what happens if that hasn't been distributed? Where... What's the posture of that specific Bill?"

Speaker Breslin: "Mr. Clerk, could you answer that question?"

Clerk O'Brien: "All the Amendments are now printed."

Speaker Breslin: "Are they distributed?"

Clerk O'Brien: "And they are distributed."

Speaker Breslin: "Would you read the Bill numbers, Mr. Clerk?"

Clerk O'Brien: "The Bill numbers involved on page 21 of your Calendar is Senate Bill 128 and Senate Bill 142; on page 23 of your Calendar, Senate Bill 346 and Senate Bill 428; on page 24 of your Calendar, Senate Bill 492; on page 25 of your Calendar, Senate Bill 721; on page 26 of your Calendar, Senate Bill 835 and Senate Bill 860; on page 27 of your Calendar, Senate Bill 864, Senate Bill 882, Senate Bill 923 and Senate Bill 933; on page 28 of your Calendar, Senate Bill 953, Senate Bill 983; on page 29 of your Calendar, Senate Bill 1073 and Senate Bill 1104 and Senate Bill 1120; and on page 30 of your Calendar, Senate Bill 1220."

Speaker Breslin: "Are you finished, Mr. Clerk?"

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Clerk O'Brien: "That's all."

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

Hastert: "Would the Chair care to tell us what Bills were knocked off the Calendar so we know that, too?"

Speaker Breslin: "Mr. Clerk, can you provide us with that information? The three Bills... "

Clerk O'Brien: "At this... At this point, the three Bills involved with the Amendments that were taken off... The Bills involved that have Amendments that are objected off, is Senate Bill 346, Senate Bill 835 and Senate Bill 953."

Speaker Breslin: "Thank you, Mr. Clerk. Now, we will go back to that Order of Business where we were waiting for Amendments to be printed and distributed. These were Bills that are on the Special Order of Business for Economic Recovery for Friday, June 24. These Bills need Amendments. The first one is Senate Bill 1001. I believe that's Representative Leverenz' Bill. Is that correct? Representative Rhen's Bill. Excuse me. Representative... Clerk, read the Bill. Senate Bill 1001."

Clerk O'Brien: "Senate Bill 1001, a Bill for an Act to create the Illinois Job Training Coordinating Council. Third Reading of the Bill."

Speaker Breslin: "Representative Rhen."

Rhen: "Madam Speaker, I'd like to have Senate Bill 1001 brought back to Second Reading for Amendments."

Speaker Breslin: "The Gentleman asks leave to return Senate Bill 1001 to Second Reading for the purposes of an Amendment. Does the Gentleman have leave? There being no objections, the Gentleman has leave. Second Reading. Representative Rhen."

Clerk O'Brien: "Amendment #1, Rhen, amends Senate Bill 1001 on page two and so forth."

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Speaker Breslin: "Representative Rhem."

Rhem: "Amendment... Senate Bill 1001, page two, deletes lines 17 through 24 and inserting in lieu of the following: 'At least four members selected pursuant to this Subsection (d) shall be representatives of organized labor. Members shall, pursuant to Subsections (a), (c) and (d), shall serve for a term of three years. Pursuant to Subsections (a), (c) and (d), one-third of the membership selected pursuant shall serve for a term of one year, one-third shall serve for a term of two years, one-third shall serve for a term of three years. A majority of the members of the Council shall constitute a quorum. The affirmative vote of the majority of members voting, but not less than 15 of the members of the council, shall be necessary to approve a resolution or a motion placed before the council. The council shall meet at least quarterly. Written notices of meetings including a proposed agenda shall be sent to all members of the Council at least ten days prior to the scheduled date of the meeting.' I ask for the adoption of this Amendment #1."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #1 to Senate Bill 1001. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Rhem, amends Senate Bill 1001 on page five by deleting line 10 and so forth."

Speaker Breslin: "Representative Rhem."

Rhem: "Amendment #2 to Senate Bill 1001: 'No funds from the Job Training Partnership Act may be utilized by any state agency or service delivery area to change persons to

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occupations or substantially similar to occupations from which workers have been laid off or displaced. Prior to initiating any training programs, each service delivery area of the programs operating shall consult with the labor organizations with respect to job descriptions, wages, rates, training status and et cetera. Attain written concurrence from the appropriate bargaining agencies. In the event of a work stoppage situation, no participant in work experience may be placed into or remain working in any position which is affected by labor disputes involving a work stoppage." I request the passage of this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to Senate Bill 1001, and on that question, the Gentleman from Adams, Representative Mays."

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

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

Mays: "Under Amendment #2 then, what you're saying is that nobody will be entitled or be avail... be able to get job training without a signoff from a labor representative. Is that correct?"

Rhem: "Only where there's a contract in effect in that particular area."

Mays: "So, only if that person is a member of a labor organization will the signoff be required for him to get the training? Is that... "

Rhem: "No, no. The whole program... It's... It's... We want to make sure that their wages are no lower than the union people."

Mays: "Their wages for what?"

Rhem: "The union laborers, you know, in case of a... of a strike."

Mays: "You want to make sure that their wages are no less than

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that of union members, is that correct? Is that what you said?"

Rhem: "At least so the unions are aware of it."

Mays: "My concern is under Section 10 in this Amendment, 'prior to initiating any training programs, any service delivery area or its program operators shall consult... (1) consult with labor organization representing employees in the service delivery area'. This could be any union in a given area, no matter how big that area is. Is that correct?"

Rhem: "Well, under the Jobs Partnership Act, the state is divided into different regions, and each region will have their own local PIC Council, and then you want to have to at least consult with the local union organization within that region."

Mays: "Well, I have no problem with #1 under Section 10, but #2 is 'obtain written concurrence from the appropriate bargaining agent, where a collective bargaining agreement exists with participating employer covering occupations'."

Rhem: "Yeah, that would show evidence of consultation."

Mays: "Okay. This is... This would apply then in a case where a company wants to train new workers. That company is in... currently represented by a given unit, and then the unit has to sign off for who the workers are to be trained? Is that the gist of this Amendment? I'm not trying to be picky. I just want to know what this does."

Rhem: "If they're getting a grant from the Job Partnership Training Act, then they will have to let the local union organization know."

Speaker Breslin: "The Gentleman from Hardin, Representative Winchester."

Winchester: "Thank you, Madam Chairman. Would the Gentleman yield for a question?"

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

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Winchester: "Representative Rhem, I'm concerned and I ask if you're concerned, if this Amendment is adopted and other Amendments that may be offered, how will this... how could this jeopardize our relationship with the Federal Government and the program that the Federal Government outlined to the State of Illinois to follow, and now we're trying to amend guidelines that we're expected to follow by the Federal Government?"

Rhem: "Not at all. The federal law allows the states to set up its own, you know, regulations."

Mays: "Well, I'm sure that you feel... "

Rhem: "I've been informed that we've done less than most other states."

Mays: "Well, I have no doubt that you feel that that's the absolute correct answer, but I'm of the opinion that it's otherwise and that, also, this type of Amendment could jeopardize the whole program for the Department of Commerce and Community Affairs and could cause us to have a considerable amount of difficulties with the Federal Government and perhaps even jeopardize the funding. And I think the Membership ought to be very careful before they adopt Amendments like this, or the Bill, if this Amendment is adopted."

Speaker Breslin: "There being no further discussion, the Gentleman has moved for the adoption of Amendment #2. Representative Rhem to close."

Rhem: "I think both of these... I think Amendment #2 is a good Amendment, Madam Speaker, and I would like for the adoption of it."

Speaker Breslin: "The question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the... All those in favor vote 'aye', all those opposed vote 'nay'. Have all voted who wish? The

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Clerk will take the record. On this Amendment, there are 66 voting 'aye' and 40 voting 'no', and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "On this... On this Bill, a fiscal note was requested, and the fiscal note has been filed. Third Reading. Senate Bill 1002, Representative Leverenz. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1002, a Bill for an Act to establish high impact training service programs. Third Reading of the Bill."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? There being no objections, the Gentleman has leave."

Clerk O'Brien: "Amendment #4, Leverenz, amends Senate Bill 1002 on page three."

Speaker Breslin: "Representative Leverenz."

Leverenz: "Thank you, Madam Speaker. Amendment #4 I've explained twice, but I'll kind of go through it in detail again. The first part of the Amendment would provide that you would not be training people in those jobs where layoffs and big layoffs have occurred prior. So there's no reason to train people for something that's not there. The second part would provide that they would obtain written concurrence from an appropriate bargaining agent where a collective bargaining agreement exists. If one doesn't exist, then you don't have to get the concurrence. The second... next part... third part provides for keeping of records, which would be the evidence that they'd maintain, and the last part would be that you cannot replace striking employees with the trainees, and I would move for the adoption of the Amendment and entertain any questions from the

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distinguished Gentleman from DuPage, Mr. Hoffman."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #4. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #4 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. All those in favor vote 'aye', all those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 65 voting 'aye' and 47 voting 'no', 1 voting 'present', and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1026, Representative Mautino. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1026, a Bill for an Act to amend an Act to create the Small Business Division in the Department of Community... Commerce and Community Affairs. Third Reading of the Bill. This Bill has been taken back to Second and held."

Speaker Breslin: "Are there any Amendments filed?"

Clerk O'Brien: "Amendment #1, Mautino, amends Senate Bill 1026."

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you, Madam Speaker. I'd like to withdraw Amendment #1."

Speaker Breslin: "Withdraw Amendment #1. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Mautino."

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you very much. Ladies and Gentlemen of the House, Amendment #2 to Senate Bill 1026 leaves in tact the original provisions of the Bill and further provides that

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the retraining funds may not be used to train persons in occupations similar to those in which workers have been laid off in the prior year due to a change in ownership or movement of the facility. It has all the same provisions in the Amendment that are now currently in the Federal CETA Act as it pertains to the use of the Job Training Program funds. I would like to relate to you the rationale for the first portion of that Amendment that starts on line 30 of page two. In Kewanee, Illinois, in the 'Shellco' Case, a new employer, doing the exact same fabrication, was successful in obtaining revenue sharing bonds from the city and at the same time using the CETA funds for retraining employees while at the same time laying off all of the employees of the factory. There was an available work force in that regard, and I thought that the funds used under that particular provision should not be used to train other individuals when, in fact, that same work force doing that same job was in place at that time. That is the rationale and the reasoning for Amendment #2 to Senate Bill 1026, and I move for an adoption."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #2 to Senate Bill 1026, and on that question, the Gentleman from DeWitt, Representative Vinson."

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

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

Vinson: "Representative, I... I was unable to hear part of your explanation regarding the collective bargaining aspects of this. Would you explain that part to me again?"

Mautino: "The provisions in the Amendment address the exact same language that is currently under the rules and regulations for the CETA funding. They were taken from that Act. There is no change. It is the same labor protections and the writeoffs that are currently there now."

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Vinson: "To your knowledge, is anyone opposed to this Amendment?"

Mautino: "I was informed approximately two minutes ago that Ken Kirby has submitted the Amendment to the staff attorney at DCCA. He has now received a response. He says that he may have some concern in the area of line 34 which says 'due to a change in ownership or due to a change in location from one area of the state to another area in the state'. That's the opposition that I have heard as of two minutes ago, Sam."

Vinson: "Okay. Now, that... that aspect would basically say that no funds from the training program - industrial training program - could be allocated to a firm which had moved from one part of a state to another part of the state?"

Mautino: "What it says is that the funds for retraining in a dislocated workers could not be used from a Job Training Program Act if there were those same individuals doing that same job in that same classification in that area of which theyve moved to."

Vinson: "I have no further questions."

Speaker Breslin: "The Gentleman from Hardin, Representative Winchester."

Winchester: "Representative Mautino, in regards to the industry that you mentioned in your... your opening comments, wasn't it true that when the Department of Commerce and Community Affairs was notified that that type of a problem existed, that they immediately took action against that gentleman... against that firm?"

Mautino: "I was informed that they contacted them. I don't know what action was taken right offhand. As it pertains to...
"

Winchester: "Well, it's my understanding that that gentleman won't get any... any additional funds."

Mautino: "But he did receive the funds... "

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Winchester: "In the first place."

Mautino: "In the initial proposal, he has used those funds while those same individuals, doing that same job, are still unemployed."

Winchester: "My concern was is whether the Department of Commerce and Community Affairs knew that that's how he was going to use those funds. It's my understanding that they did not. When it was brought to their attention, they... they sought to resolve the situation properly. It's my understanding that there are some... some problems, perhaps, in the Amendment that you would hope that we could correct those in a Conference Committee. Is that correct?"

Mautino: "If it goes there, and if that problem concerning the area of the state to another can be addressed by... "

Winchester: "These are concerns that DCCA have that... that you're willing to... to work out with, if it goes to a Conference Committee?"

Mautino: "Ken Kirby addressed those, and I'm... I'm willing, if that causes a great problem, I'm sure that that can be... "

Winchester: "Thank you. Then, based on those comments, I think we ought to support the Amendment."

Speaker Breslin: "The Gentleman from Edgar, Representative Woodyard."

Woodyard: "Thank you, Madam Speaker. Would the Sponsor yield?"

Speaker Breslin: "The Sponsor will yield."

Woodyard: "Representative Mautino, when you indicated several weeks ago that... that this Bill was kind of a vehicle Bill, I didn't realize it was going to be a submarine rather than a freight train, but it certainly looks like it's become that. A couple of questions. Isn't the intent of the use of the federal funds for retraining, how can we put in there that it has to be for the same occupation? Is this in compliance with the federal guidelines, do you

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think?"

Mautino: "This is... This is a state program, GRF funds."

Woodyard: "The other thing, on page three, starting with line 12, why did you put in there that they must obtain written concurrence from the unions?"

Mautino: "That's how you maintain the records, and that's the existing... "

Woodyard: "Oh, I understand that."

Mautino: "... existing avenue in procedure."

Woodyard: "Don't you think that this would severely handicap the program of ITP?"

Mautino: "It's how you track... It's how you track and get a record of the... the training that you're doing, starting from line 12, basically. It's either GJT or... or the VP program, and you follow it by tracking with a written evaluation, yes."

Woodyard: "Okay."

Mautino: "They don't... They don't have to submit them. All you've got to do is maintain them - the company and the department - so they can track it. If you'll go down to line 23, it will.. it says 'maintain evidence of the results of such consultation and concurrence'."

Speaker Breslin: "The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Madam Speaker. Will the Gentleman yield? Dick, going to this Section on page two, line 30 that was questioned, you have, 'no funds from the Industrial Training Program may be utilized to train persons in occupations or substantially similar occupations from which workers have been laid off'. I think I know what you're getting at. You don't want to be spending money training people for one company when there's another company that's laid off substantially the same. By the same token, haven't ITP funds been used in the past for

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such things as indoctrinating workers at new companies to the philosophy of that company and how its management operates and what they expect and things like that? It's not just equipment operator, so to speak, but it's... I mean, ITP goes far beyond that; and, by limiting it in this way, wouldn't you indeed be limiting the flexibility of the Program as it is right now? We can't fashion it to the needs of that given employer, or indeed, a lathe operator on one machine may not be trained to operate another lathe. Are we not limiting the flexibility of the Program by adopting this Amendment?"

Speaker Breslin: "Representative Mautino."

Mautino: "In most cases, the lathe operator can operate all lathe operating machines, number one."

Mays: "That was just an example."

Mautino: "Oh, okay."

Mays: "Let me give you a specific. A... A boiler maker is a boiler maker whether it's for Kewanee Boiler or 'Shellco'. They work the same type of process, the same type of welding, the same type of... of job description. I find it very difficult to accept when we have professionals and experienced individuals in... in that line not having the opportunity to be rehired because they are using state funds to train someone else in the same community to do the job that there's experience in. I think that's a waste of money, and I wouldn't like to see it... I think it could be used much better. I'm not trying to put it into a tunnel vision provision, but if, in fact, that's the case, where there is substantially the same type of employee with the same qualifications, we should put back to work those people who have been laid off in that type of an instance."

Mays: "Is there anything that prohibits those people from being rehired and funds being used for them right now? I think

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what you're going to get into is what if Kewanee goes out of business, Kewanee Boiler Makers goes out of business? And you... You're hustling like mad. You've already made your statements to the press. You're going to do everything you can to get a new company in there, and it's going to be a substantially similar operation, and you're concerned about the jobs and concerned about getting the company in there. If you go with this, this would be one less source of fundings or inducement for that subsequent company to have in the package, and I, you know, that's my concern with this Amendment."

Mautino: "Well, basically, I'd like to point out that starting with line 35, it says 'nothing in this Section shall be construed to mean that such laid off or displaced workers cannot receive training in occupational areas other than that occupation in which they were employed'. So therefore, I think... I'm trying to respond by saying yes, it's a tool, but lets put people back to work that are experienced in the field and spend the money on something and someone else who needs training in another area."

Mays: "To the Amendment. I know what he's trying to get at. I think it's a good effort. I'd like to... I would hope we could target it a little bit more specifically when we get into a Conference Committee, but at the moment, I think it takes away some of the flexibility which some people might rightfully call a little wasteful, but it's the flexibility to entice a business into your area using these funds. And so I won't be supporting the Amendment. I know it's probably going to get on. It'll go to conference. I hope we work on this Section in a good-faith, bargaining effort."

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

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Mautino: "Thank you very much, Madam Speaker. I certainly do not support flexibility for any possible waste in any program, specifically one that's a state program that's picked up out of General Revenue. I do think, though, that when we have workers available and experienced, we should put those individuals to work. I do not believe that with a change in management those individuals should be on the street, and someone not at all familiar with their... their positions be retrained to do that same position. I think that the Amendment's a good one and should be adopted."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to Senate Bill 1026. All those in favor vote 'aye', all those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 78 voting 'aye', 34 voting 'no', none voting 'present', and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "The Gentleman from DeWitt, Representative Vinson, for what reason do you rise?"

Vinson: "Mr. (sic - Madam) Speaker, Amendment #2 to Senate Bill 1026 changed the title of the Bill. Pursuant to Rule 36, I would request, which is my right, that that Bill re... be returned to Second Reading, First Legislative Day."

Speaker Breslin: "Did you hear the Motion, Representative Mautino?"

Vinson: "Speaker, that's not a Motion."

Mautino: "Madam Speaker, I would, at this time, like to suspend the appropriate... the appropriate rule to move this legislation to Third Reading."

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

Vinson: "Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the

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House, I rise in opposition to the Gentleman's Motion. We are at a very late stage in the Session here. We're putting an Amendment on that has not been before a House Committee nor, to the best of my knowledge, before a Senate Committee. We are dealing with whole cloth, with new cloth, on a subject that is of very substantial importance to thousands of small businesses around this state. I do not believe that without substantially further review of this material, that we ought to be acting on it. Now, the purpose for the particular Rule which I've invoked, and which the Gentleman seeks to suspend, is to give the Assembly the opportunity to fully study the matter at hand, to let the Amendment sit there for a couple of days so that we can study it. Now, my Motion, or my request, does not have the affect of killing the Gentleman's Bill or killing the Gentleman's Amendment. We're sitting here on Thursday. The Bill can be on First Legislative Reading... First Legislative Day on Friday. On Saturday, it can be on Second Legislative Day, and if anybody wants to take a crack at it, wants to improve it, wants to refine it, has discovered a problem in it, they can do so, and on Sunday it can be on Third Reading. On Monday, it can be on Third Reading, and we have the opportunity to deal with it substantially. There's full opportunity for the Gentleman to have his Bill heard, to pass his Bill if he can convince a majority of the House that it should be passed. But there's no reason why we need precipitate action on this, and there is no reason why a new concept just now brought before the House should not be subjected to full scrutiny, and for those reasons, I rise in opposition to the Gentleman's Motion to suspend the Rule and would urge everyone to vote 'no' on it. Request a Roll Call."

Speaker Breslin: "Representative Mautino has moved to suspend

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Rule 36 (d). That Motion requires 30... requires 60 votes. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this Motion, there are 70 voting 'aye' and 42 voting 'no', and the Motion carries. The Rule is suspended. This Bill goes to Third Reading. Leave to keep it on Short Debate. Is there any objection? No objections. Objections have been raised. Representative Mautino, for what reason do you rise?"

Mautino: "Point of personal privilege, in response to my good friend, Representative Vinson. Sam, I just wanted to make sure that you didn't have to spend a lot of time this evening and maybe tomorrow evening studying the Amendment and the Bill. I'm sure that on Friday evening and Saturday this is probably the most important piece of legislation that you would have on your mind, and I certainly want... didn't want to detract from the time-consuming effort that you will be putting in to evaluate that legislation. So, I thought it best that we... we do it this way. Thank you very much."

Speaker Breslin: "Ladies and Gentlemen, for an announcement. Please be advised that Senate Bill 1120 had been read as being on the Consent Calendar and as having an Amendment filed that we would be considering at a later time today. That Amendment has been withdrawn on Senate Bill 1120. So you need not bother to study that particular Bill. In addition to that, there has been one more Bill of the 18 Bills read upon which an objection has been filed. That is Senate Bill 492. An Amendment has been filed, and it will be heard at a... at a later date, but there are four Bills now instead of three upon which an objection has been filed. For purposes of clarification, Ladies and Gentlemen, it is understood that the Members have control

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of their Bills. These Bills that we have announced, the 18 in number that have Amendments filed, the Sponsors still may not wish to have their Bill returned to the Order of Second Reading. That is the Spncscr's prerogative, and that prerogative will be granted. Is that clearly understood by all Members? Very good. Representative Piel, for what reason do you rise?"

Piel: "A question, Madam Speaker. I noticed that you said that the Amendment on 1120 has been withdrawn."

Speaker Breslin: "Yes."

Piel: "According to the Calendar, there is no Amendments, and according to our records, we've got two Amendments. Now, is this 1 and 2, or 1, or 2, or what?"

Speaker Breslin: "Mr. Clerk, can you clarify that issue?"

Clerk O'Brien: "There is still an Amendment #2 on file, here. Evidently, 1 was withdrawn or taken back."

Speaker Breslin: "Representative Piel."

Piel: "Let's see, when the Clerk was talking about Amendment #2 was the one that was withdrawn, correct?"

Clerk O'Brien: "No, #2 is still on file."

Piel: "Okay then, there must have been a mistake as far as the Chair was concerned. She said that there would be no Amendments on that. 2 is still... We will still be going to 2 then, on that, correct?"

Speaker Breslin: "That... That is correct. We had been advised that there was only one Amendment filed and that it was withdrawn. We... We now find that Representative Hastert has filed Amendment #2, and it is... he would like to withdraw that also, we understand. So... "

Piel: "So, 1 and 2 have both been withdrawn. Fine. Thank you very much."

Speaker Breslin: "... 1 and 2 have both been withdrawn. Very good. The hour of 4:00 having arrived long ago, we will

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now go to the Special Order of Business, Environmental Protection. Representative Matijevich in the Chair."

Speaker Matijevich: "The first Bill is Senate Bill 171, O'Connell, which appears on page eight of your Calendar. Is Representative O'Connell in his... Alright, he's getting ready. The Clerk will read the Bill."

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

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

O'Connell: "Thank you, Mr. Speaker, Members of the House. Senate (Bill) 171 is a companion Bill for House Bill 12 which we passed out of the Body something like 112 votes to zero. The Bill is an attempt to rectify what I and many other Members of this chamber considered an oversight in 1981, when we enacted Senate Bill 172 into law. 172, if you may recall and for the edification of those Members who were not here at the time, provided a site selection procedure for landfill facilities that moved into an area, either a municipality or an unincorporated area of a county. When that occurred, prior to their receiving approval from the EPA to get an operational permit, that landfill facility was required... or is required to go to the municipality or, if an unincorporated area, to the county board and get their approval prior to going into the landfill facility. The Speaker would like... "

Speaker Matijevich: "The Gentleman from Cook has moved for the passage of Senate Bill 171. There being no discussion, the question is, 'Shall Senate Bill 170...' Oh, I'm sorry. Representative... Representative Hoffman from DuPage County."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I'm sorry I was off the floor for a few

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moments and did not get back on the floor. I'd just like to ask the Sponsor a couple or three questions... "

Speaker Matijevich: "One moment, Representative Hoffman. Representative O'Connell, for what purpose are you seeking recognition?"

O'Connell: "Could I take this out of the record?"

Speaker Matijevich: "Out of the... Leave to take Senate Bill 171 out of the record. Leave, and 171 will be out of the record. Senate Bill 222, Barnes - Hoffman, is on page 22 of your Calendar, on Consent Calendar. With the leave of the Sponsors, that Bill will be heard on the Consent Calendar. Senate Bill 448, Van Duyn - Mautino, appears on page 12 of the Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 448, a Bill for an Act to amend the Civil Administrative Code of Illinois and amends an Act in relation."

Speaker Matijevich: "The Gentleman from Will, Representative Van Duyn, on Senate Bill 448. Representative Van Duyn."

Van Duyn: "Thank you. Thank you, Mr. Speaker. The background of Senate Bill 448 is this; that the Department of Nuclear Safety is authorized, by existing statutes, to acquire and purchase acceptance or, by exercise of eminent domain, any and all lands, buildings and so on which radioactive wastes can be stored or disposed. This authority, in effect, gives the Director of the Department the power to make decisions where a nuclear waste facility is to be located in Illinois. No such siting authority currently exists for spent fuel or reprocessing facilities. This legislation has been introduced in response to the possibility that such a low level radioactive waste disposal facility may soon be developed in Illinois, as we all know. The General Assembly is currently considering entering into the Midwest Interstate Compact in a low level radioactive waste in

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Senate Bill... House Bill 2106 and Senate Bill 1081. As we all know, Senator Joyce's Committee has held 2106 in Committee. I know not what happened to Senate Bill 1081, which would provide for the establishment of a multi-level regional radioactive waste disposal facility. The Compact establishes a regional commission which, upon two thirds vote of the number of member states can designate the state, etcetera, etcetera. This is a good chance that if Illinois enters into the Compact, the state will be designated as a host state. If Illinois does not enter into the Compact, it will be required to develop its own level... low level waste facility. The purpose of the Bill is to require the General Assembly's siting approval on any low level radioactive waste or spent fuel rods facility. That, basically, is the general genesis and the idea of the Bill. Representative Mautino can close on this, and we'd be happy to try to answer any questions that any Member might have."

Speaker Matijevich: "Representative Van Duynes has moved for the passage of Senate Bill 448. On that, the Gentleman from DuPage, Representative Olson. Oh, Nelson, I'm sorry."

Nelson: "Thank you very much, Mr. Speaker. A question of the Sponsor."

Speaker Matijevich: "He indicates... Representative Mautino is... He yields to Representative Mautino. Proceed, Representative Nelson."

Nelson: "Representative Mautino, it seems odd that we need this Bill. Would you explain to me why, if we pass the Compact legislation, and if we pass the companion legislation that gives a great deal of power to the Department of Nuclear Safety to insure that there is public hearing, that there are licenses for transporters and so on and so on, why we need this particular piece of legislation?"

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Mautino: "In response, Representative Nelson, I'd like to clarify a couple of things. Number one, the Senate has not addressed the Compact question. The Committee which is holding that legislation is holding very strong to it. The recommendation of the Chairman is that there be public hearings on the question. In that regard, Senate Bill 448 provides for the avenue and the availability for public hearings and public input to possible... property... to property owners adjacent to or surrounding the possible areas for consideration. The concern of the Sponsor, Jerry Joyce, on this question was that there has been no public input, and as Representative Van Dwyne presented to you, there is no other proposal alive at this time, since the legislation addressed is in the Study Committee, I... I think the Study Calendar, held in Committee in the Senate. I think that it also offers the protections that there won't be any action on this question until it is expressly authorized by state law, and that is after the hearing process. That's why we need this legislation, to allow input by citizens, interested individuals and groups on the question."

Nelson: "Isn't it true that when the Senate Sponsor was in Committee he testified on the record that this Bill would not pass in its present form and would, in fact, be amended substantially?"

Mautino: "I believe his remarks were, if not the same, pretty close to what you've presented. I think he has some ideas of what is needed, maybe incorporating some of 2106, 2234 and also his proposal here. He has not told me exactly what he wants to do with it yet."

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

Speaker Matijevich: "Representative Nelson, proceed."

Nelson: "Thank you very much. What I just recited from the

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Committee hearing is the truth. The Senate Sponsor of this Bill did testify in Committee that the Bill would, in fact, go no farther until it was substantially amended. The Senate Sponsor of this Bill and I agree that there should be safeguards for local communities, that there should be powers given to the Illinois Department of Nuclear Safety, that, in fact, we should pass companion legislation and ensure that the siting process for any low level nuclear waste disposal site is guaranteed safe for more than a hundred years. What we do disagree on is the process itself. And this particular Bill speaks to that process.

I am certainly not against any of the safeguards that any of those in opposition to the Compact might want to build in. But I am opposed to this particular Bill, not only because the Sponsors are apparently proceeding with it in contradiction to what was testified to in Committee, but also because it makes the process so very difficult that I feel we will not ever be able to proceed with a site. The General Assembly, in approving the Compact, approves the beginning of a siting process that involves joining a group of states in the midwest, setting up a commission, choosing a host state and then the power passes back to that host state. And under House Bill 2234, it becomes the power, or it becomes under the purview of the Department of Nuclear Safety to choose a contractor and then to choose, after that, three different sites and then to narrow those sites down. It is a long, long, long, complicated process with a great deal of public input built in, and also a chance for local communities who might wish to have a site to volunteer. What Senate Bill 448 would do is then require, once again, approval by the General Assembly of the particular site and that will grind the process to a halt. It is for these reasons that I would ask you to vote 'no'

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on Senate Bill 448. It is not a good idea at this time."

Speaker Matijevich: "Representative Vinson, were you seeking recognition? The Lady from Marshall, Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would call to... I would speak to reaffirm what Representative Nelson has just said about the Committee hearings on Senate Bill 448. The Senate Sponsor of the Bill came to our Committee and indicated his desire to see the Bill get out of Committee, but that it would change its shape dramatically from that that was in Committee. And we have not seen any further work done on this piece of legislation. Apparently, he still has changes in mind for this Bill, but we have no idea what those changes might be. Now, site location for this is a very complex and highly technical matter, and it is something that needs to be approached in a deliberative manner. And, apparently, we do not see this happening at this point. Therefore, I think that it is important that we defeat this legislation, because it is not in the form that it will... that it should be in order to pass out of the House. So I would urge a 'no' vote."

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

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

Speaker Matijevich: "Representative Flinn has moved the previous question. The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'... say 'aye', those opposed say 'no', and the previous question is put. And Representative Mautino to close, and would M. M. come up here quickly? Representative Mautino to close."

Mautino: "Thank you very much, Mr. Speaker. In response to the Ladies that presented their case, I would like to make

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mention of the fact that this legislation has been out here and available for Amendments. No one has presented Amendments to the legislation for any of their concerns. I agree in total. They gave this House the argument that Representative Van Dwyne and I gave the Committee. There were not protections for the people of the State of Illinois in 2106. I am happy with this Bill in its current posture at this time that authorizes anything that will be done with the multi-state Compact can only be done after this General Assembly or future General Assemblies have input by statute. It also curtails the purchase of any property, any buildings, et cetera, that would be in collusion, as it pertains to... maybe collusion is not the right word, but in consort with the multi-state Compact. I'm happy with the protections for public hearings on the question. I think, in its current form, it is very acceptable to me. It is acceptable, as well, to Representative Van Dwyne. Since there are no Amendments on it, I am taking the posture that the Senate Sponsor, therefore, has no opportunity to amend it any further. There is no reason for anyone to be concerned about anything that would possibly happen to this legislation, because the only thing that could happen is it could get out of here. There was no Amendments on it. It would go to the Governor for his consideration. There could be nothing else placed on that legislation. So, therefore, I ask for an 'aye' vote."

Speaker Matijevich: "Representative... Representatives Van Dwyne and Mautino have moved for the passage of Senate Bill 448. The question is, 'Shall Senate Bill 448 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. The Gentleman from McLean, Representative Ropp, one minute to explain his vote."

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Ropp: "Thank you, Mr. Speaker and Members of the House. I certainly do not feel that this Body, though wisdom that we all possess, have the technical expertise to know exactly where and how these wastes should be disposed of. I am very much supportive of the Compact approach, and it is my judgment that the passage of this Bill will place that Compact proposal in jeopardy and; therefore, I vote 'no'."

Speaker Matijevich: "The Gentleman from Cook, Representative Marzuki, one minute to explain his vote."

Marzuki: "I... Mr. Speaker, Ladies and Gentlemen of the House, I don't believe that this should hurt the Compact in any way. I happen to support the Compact, and I can support this Bill because it represents legislation that is in place. It cannot be implemented until this Body does the kind of work that is necessary to implement it. I do not see that it will be a danger to anything. It will give us time to reasonably consider what I and every other Member of this Body should consider a very bad Compact thus far. We have time..."

Speaker Matijevich: "Gentleman... Gentleman bring his remarks to a close."

Marzuki: "We have to be responsible for our own wastes, and I think that if we can get other states involved, that's great, but let's get something in now."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 78 'ayes', 26 'nays', 11 voting 'present', and Senate Bill 448, having received the Constitutional Majority, is hereby declared passed. Senate Bill 467, Wolf - Neff, on page 23, is on Consent Calendar. With permission of the Sponsors, it will remain and be called on Consent Calendar. Senate Bill 57 (sic - 578), Hannig, is on page 13 of the Calendar. Clerk will read the Bill."

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Clerk O'Brien: "Senate Bill 578, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "Representative Hannig on Senate Bill 578."

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

One of the problems we have found in recent times is that when people who live near a hazardous waste site wish to find out what is being buried in that particular site and approach the EPA, they oftentimes are unable to find out from the EPA what exactly is being buried there. What this Bill would provide is that when the generator of the waste stream fills out his EPA special waste stream application form, that all the information on that form would become public knowledge, so that, I, as a neighbor of that site, could go and ask for the information on that, and that information would include an analysis of the chemicals that are being put into that site. As amended, this Bill is agreed to, I believe, by all parties and, consequently, does offer no problems to any folks concerned. I think that it is a step forward in that it will provide, by law, and clarify by law what people are entitled to have in this area, and I would ask that we vote 'yes' on this Bill."

Speaker Matijevich: "Representative Hannig has moved for the passage of Senate Bill 578. On that, the Lady from Marshall, Representative Koehler."

Koehler: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I wish to commend the Sponsor for working very hard with us on an Amendment that would make this... this Bill acceptable to most Members of the House of Representatives. Essentially, this is basically a right-to-know Bill that presumes that if the public has adequate access to such information as would be contained on this, that it can better protect itself against threats to public health, safety and the environment. I wish to

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offer my support for this legislation in hope that the Members of the House will join with me. Thank you."

Speaker Matijevich: "There being no further discussion, Representative Hannig has moved for the passage of Senate Bill 578. The question is, 'Shall Senate Bill 578 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 115 'ayes', no 'nays', and Senate Bill 578, having received a Constitutional Majority, is hereby declared passed. Senate Bill 659, Hannig, appears on page 25 of your Calendar on Consent Calendar. Permission of the Sponsor, it will remain and be heard on Consent Calendar. Senate Bill 757, Hoffman - Topinka, appears on page 14 of the Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 757, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Dupage, Representative Hoffman, on Senate Bill 757."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House (sic-Senate) Bill 757, sponsored by Senator Mahar in the Senate, passed the Senate 59 to nothing. The Bill, as it's now been amended in the... in Committee is the same as House Bill 1410, which passed the House 115 to nothing. This amends the Environmental Protection Act and provides that commencing the first of July, 1985, no one may sell any used oil for burning or incineration unless it meets certain technical specifics. Used oil may be sold as refined or reprocessing facilities permitted by the EPA. I'd be glad to respond to any questions. I would ask for your support of this fine piece of legislation."

Speaker Matijevich: "Representative Hoffman has moved for the passage of 7... Senate Bill 757. There being no

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discussion, the question is, 'Shall Senate Bill 757 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 110 'ayes', no 'nays', and Senate Bill 757, having received the Constitutional Majority, is hereby declared passed. Senate Bill 786, Van Duyne - Mautino, appears on page 14 of your Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 786, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Will, Representative Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. I'd like to bring... leave of the House to bring 786 back to Second Reading to address an Amendment."

Speaker Matijevich: "One moment. We'll be at ease for one moment. Alright. The Gentleman has asked leave, and there is an objection I believe. The Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, the purpose of these Special Orders is to get Bills so that they can be called. Now, the day before the Special Orders, we've gone through a process every day where Gentlemen have had the opportunity to offer Amendments to their Bills and to put them in the process where the... for final passage stage. They did that on this Bill yesterday, and now they still want to screw around with it today. And we're going to be in a position probably where they... if they pass it, they want to change it tomorrow. And I would urge that this Bill not be brought back to Second. And I object to it, and I oppose that."

Speaker Matijevich: "That sounded like an objection. Representative Van Duyne now moves that Senate Bill 786 be

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taken back to the Order of Second Reading for purpose of an Amendment. Representative... For the purposes of tabling an Amendment, I understand. There being no discussion, this will take 60 votes. Those in favor of returning the Bill back to Second Reading will vote 'aye', those opposed will vote 'no'. Takes 60 votes. Representative O'Connell to explain his vote."

O'Connell: "In explanation of my 'no' vote on this Motion to bring back to Second Reading, I have a feeling that the purpose is to remove an Amendment that was placed on the Bill yesterday evening, which I think is an issue that should be discussed and should be heard in debate. And while I respect the efforts of the Sponsor, I would respectfully ask that this not be brought back to Second Reading."

Speaker Matijevich: "The Gentleman from Bureau, Representative Mautino, one minute to explain his vote."

Mautino: "I'm voting green on this Motion, because I have filed an Amendment. I have filed a Motion to table an Amendment. We are not adding anything at all to this legislation. I have a Motion to table the Amendment that was put on in what I thought was kind of a fast gavel last night. It will not delay the process; because, under our rules, by tabling an Amendment and not adding to it, the Bill stays in its same posture."

Speaker Matijevich: "Representative Van Duynes, one minute to explain his vote."

Van Duynes: "Yesterday, one of our Members on this side of the aisle, Representative O'Connell, approached me as to the possibility of moving 786 back to Second Reading for an Amendment, and I said, 'Well, you know, I don't mind'. And he said... he told me, and he's standing right here - and he can indicate whether I'm telling you the truth or not -

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he said, 'Well, I would appreciate it if you would. I'd rather... I just want to get a Roll Call vote on the Amendment, whether it passes or whether it doesn't.' I said, 'Fine, I'll at least give you that opportunity'. When we heard his Amendment, that didn't mean I was... I had accepted the Amendment or that I wanted the Amendment, but at least I did provide him the courtesy to have it heard. Now, we wanted a Roll Call vote on that, as per his request, and I was hoping that the Amendment would be defeated. But the man that was in the Chair..."

Speaker Matijevich: "And you lost."

Van Dyne: "... Gentleman that was in the Chair at the time did not give us a Roll Call vote. It was a fast gavel, as Representative Mautino has stated, and I would just like that courtesy provided to us right now. If it... If it passes, and if it still stays on, we will respect the views of the House. But I think Representative Mautino and I - and I think Representative O'Connell will agree with that - at least deserve that right to have that Roll Call vote. And I would ask at least the Members of the Democratic side of the aisle to provide us with that small courtesy."

Speaker Matijevich: "Gentleman from Hardin, Representative Winchester, one minute to explain his vote."

Winchester: "Well, it's...I'm getting conflicting stories here. Yesterday there was a great amount of concern among several Members on this side of the aisle about the provision that would allow the Fire Marshal's Office and the Department of Conservation to continue the funding of these rural fire protection grants. And it's my understanding that the Amendment that Representative Mautino had placed on this Bill was what generated all that concern, and now what he wants to do is, with his Motion, is to table that Amendment. And I think that probably would take care of

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the problem that many people who are voting 'no' on this issue was concerned about yesterday. So, those people that were concerned about what happened yesterday may want to change their vote to 'present'... or to 'aye'."

Speaker Matijevich: "Gentleman from DeWitt, Representative Vinson, one minute to explain his vote."

Vinson: "Mr. Speaker, in the event that this should get the requisite number of votes, which I don't suspect it will, I request a verification."

Speaker Matijevich: "Alright. Looks like we'll be spared some time. Representative Hastert, the Gentleman from Kendall."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, I'm not sure what the agreements were on the other side of the aisle, but yesterday we put an Amendment on here that dealt with vibrations and blasting. And it's a legitimate concern in my district. It's something important, and I don't want to see that taken off. And I thought probably Representative Van Duyn, it was something that was important in his old district, too, and I'd think he'd want to see that stay there, too."

Speaker Matijevich: "Representative Mautino, did you explain your vote yet? Representative Mautino, the Gentleman from Bureau."

Mautino: "Thank you, Mr. Speaker. I think that what must be maintained at this time is the fact that the Amendment will not allow for the destruction of any building because of the requirement in the Amendment. It does not allow for the continuation of the aggregate mining in this state. What the Amendment does is, in effect, doesn't allow anyone in the State of Illinois in any capacity to use dynamite at the blasting level that has been provided. If in fact this General Assembly wants to take that posture, I don't understand why other than the fact that a deal has been

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cut to kill the Bill with a bad Amendment on it..."

Speaker Matijevich: "Have all voted?"

Hastert: "I'm trying to take the bad Amendment off."

Speaker Matijevich: "Have all voted? Have all voted who wish?"

The Clerk will take the record. On this question there are 36 'ayes', 69 'nays', 12 voting 'present', and the Motion fails. The Bill is now on Third Reading. Representative Van Dwyne and Mautino, what's your pleasure? Representative Van Dwyne, do you want to call your Bill or..."

Van Dwyne: "Yes. Wait till I get myself together here and find my..."

Speaker Matijevich: "Get yourself together, will you? The Clerk will read the Bill while Representative Van Dwyne gets himself together."

Clerk O'Brien: "Senate Bill 786, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Will, Representative Van Dwyne. Representative Mautino is all together. The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I'll also allow, if you will, Representative Van Dwyne to add his comments when I complete my statement. The legislation allows the local governments to implement whatever standards that the EPA puts in their rules, regulations and statute as it pertains to hazardous wastes. That's what 786 does. It has now been amended with probably the worst Amendment that the State of Illinois has ever seen; but, since we all know that the Amendment was put on the Bill to kill the Bill, I recommend most highly that we vote for this legislation and allow us to take off that terrible Amendment in a Conference Committee. Now, I don't mind my leadership on my side of the aisle and the leadership on the other side of the aisle cutting a deal; but, when they do cut this

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deal, they ought to at least let the good part of the legislation pass. And through our process, we'll have the opportunity to get rid of the bad stuff that nobody can live with. That's the process down here. And last night it occurred on what I thought was a fast gavel and no recognition. So, I'm asking today that you split your heart wide open, a half a vote for the good part of the Bill and a half a vote, not really against the bad part, the Amendment. Give us a shot at it and vote 'yes' on 786. That's the only way to explain this good Bill."

Speaker Matijevich: "Representative Mautino has moved for the passage of Senate Bill 786. The Lady from DuPage, Representative Nelson."

Nelson: "Well, thank you very much, Mr. Speaker and Members of the House. The last speaker was absolutely right. With the Amendment, this Bill is atrocious, and any of you who vote for it will have a hard time explaining it back home. I would urge a 'no' vote."

Speaker Matijevich: "Even a half vote, Diana? Can't figure out how to give a half vote yet. The Gentleman from Cook, Representative O'Connell."

O'Connell: "Mr. Speaker, Ladies and Gentlemen of the House, as to the first speaker, I respect his opinion, except on this particular issue. It happens to be my Amendment that is on this Bill."

Speaker Matijevich: "Shame on you."

O'Connell: "And hardly being referred to as the worst Amendment. And as the previous speaker said, to take this back home - the area that I'm referring to where blasting has become a daily problem happens to be in our district. This Amendment addresses something that has never seen the light of day because of the strong lobby against it, the strong special interest lobby against it. Why can't individual

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property owners be protected against the nuisance of vibrations from blasting? There are other ways of achieving the results that the quarry blasters seek to achieve. If you look at the Amendment, and I don't know whether anybody's really looked at the Amendment, there has been some concern raised by those from coal industry areas. The Amendment simply says that in any blasting in excess of .5 per seconds, which unreasonably interferes with the enjoyment of life and property, are illegal. We... That second part of that sentence takes care of anything that isn't in a residential area. What is so unreasonable about that? What is so unreasonable about seeking some protection for property owners in southwest/west suburban Cook County, south Cook County, anyplace in an area surrounded by an urban area? What is so unreasonable about that? Those of you who are concerned about special interest pressure can vote 'no'. I don't think that this is a bad Amendment. It addresses a problem which hasn't been addressed, which has been effectively prevented from being addressed, and I encourage you to vote 'yes'."

Speaker Matijevich: "Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the Assembly, a lot has been said about this Bill. A lot has been said about Amendments to this Bill. Most of the things that have been said about Amendments to this Bill have been addressed to Amendment #3, Representative O'Connell's Amendment, and efforts to see that enacted, to efforts to see that defeated, to efforts to see that on the Bill and to efforts to see that off the Bill. I don't really care about Representative O'Connell's Amendment. I don't have a strong feeling on it. I might if I lived somewhere else, and I might support it if I lived somewhere else. For that

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matter, I might oppose it if I lived somewhere else, but I don't care about his Amendment. I care about Amendment #2, Mr. Van Dwyne's Amendment, which is also on the Bill, and that's what makes this a bad Bill. It's not O'Connell's Amendment. It's Van Dwyne's Amendment that makes it a bad Bill. Now, let me tell you what Amendment #2 does. Amendment #2, Mr. Van Dwyne's Amendment to this Bill, which makes it so bad, lets the local government enforce any set of rules and regulations it wants on landfill facilities. Now, the original Bill restricted the regulations to regulations no more restrictive than those enacted by the Environmental Protection Agency and the Pollution Control Board. That's entirely reasonable; and, if that were the posture of this Bill, I don't understand why anybody would have a serious objection to it. But when you put Mr. Van Dwyne's Amendment on this Bill and you let the local unit of government enforce standards which are far more restrictive, which can be as restrictive as they choose to be, then you're in a position where you're outlawing landfills, and a local unit of government can outlaw them. Now there's a problem with a local unit of government having that kind of veto power, and the problem with that is that they stop industrial growth. They freeze the process of the industry in this state absolutely. Because they...if you cannot dispose of these materials, then you cannot engage in manufacturing. You cannot produce. You cannot have modern commerce. This Bill with this Amendment on it is a no-growth Bill. It's an anti-growth Bill. It's a Bill for recession and depression, and it ought to be defeated."

Speaker Matijevich: "The Gentleman from Cook, Representative Krska."

Krska: "Move the previous question."

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Speaker Matijevich: "Representative Krska has moved 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. The Gentleman from Will, Representative Van Dyne, to close."

Van Dyne: "Thank you, Mr. Speaker. As Representative Mautino said, the initial idea of this Bill was to allow the local governmental entities to enter the picture. Now, the Amendment that Representative Vinson talked about was proposed to me by a lady by the name of Pat Sharkey from the Pollution Control Board and which simply puts the Pollution Control Board in the driver's seat, and the local governmental entities have to conform with the rules that are laid down by the state's agency appointed by the Governor of the State of Illinois, Sam Vinson's boss, and they must run concurrent with them. And I want to read you a last paragraph of a letter that she sent to me which... Representative Koehler and Representative Grotherg and other people were made privy to; and, if you will allow me, I'd just like to read this last paragraph. 'We would support a Bill which encouraged local governments to become more involved in the enforcement of the state environmental regulation. The Environmental Protection Act does provide that, quote, any person may file with the Board a complaint against any person allegedly violating this Act or any rule or regulation thereunder or any permit or terms of conditions thereof, Section 31(E). Both as individual citizens or as local governmental entities, a county board or a municipality can bring, through their own enforcement actions, actions against the violators. The Board hears many citizens' enforcements actions every year. State's attorneys are also specifically authorized to institute civil actions for immediate injunctive relief in cases of

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substantial danger to the environment or public health, Section 43(A). However, as Representative Van Dwyne pointed out, this existing authority to enforce state regulation does not seem to be understood, does not seem to be understood or used by local governments in many landfill situations.' The Amendment we're suggesting, and that's the terrible Amendment that Mr... Representative Vinson talked about a moment ago, we're suggesting would make this authority explicit. And then she thanks me and... on behalf of the Board from... amendatory language... Now, if that's a bad Amendment, then I'm just trying to comply with the Republican administration's views on this subject and try to get people who are constitutionally already authorized to file these objections - our own Board of Health, our Will County Health Board has the authority to file objections and take these people to the court, because every one of the people that I have talked about are constitutionally endowed and obligated to protect the welfare of their people. Now, the Bill is so simple that I really... I can't understand why our leadership, why the leadership on the other side of the aisle even takes the time to address themselves to it, because it just allows local governmental entities to enter the fray the same as the Pollution Control Board..."

Speaker Matijevich: "Gentleman bring his remarks to a close."

Van Dwyne: "... in protection of their people. Now, if that's bad, then my brain isn't working logically either. So, anyway with all of that said, I move for the passage of... of Senate Bill 786."

Speaker Matijevich: "Representative Van Dwyne and Mautino have moved for the passage of Senate Bill 786. The question is, 'Shall Senate Bill 786 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. The Gentleman

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from Cook, Representative Birkinbine, one minute to explain his vote."

Birkinbine: "Thank you, Mr. Speaker. I'd actually had a question I was going to ask Representative Mautino about Representative O'Connell's Amendment. The Amendment didn't say anything about dynamite or industrial. It just mentioned vibrations in neighboring properties, and I was afraid that it might be used by some neighbors to complain about the sexual habits of other neighbors."

Speaker Matijevich: "The Lady from DuPage, Representative Karpiel, one minute to explain her vote."

Karpiel: "Well, thank you, Mr. Speaker. It doesn't look like I need to. It's very strange that in Committee I have always... I have always supported local control for landfills, and in Committee I had a Bill that would have given them some objection to the siting of landfills and then, strangely, that was defeated. And this one we are voting on. This one is bad, not only from the point of view that Representative Vinson mentioned because the locals might be more restrictive; but, in my case, they could be less restrictive. We have constantly fought with our county over the operation of one of our landfills, and I think that that can be just as bad a problem - letting the locals have control. And I would urge a 'no' vote, but it doesn't look like I have to do anything."

Speaker Matijevich: "The Gentleman from Kendall, Representative Hastert, one minute to explain his vote. We're getting to you, Leroy."

Hastert: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I supported an Amendment that went on this Bill yesterday. I supported that Amendment legitimately. It's something that's very important to my district. If this Bill doesn't pass, then we must support some type of legislation that

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restricts blasting and things in urban areas where residences are, and I would like to see more green votes on this Bill."

Speaker Matijevich: "Representative Mautino, one minute to explain his vote. We're saving you for the last, Leroy."

Mautino: "Well, I totally agree with the previous speaker. Representative Hastert is correct. There's something in here for everyone no matter how you look at it. I think that the green votes are important. Those individuals that support having local input and not being any more stringent than the EPA's rules, regulations and guidelines should be supportive. There's a lot of yellow votes up there that are concerned as well, I'm sure, about the... the blasting provisions, and I think that they have a legitimate concern. But maybe we could live with that one, Representative O'Connell. The more I...the more I look at that the more I think that maybe we could live with that one. We'd be happy to accommodate you, Representative, and I would hope that some of the deals would slide down the old ladder on this one and people would get up and vote their conscience and vote green on a good Bill."

Speaker Matijevich: "Let's try to conclude this as soon as possible. Representative Mulcahey, a minute to explain his vote."

Mulcahey: "Well, Mr. Speaker, notwithstanding the other two Amendments, the third Amendment of course in this Bill does make it a good Bill. It makes it a Bill that makes sense. Currently, in my district and a lot of other districts throughout the State of Illinois, a lot of other areas throughout the state, this blasting is going on, and the EPA has no power whatsoever to regulate it. These companies are coming in. They're abusing, they're abusing their rights and their privileges. There's no one

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whatsoever to control them. And, my God, if we can go to the moon, we can certainly blast..."

Speaker Matijevich: "Gentleman conclude his remarks."

Mulcahey: "We can blast in a fashion that is ... is much... As a matter of fact, they can do it if they'd just do it. This is a good Amendment. It's a good Bill, but what the hell. Look at it go."

Speaker Matijevich: "Representative Leverenz, one minute to explain his vote."

Leverenz: "Well they... Everyone has said now, and I'll say too, there's something in here for everybody. I agree with Representative Hastert. Amendment #3 would actually put safe crackers and restaurant bombers out of business in residential areas. And I think maybe we could clean it up in Enrolling and Engrossing if there's no other way to handle it. Vote green. Change that Christmas tree."

Speaker Matijevich: "Representative Van Duyn, one minute to explain his vote."

Van Duyn: "Yes, thank you, Mr. Speaker. I'd like to have 47 votes so I could put this on Postponed Consideration till 1986."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 35 'ayes', 57 'nays', 19 voting 'present', and Senate Bill 786, having failed to receive the Constitutional Majority, is hereby declared lost. Senate Bill 789, Breslin, appears on page 14 of your Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 789, a Bill for an Act to amend Sections of the Civil Administrative Code of Illinois. Third Reading of the Bill."

Speaker Matijevich: "The Lady from LaSalle, Representative Breslin."

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Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill requires the Department of Conservation to dredge the Illinois - Michigan Canal from LaSalle to Utica to a depth of not less than five feet. The reason for this is that the... the present situation of the Canal in that area is that it is... when it is flooded, it is completely filled with silt and sludge. It has a great potential for being a recreational area, because it is filled with fish. At the present time, there was a picture, as a matter of fact, on... in the local newspaper last week that showed the local recreation for the average ten and twelve year old is to go into the Canal and catch the fish with their hands. There, the sludge has built up so that there are only a few feet of water in the canal and the fish are all dying. In addition to that, it is a tremendous breeding spot for mosquitoes, and those people who live along the canal, and the Canal goes right through the community of Utica and the community of LaSalle, they have a terrible environmental impact because of the Canal being left in its present condition. This request is to require the Department of Conservation to dredge the canal to a depth of five feet so that the fish can survive. That is an indication that it will only freeze down to a depth of four feet, and the fish can survive in the bottom one foot over the winter time. I would appreciate your consideration."

Speaker Matijevich: "Representative Breslin has moved for the passage of Senate Bill 789. On that, the Gentleman from DeWitt, Representative Vinson."

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

Speaker Matijevich: "She indicates she will. Proceed."

Vinson: "Representative, what is the cost of this proposal?"

Breslin: "The cost is fifty thousand dollars."

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Vinson: "Fifty thousand dollars for the dredging?"

Breslin: "Yes, for the dredging."

Vinson: "I'm advised that it would be a million dollars for the dredging and fifty thousand dollars for the maintenance each year thereafter."

Breslin: "I do not have that specification. I believe that the Department of Conservation has indicated that they think the cost could be higher, if they have to purchase land to put the dredged material into, and that could increase the cost. But my analysis indicates that the cost of the dredging is approximately fifty thousand dollars."

Vinson: "Well, Mr. Speaker, to the Bill."

Speaker Matijevich: "Proceed."

Vinson: "It is a common affliction of every Sponsor in this General Assembly to believe that things that they are for will be cheaper than they in fact will be. Now, our staff has estimated the cost for the dredging at two million dollars. The Department of Conservation has estimated the cost for the dredging at one million dollars. The... Both groups agree that the continued operation and maintenance of this system would be in the neighborhood of fifty thousand dollars a year. It's my understanding that there is no companion appropriation with this Bill, and more than that, it's my understanding that this money would be diverted from other General Revenue Fund purposes. For those reasons, I stand in opposition to the Bill. I just do not believe that this Legislature ought to put itself in the position where we are contracting new obligations when we don't know how to pay our old obligations. I don't believe this Legislature ought to be putting itself in the position where we are creating new programs, where we are creating new functions for government when we can't even figure out how to finance the existing operations, and when

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to figure out how to finance this new operation, in connection with all of the other obligations, that we have would require the imposition of a tax. I believe that we ought to oppose this Bill, and I believe we ought to vote 'no' on it."

Speaker Matijevich: "The Gentleman from Cook, Representative Cullerton."

Cullerton: "Well, now we know that Representative Vinson is opposed to permitting fish to survive the winter. That's all this Bill does, and it provides for recreational fishing. People will be able to catch fish from Utica to LaSalle, and they'll be able to eat that fish and not have to go out and spend money on food. It seems like it's a cost-saving proposal. It will bring in thousands of dollars to the state. And using the logic that he uses on many of his giveaways to big corporations, this is a good Bill for the people of the state, and it's going to bring in money to the Treasury. So I think it's a good idea to vote for it."

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

Marzuki: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. This is a good Bill. The Canal has been a part of our recreation system for many years now. There is contemplated federal legislation that will make it a national historic corridor. With this legislation, it could provide a great deal of private investment. This merely is something that should have been done years ago. I must point out that the legislation does not direct the Department to spend one cent unless they are able to handle this through their appropriations. It enables them. It's permissive, and it does not mandate. I would ask for an 'aye' vote from all

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the Members of this House to begin developing some of those areas that we have had and have allowed to fall into bad repair. What we do now will make this a viable recreation area. If we let it go much longer, we're going to lose it altogether."

Speaker Matijevich: "Representative Breslin to close."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. What Representative Marzuki has related to you is absolutely correct. I want to make it perfectly clear that there is no appropriation Bill attached to this piece of legislation. I am requesting that the Department redirect it's present money, not use new money, for this dredging project. It is a Canal that the Department of Conservation owns and has completely abandoned. It has great economic potential for the area and for the state, and that is one of the reasons that there is... there is presently a movement afoot to have it declared federal heritage status. In the between time, the state has the responsibility to take care of that... that piece of property and not adversely impact upon the environment of the surrounding communities. I believe that the dredging can definitely be done at the fifty thousand dollar cost. The reason for the... the Department's inflated costs is because they say they have to purchase 170 acres in order to place the dredged material... to landfill the dredged material onto. Well, there are three other state parks in the area in which there are many, many areas that could be used for landfilling and the Department admits to that. I think that it would have... certainly the city fathers of the City of LaSalle and Utica believe that it would have a very advantageous economic impact on the communities because of the recreational fishing that would be advanced there. And I'd appreciate an 'aye' vote."

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Speaker Matijevich: "Representative Breslin has moved for the passage of Senate Bill 789. The question is, 'Shall Senate Bill 789 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 65 'ayes', 46 'nays', and Senate Bill 789, having received the Constitutional Majority, is hereby declared passed. Senate Bill 815, Koehler - Marzuki, appears on page six of your Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 815, a Bill for an Act to amend Sections of the Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Marshall, Representative Koehler, on Senate Bill 815."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 815, sponsored by Representative Marzuki and myself, amends the Environmental Protection Act to eliminate the possibility of the default issuance of variances and permits for programs involving Resource Conservation and Recovery Act, the National Pollutant Discharge Elimination System or Underground Injection Control Program provisions. Now, the reason for this proposal is that formal notification has been received from the United States Environmental Protection Agency that Illinois cannot be authorized for Phase II of the RCBA Program without an Amendment that... to the Environmental Protection Act ensuring that permits and variances from the RCBA Program cannot be issued by default. The U. S. EPA's concern is that permits or variances which issue by default cannot be assured to be in conformance with minimum federal requirements. Under this Bill, as amended in the Senate, the Board will be required to decide those cases within one

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hundred and twenty days or face an Appellate Court order and a possible contempt of court citation. There is no fiscal impact from this proposal; however, failure to enact this legislation may result in a loss of state primacy over hazardous waste funds. This would result in a loss of federal funding for operation of the IEPA Hazardous Waste Program and additional compliance costs for Illinois industries. Senate Bill 815 passed the Senate 58 to 1, and I would move for your acceptance."

Speaker Matijevich: "Representative Koebler - Marzuki have moved for the passage of Senate Bill 815. There being no discussion, the question is, 'Shall Senate Bill 815 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 116 'ayes', no 'nays', and Senate Bill 815, having received a Constitutional Majority, is hereby declared passed. On page 15 of your Calendar appears Senate Bill 981, Mautino. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 981, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Bureau, Representative Mautino, on Senate Bill 981."

Mautino: "Thank you very much, Mr. Speaker. Senate Bill 981 was heard in our Energy, Environment and Natural Resources Committee and came out very favorably. Basically, the State of Illinois does not, at this time, currently regulate the waste oils that we have in this state, because they are not defined as a waste. The purpose of this Bill is to close this loophole. Defining such waste oils as waste and a special waste will bring these waste oil transporters under Chapter 7 and 9 of the regulations which require them to comply with the manifest trucking system..."

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tracking system, I'm sorry. Basically, this legislation as well defines waste oil, and it is any petroleum derived oil which lacks a definite... defined chemical structure, contains a mixture of isomers and three or more members of the...of the series which differ by a fixed carbon contained increment. The problem we are addressing with defining waste oil is one in which we want to set within our statute waste oil under the hazardous provisions and not run into the problem that Missouri did with the Russell Bliss provisions in the dioxin that turned up in Times Beach. This legislation for enactment and tracking is extremely important. The definition needs to be placed in our existing statute under the authority of the EPA and under the hazardous provisions of the Attorney General's Office. So, therefore, I ask for support for implementing the definition, instituting the tracking system and allowing the State of Illinois to be protected from those instances that have occurred in the State of Missouri. And I ask for your favorable support."

Speaker Matijevich: "Representative Mautino has moved for the passage of Senate Bill 981. On that, the Gentleman from Peoria, Representative Tuerk."

Tuerk: "Would the Sponsor yield?"

Speaker Matijevich: "He indicates he will. Proceed."

Tuerk: "How does this Bill differ from... I think we had a House Bill 1410 was in the area of waste oil, the disposal of waste oil, as I remember it?"

Mautino: "I... I believe that the 1410 definition of waste oil was a watered down version of the definition that appears in this legislation. The provisions and the definition of the characteristics are, by this definition, under Section 301 of the Resource Conservation and Recovery Act of 1976, Public Law 94-580. The difference is this is a little more

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stringent, little more... it's tightened up, probably better tracking by use of this definition as it pertains to transportation. It's a little tougher than what was in 1410."

Tuerk: "Well, as I understand it, correct me if I'm wrong, I have been informed that this Bill, Senate Bill 981, would, in fact, increase the administrative burdens on recycling activities and increase the cost certainly of doing business without even contributing to any environmental benefit. Is that a true statement?"

Mautino: "As you address your concerns to 1410, that was used oil definition for the purposes of burning. Since I was also involved in another conversation when you made your last inquiry, would you please repeat it? I didn't hear it..."

Tuerk: "Well, I've been informed that this Bill would increase the burdens on the recycling activities and increase the cost of doing business without, in fact, contributing to any environmental benefit. Is that a true statement?"

Mautino: "I... I do not have any information that says that this definition will cost industry or business any additional dollars because of this definition. If you have some figures, I'd be happy to see those. I have not been presented with any. The research that I have done on the subject does not state to me that there would be any increase in the cost of business because of this definition."

Tuerk: "Well, to the Bill, Mr. Speaker, I..."

Speaker Matijevich: "Proceed."

Tuerk: "I don't have any specific figures. I've, very briefly and in a cursory manner, been informed that this, in fact, would increase the cost without even increasing the environmental benefits. And for that reason, I am going to oppose the Bill."

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Speaker Matijevich: "Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Matijevich: "He indicates he will. Proceed."

Friedrich: "What's the difference between this and 757 that Mr. Hoffman kind of quietly passed through here a while ago?"

Mautino: "I'm... I'm sorry. I don't have 757 in front of me."

Friedrich: "Well, it was one which said you couldn't sell any used oil, that you had to recycle it and so on. And I thought the interesting thing about the analysis on that Bill was, 'this Bill is requested by used oil refining companies in Illinois'. Now, I can't help but believe they might have a little selfish interest there. I don't know. If...If...what looks to me like it's channeling all this back into these recycling outfits who definitely do have a little buck to gain on it, and I wonder if you are not doing the same thing. And I wonder where the catch is there. I... I'm a little suspicious, not of you particularly, but of the two Bills."

Mautino: "Well, first of all, Representative Friedrich, this implements into the hazardous wastes category waste oil. It has nothing to do with the provisions. I...at least I believe from a quick evaluation of Hoffman's Bill, as it pertains to someone getting additional business. This puts a tracking system in and a definition only."

Friedrich: "Well, but it also says you can't use waste oil without recycling it, doesn't it?"

Mautino: "Yes, it does."

Friedrich: "Well, I'm sure then, if they were for Mr. Hoffman's Bill, which I didn't catch in time to say something about it, I'm sure they are for yours too, because it does the same thing, and you can't use waste oil. You've got to run through the recycling companies, and I can see why they'll be for it. Sounds like a good Bill for them."

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Mautino: "Well, I think that what you have is..."

Speaker Matijevich: "The Lady from Dupage, Representative Nelson."

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

Speaker Matijevich: "Proceed."

Nelson: "Representative Mautino, as I understand this particular Bill, you are lumping together not only used oil that has been contaminated with hazardous substances, but you are also including in your definition oil that is simply dirty, that's been used in the crank cases of our cars, for instance, is that correct?"

Mautino: "To a degree, yes. That's the recycling provision that Representative Friedrich addressed."

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

Speaker Matijevich: "Proceed, Representative Nelson."

Nelson: "Ladies and Gentlemen of the House, that's what I believe is wrong with this particular Bill. There is an enormous difference between used oil that has been contaminated with toxic substances and used oil that is simply dirty. It is possible to re-refine oil, and many of us, when we have our oil changed, take that oil to a recycling center. In portions of the state, there are businesses like Motor Oils Refining that send dirty oil through a re-refining process and when it has finished with that process, it comes out no different from virgin oil, and it can be used again by all of us. To pass this Bill would to bring under the waste definition that oil that instead of going through the long and costly process that we set up for the protection of our citizens when we're talking about hazardous waste, we would have to send oil that is simply dirty through that same process. And there is no reason to do that. We don't need to do that. I could easily support this Bill, if what it

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had to do with was defining oil that has been contaminated with toxic wastes. But this Bill goes too far and, I believe, would be very harmful to the efforts of conservationists and others who would like to see us recycle dirty oil. And it is for that reason that I would ask you to vote 'no'."

Speaker Matijevich: "The 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 'nay', and the main question is put. The Gentleman from Bureau, Representative Mautino, to close."

Mautino: "Thank you, Mr. Speaker. I would like to direct your attention to line 25, '6, '7 and '8 of the legislation. We are addressing, for definition purposes, oil that has been contaminated with physical or chemical impurities, and it cannot be reused for its original purpose without first being... at least removing those impurities. The oil that Representative Nelson talks about, as it pertains to used oil from your car, is not the point in question. The point is question... in question is allowing the used oil without definition to have impurities, chemical impurities, as well as other contaminants mixed with that oil and then to be spread upon the surface of roads or whatever in the State of Illinois. Without a definition of waste oil, and a very stringent one that allows for the tracking system and the transportation of same, we don't have any tools that allow real enforcement. If you, in fact, in the State of Illinois, would like to have the situation that's in Missouri, then I recommend you vote against this legislation. But I also recommend at the same time that

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you read Illinois Times of this last week on the greatest problem that we could have facing us in the future is having the waste oil without definitions, without tracking and to be placed upon the gravel roads, the asphalt..."

Speaker Matijevich: "One moment. The Gentleman from Cook, Representative Terzich, for what purpose are you seeking recognition?"

Terzich: "I just want to move the previous question. That's all."

Speaker Matijevich: "No, he's closing right now. He evidently isn't enjoying what you are saying, Dick. Continue, Representative Mautino. You'd better close in a hurry after that one."

Mautino: "You can't beat that one. Call for an 'aye' vote."

Speaker Matijevich: "Representative Mautino moves for the passage of Senate Bill 981. 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 53...the Gentleman from Bureau, Representative Mautino, for what purpose do you rise?"

Mautino: "Poll the absentees, please."

Speaker Matijevich: "There are 53 'ayes', 54 'nays', 2 'present'. The Gentleman asks for a Poll of the Absentees. Representative Nelson, for what purpose do you seek recognition?"

Nelson: "Mr. Speaker, if this Bill were to receive the requisite number of votes, I would ask for a verification."

Speaker Matijevich: "Representative Fowman has his light on. Are you seeking recognition?"

Clerk O'Brien: "Poll of the Absentees. Bullock. Capparelli. Domico. Homer. Kulas. Panayotovich. Bhem. Terzich and Yourell."

Speaker Matijevich: "Kulas 'aye'? Kulas 'aye'. There are 54

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'ayes', 54 'nays', 2 voting... Representative Steczo 'aye'. Homer 'aye'. Ozzie Hutchins... Ozie Hutchins 'aye'. Just a moment. The Clerk has got to keep up with this. Eus Yourell 'aye'... Oh, wait a minute, no. Rhem?"

Rhem: "'Aye'."

Speaker Matijevich: "Rhem 'aye'. I'll get you, John. Vitek 'aye'. Nash 'aye'. Is everybody on that's coming on? Berrios... Oh, Rice 'aye'. Rice 'aye'. Ethel Alexander 'aye'. You got all those, Jack? Now, Homer wishes to be changed from... Oh, no. Woods Bowman 'aye'. Bowman 'aye'. What's the count? Yourell, were... you were 'no', right? Yes. Who is seeking... Terzich, for what purpose are you seeking? Terzich 'aye'. What's the count, Mr. Clerk? It is 64 'ayes', 49 'nays', and one 'present'. Do you persist, Representative Nelson, in your verification?"

Nelson: "Yes."

Speaker Matijevich: "Yes, she does. Clerk will proceed with the affirmative... affirmative votes. Representative Levin 'aye'. Representative Preston 'aye'... Preston, I'm sorry, leave to be verified. There are now 65 'ayes', and there is... will be a verification. The Clerk will call out the Affirmative Roll Call. Still persist, Liana? Can't talk you out of it, huh?"

Clerk O'Brien: "Alexander. Berrios. Bowman. Breslin. Brookins. Brummer. Brunsvold. Christensen. Cullerton. Curran. DeJaegher. DiPrima. Doyle. John Dunn. Ebbesen. Farley. Giglio. Hallock. Hannig. Hensel. Hicks. Homer. Huff. Hutchins. Jaffe. Keane. Kirkland. Klemm. Kulas. LeFlore. Leverenz. Levin. Marzuki. Mautino. McGann. McMaster. Mulcahey. Nash. O'Connell. Olson. Pangle. W. Peterson. Pierce. Preston. Fullen. Bea. Reilly. Rhem. Rice. Ronan. Fopp. Saltsman. Shaw. Slape. Steczo. Stuffle. Taylor. Terzich. Turner. Van

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Duyn. Vitek. Wait. White. Wojcik. Wolf. No further."

Speaker Matijevich: "Diana Nelson on questions of the affirmative vote."

Nelson: "Thank you very much, Mr. Speaker. Representative Berrios."

Speaker Matijevich: "Berrios is in his seat. No, he's in Krska's seat. Oh, I didn't see Berrios. I'm sorry, Berrios is not here. Looks just like Berrios. You've seen one Croatian, you've seen them all. Right, Terzich? Representative Satterthwaite, for what purpose do you seek recognition?"

Satterthwaite: "May I please have leave to change my vote from 'no' to 'aye'?"

Speaker Matijevich: "Leave for Satterthwaite to change from 'no' to 'aye'. She's an 'aye'. Representative Berrios, remove him from the Roll Call. Representative Hallock 'no'. Kirkland 'no'. Proceed with the Affirmative Vote."

Nelson: "Representative Hutchins."

Speaker Matijevich: "Ozie Hutchins is in his seat."

Nelson: "Representative O'Connell."

Speaker Matijevich: "O'Connell. Representative O'Connell. I don't see the Gentleman here. Remove him from the Roll Call."

Nelson: "Representative Klemm."

Speaker Matijevich: "Representative Klemm. I don't see him. I don't see him in the chamber. Remove Representative Klemm from the Roll."

Nelson: "Representative Hannig."

Speaker Matijevich: "Representative Hannig is in his seat."

Nelson: "Representative Pierce."

Speaker Matijevich: "Representative Pierce is not in his seat. Is Representative Pierce in the chamber? I don't see him. Remove him."

Nelson: "Representative Giglio."

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Speaker Matijevich: "Representative Giglio. Is Representative Giglio in the chamber? I don't see him. Remove him from the Roll."

Nelson: "Representative Barger."

Speaker Matijevich: "Representative Barger. Is Representative Barger here? Remove him... Ch, he's voting 'no'. Proceed, Representative Nelson."

Nelson: "Representative Ebbesen."

Speaker Matijevich: "Your aide is going crazy giving you names. Proceed. Representative Ebbesen. I don't see him here. Remove him from the Roll Call and return Representative Klemm to the Roll."

Nelson: "Representative LeFlore."

Speaker Matijevich: "LeFlore. Is Representative LeFlore in the back there? I don't see him back there. Remove Representative LeFlore from the Roll Call."

Nelson: "Representative White."

Speaker Matijevich: "Jessie White is right over here."

Nelson: "Representative Pullen."

Speaker Matijevich: "Representative Pullen. Pullen. I don't see Representative Pullen here. Remove her from the Roll. Representative Klemm wishes to be changed from... No. Representative Klemm. Representative Klemm, for what purpose do you seek recognition?"

Klemm: "I believe I might have been removed from the Roll Call. Could the Clerk tell me how I'm voted?"

Speaker Matijevich: "How's he recorded?"

Clerk O'Brien: "You've been returned to the Roll Call. You're recorded as voting 'aye'."

Klemm: "Fine, thank you very much."

Speaker Matijevich: "Alright, thank you. Representative Ebbesen returned to the Roll Call. Representative Reilly wishes to be recorded as 'no'. Proceed with the affirmative vote."

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Nelson: "Representative Levin."

Speaker Matijevich: "Levin is in his seat."

Nelson: "That's all, Mr. Speaker."

Speaker Matijevich: "What's the count, Representative... Mr. Clerk? One moment. 50... What's the count, Mr. Clerk? 57 'ayes', 50 'nays' and the... 1 'present', and Representative Mautino asks leave that this Bill be... No. Representative Mautino, for what purpose do you seek recognition?"

Mautino: "I'm going to... I'm going to ask leave in a second or two. I... It's been a very difficult day. I think I've added a little anxiety to the system, as well as I guess in a few... prior Bills, we had a little enjoyment. This is a very important Bill. It is to me, and it is to a lot of people in this state. I find it difficult that, you know, six of my Leaders don't..."

Speaker Matijevich: "Representative Mautino, I'm not sure you can do what you are doing. You either... You either..."

Mautino: "It's still a piece of personal privilege, I think, because I guess I have to put it on Postponed Consideration, but I find that a very interesting Roll Call that..."

Speaker Matijevich: "Representative Ewing, for what purpose are you seeking recognition?"

Ewing: "Well, Mr. Speaker, it's been a difficult day for many of us. I have never heard a speech before you put it on Postponed Consideration in this House in ten years."

Speaker Matijevich: "Yeah... Your point is well taken. The Gentleman asks leave to place this on the Order of Postponed Consideration. Leave, and the Senate Bill 981 will be placed on Postponed Consideration. Senate Bill 1116, Mautino - Marzuki appears on page 15 of your Calendar. The Clerk will read the Bill."

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Clerk O'Brien: "Senate Bill 1116, a Bill for an Act to amend Sections of the Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. Basically, the Bill, as amended by Amendments #1, which were recommended by the chamber and individuals from industry concerning the public policy as it pertains to recycling is Amendment #1 to the Bill. And Amendment #... excuse me. And the Bill itself requires the Environmental Protection Agency to conduct a survey and prepare and publish a list of the sites in the state where nuclear and hazardous wastes have been deposited, treated and stores. It requires the Agency to provide for surveillances of nuclear and hazardous waste processing, use, handling, storage, et cetera. That's what the legislation does. It came out with any opposition, and I believe it's a noncontroversial Bill."

Speaker Matijevich: "Representative Mautino has moved for the passage of Senate Bill 1116. Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of Senate Bill 116 (sic - 1116), and I think that the House will be glad to join me in supporting what's turned out to be a Bill upon which Representative Mautino worked hard and was very gracious to accept an Amendment that Representative Nelson and I asked him to accept, which divided the responsibility in the appropriate places for compiling the list of hazardous waste sites and nuclear waste sites. In the Amendment that was accepted by Representative Mautino, it gives the Environmental Protection Agency the responsibility for hazardous waste and the Department of Nuclear Safety the responsibility for the nuclear waste sites. I believe

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that this is a good piece of legislation, and I hope that you will join me in supporting this."

Speaker Matijevich: "Representative Mautino moves for the passage of Senate Bill 1116. Those in favor will 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 115 'ayes', no 'nays', and Senate Bill 1116, having received the Constitutional Majority, is hereby declared passed. On page seven of the Calendar appears Senate Bill 1127, Representative Rea and Ralph Dunn. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 1127, a Bill for an Act to provide for the financial support of coal research, demonstration and commercialization activities. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Franklin County, Representative Rea, on Senate Bill 1127."

Rea: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1127 is the Illinois Coal Technology Assistance Act that creates a fund for coal research, development and commercialization support. The Bill takes one thirty-second of the public utility gross receipts tax available for grants to advance coal development projects and coal utilization research. The Illinois Coal Technology Assistance Act will give the State of Illinois a consistent source of coal research funding instead of the on again, off again support that coal research has received in past years. Senate Bill 1127 would support coal research in two areas. It provides a reliable, continuing source for basic coal research, funding for the Coal Research Board. At present, the Public Utility Fund is utilized for research grants appropriated on a year-to-year basis. This has been done in a haphazard way. Number two,

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it makes funds available for the operational costs of demonstration projects. Under current law, the state can only fund capital development expenditures for demonstration projects under the Coal Development Bond Program. The funding source is the public utility taxes, since 85 percent of the coal produced in Illinois goes for the utility generation. This legislation will permit the state to support the operation of innovative university research in coal and desulfurization and coal utilization projects. This Bill is supported by the Illinois Coal Producers, the Illinois Coal Association, coal combustion people, the United Mine Workers, the State AFL-CIO and many of the universities. It came out of the Senate 53 to 3, out of Committee in the House 12 to zero and was originally on the Consent Calendar. And I would ask for a favorable Roll Call."

Speaker Matijevich: "Representative Rea has moved for the passage of Senate Bill 1127. On that, the Gentleman from Kendall, Representative Hastert."

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

Speaker Matijevich: "He indicates he will. Proceed."

Hastert: "Mr. Sponsor, I just have a few questions here. This provides, does it not, that one thirty-second of the gross receipts taxes under the Public Utilities Revenue Act, which would be the Messages Tax Act, the Gas Revenue Act would be diverted from the General Revenue Fund into this program?"

Speaker Matijevich: "Representative Rea."

Rea: "Yes. Yes."

Hastert: "Was that yes?"

Rea: "Yes. Alright. There are three funds. I might mention that Senate Bill 1127 provides for funding from the taxes imposed on the sale of electricity, natural gas and

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telecommunications. And the taxes are generated in... well, in '83 should be about five hundred and eighty million."

Hastert: "Alright, my understanding was that that is one... you're asking for one thirty-second of the gross receipts of that money which would usually go to General Revenue and you said yeah. I'm just clarifying that. Is that correct?"

Rea: "That's correct. Yeah, that's correct."

Hastert: "Okay. Second thing is, have a question. It says that the Illinois Energy Resources Commission would spend this money with the recommendations of the Department of Energy and Natural Resources. Is that correct?"

Rea: "On the demonstration part only, not on the research."

Hastert: "Yeah. Then I ask why is the Department of Energy and Natural Resources an opponent to this Bill?"

Rea: "The only thing I can tell you is perhaps the Governor told them to."

Hastert: "Alright. Second, one of the things that the projects, and I happen to be a little bit familiar with the... with the Illinois Energy Resources Commission, as I'm a Commissioner on it. One of the questions that I have is that some of the projects that we have, such as the University of Illinois project, we use the Japanese gasifi... liquid gasifier, right? Under... and I'm asking this and all, but under Representative Panayotovich's legislation now that we passed out of here a couple days ago and then also today, would we have to give up, or could we fund those types of things with that... with that foreign equipment?"

Rea: "I suppose for research and demonstration purposes that we could."

Hastert: "I... I can't hear you, Representative Rea."

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Rea: "I suspect that for research and demonstration purposes that we could."

Hastert: "Okay. Well, I'm not sure that his law or his Bill provides for that. Thank you, Representative Rea. Mr. Speaker, to the Bill."

Speaker Matijevich: "Proceed. Proceed."

Hastert: "We have a piece of legislation here, and it's a good piece of legislation if we had a lot of money. But what it actually does is divert from the General Revenue Fund it could be up to... it could have a fiscal impact up to 15 to 20 million dollars from the gross receipts tax. Fifteen to 20 million dollars could be diverted from the General Revenue Fund. Now, Representative Rea said that probably only three to four million dollars a year will be... be used, maybe five million dollars a year, but it has a potential that we could spend up to 15 to 20 million dollars a year. There's no cap, no restriction on that. I think that we have to set our priorities. We're taking money out of the General Revenue Fund. We're spending it on... on some type of scientific research, research that's already being funded through the industrial revenue... or energy conservation system, IRS credits, also funding through the State of Illinois up to maybe 20 to 30 million dollars already grants that have been done. And I just think that we have to order our priorities. I want to see Illinois coal be used; but, when we're spending dollars out of General Revenue funds, I think maybe we have our priorities mixed up."

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

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

Speaker Matijevich: "He will. Proceed."

Satterthwaite: "Representative Rea, the previous speaker

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indicated there was no cap on this; but, according to my Digest, the Bill, as it came from the Senate, did have a cap, and that has not been removed. Has it? Has not been removed. And so, I think that we really need to look at the major purpose of the Bill, which is, in fact, to provide additional income to the state if we can feasibly expand the use of our coal. We have learned that in many cases we are falling far behind other states, partially because we have not reserved money in the State of Illinois for appropriate research on projects that might have helped us to develop our economy. I think that this is a measure where we can take that risk of setting aside some money that will be used for research purposes and help us to develop the coal that we know is there and needs to be developed so that we can burn it cleanly and help our state back to the road of recovery. We do know that we have good research facilities within the state, and I have every confidence that with a little bit of money to help this research on its way, that we can use Illinois coal, put people back to work not only in terms of the research, but in terms of producing the coal and getting it out where we can make it used to our best advantage. I support the Bill and hope that we can get a favorable vote."

Speaker Matijevich: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Mr.... Mr. Speaker, Ladies and Gentlemen of the House, I think the last question and answer was somewhat misleading when they talk about a cap. The cap is the amount that they're able to take from the General Fund for the purposes of this Bill. Now, that's no cap. Almost everything has a cap. What we have to remember is this Bill is going to take funds out of the General Fund, and I would like for the Sponsor or anyone of those who are willing to vote

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'yes' on it to get up and tell me if they support an increase in the income tax to pay the bill. Or do they want to take it from schools, mental health, corrections or where else? Let's vote 'no' on this Bill."

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

Terzich: "I would like to move the previous question."

Speaker Matijevich: "Representative Terzich moves the previous question. The question is, 'Shall the main question be put?' Those in favor say 'aye', those opposed say 'no'. The main question is put. The Gentleman from Perry, Representative Ralph Dunn, to close."

Dunn: "Thank you, Mr. Speaker. Members of the House, there have been some misstatements made about this Bill. This is... Senate Bill 1127 is the Bill that does have a cap on it. The funds cannot be appropriated unless they're appropriated by this Body. It sets aside 1/32 of the Public Utility Fund that can be used for coal research. It's not used by the Illinois Energy Resources Commission. It would be for the Coal Research Board. It does not... This does not really, in itself, create any indebtedness on the state. This allows a fund to be set aside if it's appropriated by the General Assembly. This is not an appropriation Bill. It doesn't spend any money as it is now. It does have a cap on it. It says that no more than 20 million dollars can be maintained in the fund at any one time. It doesn't designate that we spend that much money. The increased coal production, if a Bill like this were passed, if you would vote for this Bill I think that you could find that the increased coal production and the increased business climate in Illinois will more than pay for itself. The Bill is supported by the Illinois Coal Producers, of course, the Illinois Coal Association, coal

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combustion manufacturers, the United Mine Workers and the Illinois State AFL-CIO. I'd be glad to answer any questions, but I'd urge an 'aye' vote on this important Bill to the coal industry and for..."

Speaker Matijevich: "Representative Rea and Ralph Dunn have moved for the passage of Senate Bill 1127. The question is, 'Shall Senate Bill 1127 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. Representative Ropp, one minute to explain his vote. I didn't see your light."

Ropp: "Yeah, thank you, Mr. Speaker. I was... I was really surprised, and I was waiting for the Majority Leader to get up and comment on the fact that this was possibly a welfare payment to the coal companies..."

Speaker Matijevich: "Explain your vote, please. Let's be..."

Ropp: "... because of the sizeable impact, financially, of the 15 to 20 million dollars. I don't think that we can afford this at this time, even though I strongly support research and development and international trade for which we're selling a lot of coal."

Speaker Matijevich: "Representative Leverenz, one minute to explain his vote."

Leverenz: "I support the Bill. We need the long-term, planned research. Those folks crying on the other side about the loss of revenue to the state direct your attention to the Department of Revenue. They said in February 900 million is out there uncollected. You want the money, tell them to work to get it. We just need this, because it's very important to the state. The Governor points to the coal reserves. Let's do something about it."

Speaker Matijevich: "Have all voted who wish? The Clerk will take the record. On this question there are 93 'ayes', 21

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'nays' and 3 voting 'present', and Senate Bill 1127, having received the Constitutional Majority, is hereby declared passed. On page seven is Senate Bill 1176, Winchester. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 1176, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

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

Winchester: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1176 is sponsored by Representative Leverenz and myself. The Amendment offered in Committee becomes the... the Bill. Many of you will remember two or three weeks ago when it was announced on television, radio and the newspapers the discovery of a filling station that was selling unleaded gasoline as gasoline. Apparently, this might be a widespread situation throughout the State of Illinois. It was discovered that there are no provisions for the Department of Agriculture or any other agency of government to investigate or to take samples for the purpose of testing. What the Amendment will do is it will allow the Department of Agriculture, upon a complaint by a distributor, retailer or the Department itself, to test the quality of motor fuels as the standard prescribed by the American society for testing... for testing the materials. The fee for this testing is to be set by the Department of Agriculture based on administrative costs, plus the actual cost of contracting for the test. The fee will be paid by the person, firm or corporation which is found to have the inferior product, but in case where a person or a firm or corporation makes a complaint and it's determined that there is no irregularity, then the fee will be paid by that individual. And I would ask for a favorable vote. Mr. Speaker, of course, Representative Leverenz and I will

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answer any questions, but I would like for Representative Leverenz to close."

Speaker Matijevich: "Representative Winchester has moved for the passage of Senate Bill 1176. The Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Mr. Speaker. Would either one of the Cosponsors yield, please?"

Speaker Matijevich: "They've got... You've got two shots at them."

Ropp: "Okay. Two shots."

Speaker Matijevich: "Proceed. Let's try to move things on. We've been spending a lot of time on Bills that have had about a hundred votes. So, let's proceed and move quickly."

Ropp: "Alright, if this Bill passes... I don't think this one has even been voted on yet. Has... Does... Is there an appropriation in the Department of Agriculture for this, as I understand that they're going to contract out? And, if there isn't, will that be taken care of at some point in time?"

Speaker Matijevich: "Representative Leverenz."

Leverenz: "The money is in the Bill currently to set up the revolving fund. It will end up not costing the state a dime. Yes."

Ropp: "Well, I thought we always had to have authorization for a revolving fund."

Leverenz: "Don't worry about it. We've got that. We'll take care of that. Yes. The money is in the Bill; however, it is appropriated to establish the fund. Thank you."

Speaker Matijevich: "For what pur... One moment. Representative Flinn, for what purpose are you seeking recognition? Representative Flinn."

Flinn: "I just wanted to move the previous question. I thought

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Mr. Ropp was done. I'm sorry for the interruption."

Speaker Matijevich: "Oh. I'm sorry. Representative Ropp, proceed."

Ropp: "Well, I was just... I don't think we've got a revolving fund, and I think what the Sponsor is saying is something we don't actually have already. And I'm not necessarily opposed to it. I just want to make sure if that's your intent that we have that actually taken care of legislatively. I, at this point, I don't think it's taken care of."

Leverenz: "The appropriation is there. We'll set up the revolving fund. The vehicle has been found. Thank you."

Speaker Matijevich: "Representative Flinn, were you seeking recognition or... No, evidently not. Representative John Dunn. I don't think he's seeking recognition. Representative Terzich."

Terzich: "I move the previous question."

Speaker Matijevich: "That's not necessary. Representative Leverenz to close."

Leverenz: "I would simply ask for a favorable Roll Call on Senate Bill 1176. Thank you."

Speaker Matijevich: "Representative Winchester and Leverenz have moved the passage of Senate Bill 1176. 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 115 'ayes' and no 'nays', and Senate Bill 1176, having received the Constitutional Majority, is hereby declared passed. Be at ease for one moment. Be at ease. Representative McPike moves to extend the Special Order of Business, Environmental Protection until tomorrow at the time of 4:00 p.m. On that, the Gentleman from DeWitt, Representative Vinson."

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Vinson: "Why?"

Speaker Matijevich: "Because things are starting to pile up, and we want to give everybody as much... We're trying to conclude today's business on a timely basis. That's really the reason why."

Vinson: "What would we be doing with the rest of today if we do that?"

Speaker Matijevich: "What's that?"

Vinson: "What will we do with the rest of today if we do that?"

Speaker Matijevich: "Well, we've got some more business. There's a lot of business. We'll keep you interested."

Vinson: "Would you have any problem in informing the Body?"

Speaker Matijevich: "Does he have leave? I think you're giving him leave, aren't you? Leave, and the Special Order of Business, Environmental Protection will be extended until 4:00 p.m. tomorrow. We're going to try, at least for some time, to go to the Order of Abortion, Special Order at 5:30 p.m. and see how long that will last. On that Special Order of Business... Representative Pierce says it will last nine months. We'll have to ask... We'll have to ask Representative Breslin about that one. Senate Bill 61, White - Churchill, is on page 21 and that's on Consent. Permission of the Sponsor is that will be called on Consent Calendar. Senate Bill 337, Piel - O'Connell, is on page ten of the Calendar. The Gentleman from Cook, Representative Piel."

Piel: "Yes, Mr. Speaker, I'd like leave of the House to bring Senate Bill 337 back for an Amendment, please."

Speaker Matijevich: "Representative Piel asks leave to return Senate Bill 337 back to the Order of Second Reading for the purpose of an Amendment. Leave, and the Bill is on Second Reading. Clerk will... Are there Amendments?"

Clerk O'Brien: "Amendment #1, Terzich, amends Senate Bill 337 on

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page two, by inserting after the line 15 the following."

Speaker Matijevich: "The Gentleman from Cook, Representative Terzich."

Terzich: "Yes, Mr. Speaker, Amendment #1 provides for a definition of a live birth on the right to life, and I move for its adoption."

Speaker Matijevich: "Representative Terzich moves for the adoption of Amendment #1. No discussion. Those in favor say 'aye', opposed 'nay', and Amendment #1 is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "No further Amendments. Representative Piel asks leave that... Third Reading. Representative Piel asks leave for the immediate consideration of Senate Bill 337. Does he have leave? And he has leave. Senate... Senator... or Representative Piel on the Bill."

Piel: "Thank you, Mr. Speaker, Ladies and..."

Speaker Matijevich: "Oh, I'm sorry. Wait a minute. Representative Greiman, for what purpose are you seeking recognition? You objected. I'm sorry. Representative Piel, are you going to move for the immediate consideration? Representative Piel moves for the immediate consideration of Senate Bill 337 on Third Reading. Those in favor... Seeing no discussion, those in favor signify by voting 'aye', those opposed by voting 'no'. It takes 60 votes. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 84 'ayes', 19 'nays', 2 voting 'present', and the Motion prevails. Representative Piel on the Bill. Read the Bill. I'm sorry."

Clerk O'Brien: "Senate Bill 337, a Bill for an Act to amend Sections of the Illinois Abortion Law. Third Reading of the Bill."

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

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill (sic - Senate) 337 is now in the status that it basically was when it passed out of the House taking House Bill 666, which passed out of the House 95 to 17. It clarifies... Along with Representative Terzich's Amendment, it also clarifies the... the language as far as the viability of a fetus in three different areas of the law and changes it from sustained and crosses out 'more than momentary'. And I would answer any questions."

Speaker Matijevich: "Representative Piel has moved for the passage of Senate Bill 337. On that, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, will the Spncsor yield?"

Speaker Matijevich: "He indicates he will. Proceed."

Cullerton: "Representative Piel, as I understand the law right now, abortions cannot be performed if a fetus is viable, except to preserve the health or the life of the mother, and a violation is a Class 2 felony. Is that correct?"

Piel: "I believe so, John. I'm not sure."

Cullerton: "And a physician must attempt to medically sustain a viable fetus; and, if he doesn't, that is a Class 3 felony. Is that correct?"

Piel: "I think so. I'm not sure."

Cullerton: "Well, I'm trying to find out what the purpose of the Bill is. My understanding..."

Piel: "Alright. The basic reason is..."

Cullerton: "Let me... Let me finish my question. My understanding is that the Supreme Court or the Federal Court has found that these violations that I just asked you about are unconstitutional and that the purpose of your Bill is to make them constitutional. So, if that's the

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purpose of the Bill, it would seem to be hard to... hard to oppose it, but I want to make sure that that is what the purpose of the Bill is."

Piel: "All the Bill... All this is for is to bring it into the way it is suppose to be as far as the law and as far as the constitutionality."

Cullerton: "It's making a law constitutional. I want to know which law... which Section of the Abortion Law, of which a whole bunch has been declared unconstitutional, which particular old Section has been declared unconstitutional?"

Piel: "Alright. This is Section 6... Section 6 of the 1975 Abortion Law."

Cullerton: "Okay. And what does Section 6 do? Does that refer to these two Class 2 and Class 3 felonies that I referred to before?"

Piel: "No."

Cullerton: "Well then, what does Section 6 refer to?"

Piel: "I'm sorry. I'm sorry. Let's back up on that. Section 6... 6-4 does, you know, bring... It just changes that from, you know, knocks off the 'more than momentary', because that is the Section... I'm sorry. Section 6-4 is the Class 3 felony. You're correct. So, it puts in 'sustained' which they felt, because of the unconstitu... they thought it would be uncon... It was unconstitutional because of the 'more than momentary'. So, the courts felt that 'sustained' would delete that problem."

Cullerton: "So, as a result... As a result of your Bill, it will make constitutional that Section of the abortion statute that says if you... if you perform an abortion on a viable fetus, it's a Class 3 felony."

Piel: "Correct."

Cullerton: "Okay. Thank you."

Speaker Matijevich: "Gentleman from Cook, Representative Bowman."

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Bowman: "Question of the Sponsor."

Speaker Matijevich: "He indicates he'll yield. Proceed."

Bowman: "Okay. Now, the Bill was just amended to include the definition of live birth. Is that correct? Was I following that accurately?"

Speaker Matijevich: "Representative Piel."

Piel: "Yes."

Bowman: "Yes. Okay. Now, elsewhere in the statute in a Section that is not being amended, is there not a definition of viability of a fetus?"

Piel: "The three areas that we needed to change, as far as to bring it in... to make it constitutional, were changed."

Bowman: "Well, but I'm really addressing a different issue. I believe that the... what you're doing with the Bill, the most fundamental thing you're doing with the Bill changes the definition of live birth, or live born or there was one other term, but it does not change the Section that defines viability of the fetus. I believe it does not. Would you correct me if I'm wrong?"

Piel: "I'm sorry, John... or Woody. I can't hear you."

Bowman: "Okay. There is another Section of the abortion statute which this Bill does not amend which defines viability of a fetus. Is that not correct?"

Piel: "Yeah, the original Bill defined that."

Bowman: "Well, the statute defines it. Yes, okay. Now, my question is, is there any conflict between the definition of a viable fetus and the definition of a live birth? Presumably, a fetus which is born alive is viable, but you define viability in a separate Section, or it's defined in the law already in a separate Section from live birth; and, as I read it, it appears that there could be conflicting situations. And I would like to ask your comment on that."

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Piel: "These are definitions. They're used in different places of the law, and, no, there is not a conflict, in answer to your three questions."

Bowman: "Well, okay, to the legislation then, Mr. Speaker."

Speaker Matijevich: "Proceed."

Bowman: "I read it a little differently. We defined in one Section viability. The... And that's already in the law. This particular piece of legislation comes along and defines live birth. Presumably, a viable fetus is one that would be born alive; and, yet, they're defined differently. And I believe that that raises the possibility of conflict. I think that's a poor way to legislate and that I propose to vote 'no' on that basis."

Speaker Matijevich: "Gentleman from Cook, Representative Krska."

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

Speaker Matijevich: "Representative Krska has moved 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 Piel to close."

Piel: "I would just ask for a favorable Roll Call, Mr. Speaker."

Speaker Matijevich: "Representative Piel and O'Connell move for the passage of Senate Bill 337. The question is, 'Shall Senate Bill 337 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Giorgi, you're not being voted. You're alright now. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 85 'ayes'... 84 'ayes', 24 'nays', 4 voting 'present', and Senate Bill 337, having received the Constitutional Majority, is hereby declared passed. Senate Bill 518, Terzich, appears on page 12 of the Calendar. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 518, a Bill for an Act to amend the State Employees' Group Insurance Act. Third Reading of the

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Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Terzich."

Terzich: "Yes, Mr. Speaker, just passed... we passed the State Employees' Insurance Act which permits state employees' group insurance program to offer an alternative to conventional medical insurance which is the HMO. What this simply will do is it will exclude abortions, except under two circumstances - when the abortion is necessary to preserve the life of a woman undergoing the procedure and; two, to induce the birth that is intended to produce a live, viable child and is necessary to preserve the life of the mother or the unborn child. This is presently contained in our state employees' group insurance plan. All this Bill does is simply extend that over to the optional HMO program, and I would move for its adoption."

Speaker Matijevich: "Representative Terzich has moved for the passage of Senate Bill 518. On that, the Gentleman from Cook, Representative Preston."

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

Speaker Matijevich: "He indicates he will. Proceed."

Preston: "The analysis that I'm reading indicates that this would prohibit it unless the... prohibit the payment unless the abortion was to preserve the life of the mother. Is that correct?"

Terzich: "That's correct."

Preston: "How about if in a situation where the health of the mother would seriously be jeopardized by going through with the childbirth? Would insurance, in that situation, pay for the... the abortion?"

Terzich: "On that determination, as long as the intent was..., I would assume it would be."

Preston: "I'm sorry. I didn't hear what you said."

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Terzich: "I said I would assume it would be."

Preston: "Yes, you would assume?"

Terzich: "Yes."

Preston: "Is that what it says in the Bill? I'm asking about the Bill."

Terzich: "Well, you asked me a question. I gave you an answer. Isn't that good enough for you?"

Preston: "You don't know then. No, it's not unless you're reading it from the Bill."

Terzich: "Well, I'm not... I'm not the insurance adjuster."

Preston: "Does the Bill say, Representative Terzich, that it would pay for health threatening situations, or does the Bill say that it would pay for only life threatening situations."

Terzich: "The Bill provides that the same provision that is presently under the state employees' group insurance plan is extended over into the HMO plan, and the same provisions would prevail. That's all the Bill does. It's presently contained in the state employees' group insurance plan."

Preston: "The answer is no? To the Bill, I'm..."

Speaker Matijevich: "Proceed."

Preston: "I am informed that the Bill would not permit the payment of insurance proceeds when there is a life threatening... health threatening situation that the mother may be in but only where there... the life is threatened. There can be situations where perhaps an organ could be lost if childbirth were to go through to term or that the mother's health would be seriously affected and deteriorated by virtue of going through to term. If that's the case, if you're pro-life, you still can't support this Bill and force a woman to have her health seriously jeopardized and make that decision for that woman. I vote on many of these Bills for the - and I hate making it

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simple with two word explanations using the term pro-life - but for ease of explanation I vote for many of those propositions. This is one that I could not support, and I would encourage you to vote 'no'."

Speaker Matijevich: "There being no... There being no further discussion, the question is, 'Shall Senate Bill 518 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 76 'ayes', 26 'nays', 5 voting ... Cullerton... Cullerton 'present'. And Senate Bill 518, having received the Constitutional Majority, is hereby declared... Didrickson 'aye'. 77 'ayes'. Kirkland 'aye'. Lee Daniels 'aye'. Nice to see you, Lee. Kirkland is... He's alright. Alright. What's the count, Speaker... or Clerk? Is it 78? 77... 77 'ayes', 25 'nos', 4 'present', and Senate Bill 518, having received the Constitutional Majority, is hereby declared passed. On page 12 of your Calendar appears Senate Bill 520, Curran. Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 520, a Bill for an Act to amend Sections of the Illinois Abortion Law. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Sangamon County, Representative Curran."

Curran: "Thank you, Mr. Speaker. The... The first two Amendments I would like to withdraw."

Speaker Matijevich: "Gentleman asks leave to return Senate Bill 520 to the Order of Second Reading for the purpose of withdrawing Amendments... tabling Amendments. He has leave, and the Bill is on Second Reading. And Representative Curran asks leave to..."

Curran: "Excuse me, Mr. Speaker. They were not... They were not

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already on. I wanted to bring this back to Second Reading and just withdraw those Amendments for the purpose of adding Amendment #3."

Speaker Matijevich: "Oh, alright. Alright. The Gentleman asks leave to withdraw Amendments #1 and 2. Leave, and 1 and 2 are withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Curran, amends Senate Bill 520 on page one and line one and five."

Speaker Matijevich: "Representative Curran on Amendment #3."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 to Senate Bill 520 is required because of the abortion decisions of the U. S. Supreme Court handed down just this past week. Those decisions in the Akron, Ashcroft, and Simopoulos cases mean that, unless the Illinois Abortion Law is amended, we will be left with virtually no effective regulation of abortion in this state. The Amendment has been meticulously designed to bring our law into conformance with those decisions. It is a responsible and carefully drafted response to make the law constitutional. It repeals the current provisions on informed consent, parental and spousal consultation, hospitalization requirements for pregnancies after the first trimester and limitations on saline abortions. It takes care of vagueness problems that the courts have found in the various parts of the current statute. Essentially, it cleans up the law to ensure that it is constitutional. Now, in three limited areas, it builds, it adds and builds upon statements by the Supreme Court in three cases. In the Akron and Ashcroft cases, the courts stressed the medical health related aspects of abortion. It said that states could constitutionally regulate abortion to serve, quote, 'important health state objectives', so long as those regulations were in accord with, quote, 'accepted

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medical practice". Now, this Amendment assures that when a woman has an abortion, a test will be given for maternal Rh blood factors so that subsequent wanted pregnancies will not result in the death of a child due to Rh incompatibility. The need for this test is something upon which responsible physicians are agreed. Most abortion clinics already provide it. The provision will assure that the unscrupulous clinics, like those exposed in the 1978 Chicago Sun-Times series, will not threaten the health of their patients and the future children by omitting it. Next, the Amendment also directs the Department of Public Health to set up an effective program for reporting statistics about maternal deaths, both from childbirth and from abortion. This is essential to promote the development of generally accepted medical standards about which the Supreme Court wrote. And finally, the Amendment prevents a very frivolous and shocking abuse of abortion, the practice of aborting late-term pregnancies solely because the fetus has the wrong sex. The Supreme Court has explicitly held in Doe versus Bolton that the state's can require that abortions be done only when a physician...only when a physician states that they are clinically necessary. Who can say that the mere desire not to have a girl can be a serious reason for a late-term abortion truly related to a pregnant woman's health? Such frivolous abortions, which can only be done near or after viability, can and must be stopped. The changes in this Amendment, I repeat, are careful and responsible. They're constitutional and urgently needed, and they're strongly backed by the pro-life movement. I ask for a positive Roll Call."

Speaker Matijevich: "Representative Curran has moved for the adoption of Amendment #3. On that, Representative... from Cook, Representative Greiman."

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Greiman: "Yes, I wonder if the Gentleman would..."

Speaker Matijevich: "He indicates he will."

Greiman: "... yield for a question or two? Was there something in the Akron case that made you feel that somehow human being was not a word that you could use, feel comfortable in using? I noticed that on one of the Amendments you talk about a species of homo sapiens. Is that... Is that... some reason... I mean, does human being bother you? Are there some other species that you're concerned about or..."

Curran: "It is just putting that language in a form which can allow the Illinois law to be effective and constitutional."

Greiman: "You mean human beings isn't a word that we can effectively use?"

Curran: "It seemed... It seemed to the pro-life movement that to add the words 'homo sapiens' made it an effective and constitutional law and without which we would be without any law affecting abortions in this state."

Greiman: "So, you think that neanderthals and cro-magnon and a pithecanthropus erectus, we don't care about them. Right?"

Curran: "As a non-anthropologist, I really can't be prepared to answer your question, but I can tell you that this language was language that's promoted by the pro-life movement. And they feel it's necessary to make our abortion law constitutional."

Greiman: "But there was nothing in the Akron case that they said anything about homo sapiens. Was there?"

Curran: "I believe that it is you, Representative, who mentioned the Akron case and not me."

Greiman: "Didn't you? I thought you just mentioned the Akron case."

Curran: "Not in this questioning."

Greiman: "No, no. But, generally, I thought you ... I'm sorry. I thought..."

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Curran: "Ashcroft, Akron... Akron, Ashcroft and Simopoulos."

Grieman: "Alright. Was there anything in the Akron case about the sex of a child, abortions for the reason of a sex of a child? Was that in there?"

Curran: "In addition to the cleaning up that the pro-life movement wanted to do as a result of the Akron case, they felt that this was an obvious, blatant, frivolous reason to have an abortion. You can only determine..."

Grieman: "Well, the answer yes or no. Is that right?"

Curran: "It can't be answered that way. You can only determine whether... what the sex of the child is after the 20th week. So, you would have to abort a child after the 20th week for the frivolous reason that you didn't like the sex of the child. I can't imagine anybody going along with that, and I don't think the Supreme Court will. And I think we have a right and a need to stop that right here."

Grieman: "Well, what do we do? Is there some... Is it a crime? Do we make that a crime or what?"

Curran: "What it does, what this Bill does is make it against the law for a physician to give an abortion if he's told that that was the only reason for an abortion."

Grieman: "So, if he asks no reason, that's okay. He's not required to ask anything though. Is he?"

Curran: "He's not required."

Grieman: "So, someone who performs an abortion just can say, 'Come on in', and he doesn't have to say, 'Why are you having an abortion?. Or does he?"

Curran: "Well, I don't agree with making abortions easier..."

Grieman: "I don't care what you agree with. I just want to know what you say, what it says."

Curran: "No, what I'm saying is that if someone comes and tells a physician, if this passes and becomes law, if someone tells a physician, 'The reason, doctor, I am having an abortion

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is because I do not like the sex of my unborn child, that would be against the law. And I think we can do that in Illinois. I think it would be good to do that in Illinois."

Greiman: "What if we could determine the sex in the first week of pregnancy? What about that?"

Curran: "If a frog had wings, he wouldn't wear his rear end out jumping. We can't determine that."

Greiman: "So... Well, we can't now. I don't know if we can or not. I'm not a doctor. Now, doctor, how about the doctor who fails to report a... fails to file a report? I think, in page three, there's a failure to file a report. If that doctor doesn't file a report with the Department, six months, right, in jail?"

Curran: "Where do you see this?"

Greiman: "I think it's on page three, maybe line 11, around that area. Section 3.1, I think. Maybe approximately 3.12, something like that."

Speaker Matijevich: "Let's kind of wind this dialogue up, please."

Greiman: "Yes, we will, Sir."

Curran: "If the doctor violates the terms of this Bill, yes, there would be some penalty."

Greiman: "Well, okay, just on the ... on the Amendment."

Speaker Matijevich: "Proceed."

Greiman: "I just wanted to... I was kind of shocked, actually, that anybody mentioned Akron versus Akron in this chamber. I thought we did most of the abortion cases and Amendments based on the fact that there was no other law outside of this room. So, I was kind of shocked when I heard that, but I just thought I would, and just kind of read the beginning if I might of Akron versus Akron, which says that this case... which is applicable to this Amendment. 'This

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case comes to us a decade after we held in Roe versus Wade that the right of privacy grounded in the concept of personal liberty, guaranteed by the Constitution, encompasses a woman's right to decide whether to terminate her pregnancy. The Doctrine of Stare Decisis, while never entirely persuasive on a constitutional question, is a Doctrine that demands respect in a society by the governed rule of law. We respect it today. We reaffirm Roe versus Wade.' I just wanted to point out that they did do that. Thank you."

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

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

Speaker Matijevich: "Representative Flinn has moved the previous question. The question is, 'Shall the main question be put?' Those in favor say 'aye', opposed 'nay', and the main question is put. Representative Curran to close."

Curran: "I ask for an 'aye' vote on this important pro-life Amendment."

Speaker Matijevich: "Representative Curran has moved for the adoption of Amendment #3. Those in favor say 'aye', opposed 'nay'. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. Representative Curran."

Curran: "Mr. Speaker, can I have leave for an immediate consideration of this Bill on Third Reading?"

Speaker Matijevich: "You're asking for a lot. The Gentleman asks leave, and there's objection. And you're going to need 71... 71 votes."

Curran: "Mr. Speak... Mr. Speaker, I move for immediate consideration."

Speaker Matijevich: "Gentleman asks... move for the immediate

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consideration of Senate Bill 520. Those in favor signify by voting 'aye', opposed 'no'. And, because there's been an Amendment, it will take 71 votes. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. There are 80 votes voting affirmative, 24 'nays', 2 voting 'present', and the... Representative Satterthwaite 'no'. And the Motion prevails. The Bill is on Third Reading for immediate consideration. The Gentleman from Sangamon, Representative Curran."

Curran: "Mr. Speaker, Amendment #3 is the Bill. We've discussed it. We just voted on it. I ask for a positive Roll Call on this Bill."

Speaker Matijevich: "Read the Bill first. One moment."

Clerk O'Brien: "Senate Bill 520, a Bill for an Act to amend Sections of the Illinois Abortion Law. Third Reading of the Bill."

Speaker Matijevich: "Representative Curran has moved for the adoption... for the passage of Senate Bill 520. The Gentleman from Lake, Representative Pierce."

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

Speaker Matijevich: "He indicates he will."

Pierce: "Mr. Curran, did I hear you say in explaining the Amendment that the need for this was that our present abortion law was unconstitutional and in violation of the United States Constitution, and we'd be left with nothing unless we passed this? Is that right?"

Curran: "Representative, there are some portions which the pro-life movement feels would be less than constitutional and less than effective unless we adopt this Bill."

Pierce: "Yeah, we passed all those at their request. Didn't we? Didn't they put all these unconstitutional laws on our books? And now they're telling us they're

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unconstitutional, which we've been trying to tell them all these years?"

Curran: "What we may have done... What we may have done in the past, Representative, doesn't really apply now, because we've just recently had a Supreme Court decision which severely changed what we can and cannot do and put into law, with respect to abortion. So, this is changing that. It's very current."

Pierce: "Well, you know very well that's a misstatement. It didn't change it at all. It merely stated what the law was. The Supreme Court merely stated what we all knew the law was and showed that you and your group have been intentionally violating the U. S. Constitution for years, coming to this General Assembly putting statutes on the book that were in violation of our oath to uphold the Constitution, that were insulting to the U. S. Supreme Court, that were in violation. Now, many Members here don't have the guts to express that, but they feel that themselves. And especially as I look on both sides of the aisles there are Members here who know they've been voting for unconstitutional Bills right along for petty, political purposes, which shows maybe they're petty politicians. Now, you come in and admit, now you come in and admit that the laws that were put on the books by your movement were unconstitutional. We have no abortion law. There's no effective abortion law on the books, and now you're trying to come up with another homo sapien Bill - or I don't know what it is here - to... to try to find a legal way of doing something that you know is unconstitutional. It'll pass. It'll fly out. We'll violate our oath again. We'll vote for an unconstitutional Bill again, and we'll bring the legislative process into disrepute again by voting for legislation that we know is unconstitutional. And, believe

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me, it'll fly out. All you got to do is use the word 'right to life'. You can violate the Constitution. You can insult the Supreme Court. You can call them all kinds of names."

Speaker Matijevich: "Let's keep moving here."

Pierce: "You'll pass out the Bill. And don't take much credit for it, because you don't deserve it."

Speaker Matijevich: "This is one issue we all know how we're voting on, and there's still people who request to be heard. They'll be heard, but let's move it along. We all know how we're going to vote. Representative Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill, in its present form, has been around in this General Assembly for probably less than 24 hours. Courts all over this land, and the Supreme Court of the United States of America have struggled and struggled with the... this very intense and emotional issue to try to strike a balance, suggest laws which can be constitutional, which can be put on the books and can be upheld. About all I can say about this Bill at the present time is that, in consultation with the House Sponsor of the Bill and in discussion with him, I was given the telephone number of people in Chicago who, in the pro-life movement, have been very active in the drafting of this kind of legislation and, in fact, drafted this Amendment. I talked with them, and about all I can say about my conversation is that, at this point, the pro-life movement told me things which are exactly the opposite of the matters which are contained in the analysis of this Bill on the House Democratic side. I don't think we should rush headlong into judgement here. This is a very, very complicated issue. We have struggled in Committee hearings and Commission hearings to attempt to make a constitutional Bill out of this issue which could be

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upheld. If we haven't been able to do it for years, and years and years, I doubt very much that we can do it in less than 24 hours. There is one final suggestion that I would like to make to the Members and, that is; that there are out there in the State of Illinois lots of young couples who can't have babies who would like to participate in the in vitro fertilization process. There was legislation considered by this General Assembly, which would permit that process to flourish. This Bill contains a provision that a fertilized egg cannot be touched for any purposes unless it is therapeutic to the fetus. If the in vitro fertilization process is to be developed farther so that it can become more reliable, there obviously has to be some experimentation about what goes on in the petri dish, what kind of solution to use, what kind of technique to use to improve that process. This Bill will not permit that, and it will deny to many young couples the opportunity to have children who seek that opportunity with every ounce of energy in their bodies."

Speaker Matijevich: "Gentleman bring his remarks to a close."

Dunn: "And I think this is a Bill that we should not pass at this time. And I would urge this General Assembly not to support this Bill."

Speaker Matijevich: "Gentleman from Madison, Representative Wolf."

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

Speaker Matijevich: "Representative Wolf has moved... Go ahead, Representative Dunn. I'm sorry. I did cut you off, but..."

Dunn: "Thank you very much, Mr. Speaker. As a Member of this Body, I am entitled to ten minutes, and I haven't taken ten minutes. I am closing. I just wish that this Bill would be slowed down at this time."

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Speaker Matijevich: "You're right, and I..."

Dunn: "I feel very strongly about this issue, and I feel very strongly about this Bill in its present form."

Speaker Matijevich: "Chair apologizes..."

Dunn: "It's very confusing. Can't be right."

Speaker Matijevich: "Chair was sensing the mood of the House, and I apologize to you as an individual. Representative Wolf does, however, move the previous question. The question is, 'Shall the main question be put?' Those in favor signify by voting 'aye', those opposed by voting 'no'. And Representative Curran to close."

Curran: "Thank you, Mr. Speaker. This is a very important piece of pro-life legislation. The previous speaker, for whom I have a great deal of respect, I think misunderstood what the term 'therapeutic' means when you referred to in vitro fertilization and experimentation. It does not outlaw the purposes he suggests. In fact, those purposes can go on. I would prefer that they go on in this state. This is an important piece of pro-life legislation. I ask for a positive Roll Call."

Speaker Matijevich: "Representative Curran moves for the passage of Senate Bill 520. Those in favor signify by voting 'aye', those opposed by voting 'no'. Representative Currie, one minute to explain her vote."

Currie: "Thank you very much, Mr. Speaker and Members of the House. This is an important piece of legislation, an important piece of flatly unconstitutional legislation. There's no doubt, on the basis of any fair reading of this Bill, that it does not meet the requirements set down by the court in Akron, set down by the court in Carey. Let me just point out two items to you. The revised definition of homo sapiens, the live birth definition involving the... the pulsating umbilical cord. It's quite likely that any

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doctor who performs any abortion could be held liable under the unrepealed provisions of the Abortion Law of 1975. In addition, Section 11-3 of the Bill describing abortizations and when and where they may be made available flatly is contradicted by the court's ruling in Carey. We don't need to wait for the courts to tell us this Bill is unconstitutional. If we read it, if we read the court's opinions that have already been handed down, we know it's unconstitutional. It's a flat waste of the taxpayers' money to pass Senate Bill 520."

Speaker Matijevich: "Would the Lady bring her remarks to a close."

Currie: "We should say, 'No', now."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 72 'ayes', 31 'nays', 8 voting 'present', and Senate Bill 520, having received the Constitutional Majority, is hereby declared passed. House will be at ease for a moment. The Chair recognizes Representative Cullerton for the purpose of extending this Order of Business till 12:30 p.m. tomorrow."

Cullerton: "I so move."

Speaker Matijevich: "And the Gentleman so moves that the Special Order of Business on Subject Matter, Abortions be extended until 12:30 p.m. tomorrow. Does he have leave? Leave and the Special Order is so extended. The Chair now moves to the... with leave to the Order... Special Order of Business, Workers' Rights. And on that Special Order appears Senate Bill 536 on the Order of Second Reading. The Clerk will read the Bill."

Clerk O'Erien: "Senate Bill 536..."

Speaker Matijevich: "That's why I was trying to hurry the House. We thought this might take awhile. Are there Amendments?"

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Did you read the Bill?"

Clerk O'Brien: "A Bill for an Act regulating labor relations between public employers and employees and creating the Illinois Labor Relations Board. Second Reading of the Bill. No Committee Amendments. No Committee Amendments."

Speaker Matijevich: "Amendments on the floor?"

Clerk O'Brien: "Floor Amendment #1, Davis, amends Senate Bill 536 on page seven, so forth."

Speaker Matijevich: "The Gentleman from Will, Representative Davis, on Amendment #1. Representative Johnson, are you seeking recognition? No, okay. Representative Davis on Amendment #1."

Davis: "Well, thank you, Mr. Speaker. Excuse me. Amendment #1 simply adds in a one paragraph Section to the Bill, and I'll just quickly read it. It's only five lines. And I think it's inherently fair to any collective bargaining Act and probably should have been added into the House Bills as an afterthought. We didn't do it. We probably should have. It simply says, 'Public employers should not be required to bargain over matters of inherent managerial policy, which shall include but not shall be limited to such areas of discretion or policy as the functions and programs of the employer, the standards of services, the overall budget, the utilization or technology, and the organizational structure, and selection, and direction of personnel'. It is a standard management rights clause that is inserted in the overwhelming majority of private labor contracts, and I think it deserves no less than this Bill, the sweeping comprehensive Bill that's in front of us as 536, should also include that particular management right so that the scales are balanced from one... the bargaining unit to the employer unit. And I would move, Sir, for its adoption."

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Speaker Matijevich: "Representative Davis has moved for the adoption of Amendment #1. On that, the Gentleman from Cook, Representative Greiman."

Greiman: "Thank you, Mr. Speaker. Let me say this, that while, obviously, the people who have put in Amendments 1 through 5 are at will to pursue those Amendments, Amendment #6 provides a comprehensive... a comprehensive redrafting of the entire Bill. And in line with what Mr. Davis has said, the redrafters rather agree with what he said, and as a matter of fact, put in almost the identical language in Section 4 of the Bill. That's on page six of Amendment 6, so that accord... accordingly, I think that problem will be addressed at that time. And I would, therefore, ask that this Amendment be defeated."

Speaker Matijevich: "Representative Davis to close."

Davis: "Well, I... I don't think I'm going to close, because part of our problem..."

Speaker Matijevich: "One moment. Representative Vinson's light... I'm not sure if it was on when I... but Representative Vinson on... on the Motion."

Vinson: "Well, Mr. Speaker, Ladies and Gentlemen of the House. There seems to be some sense of determinism in Mr. Greiman's comments that somehow we know that Amendment #6 is going to be added to this Bill. I don't know that that's going to be added to the Bill. I don't know that he'll be able to correct his problem with Amendment #6. Mr. Davis has an Amendment that corrects the problem right now, and I think it would be a tragic error in this chamber to pass up a chance to correct a mistake that proponents and opponents agree is a mistake. I think we ought to put this Amendment on. Sometime later in the evening, very probably much later in the evening, Mr. Speaker, we'll get around to Amendment #6, and at that point we'll find a

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conclusion on that issue. But in the event that it isn't adopted much later in the evening, Mr. Speaker, we ought to correct that problem right now with Mr. Davis' Amendment."

Speaker Matijevich: "Representative Davis to close."

Davis: "Well, thank you, Mr. Speaker. While it... while it is essentially correct that Representative Greiman has tried on page six in Section 4, and by the way, as it... as a minor aside, not to take up too much time, at this time anyway, part of our problem is this Amendment 6 apparently hit our desks about an hour ago or an hour and half, and we really haven't had time to digest it all to see if we agree with any of it or not. But notwithstanding that, on page six, there is some of the same language as contained in Amendment #1. However, let me direct you, on page six of Amendment 6 to what Representative Greiman was referring, when after the first five lines he adds in, 'However, the employer shall be required to bargain collectively with regard to policy matters affecting wages, hours, and terms, and conditions of employment, as well as the impact thereon upon request of employee representatives'. which means that they open it all right back up again and negate out, in my opinion, the first five lines that were very well written in that particular Section of Amendment 6. But we are talking about Amendment #1, which says that Inherent managerial rights are... are limited to such areas of discretion or policies, the functions and programs of the employers standards of services, budget, utilization of technology', very key point, organizational structure, and selection, and direction of personnel. I think our language in Amendment #1 is infinitely superior to that in 6. I'm pleased that Representative Greiman apparently was going in that direction, obviously did not go far enough, and I would request a Roll Call on Amendment #1."

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Speaker Matijevich: "Representative Davis has moved for the passage... the adoption of Amendment #1 to Senate Bill 536. Those in favor shall signify by voting 'aye', those opposed by voting 'no'. The Gentleman from Vermilion, Representative Stuffle, one minute to explain his vote."

Stuffle: "I rise in opposition to the Amendment, Mr. Speaker, Members of the House. There's a crucial difference between Representative Greiman's Amendment and this Amendment, and that simply is Representative Davis' Amendment lets the employer now assert, as a management right, over an area that they've already agreed to bargain to on in the past. That should not be the case. If they've agreed in the past to bargain, and they're bargaining over an issue, they should not now be able to assert something as a management right that in the past they bargained. That's subterfuge, and that's allowed in his Amendment. That's the key reason it ought to be defeated."

Speaker Matijevich: "Representative Friedrich to explain his vote, one minute."

Friedrich: "Well, I'm a little bit confused, Mr. Speaker, but I thought that Representative Greiman said that this was a good thing to add to the Bill, even though it's in his Amendment. I don't understand why people that are following his lead are opposing it so. For that reason, since he explained it as a good Amendment, I'd like to be for it."

Speaker Matijevich: "Representative Vinson, one minute to explain his vote."

Vinson: "Mr. Speaker, I spoke in debate. I would just like to indicate that Mr. Davis would like a verification in the event that this doesn't get the requisite number of votes."

Speaker Matijevich: "Have all voted? Representative Davis, one minute to explain his vote."

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Davis: "Well, yes, and that is indeed true, to refute something that my good friend, across the aisle seatmate said here, Representative Stuffle. While, it may have been true what he refers to in custom and practice in various bargaining units around the state, we are breaking new ground here with the first potential sweeping collective bargaining agreement in the State of Illinois, and I believe that the rules have to be set now. If you're going to do it, let's not tinker with it later. Amendment #1 is obviously the right Amendment to have on this Bill, and the language contained in Representative Greiman's Amendment does not go far enough. And we would request a verification."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 55 'ayes', 60 'nays', 2 voting 'present', and Representative Davis requests a verification. Representative Greiman wants to know how that absentee voted... wants to vote. Poll of the Absentee. Leverenz would like to be recorded as 'no', rather than 'aye'. And there is a verification, Representative Leverenz. Represen... Represen..."

Clerk Leone: "Poll of the Absentees."

Speaker Matijevich: "Representative Leverenz 'no'. Poll of the Absentee."

Clerk Leone: "Doyle."

Speaker Matijevich: "Doyle."

Clerk Leone: "No further."

Speaker Matijevich: "All right. The Clerk now will announce the negative vote, and those answering will raise their arm and remain in their seats."

Clerk Leone: "Poll of the negative."

Speaker Matijevich: "All right. Representative Preston 'no', or are you seeking to be verified? Seeking to be verified?"

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All right. Leave to be verified. What's the count when we start? Representative Van Duyne? Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. I understand this... this Amendment is in Greiman's #6. So, I would like to be recorded as 'no'."

Speaker Matijevich: "Representative Van Cuyne asks leave to be changed...or wishes to be recorded 'no' rather than 'aye'. 'No' for Van Duyne. Where do we start, Mr. Clerk? 53, 62. You persist, Representative Davis? All right. Representative Christensen, for what purpose are you seeking recognition?"

Christensen: "Mr. Speaker, I'd like to have my vote changed from 'yes' to 'no'."

Speaker Matijevich: "'Yes' to 'no' with Representative Christensen. Hicks from 'yes' to 'no'. Representative Hicks from 'yes' to 'no'. Clerk will give us the starting point again. 51 to 64. Representative Davis."

Davis: "Withdraw the verification request."

Speaker Matijevich: "The verification is withdrawn, and Amendment #1 having ... is adopted. Wait... loses, has lost. I'm sorry. I'm getting carried away. It's getting late at night. Already. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Didrickson, amends Senate Bill 536."

Speaker Matijevich: "Representative Ioleta Didrickson on Amendment 2."

Didrickson: "Thank you, Mr. Speaker, Members of the House. I offer Amendment #2 which gives boards of education the discretionary power to reduce the minimum school calendar by the number of days of strike. It also prevents the State Board of Education from withholding recognition status from any school district which does not meet its recognition standards due to an employee strike. Now, I

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recognize that there are going to be people here on the floor that are going to say, 'What does this do for the kids?' What I would like to say in response to that is I really don't know what this legislation does for kids right now when teachers do go out on strike. I don't believe that teachers want to go out on strike. I really don't believe that school boards want teachers out on strike, but when negotiations break down, according to this Senate Bill 536, that is a possibility. And what I would like to say to you is that if we make those kids stay out of school for the exact number of days that we have the teachers out on strike, as unpalatable, as much as we all would dislike to see that happen, I think we would end up finding out that the negotiations would come to a settlement, and basically that is why I offer this Amendment. I really believe that this Amendment is going to move negotiations on, allow for a quicker settlement, and I ask for your positive support of this Amendment."

Speaker Matijevich: "Representative Didrickson moves for the adoption of Amendment #2. On that, the Gentleman from Cook, Representative Greiman."

Greiman: "Yes, I have a question to ask. First, are you aware that this penalty, which you seek to impose, applies only against downstate teachers, or non-Chicago teachers, but does not apply to Chicago teachers? Are you carrying water for the Chicago teachers?"

Speaker Matijevich: "Representative Didrickson."

Didrickson: "Representative Greiman, any time that we have any school districts in this state out on strike, I am concerned about that, and I'm concerned about the kids. And I am concerned that we come to negotiation as quickly as possible, and that is the reason for my offering this Amendment."

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Greiman: "To the... to the Amendment."

Speaker Matijevich: "Proceed."

Greiman: "I... I oppose the Amendment for the reasons originally stated, but I oppose this further because I believe we ought not to penalize people for engaging in legitimate labor ends. That's number one. Number two, I certainly think we ought not to penalize the children, the school children, by shortening their years. And I thirdly note that this applies only to downstate teachers. It does not apply to Chicago teachers. So that if you adopted this, you would be penalizing downstate teachers, and you'd be giving Chicago teachers a free ride. Now this is silly, and we ought to defeat it."

Speaker Matijevich: "The Lady from DuPage, Representative Nelson."

Nelson: "Thank you very much. I believe that the previous speaker is once again speaking in contradictions, because he just said that we would be giving the Chicago teachers a free ride. That's the whole point of this Amendment, Representative. What we want to do is build into Senate Bill 536 some equity, and what we do in this Amendment is just that. As Representative Didrickson has explained, what Amendment #2 to Senate Bill 536 would do is very, very simply say that when a school district does not provide the minimum number of actual people attendance days, due to employee strike, we do not extend the school year to make up those days. And so, at the bargaining table, the board of education or whoever is bargaining for the employer has this to hold as one of the bargaining chips. Now you know that neither of us are against school children, and we would both like to see a longer school year and more being accomplished during that school year. I contend that the only way to do that is to ensure that some pressure is

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brought upon both sides to get down to business and to avoid strikes, and I believe that this is one of the best ways to ensure that that happens."

Speaker Matijevich: "Representative Johnson, the Gentleman from Champaign."

Johnson: "I move the previous question."

Speaker Matijevich: "The Gentleman moves... It's not necessary. Representative Didrickson to close."

Didrickson: "Yes, thank you, Mr. Speaker, Members of this House. Representative... One of the Representatives earlier mentioned the fact that this eliminates Cook County, Chicago specifically. What I'd like to say is, kids are kids wherever they are in this state. Strikes are strikes wherever they are in this state. I'm more concerned about teachers going out on strike and penalizing the kids, and that's really what we're talking about this. But my underlying reason for offering this Amendment is to stop strikes, impose... not impose but draw to a close negotiations from the standpoint of the board of education and from the teachers. And with this penalty, I think that's exactly what we're doing. I absolutely ask for your favorable consideration on this, and I ask for a Roll Call vote, please."

Speaker Matijevich: "Representative Didrickson has moved for the adoption of Amendment #2. 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 47 'ayes', 65 'nays', 3 voting 'present', and the Motion fails. Further Amendments?"

Clerk Leone: "Amendment #3, William Peterson, amends Senate Bill 536."

Speaker Matijevich: "The Gentleman from Lake, Representative Peterson, on Amendment #3."

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

Amendment 3 would bring this legislation under the State's Mandate Act. Currently this Bill is relieved of all reimbursement liability for the implementation of this Act. I strongly urge this Section be deleted. The establishment of a new administrative agency and the implementation of this Bill by local boards will certainly involve a significant increase in annual expenditures. This Section completely ignores the costs of implementing this Bill, and its absurdity is obvious. I move for the adoption of Amendment 3."

Speaker Matijevich: "Representative Peterson moves for the adoption of Amendment #3. On... on that, the Gentleman from Cook, Representative Greiman."

Greiman: "Yes, Section 22 of the... of Amendment 6 specifically makes a finding that pursuant to the exemption provided in Subsection A of Section 6 of the State Mandate's Act, there will be exclusions, and this is one of the appropriate exclusions. Whatever costs there will be, and I believe there will be less costs in the end, labor peace is worth paying for in terms of what it does to society, and so the cost will be shared between whatever cost there might be, between the state and between local government. And that's appropriate, that each of us looks to our own unit of government for protection. Accordingly, this should be soundly defeated also."

Speaker Greiman: "The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Mr. Speaker, Members of the House, I just take the contrary view. I think this Amendment should be adopted for the simple reason that, if the state is going to mandate this type of action, it should pay. I have been informed that it's going to cost the state somewhere in the

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vicinity of two-and-a-half to three million dollars to implement this Act and; therefore, I think the state should be liable for it. And therefore, you should adopt the Amendment."

Speaker Matijevich: "The Gentleman from Pecria, Representative Saltsman."

Saltsman: "Mr. Speaker, move the previous question."

Speaker Matijevich: "It's not necessary. Representative Peterson to close."

Peterson: "I move for a favorable vote on Amendment 3, and I'd like a Roll Call, Mr. Speaker."

Speaker Matijevich: "The Gentleman has moved for the adoption of Amendment #3 to Senate Bill 536. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 52 'ayes', 64 'nays', 1 voting 'present', and the...and the Motion fails. Further Amendments?"

Clerk Leone: "Floor Amendment #4, William Peterson, amends Senate Bill 536 on page eleven and so forth."

Speaker Matijevich: "Representative Peterson on Amendment #4."

Peterson: "Thank you, Mr. Speaker, Members of the House. Senate Bill 536, current form, the factors for determining an appropriate employee bargaining unit are the historical pattern of recognition, and the community of interest and the desires of the employees. Professional and nonprofessional employees may not be in the same unit unless a majority of each group votes for inclusion in such unit. This Section needs more clarification in the following areas. First, it must preclude the recognition of units containing in whole or in part supervisory employees, managerial employees or confidential employees. Second, the effects of overfragmentation as well as the

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desires of the employer are factors that must be considered in determining the appropriate bargaining unit. And third, this Section must prohibit professional and nonprofessional employees from being in the same unit. I move for the adoption of Amendment 4."

Speaker Matijevich: "Representative Peterson moves for the adoption of Amendment #4. On that, the Gentleman from Cook, Representative Greiman."

Greiman: "Well, firstly, Mr. Speaker, I oppose the adoption of Amendment #4 in part because it is unnecessary and in part because it would take away rights of a majority of people to decide what unit they should be in. The Gentleman would seek to prohibit completely professional and nonprofessional employees from being in the same bargaining unit. Indeed, they might not be appropriate to be in the same, but we leave that to them to decide. We say, 'Let the majority of each of these different groups decide whether they should be in the same bargaining unit, whether they have a community of interest that would allow that'. I've never heard that majority rule was a bad rule. I think it's a good rule. Once in awhile we even use it in this chamber, and accordingly, it is bad for that reason. With respect to the other... the other items, clearly both the Bill... but the Amendment #6, clearly exempts managerial, confidential and supervisory employees, and it expands the definitions of those as well, so that this Amendment is absolutely unnecessary in part and dead wrong in part. I move... I ask that it be defeated."

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

Vinson: "Will the Sponsor yield for a few questions?"

Speaker Matijevich: "He indicates he will. He indicates he will."

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Vinson: "Representative, in your judgment, would it be better to adopt #4 or #6?"

Peterson: "#4."

Vinson: "Would you tell me again what #4 does?"

Peterson: "#4 separates professional and nonprofessional employees, and it also prohibits the managerial, confidential and supervisory employees from being recognized."

Vinson: "Does that, in some important senses, protect management rights in the collective bargaining process?"

Peterson: "That's correct."

Vinson: "And by protecting those management rights in the collective bargaining process, we put both sides on an even footing. Is that correct?"

Peterson: "Definitely."

Vinson: "And if we don't provide those particular kinds of exemptions, then we'd be in a position where one side really had leverage in the collective bargaining process, wouldn't we?"

Peterson: "Without a doubt."

Vinson: "And if we're in a situation where one side, and in this particular case the labor side had that kind of leverage on the process, is there a possibility that ultimately the taxpayers might suffer as a result of that?"

Peterson: "Yes."

Vinson: "Now, do you... do you think that we ought to have those taxpayers suffer as a result of that?"

Peterson: "Definitely not."

Vinson: "I... To the Bill, Mr. Speaker."

Speaker Matijevich: "Proceed."

Vinson: "Mr. Speaker, I'm really kind of inclined to agree with the Gentleman. I haven't had enough time to really examine Amendment #6, would like to have had the chance to have

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examined that at some length, but I don't believe it's been distributed very long. And so, I am somewhat skeptical about assurances from Sponsors of Amendment #6 that Amendment #6 really does place the Bill in as good a situation as it would be if Amendment #4 and several other Amendments were adopted. I kind of think that if we work through this on a case-by-case, Amendment-by-Amendment basis, that we'll be in a position to put this Bill in a decent posture. And if we can eventually put this Bill in a decent posture, then I'm sure everybody would feel much safer about voting on it than they would if... if we just slam bang put one Amendment on which no one's had a chance to analyze yet, had a chance to read and carefully study. And given that situation, we'd be voting... voting on something which we didn't know very much about. And I don't think that that's what we ought to be doing down here, and I don't think that's what our constituents want to do. So I would certainly urge adoption of Amendment #4 and probably a number of other Amendments in the course of the evening."

Speaker Matijevich: "Rep... Representative Saltsman."

Saltsman: "Mr. Speaker, move the previous question."

Speaker Matijevich: "Saltsman moves the previous question. The question is, 'Shall the main question be put?' Those in favor say 'aye', those opposed say 'no', and the main question is put. The Gentleman from Lake, Representative Peterson to close."

Peterson: "Thank you, Mr. Speaker. Once again I urge this Body to adopt Amendment 4, and I request a Roll Call vote."

Speaker Matijevich: "Representative Peterson moves for the adoption of Amendment #4. 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

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this question, there are 51 'ayes', 62 'nos' and 1 voting 'present', and the Amendment fails. The Motion fails. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Wojcik, amends Senate Bill 536 on page four and so forth."

Speaker Matijevich: "The Lady from Cook, Representative Wojcik, on Amendment #5."

Wojcik: "Yes, Mr. Speaker and Members of the House, I present Amendment #5 to you which amends Senate Bill 536 on page four..."

Speaker Matijevich: "One moment. Representative Friedrich, I didn't see your light. Are you seeking recognition? No. All right. Representative Wojcik continue."

Wojcik: "All right. This amends Senate Bill 536 on page four by deleting all of line thirteen and inserting in lieu thereof the following, 'The state or any political subdivision, except employer, does not include community college districts as defined in the the Public Community College Act approved July 15th, 1965 as amended and any person'. I move that this Amendment pass."

Speaker Matijevich: "Representative Wojcik moves for the adoption of Amendment #5. On that, the Gentleman from Cook, Representative Greiman."

Greiman: "Yes, Mr. Speaker, Representative Wojcik's Amendment merely suggests that we take out community colleges as employers, and I don't know why. You know, community colleges are... are nice political subdivisions, I guess, or they're certainly, they're not units of local government, but they are public employers. And we have spent a great deal of time developing the language to exclude part-time employees, to exclude people who are occasional employees, who come and teach a night in pottery class. We've excluded them from the unit, as well, I

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believe they should be, so that just folks who are really involved in higher education in community colleges are in the unit. And this makes no sense, frankly, to exclude these and, accordingly, this should be defeated."

Speaker Matijevich: "Representative Wojcik to close."

Wojcik: "Mr. Speaker, I ask for a favorable vote, and I also ask for a Roll Call. Thank you."

Speaker Matijevich: "Representative Wojcik has moved for the adoption of Amendment #5 to Senate Bill 536. 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 49 'ayes', 66 'nays', 1 voting 'present', and the Motion and Amendment fail. Further Amendments?"

Clerk Leone: "Floor Amendment #6, Greiman - Braun, amends Senate Bill 536."

Speaker Matijevich: "The Gentleman from Cook, Representative Greiman, on Amendment #6."

Greiman: "Thank you, Mr. Speaker. Amendment #6, Amendment #7, and Amendments that follow, so many of them, will become this Bill, so that in a sense the questions that are asked on Amendment #6, and subsequent Amendments will be the Bill. Amendment #6 substantially rewrites the Bill that came across from the Senate. It rewrites it with a... with a view to give an even handed approach to labor relations in Illinois. We who served in 1975 remembered well that so many businessmen said, 'My goodness, you passed a law, and you hurt us'. And so when we looked at this Bill, when it came in this chamber, we said, 'We will listen to management. We will listen to labor, and we will come up with a Bill that responds to some of their joint and mutual and unmatural concerns'. First, let me tell you the issue that has been in managements craw over these many years,

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this Bill contains no binding arbitration for economic decisions. It does not contain binding arbitration. Instead, it provides another impasse method. It provides for no... no... Let's see, it provides for public employees to be allowed the right to bargain collectively, a very sacred right, a right that most enjoy in this state and most enjoy with labor harmony as well in this state. So employees are given the right to bargain collectively. They're given the right also, most employees, to strike if there is an impasse. But this Bill provides that for essential services, decided on a case by case method, employees ought not to be able to strike. The next Amendment will... will indicate that policemen, peace officers, will not be given the right to strike. The guards and security people in prisons will not be given the right to strike, but they will not be given binding arbitration either. They will be given arbitration. If the parties cannot end their impasse, they will be... they will reach arbitration. They will give their last best offer, a process that will bring them close together, and after that, the specific governing board of the employer... of the employer, if you will, the city council, the township board, as the case may be, the county board, as the case may be, or for Illinois state employees, the governing board in Illinois, the new Labor Board, they will be able... they will be required to accept that arbitrator's report. And if they do not accept it, it goes back to arbitration without the right to strike. In this Bill, there is the right of an employer to 'adjoin' an illegal strike, so that if those people go out on strike, they will be held accountable, because that will be an illegal strike. No binding arbitration, a right to strike in a limited fashion, that is the keystone of this. Now,

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when I decided what I should think about in presenting this Bill, it seemed to me that I should look and see what people like the Illinois Municipal League have thought about. I've received letters. We all have, and I see eight or nine different concerns they have. First, they ask about the scope of bargaining. Indeed, we put in a management rights provision. Now, the Gentleman from Will made some reference to it not being all inclusive. I say to you, it limits employers basically to... to bargain collectively with their employees on wages, on the conditions of working, on the traditional things that people have bargained for collectively. It opens no broad vistas, and if anything, it is... it is a narrowing because it says, 'Inherent managerial rights are left to the employer'. It provides for no fragmentation or suggests, at least, that the board ought not to fragment with unit after unit after unit. That would be destructive to the... to the municipality. And it addresses that issue by saying... by giving a... a direction that it be considered as a factor in determining units. That was a concern of them. As I said before, one of the most serious issues is, how do we treat essential services? In one moment in time, in one community, one kind of occupation will be an essential service. At another time, that will not be. In another community of a different size, indeed, that will not be. And so, we treat that as well. We treat that by having the board decide on a case-by-case method. I indicated to you that there was an anti-injunction, that there was an injunction provision for an illegal strike. Indeed, there is a home rule presumption. We believe that there should be uniformity among the... among the state...among the...within the state. And so, those are the basic issues. In addition, you will see from your,

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from the Amendments that cross your desk that included in this Bill an Amendment further on in my name is one that exempts smaller units of government. It exempts those communities that have less than twenty-five members working for them, so that many, many communities will, indeed, be exempted from this Bill. This Bill preserves the rights of working people to bargain collectively. This Bill leaves in the right to run government with those people who have been elected to run government. I believe that it creates a careful balance between those who work as employees and those who work as employers. I thank you."

Speaker Matijevich: "Representative Greiman has moved for the adoption of Amendment #6. On that, the Gentleman from McHenry, Representative Klemm."

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

Speaker Matijevich: "Proceed."

Klemm: "Representative Greiman, is this a new Act actually?"

Greiman: "Do you mean does the State of Illinois bargain collectively, or what do you mean?"

Klemm: "Yes, is... is Amendment 6 since it deletes everything, and it creates an... an Act cited as the Illinois Public Labor Relations Act, is that a new Act?"

Greiman: "It does what it does. I... I don't know what that means. I don't know what your question is? I don't know that means."

Klemm: "You're not expanding on an existing Act in the statutes. This is a new one?"

Greiman: "I... I... you know, if that's a parliamentary inquiry, you should direct it to the Chair. I don't know what you mean. I honestly don't know what you mean."

Klemm: "Do we already have in the statutes a quote, 'Illinois Public Labor Relations Act'?"

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Greiman: "I don't believe... I don't believe we do. No."

Klemm: "All right. Then this is..."

Greiman: "In the State of Illinois, we bargain collectively by Executive Order, and in the... in the local communities, we do it by case law."

Klemm: "Okay. My question..."

Greiman: "I didn't mean to... be uncooperative. I really didn't understand what you were driving at."

Klemm: "All right. I assume that it is a new Act, and I'm not faulting it. I'm just questioning. On the right to strike, who are... who is allowed to go on... who is prohibited to go on strike according to this legislation?"

Greiman: "Under this... under this legislation, supervisory employees are prohibited. The next Amendment is Amendment 7. Policemen will be prohibited from striking. Yeah, right, supervisors of inmates that is."

Klemm: "I'm just speaking about Amendment #6 now, not..."

Greiman: "Well, policemen are not included in... in that, but I think you wanted to get the flavor of what the Act does, so that people who supervise inmates, they are prohibited. As I said, peace officers will be prohibited, and those who are in essential services as deemed by the board, they are prohibited from striking."

Klemm: "But right now, in Amendment 6, the only ones prohibited to strike are security personnel?"

Greiman: "And essential employees."

Klemm: "And essential... where does it say essential employees in the Amendment? I wasn't able to locate any other prohibitions for anybody else other than security personnel on page thirty-three. I was wondering if you could locate it for me."

Greiman: "Yeah, if you look under Section 18, and first, you look on page twenty-six, and it makes reference to Section 18,

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that would be essential services."

Klemm: "Section 18 on page thirty-four?"

Greiman: "Yes, if you look at strike which may constitute a clear and present danger to the health and safety of the public, if it's about to incur or in progress..."

Klemm: "That doesn't say supervisory personnel. You had said that..."

Greiman: "I didn't say supervisory, I said essential..."

Klemm: "Oh, oh, I thought you said..."

Greiman: "... because later on... earlier there's a definition of essential services, and so Section 18 provides that where there is a strike of essential service employees, then the board may find them to be essential service employees and may prohibit a strike or a court may rearrange them in a sense. A court may use its judgment, exercise its appropriate judgment. For example, Mr. Klemm, if there were a strike of doctors at the Cook County Hospital, and it was found to be an essential service, which I assume it is, the doctors who handle the intensive care room, and the OB Gyning room, and the emergency room might, indeed, be required to work. Other doctors, who do dermatology work, might not be required to work. They might not be seen quite as the same kind of direct threat. Similarly, well, that's enough for that one, anyhow."

Klemm: "Is there a difference between an employee and personnel?"

Greiman: "I beg your pardon?"

Klemm: "Is there a difference in the definition of terms of employee and personnel? Let... let..."

Greiman: "I think an employee probably is a person, and personnel is generally the folks that work for you."

Klemm: "Okay. The reason I ask is because on page five you have definition of 'security employee' quote, unquote and it goes on to describe it. On page thirty-three you say that

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security personnel, not security employees which you defined in the Act, 'personnel'. I would assume personnel could be everybody, and I was wondering if that was just an oversight."

Greiman: "Well, no. I think it was probably... where is that? Would you tell me which line that was? You want to tell me..."

Klemm: "Yeah, that was just... it may be an oversight. The question is on page thirty-three, line twenty-eight. It says, 'other than security personnel,' and on page five line sixteen, you defined security employee. And you don't refer to... you do define employee again under page four line..."

Greiman: "Well, okay. I think... I think... I'm glad you brought that up, Mr. Klemm. I think we should make it clear in terms of legislative intent that certainly that security personnel as used in Section 17(a) of the Amendment 6, indeed, means just that. So I think... I'm glad you brought that to our attention."

Klemm: "Okay, well, just to... a couple other questions very quickly."

Speaker Matijevich: "Proceed."

Klemm: "If we..."

Speaker Matijevich: "These are counting on your ten minutes though, Dick, so..."

Klemm: "This is counting on my ten minutes?"

Speaker Matijevich: "Oh, yeah."

Klemm: "Okay, that's fine with me. I'm just for clarification. If, in fact, then a strike is conducted or in the process of being... taking place, all right, does the board then or the employer files with the board and the board has seventy-two hours to determine if that strike is proper or not, three days of strike?"

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Greiman: "As...no, they can do it before then."

Klemm: "But it could go as long as three days."

Greiman: "If the employer... if the employer sleeps on his rights, sure, because there's a five day prior..."

Klemm: "Okay. Well, the board... the board could... could take three days to..."

Greiman: "... five day prior notice that has to be given before they can go on strike. So, they... they will know to a day certain that there will be a strike, and they can then take action. Three days is less than five days. So, they can certainly take action."

Klemm: "You say an unfair labor practice committed by the employer shall be a defense to such a petition. Would that have to be, on a defense, would that have to be subjected to the unfair labor practi... on page twenty-one, where they have to file a notice, you know, ask... requesting the board..."

Greiman: "I think it would be an unfair labor practice that relates... that relates to the strike in the collective bargaining process. If the contract provides that they have, you know, two stools in the toilet, and one breaks down, that doesn't mean that they... that all of the sanitation workers in Chicago can strike. It has to relate to the good faith of the employer in bargaining."

Klemm: "All right. Well, my only question is, is that if three days can... an illegal strike can be held..."

Greiman: "Were that it were your only question, yes."

Klemm: "... that also you have five days, not less than five days, an unfair labor practice complaint would have to be determined, and if I say five days start and then three more days start - I'm just trying to add some days up - could it take as long as eight days?"

Greiman: "I doubt it very much. You know, the board members who

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work... first place, let me tell you, the members of this board are members that are going to be appointed by management. The unions don't have anybody that they're going to appoint. They're going to be appointed by the Governor in one hand and the Governor and other officials on the other hand, so that nobody, no union person is going to be making the appointments. They would be public officials sworn to their oath, just like you are, Mr. Klemm, and just like you, they'll be carrying an interest in the public health and safety..."

Klemm: "I'm just trying to ask some questions on..."

Greiman: "...and I'm giving you an answer."

Klemm: "Well, you're taking my ten minutes, unfortunately. I'm all... I..."

Greiman: "When you ask me a question..."

Speaker Matijevich: "At the risk you take..."

Klemm: "... your answers are taking eight minutes. So I've got eight minutes coming, and that's fine. Go ahead."

Greiman: "Mr. Klemm, my people have answered a question with a question for generations untold."

Klemm: "One other question, I do have, my last question."

Speaker Matijevich: "Klemm, kind of bring it down. Last question."

Klemm: "My last question is, really what is the penalty for an illegal strike, Representative Greiman? Is it... is that in page thirty-four, is that where it is, where in violation of this Act the employ... they would be subject to the discipline of the employer? Is it up to them, the employer, to determine whatever action they want to take to discipline the employee? That's the only place that I can locate... I was just curious."

Greiman: "Of course, you know, there are different rules. If a union official... if a union official calls the men out

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on, or women out on strike, and it's an illegal strike, the court orders... and it is an illegal strike, and the court orders them back to work and they don't go back to work, they put union leaders in jail. And they would put them in jail this way, too. That's... that is one for people who have a wildcat strike, who don't go through the process, and that's what it is. But clearly, a court will be giving them an injunction, and there is a contempt of court injunction that they will have to be facing."

Klemm: "All right, but the... it says that an employee who participates in a strike, work stoppage or slowdown, in violation of this Act, fine, shall be subject to discipline by the employer."

Greiman: "That's right. That certainly..."

Speaker Matijeich: "The Gentleman will bring his remarks to a close."

Greiman: "... in addition, certainly, to the injunction for contempt of court."

Speaker Matijeich: "Ten minutes is up. The... Representative Slape."

Slape: "Yes, thank you, Mr... thank you, Mr. Speaker. Would the Gentleman yield?"

Speaker Matijeich: "He indicates he will. Proceed. Proceed, Representative Slape."

Slape: "Representative Greiman, I... I don't have the actual memo, but I have a staff analysis of the Bill, and in it there's several allusions to the word arbitration. It's my understanding there's no mandatory arbitration."

Greiman: "There is no binding arbitration on economic issues. That is correct. There is no way that a com... that a community gives up..."

Slape: "That's enou... that's fine."

Greiman: "... it's rights to decide how much they are going to

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get."

Slape: "Okay. Now, when you're dealing with security personnel and employees who are deemed to be essential to public safety or public health, there is a route where they go into arbitration. I would assume that's when negotiations break down?"

Greiman: "Right. That's after an impasse."

Slape: "Okay. And in the other part of the Bill, when you deal with nonessential or non... employees that don't deal with public health or safety, you say that both parties have to agree to arbitration before you can go into arbitration. Is that correct?"

Greiman: "Yeah. I mean, parties could agree to binding arbitration, if they wanted to. There'd be nothing wrong with that."

Speaker Matijevich: "No, no, he's..."

Slape: "What, what I want to get at is, in every case where arbitration is used, even in the case of the security personnel, do both sides in the negotiations have to agree to go into arbitration before you go?"

Greiman: "No. No. For the security people, and the essential people, and later on for the policemen, they are in the arbitration process. And they must get into the arbitration process, but the bottom line is that the employer has the right to reject it all."

Slape: "Okay, very good. And then on the other employees that are allowed to strike, but let's say they... the negotiation team decided to go into arbitration, after they come back from arbitration, is there anything incumbent upon a government body then to accept that, or do they once again have to agree to the..."

Greiman: "This is for nonessential and nonpolice..."

Slape: "Nonessential, right."

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Greiman: "No. They... they just... they're like any other employer, you know."

Slape: "Okay, so in other words, if they... if they give up the right, or they agree to arbitration, then they have to abide by the arbitrator's ruling just as the employee does?"

Greiman: "If they agree, sure. If they all agree. The law... the law always seeks and desires settlement by parties, and that's what you're suggesting. That would be always best."

Slape: "Okay. Very good. Also, in the formation of the board, on the... on the chairmanship of the board, that person is selected by the Governor of the State of Illinois. Is... is that with Senate consent?"

Greiman: "Yes, I think it is. Yes."

Slape: "On the chairman... the Gentleman that will be chosen to be chairman of both the local and the State Labor Relation Board?"

Greiman: "With advise and consent of the Senate, yes."

Slape: "Okay, very good. All right. Thank you."

Greiman: "Thank you."

Speaker Matijevich: "The Gentleman from Champaign, Representative Johnson."

Johnson: "I move the previous question."

Speaker Matijevich: "Representative Johnson moves the previous question. The question is, 'Shall the main question be put?' Those in favor say 'aye', opposed 'nay', and the main question is put. The Gentleman from Cook, Representative Greiman to close."

Greiman: "Well, very, very briefly, I think this Bill coupled with the future Amendments will bring a fair day and a new day and I think a peaceful day to Illinois public employee relationships. I ask for its adoption."

Speaker Matijevich: "Representative Greiman has moved for the

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adoption of Amendment #6. Those in favor will signify by voting 'aye', those opposed by voting 'no'. The Gentleman from Adams, Representative Mays, to explain his vote."

Mays: "Thank you... thank you very much, Mr. Speaker. It's obviously kind of tough to figure out what a thirty-six page Amendment that totally revamps the Senate Bill that passed over here, which was supposed to be everything and everything that all labor unions wanted in this whole state, actually does. I would just call the attention of the voters on this question to the fact that there's not only one Labor Relations Board established in this Bill, there's two, one for cities in excess of one million, and one for the rest of the state and cities not in excess. There's still questions, serious questions as to the applicability of supervisory personnel and serious questions as to the definition Section of this Bill, which I would hope you would give us a chance to raise on Third Reading, should this Amendment be adopted. I would urge a 'no' vote."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 69 voting 'aye', 45 voting 'nay', 3 voting 'present'. The Motion prevails, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Amendment #7, Greiman - Eraun, amends Senate Bill 536 as amended."

Speaker Matijevich: "The Gentleman from Cook, Representative Greiman, on Amendment #7."

Greiman: "Mr. Speaker..."

Speaker Matijevich: "One moment. Representative Vitek, for what purpose are you seeking recognition?"

Vitek: "I'd just like to know what time it is. I want to see if my watch is right."

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Speaker Matijeich: "Well, it's about five to eight."

Vitek: "Okay."

Speaker Matijeich: "So far we've been doing pretty good. This is our first night we've been a little off. Second, second in a row, in fact. We're trying to proceed. Representative Greiman, on Amendment 7."

Greiman: "Well, Mr. Speaker, just, perhaps we could just, if I could be assured of coming back to this Order of Business, perhaps we could just take it out of the record, just for a few minutes."

Speaker Matijeich: "Leave of the House that this Bill be taken out of the record if we can have leave to return to it. Leave. The Bill is out of the record for the moment. Further business? The Gentleman from DeWitt, Representative Vinson. I understand you have a Motion on House Joint Resolution 64. Is that correct? If so, I am... I am acknowledging you on that Motion."

Vinson: "Mr. Speaker, I move to discharge the Committee of House Resolution 64 and to consider it immediately."

Speaker Matijeich: "Oh, I believe it has... you are joined by Representative Oblinger on this Motion."

Vinson: "Yes."

Speaker Matijeich: "Would Representative Oblinger explain the Motion, please?"

Oblinger: "Mr. Speaker and Members of the House, we have new kinds of shelter care independent living. One of them is located in DeKalb. This is a test case. The Department on Aging has encouraged this kind of living. All of a sudden, HUD has come along and said, 'We will no longer subsidize this Section 8 housing because of two things. One, you must have an inspection agency in the State of Illinois.' We don't have an inspection agency for communal or independent living. And number two, they said, 'Every

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apartment must have a refrigerator". although they eat their meals together, and they have one large refrigerator for the cooking for seventeen people. This is important to get done today, because HUD said we have to have it in by Monday, our request for a waiver, before they will consider that waiver and allow communal living, independent living in the State of Illinois. That's why it's important to hear it today."

Speaker Matijevich: "Representative Oblinger has moved to discharge the Committee on Aging. Is that it?"

Oblinger: "Yes."

Speaker Matijevich: "And Representative Christensen, are... You're the Chairman of Committee on Aging. Do you have a response to this? Are you for it or 'agin' it? Representative Christen (sic - Christensen)".

Christensen: "I would like to... I'm not necessarily re... objecting. I would like to ask, what sites are you concerned about?"

Oblinger: "The site that has been now notified is the one in the City of DeKalb. However, there are two additional sites in Chicago controlled by the Council... the Senior Council on... the Jewish Council on Aging. They have the same problem, and they will be the next ones not to receive any funding."

Christensen: "Is that the only sites that are..."

Oblinger: "There are two in southern Illinois that are... one in Salem that is being considered and one, I believe, near Anna, and they will have the same requirements. If they don't have a waiver, they're going to have to be licensed and certified if we have no such provision in the Illinois law."

Christensen: "I have no objection."

Speaker Matijevich: "Representative Brummer, for what purpose do

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you seek recognition?"

Brummer: "Yes, an inquiry of the Chair. Has this Resolution been distributed? I can't even find it printed in the Digest."

Speaker Matijevich: "Representative Oblinger."

Oblinger: "I filed this yesterday morning, and it has been distributed."

Speaker Matijevich: "It has been distributed."

Brummer: "Thank you."

Speaker Matijevich: "Representative Oblinger has moved to discharge the Committee on Aging for the immediate consideration of House Joint Resolution 64. Those in favor shall signify by voting 'aye'... Representative... Representative Brummer, for what purpose are you seeking recognition?"

Brummer: "Yes, would you inquire of the Clerk, rather than the Sponsor, as to whether or not this has been printed and distributed?"

Speaker Matijevich: "Evidently, it has not. She asks leave to suspend the printing rule. Evidently, this has to be done today, and I understand that there has been some agreement on this, Representative Brummer. Representative Brummer."

Brummer: "Yes, can we, at least, have it before we vote on it. I don't care if we discharge Committee but, I would like to at least have some analysis or some... a copy of the Resolution if it has some significance before we're asked to vote on it. That's within... That's within the rules. I don't even think the Chairman of the Committee has seen it."

Speaker Matijevich: "Representative Karpel, for what purpose do you seek recognition?"

Karpel: "Well, Mr. Speaker, just a suggestion. Perhaps, we could have the Resolution read so that we at least hear it, and that might satisfy..."

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Speaker Matijevich: "Let's... Let's do that. Leave of the House, let's have the Resolution read."

Clerk Leone: "House Joint Resolution 64, whereas, as a result of the continual rise in the cost of living and the fact that senior citizens are exiting... are existing on fixed incomes, adequate housing arrangements are more difficult to locate, obtain and retain; whereas, Barb City Manor, located in DeKalb, Illinois, is a fine living center with a central kitchen serving three meals daily, which has received compliments on levels of nutrition, service, and facilities provided, and which play an integral role in the successful functioning of senior citizens within the community; whereas, the concept of independent living with a program of necessary supportive services is strongly endorsed by state agencies such as the Illinois Department of Aging; whereas, there is no state agency in the State of Illinois that is mandated to license senior citizen board or care facilities such as Barb City Manor; and whereas, the federal requirement of the Department of Housing and Urban Development states that the facility must be certified or licensed by the State of Illinois and that each rental unit must contain a refrigerator; and whereas, central refrigerators are available on each floor at Barb City Manor; and whereas, seventeen Barb City residents are recipients of approximately 1,800 dollars every month in HUD Section 8 Rental Assistance, and as of July 1st these funds will be discontinued by HUD; and whereas, the Department of Housing and Urban Development has not taken congregate housing facilities into consideration as far as Section 8 Rental Assistance eligibility is concerned; therefore, be it resolved, by the House of Representatives of the 83rd General Assembly of the State of Illinois, the Senate concurring herein, that we petition the Department

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of Housing and Urban Development to waive the requirement... requirements concerning separate refrigerators, and regarding state licensure, and to extend July 1st deadline for the continuance (sic - discontinuance) of further Section 8 rental assistance to Barb City Manor; and be it further resolved, that a suitable copy of this preamble and Resolution be transmitted to the Secretary of the United States Department of Housing and Urban Development."

Speaker Matijevich: "I understand everything's in agreement now. The Lady now asks to discharge the Committee on Aging for the purpose of the immediate... immediate consideration of House Joint Resolution 64. Those in favor shall signify by voting 'aye', opposed by voting 'no'. I understand there is agreement. It takes 71 votes to discharge and immediate consideration. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 114 'ayes', no 'nays', and the Motion prevails. Representative Oblinger on House Joint Resolution 64, and it has been discussed, I believe. Representative Oblinger moves for the adoption of House Joint Resolution 64. Those in favor shall... Better wait for this. Those in favor shall signify by voting 'aye', those opposed by voting 'no'. This is on the adoption of the Resolution. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 114 'ayes', no 'nays', and House Joint Resolution 64 is adopted. Senate Bill 1144 was read by an incorrect title when read a first time on introduction. It was correct... It was read correctly on Second Reading and is currently on the Calendar Order of Third Reading. To make sure the Bill has been read correctly on three separate days, the Clerk will read the Bill, and it will remain on the Calendar on the Order of

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Third Reading. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1144, a Bill for an Act making appropriations to State's Attorneys Appellate Service Commission. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from DeWitt, Representative Vinson, for what purpose are you seeking recognition?"

Vinson: "Mr. Speaker."

Speaker Matijevich: "Proceed."

Vinson: "I'm sorry. The Majority Leader's supposed to make this Motion, and I'm just supposed to support it."

Speaker Matijevich: "All right. He's still on the phone. You're... You're one step ahead of us. He's... He's getting signals. The Majority Leader, Representative Jim McPike."

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, we have prepared a second list of Bills to go on the Consent Calendar tomorrow. Those Bills will be read into the record tonight in Perfunctory Session. I would move that those Bills appear tomorrow on the Consent Calendar Third Reading Second Legislative Day. The Membership will have an opportunity to remove any of those Bills from the Consent Calendar, and I would further move that any Bill so removed from the Consent Calendar would go to Third Reading Short Debate."

Speaker Matijevich: "Representative Vinson."

Vinson: "Mr. Speaker, Members will have the full day to knock these Bills off should they so desire. It's a very small list, and I join the Gentleman in his Motion."

Speaker Matijevich: "You've heard the Motion. All those in favor... Is there leave for the Attendance Roll Call? Leave, and the Attendance Roll Call... and the Motion is adopted. Representative Vinson, for what purpose are you seeking recognition?"

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Vinson: "Would you... Would you ask the Clerk to read those Bills so that the Members do have the chance to know what they're dealing with?"

Speaker Matijevich: "Oh. All right. Just a minute. I'm not sure. I didn't hear the Motion. I didn't hear that he said he was going to read the fills. I thought he said that they were on file, and people could come up..."

Vinson: "Were you inquiring of something of me, Mr. Speaker?"

Speaker Matijevich: "That... That wasn't part of the Motion if you were listening correct... It's in Perfunct. They're going to be read in Perfunctory. All right? Like the same as yesterday, Sam. All right? You went along with it yesterday. The Gentleman from Cook, Representative Grimer... Greiman."

Greiman: "Thank you, Mr. Speaker. Oh, it should be 536. I have a Motion on 536."

Speaker Matijevich: "The Motion on 536. What's that? I didn't hear you."

Greiman: "I have a Motion. I'm going to request leave on Senate Bill 536 so that that's what should show on the board. Mr. Clerk. It's on the Order of Second Reading."

Speaker Matijevich: "Put 536 on the board, Mr. Clerk. Proceed, Representative Greiman."

Greiman: "Second Reading, Tony."

Speaker Matijevich: "Second Reading."

Greiman: "Mr. Speaker, I have spoken with the Minority Leader, and he has concerns that his Membership does... have not had opportunity to examine Amendment #6 and the Amendment that follows with sufficient time. I would want them to have all the time to examine that so that they may make a considered judgment and hopefully join us tomorrow when we vote on it."

Speaker Matijevich: "Don't bet on it."

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Greiman: "Accordingly, Mr. Speaker, I would ask leave of the House with the agreement of the Minority Leader that this... that Senate Bill 536 be continued over till tomorrow at the hour of five o'clock or thereabouts on the Order of Second Reading, that we have further leave to continue the Amendment process, continuing Second Reading at that time, and that upon completion of the Amendment process and Second Reading that then the Bill might be heard on the Order of Third Reading, notwithstanding the fact that it may have been amended on the same day. And so that that rule would then be waived. Do I... And if I have leave of the House..."

Speaker Matijevich: "With leave of the House and agreement from the Minority Leader, the Gentleman asks leave that Senate Bill 536 be continued until 5 p.m. or thereabouts tomorrow, that the Amendments be heard and that the Bill be heard on Third Reading tomorrow. Does he have leave and the use of the Attendance Roll Call? Leave, and it will be so journalized. All right. Representative Jim McFike now moves that the Workers' Rights Special Order of Business be, and this isn't 536, this is Workers' Rights Special Order of Business be continued until the hour of 10:30 a.m. tomorrow. Leave. Leave is granted, and that... the Special Order of Workers' Rights will be continued till 10:30. All right. If I can read Mike 'Policks' writing, this is going to be the procedure on... on the Consent Calendar. One, Bills will be read a Third time in the morning, and those needing Amendments will be amended at that time. Time will be allotted between Third Reading and the vote. The vote will be taken, and the Clerk will have a list of all Bills on Consent Calendar as well... at the well for Members to record their 'present' or 'no' votes on any particular Bill. After votes have been tabulated, the

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vote will be announced. Does everybody understand that? We don't have to go through that again, I hope. All right. One moment, and we'll find out what my next Order of Business is. Representative Dunn wishes to be recognized. Proceed Representative Dunn."

John Dunn: "Just an inquiry. In the unlikely event that a Bill fails according to this procedure, will it fail, or will it..."

Speaker Matijevich: "It'll... It'll be announced."

John Dunn: "It'll be announced as a failure."

Speaker Matijevich: "That's for sure. Introduction and First Readings. Representative Jim McPike, the Majority Leader, moves that the House do now stand adjourned until... is it 9, 9 a.m., allowing the Clerk time in Perfunctory Session to conclude the business of the Clerk. And the House does now stand adjourned until 9 a.m. tomorrow, and everybody was very attentive today. Thank you."

Clerk Leone: "The following list of Bills will appear on the Calendar tomorrow Order of Consent Calendar Third Reading, Second Day. Senate Bills 136, 220, 619, 621, 787, 847, 1135, 1203 and 1232. Being no further business, the House now stands adjourned until tomorrow, June 24th, at 9 a.m."

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